



Members are reminded to bring their Agendas from the Cabinet Meetings held on 17 and 31 July 2017 with them to the meeting

29 August 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, 13 September 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. **Councillor Mrs Jacqueline Maconachie**

Members were advised of the sad death of Councillor Mrs Jacqueline Maconachie on 11 August 2017. The Council will stand in silence to her memory.

3. **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.

4. 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

5. Minutes

To approve as a correct record the Minutes of Council Meeting held on 12 July 2017, as attached.

6. Chairman's Communications

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

7. 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.

8. Statute Matters

There are no items for this meeting.

9. Matters from the last Meeting

There are no items for this meeting.

10. 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

11. **Cabinet – 17 July 2017**

The Chairman, Councillor Mrs Brown, will present the Minutes from the Cabinet meeting held on 17 July 2017. There are a series of recommendations at:

- Minute 104 [Littlehampton Leisure Centre Award of Contract] – an addendum report and appendix is *attached*
- Minute 105 [Property Investment Strategy]
- Minute 107 [Housing & Customer Services Working Group – 6 July 2017 – Bed & Breakfast Budget] – an addendum report is *attached*.

12. **Development Control Committee – 19 July 2017**

The Chairman, Councillor Bower, will present the Minutes from the meeting of the Development Control Committee held on 19 July 2017. There are no recommendations.

13. **Overview Select Committee – 25 July 2017**

The Chairman, Councillor Dingemans, will present the Minutes from the meeting of the Overview Select Committee held on 25 July 2017. There are recommendations at:

- Minute 118 [Data Protection Policies] – to view the Officer's report please click on this link – [Report](#) and [Appendix 1](#) and [Appendix 2](#)

14. **Special Cabinet – 31 July 2017**

The Chairman, Councillor Mrs Brown, will present the Minutes from the Special Cabinet meeting held on 31 July 2017. There are a series of recommendations at:

- Minute 133 [Housing Revenue Account (HRA) Business Plan 2017-2027]
- Minute 134 [Council Owned Property Company]

[The report on the Council Owned Property Company was also considered at the meeting of the Overview Select Committee held on 25 July 2017 and recommendations from this meeting were considered at Cabinet on 31 July 2017. A Special Meeting of the Audit & Governance Committee was held on 7 August 2017 to consider the risk register established for the Council Owned Property Company.]

There are two further recommendations to consider at:

- Minute 137 [Disposal of Council Land at Cornfield Close, Littlehampton (Exempt – Paragraph 3 – Information Relating to Business Affairs).

15. Special Audit & Governance Committee – 7 August 2017

The Chairman, Councillor Chapman, will present the Minutes from the Special meeting of the Audit & Governance Committee held on 7 August 2017. There are two recommendations at:

- Minute 141 [Local Property Company]

16. Constitution Working Party – 15 August 2017

The Chairman, Councillor Mrs Bower, will present the Minutes from the meeting of the Constitution Working Party held on 15 August 2017. There are recommendations at:

- Minute 11 [Proposed Constitutional Amendments – Part 1 (Summary) and Part 2 (Articles)] – to view the addendum report and appendices – please click on these links - [Report](#) and [Appendix 1](#) and [Appendix 2](#)

17. Development Control Committee – 23 August 2017

The Chairman, Councillor Bower, will present the Minutes from the meeting of the Development Control Committee held on 23 August 2017.

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

18. Local Plan Sub-Committee – 31 August 2017

The Chairman, Councillor Bower, will present the Minutes from the meeting of the Local Plan Sub-Committee held on 31 August 2017.

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

MINUTES FROM WORKING GROUPS

19. Housing & Customer Services Working Group – 6 July 2017

The Chairman, Councillor Hughes, will present the Minutes from the Housing & Customer Services Working Group meeting held on 6 July 2017, with the exception of Minute 6 [Bed and Breakfast Payments – Budget Increase for 2017/2018] which was dealt with at Item 11 – Cabinet – 17 July 2017. There are no recommendations.

20. Environment & Leisure Working Group – 29 August 2017

The Chairman, Councillor Hitchins, will present the Minutes from the meeting of the Environment & Leisure Working Group held on 29 August 2017.

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

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. **Management Restructure - Update**

As part of the agreed 2020 Vision Programme a complete management restructure has now taken place. This report confirms the detail of this restructure, costs and ongoing savings. It also seeks support for decisions to be made in consultation with the Leader and Deputy Leader of the Council and requests funding for continuing professional and personal development (CPD) for the Senior Management Team (SMT).

25. **Committee Memberships**

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

- (i) In response to a recommendation of the Assessment Panel held on 29 June 2017, it is proposed that Councillor Oliver-Redgate be suspended from the Development Control Committee and Development Control Site Inspection Panel until 29 December 2017 at the earliest or until completion of an agreed training programme undertaken with the Monitoring Officer. His seat on this Committee and Panel will be filled by Councillor Haymes.
- (ii) That Councillor Dr Walsh will replace Councillor Purchase on the CEO Remuneration Committee

26. **Representation on Outside Bodies**

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

27. **Exempt Information**

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

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that 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 items.

28. **Judicial Review of Planning Decision Relating to Broadlees, Dappers Lane, Angmering – The Retrospective Reporting of an Urgent Decision Taken by the Chief Executive** (Exempt – Paragraph 5 - Information in Respect of Which a Claim to Legal Professional Privilege could be Maintained in Legal Proceedings)

To consider the **attached** report.

29. **Store Property Investment Ltd v Arun District Council – Retrospective Reporting of an Urgent Decision Taken by the Director of Place** – (Exempt – Paragraph 5 - Information in Respect of Which a Claim to Legal Professional Privilege could be Maintained in Legal Proceedings)

To consider the **attached** report.

30. **Supplementary Estimate to Acquire Commercial Premises in Bognor Regis** (Exempt – Paragraph 3 – The Supply of Goods and Services and The Financial and or Business Affairs of Any Particular Person)

To consider the **attached** report.

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

**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 12 JULY 2017 AT 6.00 P.M.**

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

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated – Councillors Oliver-Redgate – Minute 72 to 73 [Part]; Councillors Bicknell and Oppler – Minute 72 to Minute 76 [Part] and Councillor Northeast – Minute 78 to Minute 98; and Councillor Mrs Harrison-Horn – Minute 89 [Part] to Minute 09].

72. WELCOME

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

73. FORMER COUNCILLOR KEN SCUTT

The Chairman announced that it was with great sadness that she had to announce the death of former Councillor Ken Scutt who passed away on 28 June 2017.

The Chairman offered her and the Council's sincere condolences, thoughts and prayers to his family friends and this sad time.

The Council then stood in silence to his memory.

Full Council - 12.07.17

74. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Maconachie and Mrs Neno and all of the Council's Honorary Aldermen, Mrs Goad, MBE, Mrs Morrish, Mrs Olliver, Mrs Stinchcombe and Squires.

75. 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.

There were no Declarations of Interest made.

76. 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 Leader of the Council, Councillor Mrs Brown, was asked a question about the delivery of the Arundel By-Pass and that according to Highways England, work was due to commence in March 2020 with a scheduled completion for 2022. How did the Council plan to capitalise on the Government's proposed £250 million investment in an Arundel Bypass?

The Leader of the Council, Councillor Mrs Brown responded by stating that the Council was working very closely with Arundel Town Council to promote the positive benefits of providing an Arundel By-Pass. Only last week, she and Arun's Chief Executive had met with the Chief Executive of Highways England, alongside a Member of Arundel Town Council and the Leader of West Sussex County Council. However, the proposed consultation document had yet to be published. When it was, the Council would formulate its detailed response.

(2) The Cabinet Member for Residential, Councillor Bence, was asked what action the Council would be taking to protect tenants in Arun owned and leased properties following the Grenfell Tower disaster.

The Cabinet Member for Residential, Councillor Bence, provided a comprehensive response outlining the actions that the Council had taken to date.

(3) The Leader of the Council, Councillor Mrs Brown was asked a question about the £100 million of recent investments in Bognor Regis and that the Regis Centre site and the Hothampton car park redevelopment would bring a transformational impact for Bognor Regis which would benefit residents, business and visitors. The Bognor Regis Master Options Report on the two sites had been agreed by the Council in March but what progress was being made in bringing forward these proposals and when would further announcements for forthcoming.

The Leader of the Council, Councillor Mrs Brown, outlined the work that the Council had undertaken since March 2017 to progress these schemes.

(4) The Leader of the Council, Councillor Mrs Brown, was asked a further question regarding regeneration with the questioner stating that there was no regeneration for Littlehampton Town Centre or its seafront. The questioner wanted to be convinced that regeneration would be pushed forward.

The Leader of the Council, Councillor Mrs Brown, provided a very detailed response detailing the regeneration achieved for Bognor Regis and Littlehampton. On the question of the regeneration plans for Bognor Regis, the community had been asked what they would like to see and all of this information had been molded into a scheme which had received positive comments and cross-party support back in March 2017. Councillor Mrs Brown reconfirmed the Council's commitment to progressing the various regeneration schemes in place but stated that the public needed to understand that developing and delivering projects took time and the Council did not have the financial or human resources to deliver multiple projects at the same time.

(5) The Cabinet Member for Planning, Councillor Charles, was asked a question about Tuppens Field in Walberton and why this site was now under threat when the examiner had been clear in his recommendation for it to be included as a Local Green Space (LGS). The questioner stated that she could not understand why the Council had refused his advice – nor could they find an example of a local planning authority overriding an independent examiners report on an LGS in a Neighbourhood Plan – could the Council?

The Cabinet Member for Planning, Councillor Charles, reiterated the fact that the Housing and Economic Land Availability Assessment (HELAA) identified 'potential' development sites within the District. It did not allocate any sites and it did not grant planning permission for any sites. It was merely a list of those sites that might have potential. A planning application for development on the site had recently been submitted and the HELAA as well as the Landscape and Sustainability Appraisal work would be some of the factors in considering the principle of development – there would also be a public consultation.

Councillor Charles emphasised that the Council had communicated its concerns about the quality and validity of the Examiner's report into the Neighbourhood Plan with the Parish Council prior to issuing any decision. The decision notice had been issued after the Council had taken legal advice and it had been made publicly available on the Council's website. At that time, the Neighbourhood Planning Group had two options – to have accepted the Council's decision stated' amended the Plan and gone to a referendum or it could have challenged the decision statement and asked the Secretary of State to intervene. It chose to follow the first option. If the Neighbourhood Plan group were convinced that the Council was wrong in this decision, then the time to challenge it was at the end of last year before their Neighbourhood Plan when to referendum.

(6) The Cabinet Member for Planning, Councillor Charles, was asked a further and similar question in relation to Tuppens Field, Walberton. This question outlined the reasoning behind why the Walberton Neighbourhood Plan Examiner had recommended the land for designation as a LGS. The questioner then referred to the debate at the meeting of the Overview Select Committee on this item asking why the Council was not listening to the view of the examiner and parishioners that the land should be a LGS.

The Cabinet Member for Planning, Councillor Charles, responded stating that the District Council had communicated its concerns about the quality and validity of the Examiner's Report into the Neighbourhood Plan with the Parish Council prior to issuing any decision. The decision notice had been issued after the Council had taken legal advice and that decision notice was publicly available on the Council's web site. As with the response provided for the last question, at that time, the Parish Council had two options but it had chosen to follow the first option. Councillor Charles stated that the designation of LGSs was done through Neighbourhood Plans and all LGS designations in the District had been brought forward in this way. They had chosen not to challenge the decision of the Council and therefore did not include any LGS designation at that time. The Overview Select Committee had recommended that any future LGS designation would be brought forward when Walberton reviewed its Neighbourhood plan and the land at Tuppens Field would be considered as a LGS at that time.

(7) The Leader of the Council, Councillor Mrs Brown, was asked if she agreed, in principle, that if any Councillor misrepresented their age to the electorate that they should not be trusted?

The Leader of the Council, Councillor Mrs Brown, confirmed that she did not agree with this statement and that all residents voted for someone to be an effective Councillor working on their behalf.

(8) The Cabinet Member for Planning, Councillor Charles, was asked whether in light of the NHS not taking up the Council's offer of assistance in opening up the Morrison's site for a new Surgery unit for Littlehampton, if the Council could offer assistance to an existing surgery at The Lawns, adjacent to the Zachery Merton Hospital.

The Cabinet Member for Planning, Councillor Charles, confirmed that the Director of Place had offered to meet Dr Scholosberg to establish if and how the Council might be of assistance in helping to identify a possible solution.

(9) The Leader of the Council, Councillor Mrs Brown, was asked a question about the microphone system in the Council Chamber as it was often difficult for members of the public to hear what Councillors were saying. The Leader of the Council was asked if it would be better if Councillors spoke from a seated position, closer to the microphones, so that the public could hear what they said?

The Leader of the Council, Councillor Mrs Brown, explained the benefits of asking Members to stand when speaking.

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.

77. MINUTES

The Minutes from the Annual Council Meeting held on 17 May 2017 were approved by the Council as a correct record and signed by the Chairman, subject to the word 'Mrs' being removed from Minute 6 [Election of Vice-Chairman] on page 3 of the minutes.

78. CHAIRMAN'S COMMUNICATIONS

The Chairman outlined that she was delighted to be able to share some good news. Firstly, the Council was celebrating the receipt of an award for Excellence in Planning for the Innovative Delivery of Infrastructure. This had been presented at the Royal Town Planning Institute's Awards for Planning Excellence 2017 for the work that the Council had undertaken with the Environment Agency; LDA Design; and CH2M to rejuvenate the 450 m stretch of promenade at East Bank, Littlehampton.

The official presentation had been held at a recent ceremony in London but as a Council the Chairman stated that she wished to acknowledge this achievement and in doing so she welcomed the Engineering Services Manager [Roger Spencer] and the Principal Landscape Officer [Rachel Alderson] to collect the award.

Secondly, the Chairman announced that the Hotham Park Café in Bognor Regis had been highly commended in the Commercial Category at the Annual Sussex Heritage Awards. This category rewarded only the highest quality conservation; restoration; and good design for newly built projects whilst encouraging the use of traditional crafts or skills. The Chairman congratulated all those involved in this project's success.

Thirdly, the Chairman stated that on behalf of the Council she wished to congratulate Mr Raymond Radmall of Pagham who had been awarded a BEM (Medallist of the Order of the British Empire) for services to the community in Pagham as part of the Queen's Birthday Honours.

Finally, the Chairman alerted Members to the list of engagements and events that had been attended since the Annual Meeting of the Council held on 17 May 2017 – these had been emailed to Councillors recently. A list of her forthcoming fundraising events had also been circulated which she encouraged Members to attend – the first taking place on 19 August 2017.

79. URGENT MATTERS

There were no items for this meeting.

80. STATUTE MATTERS

There were no items for this meeting.

81. MATTERS FROM THE LAST MEETING

There were no matters for this meeting.

82. ANY OTHER MATTERS

There were no matters for this meeting.

83. DEVELOPMENT CONTROL COMMITTEE – 24 MAY 2017

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 24 May 2017.

84. OVERVIEW SELECT COMMITTEE – 30 MAY 2017

The Vice-Chairman, Councillor English, presented the Minutes from the meeting of the Overview Select Committee held on 30 May 2017 and explained that he would be moving the first set of recommendations at Minute 26 (Walberton Parish Council Petition – Local Green Space, Tupperts Field) as he had chaired the meeting for this item. Councillor English then formally proposed the recommendations which were duly seconded by Councillor Dingemans.

As seconder to the recommendations, Councillor Dingemans spoke thoroughly covering the background to this issue which had commenced back in October 2015. In summary this covered:

- That the Housing & Economic Land Availability Assessment (HELAA) had stated that Tupperts Field was not suitable for development
- The Neighbourhood Plan Inspector had stated in his report that Arun had recommended that four sites proposed in the neighbourhood plan for local green space (LGS) did not meet the criteria
- The Independent Examiner had not agreed with this view declaring it should be made a LGS as it had met three tests laid down in the National Planning Policy Framework (NPPF).
- Walberton Parish Council removed Tupperts Field from its Neighbourhood Plan and had been put under pressure from Arun District Council (ADC) to do so.
- A decision notice had been issued by ADC in September 2016 but in October 2016, new regulations came into force allowing Neighbourhood Plan Groups to ask the Secretary of State to intervene in instances where the recommendations of the examiner were not accepted.
- ADC alerted HELAA to state that the site could be suitable for development in April 2017
- Development company Weights held a public consultation exercise on 8 May 2017 at the Hilton Avisford Park Hotel stating that it had a proposal for 200 houses on the site and that they had been asked to work up a proposal for development by ADC – the Parish Council had not been informed of this.
- It needed to be noted that on 14 January 2016, a radar survey was undertaken by Waters and agreement signed but all before ADC issued the first decision statement in September 2016

In view of these facts, Councillor Dingemans urged Members to support the recommendations as had been amended at the meeting.

The Chairman then invited debate. Councillor Bower, as the Chairman of the Local Plan Sub-Committee, stated that he was not quarrelling over the recommendations as he accepted the discussion that had taken place at the Overview Select Committee and the facts that had been explained in detail by Councillor Dingemans. His difficulty was that the recommendations were planning policy issues and so should be referred to the Local Plan Sub-Committee to assess the implications that might arise. There was another issue that also needed to be raised, this was that in time, Councillor Bower could see that there was possibility that the Council might not be able to deliver the housing numbers allocated to it. With this in mind, it was Councillor Bower's view that Recommendations (1) and (2) were planning policy matters that needed to be dealt with by the Local Plan Sub-Committee so that it could assess the District wide effect of what was being proposed. Councillor Bower stated that he had genuine concern that if the recommendations were adopted, this could potentially open the floodgates for any potential development site in terms of any group who did not wish for housing development to take place there – this had to have an effect in terms of the Council's ability to deliver the numbers that it had to.

Councillor Bower stated that he therefore wished to propose the following amendment. This was that a new Recommendation (3) be included to read "That Recommendations (1) and (2) be referred to the Local Plan Sub-Committee with Recommendation (3) becoming recommendation (4).

Councillor Charles seconded this amendment.

The Group Head of Council Advice and Monitoring Officer provided some advice. For clarification purposes she stated that she understood that what Councillor Bower meant was that Recommendations (1) and (2) stand referred to the Local Plan Sub-Committee for consideration of the District wide implications on planning policy for adopting. Recommendation (3) would then remain unchanged.

Both Councillor Bower, as proposer to the amendment, and Councillor Charles, as seconder, accepted this rewording.

The Chairman then invited debate on the amendment.

There were arguments expressed speaking against this amendment. The point was made that the Council's Constitution for the Local Plan Sub-Committee did not state anything about policy being controlled by that Sub-Committee – this was a matter for Full Council.

Other Councillors speaking against the amendment stated that the Council adopted a fair and open approach when dealing with Petitions. This same approach had been applied to this Petition submitted to the Overview Select Committee where all the evidence had been heard; information presented; and the genuine concern of residents had been listened to. On this basis, Members argued that the Council should endorse the recommendations.

A request was made for the vote on the amendment to be recorded.

Those Councillors voting for the amendment were Councillors Mrs Bence, T Bence, Mrs Bower, R Bower, Mrs Brown, Chapman, Charles, Clayden, Cooper, Dillon, Elkins, Mrs Hall, Haymes, Hitchins, Mrs Madeley, Mrs Porter, Mrs Stainton, Wensley and Wotherspoon (19). Those voting against were Councillor Ambler, Mrs Ayres, Ballard, Bicknell, Blampied, L Brown, Buckland, Cates, Dendle, Dingemans, English, Mrs Harrison-Horn, Hughes, Mrs Oakley, Oliver-Redgate, Oppler, Patel, Purchase, Mrs Rapnik, Reynolds, Miss Rhodes, Dr Walsh, Warren, Wheal, Wells (25). Councillors Brooks, Mrs Daniells, Edwards, Gammon, Maconachie, Mrs Pendleton, Tyler (7) abstained from voting.

The Amendment was therefore declared LOST.

The Chairman then returned to the substantive recommendations and announced that she would be taking the vote on these separately.

The Council

RESOLVED

That the Council accepts the principle of the recommendation of the Independent Inspector, Mr Edward Cousins, to designate Tuppens Field, Walberton as a Local Green Space.

As there were no debate on Recommendation (2), the Council

RESOLVED

That Tuppens Field, Walberton no longer be considered suitable for development and to be considered for potential as a Local Green Space and when Walberton Neighbourhood's Plan is reviewed.

Councillors then spoke in support of Recommendation (3) and the need for the Council review its Petition Scheme to allow the Petition Organiser to be able to speak and to be questioned when a petition was brought before the Overview Select Committee.

The Group Head of Council Advice & Monitoring Officer confirmed that the Constitution Working Party had discussed the Council's intention to undertake this work and had, in reviewing its work programme, concluded that it should adhere to its work programme in place. This being that the Constitution would be tackled in order, starting from the beginning and working through to the end. A review of the Petitions Scheme would be considered at Part 8 – Section 9 – Petitions Scheme. It was pointed out that this would not be undertaken immediately but that the outcome of this work would be reported back to the Overview Select Committee in due course.

The Council, then

RESOLVED

That the Council's Petition Scheme be reviewed, in particular the approach to Petitions brought before the Overview Select Committee and the rights of the Petition Organiser to speak and be questioned and that a report be submitted to the Committee in due course.

Councillor Dingemans then alerted Members to the final two recommendations at Minute 30 (Work Programme – 2017/2018) which he duly proposed. The recommendations were then seconded by Councillor English.

The Council

RESOLVED – That

- (1) The Overview Select Committee's Work Programme for 2017/18 be approved; and
- (2) The Chairman and Vice-Chairman continue to monitor any changes needed to the work programme and report these to the Committee as required.

Councillor Brooks then made a Statement in relation to Minute 28 (Cabinet Member Questions and Updates) regarding the Daisyfield camp site in Littlehampton. The Cabinet Member for Technical Services, Councillor Haymes explained that this was a confidential item and so he urged Councillor Brooks to wait for a report that would be submitted to a meeting of Cabinet on 31 July 2017.

85. LITTLEHAMPTON REGENERATION SUB-COMMITTEE – 14 JUNE 2017

The Vice-Chairman, Councillor Dingemans presented the Minutes from the meeting of the Littlehampton Regeneration Sub-Committee held on 14 June 2017.

Councillor Dingemans alerted Members to a series of recommendations at Minute 4 [Littlehampton Seafront – Public Realm Works] and stated that the Sub-Committee had had a detailed debate on the Littlehampton Seafront design scheme and what the proposed next steps were for this project. In considering the update, consultation responses, and the funding elements, Councillor Dingemans outlined that what the Sub-Committee had been asked to approve were broadly conceptual design principles. They were not being asked to approve conceptual drawings; these had been provided to present an illustration. Councillor Dingemans stated that this was an important fact for Members to be aware of in considering the recommendations and the amendments made by the Sub-Committee.

Councillor Dingemans stated that in looking at the Action Plan that had accompanied the report, the Sub-Committee had encouraged Officers to take the concepts away to look at them in their entirety and so that an order of project prioritisation could be developed. This was because it would be easier to deliver some minor projects recognising that the more major projects should be addressed as one package. The importance of working in partnership with key stakeholders over the use of coaches at Banjo Road were all decisions that still needed to be made and so a further review of parking requirements for coaches and cars had been requested. Councillor Dingemans therefore asked Members to support the recommendations so that key projects could be delivered over the coming years.

Councillor Mrs Ayres then seconded the recommendations.

In discussing the recommendations, these were supported. It was acknowledged that the various projects listed might take several years to be delivered and were just a concept at this stage with the detailed designs coming forward later. A thorough consultation would be undertaken at the appropriate time. The importance of liaising with key stakeholders such as the Windmill and Harbour Park were again confirmed and as they all had different covenants on that site.

The Council then

RESOLVED – That

- (1) the proposed conceptual design principles for Littlehampton seafront (as set out in Appendix 1) are approved but that a further review of parking for coaches, mini buses and cars be undertaken;
- (2) the proposed conceptual design principles are delivered, as phased projects over the longer-term in partnership with Littlehampton Town Council, West Sussex County Council and other key stakeholders subject to the necessary funding becoming available;
- (3) the proposed Action Plan for enhancing Littlehampton seafront and connecting roads from the Town Centre is supported with Actions 2 and 4 being merged;
- (4) authorisation is given to the Director of Place to apply for external funding sources to support any of the seafront project proposals. This includes sponsorship for elements of the scheme to help finance parts of the project;
- (5) the proposed Action Plan for enhancing the Littlehampton seafront be produced to prioritise individual concepts; and
- (6) a progress report be presented to the Sub-Committee annually or at shorter intervals if appropriate.

86. CABINET – 19 JUNE 2017

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 19 June 2017.

Councillor Mrs Brown referred Members to a recommendation at Minute 40 [Tackling Homelessness] and stated that this recommendation addressed proposals to reduce Bed and Breakfast and experiences of homelessness in both Bognor Regis and Littlehampton which were continuing to grow for many reasons. As there continued to be a large demand for temporary accommodation in the District, the Council had solid proposals in place to tackle and reduce this demand. Councillor Mrs Brown then formally proposed the recommendation which was seconded by Councillor Bence.

The Council

RESOLVED

That a supplementary estimate of up to £1 million be approved (equivalent to a Band D Council Tax of £16.62) for the purchase of a suitable property or properties for use as temporary accommodation, with the purchase delegated to the Cabinet Member for Corporate Support with the Group Head of Corporate Support and Group Head of Residential Services, once they were satisfied that a viable business case had been made.

Councillor Dendle then made a Statement on Minute 33 (Public Question Time) in accordance with Council Procedure Rule 11.2 and asked a question in relation to the response that had been provided to him in respect of (4) which had been about Officer pay. Councillor Dendle stated that the 1% pay freeze on wages had dragged on for far too long and that this was affecting Officers by injecting a real lack of morale across the Council. Councillor Dendle stated that although he accepted that the Council did negotiate pay nationally with Trade Unions, he could not see why the Council could not go beyond what had been agreed nationally and as a good will gesture by bringing forward the 1% increase that would be awarded in April 2018 to October 2017.

Councillor Dendle then made a Statement on the same minute in relation to the third question that he had asked at Public Question Time. This related to Sundry Debtor Write-Offs. Councillor Dendle stated that the response that had been supplied to him was good in that the Council had outperformed other Councils in terms of the percentage of write-offs which were low. Councillor Dendle stated that the HMRC used the services of professional debt recovery agencies for their work and he believed that there was scope for Arun to do the same. He therefore asked the Cabinet Member for Corporate Support to consider this and put forward ideas and proposals to a suitable Committee of the Council to see if this approach could be used.

Councillor Dendle then made a Statement on the same minute in relation to the second question that he had asked at Public Question Time. This related to Arun's Local Plan and Councillor Dendle's concern that housing numbers within Arun would be forced to increase. He asked whether the Leader of the Council would take responsibility if the Council's annual housing number needed to increase to over 1,200.

87. CONSTITUTION WORKING PARTY – 20 JUNE 2017

The Chairman, Councillor Mrs Bower, presented the Minutes from the meeting of the Constitution Working Party held on 20 June 2017 and alerted Members to the first of two sets of recommendations at Minute 4 [Proposed Constitutional Amendments – Cabinet Member Responsibilities] which reallocated responsibilities and renamed the Cabinet Member Portfolios to match the new management structure.

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

The Council

RESOLVED – That

- (1) the proposed changes to the Constitution at Part 3 (Responsibility for Functions) as set out in the replacement text at Appendix, be approved; and
- (2) The Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

Councillor Mrs Bower then alerted Members to the next recommendation at Minute 5 [Proposed Constitutional Amendments – Updating the Constitution with New Group Head Titles] which she formally proposed. The recommendation was then seconded by Councillor Wensley.

The Council

RESOLVED

That the Group Head of Council Advice & Monitoring Officer be authorised to update the Constitution to reflect the new Group Head titles; and make any consequential changes as a result of these or future changes.

88. DEVELOPMENT CONTROL COMMITTEE – 21 JUNE 2017

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 21 June 2017.

89. BOGNOR REGIS REGENERATION SUB-COMMITTEE – 26 JUNE 2017

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Bognor Regis Sub-Committee held on 26 June 2017.

Councillor Wells made a Statement on Minute 5 [Presentation on Progress of Plans for Hotham Park] in accordance with Council Procedure Rule 11.2 and declared a Personal Interest as he owned a business in the Town]. He stated that in terms of the Minutes that had been produced for this meeting he had been disappointed that a discussion on the proposed removal of the Bognor Regis Bandstand had not been included and he asked the Chairman for an explanation. Councillor Wells then referred to the responses that had been provided to questions asked as part of Public Question Time in relation to regeneration as we was concerned at the tone used and that as it appeared that there was no concern expressed by the Leader of the Council over the fact that some regeneration projects were not moving forward as quickly as hoped. Councillor Wells believed that the regeneration plans for Bognor Regis had been dragging on now for far too long and that there was great uncertainty in the Town over the future of some concessions as leases had been running on a year to year basis affecting the investment of businesses. There had been much talk and planning but on the actual seafront there was a sever lack of delivery. He asked the Leader of the Council to take these comments on board and push forward plans for the Seafront.

Councillor Brooks then made a Statement on the Minutes in accordance with Council Procedure Rule 11.2 referring to a Consultant's report on Swansea Gardens for one of the previous regeneration schemes. Councillor Brooks also referred to some of the questions that had been asked as part of Public Question Time as this showed the frustration and feeling of the public. Councillor Brooks outlined the value of tourism within the District and his concern that there was just one Tourism Officer in post to manage this and market the entire District. Although he realised that tourism was not a statutory service, it was his view that more support was needed to find ways of supporting this officer so that she could deliver a clearer commitment to tourism in Arun.

The Leader of the Council, Councillor Mrs Brown, responded to the questions asked and statements made. She had no concerns over the speed of regeneration work in Bognor Regis and referred to one of the responses she had provided as part of Public Question Time. This was because this had confirmed that for the Hothamton Linear Park, a report setting out the next steps for development was expected in October 2017. Councillor Mrs Brown reinforced her earlier message which was that big regeneration schemes took time. She stated that she wished to congratulate the Council's Tourism Business Development Officer for her outstanding work.

Councillor Oppler then made a Statement on the Minutes in accordance with Council Procedure Rule 11.2 in relation to the proposed relocation of the bandstand in Bognor Regis. He was concerned as this had generated a huge amount of concern and upset in the Town. He stated that he would have also liked to have seen some form of formal minute to reflect the discussion had. He referred to past reports that had provided detail over plans to relocate the bandstand to a new and more fitting location in Waterloo Gardens but nothing had progressed.

Councillor Hitchins confirmed that the meeting had not actually discussed the bandstand. An informal discussion on this had taken place before the meeting of the Sub-Committee had commenced and so this was why no minute had been provided. Councillor Hitchins reassured Members that regeneration was moving forward in Bognor Regis and would continue to do so. In relation to the Bognor Regis bandstand, Councillor Oppler was advised to read an article that Councillor Hitchins had written for the magazine Sussex Views – this provided information on the bandstand that Councillor Oppler would find interesting.

90. AUDIT & GOVERNANCE COMMITTEE – 29 JUNE 2017

The Chairman, Councillor Chapman, presented the Minutes from the meeting of the Audit & Governance Committee held on 29 June 2017.

Councillor Chapman alerted Members to recommendations at Minute 62 (Treasury Management – Annual Report 2016/2017). In formally proposing the recommendations, Councillor Chapman confirmed that he wished to commend the activities of treasury management team who had achieved income at £194k above budget. Councillor Mrs Oakley then seconded the recommendations.

Full Council – 12.07.17

The Council

RESOLVED – That

- (1) the actual prudential and treasury indicators for 2016/2017 contained in the report be approved;
- (2) the treasury management report for 2016/2017 be noted;
- (3) the treasury activity during 2016/2017 which has generated interest receipts of £754,340 (1.11%) (Budget £560,000 – 1.10%) be noted.

Councillor Chapman then alerted Members to a recommendation at Minute 64 (Chairman's Annual Report to Full Council – 2016/2017). In proposing this recommendation, Councillor Chapman stated that he would invite the former Chairman of the Committee, Councillor Clayden, to make any comment as the content of the report covered his year as Chairman. Councillor Mrs Oakley then formally proposed the recommendation.

Councillor Clayden in commenting on the report stated that he agreed with its contents and wished to thank the Committee and Officers for their work over 2016/2017.

The Council

RESOLVED

That the Chairman's Annual Report for 2016/2017 be approved.

91. LOCAL PLAN SUB-COMMITTEE – 3 JULY 2017

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Local Plan Sub-Committee held on 3 July 2017.

92. STANDARDS COMMITTEE – 5 JULY 2017

The Chairman, Councillor English, presented the Minutes from the meeting of the Standards Committee held on 5 July 2017, which had been circulated at the meeting.

93. ENVIRONMENT & LEISURE WORKING GROUP – 27 JUNE 2017

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Environment & Leisure Working Group held on 27 June 2017 which had been circulated to the meeting.

94. MATTERS RELATING TO JOINT ARRANGEMENTS

There were no items for this meeting.

95. MOTIONS

There were no Motions to consider.

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

Four questions had been received as summarised below:

- (1) From Councillor Buckland to the Leader of the Council – Councillor Mrs Brown Re: Dog Fouling
- (2) From Councillor Oppler to the Cabinet Member for Leisure & Amenities – Councillor Dendle
- (3) From Councillor Oppler to the Cabinet Member for Planning & Infrastructure, Councillor Bower
- (4) From Councillor Oppler to the Cabinet Member for Leisure & Amenities, Councillor Dendle

The full detail of the questions asked and responses received can be found at the back of these Minutes.

97. COMMITTEE MEMBERSHIPS

The Council noted the following changes to Committee Memberships as reported by the Leader of the Council, Councillor Mrs Brown. These were that:

- (i) Councillor Mrs Neno was now a Member of the Environment & Leisure Working Group;
- (ii) The Landlords Forum no longer had Member representation; and
- (iii) The Cabinet Member sitting on the Staff Safety Panel be the Cabinet Member for Technical Services, Councillor Haymes.

Full Council – 12.07.17

98. REPRESENTATION ON OUTSIDE BODIES

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

(The meeting concluded at 8.04 pm)

COUNCIL MEETING – 12 JULY 2017

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

Q1: Councillor Buckland to the Cabinet Member for Planning, Councillor Charles

Q1 As on street car parking is becoming very detrimental to areas with which people live in Arun, will the Cabinet Member reassure me that the will look into the local planning authority's role in assessing planning applications and that there has to be now, and for the future, adequate parking allocations made for all new developments and that all ward councilors; parish and town committees; where relevant, will be consulted prior to the application being determined and if comments are received about parking issues that they will be listened to and acted upon and not ignored?

A1 Thank you Councillor Buckland for your question.

Firstly, as you are aware, all Councillors are provided with a weekly list of all planning applications from which you can view the details of any application and comment onto the Officer.

Secondly, all Parishes and Town Councils are sent applications for their areas and are able to consult upon.

Thirdly, for each planning application all details including representations and consultee responses are available to be viewed on the Council web site, for all to see.

Regarding the question of parking standards, your question is timely as only today I met with Councillor Lanzer, the relevant Cabinet Member at West Sussex County Council, to discuss a range of issues including parking standards.

We intent to undertake a number of resident surveys on new developments to establish a number of issues including the level of car ownership.

This information will be used to assist us in the preparation of our own review of residential parking standards. It is quite possible we will see the standards move towards one space per bedroom.

Finally, I must say I am disappointed you believe we ignore comments made. We do not ignore relevant comments from anyone. However, there may often be very good reasons why we cannot accommodate

views expressed, in particular conflict with existing policies and standards adopted by the Council.

As the Cabinet Member of West Sussex County Council pointed out in his correspondence with you – “Arun has, on a number of occasions, refused applications on parking grounds but has lost the argument with the Planning Inspector on appeal. Would I say that comments were ignored – No. What is most important is to be able to say very clearly why a different decision was made.

Supp

Q I was not making an allegation about being ignored – Members who sit on the Development Control Committees talk about issues to do with planning applications. One main and regular comment made is that there is not enough parking spaces allocated. The general public say the same thing that developments are permitted and then Councillors receive the backlash as a result of these decisions as vehicles do not enough spaces. I would like to bring in a policy that planning has to start listening to comments made on car parking when considering future development – all I am asking is that this plea is not ignored at the early planning stages and that comments are listened to allowing something to be done on this matter.

Supp

A No further response was provided.

Q2 Councillor Oppler to the Cabinet Member for Neighbourhood Services, Councillor Wotherspoon

Q2 Over the last few years there have been several incursions by travellers onto the London Road Coach Park and car park. Such incursions are serious wherever they occur, however, due to the car park being located next to a school, a public park and a high concentration of residential properties; it has become a very serious issue for the community.

Could the Cabinet Member explain why action has not been taken to create physical barriers to stop the travellers from entering the site, particularly has it has become a regular occurrence? Does the Cabinet Member also share my concern and dismay that the recording of these events are incomplete, particularly prior to 2015?

A2 The London Road Coach and Lorry Park provides for 24 hour parking for these types of vehicles; we receive an income for this parking service. The next nearest Lorry Park is Crossbush near Arundel.

If barriers were put in place then coaches and lorries would be prevented from entering the Coach and Lorry Park. Resources would be required to open and shut the barriers on demand 24/7 which would make this facility unviable.

A record of traveller incursions, which are dealt with in partnership with West Sussex County Council, is maintained.

Supp

Q I am concerned that there is a disease affecting the Cabinet and that this is their inability to answer questions. The London Road Coach Park is not the only coach park in the country that is under the threat from travellers who wish to enter this site. There is technology available and I would urge the Cabinet Member to investigate what systems are suitable for parks such as London Road. The coach park has a car park adjacent to it which could have barriers fitted with time locks in place. As traveller incursions are becoming a regular occurrence; and as the coach park is next to a school; park; and public area – this brings great distress to the local community. I doubt very much that the Cabinet Member has even spoken with County Officers over the recording of such events. I have checked and records are incomplete. Also prior to 2015, this was not the responsibility of West Sussex County Council and there are no records prior to that date. Why does the Cabinet Member not know this?

Supp

A I will look into the points that you have made and will get back to you.

Q3 **Councillor Oppler to the Leader of the Council, Councillor Mrs Brown**

Q3 West Park in Bognor Regis is a great asset for the community; however, the public are deeply angered that the Cafe is not currently open. The park is used extensively by dog walkers and families and a growing number of seasonal events. The Council was fully aware that the previous contract was ending this year, why preparations did not start last year to ensure there was a smooth transfer for this much used facility?

A3 The café in West Park is a valued asset and was included within the recent procurement for the Council's Greenspace management contract, awarded to ISS. As part of this contract ISS are proposing significant investment in Arun sites across the District starting with the adventure golf course at Hotham Park. Due to the size and nature of these plans it has been necessary for ISS to phase them in order to ensure effective project management and delivery. Property & Estates and Greenspace Managers have met with Directors from ISS and we have impressed upon them the importance of the West Park Café and the Council's clear desire to see this open. I can confirm that ISS are working on their plans for the café at West Park and these are currently under discussion. It is currently the view that this café requires enlarging within the existing building footprint and it is also clear that it requires full refurbishment.

The Council is working closely alongside its partners at ISS in order to establish a temporary café opening as soon as possible at the West Park site. It is the Council's hope that this will be in time for the coming summer holiday season so that customers will see a reliable café service in the park. The plans for the larger refurbishment and café improvement scheme will continue to be worked up so that they can be displayed and communicated to park and café users alike so that all will see and understand the future plans for the café in this great park in Bognor Regis.

Supp

Q This situation was avoidable and the Council was well aware that this contract was coming to an end in March of this year. There were many problems experienced last year with opening and closing times – Officers were also aware of this. Why did the Council not arrange for temporary provision to bridge the gap? The Council has let down many members of the public and communication to the public prior to Easter was diabolical.

Supp

A We were aware of the problems with the café and this was why we recently included it as part of the recent contract with ISS. This is an example of another significant investment by the Council. We are looking to build a larger café and in the meantime are trying to get a temporary café open as soon as possible. Hopefully this will be before the main summer season.

Q4 **Councillor Oppler to the Leader of the Council, Councillor Mrs Brown**

Q4 In view of these very difficult financial times that we are in and that our staff have only had a 1% pay rise for several years now, would the leader agree with me that Councillors should only be able to claim one special responsibility allowance? I am sure she is aware that this is common practice in many Councils around the country, including West Sussex County Council.

A4 As Councillor Oppler will know, the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003 require Local Authorities to establish and maintain an Independent Panel to review Members' Allowances. The regulations require Local Authorities to have regard to the recommendations of an Independent Panel when paying Allowances.

The current Members' Allowances scheme and the allowances paid have not changed since the last review was agreed by Full Council back in 23 October 2013. One of the recommendations agreed at that time was that the Basic Allowance should continue to be index linked to the annual staff pay settlement, as agreed in the last review in 2009, and this be a subject for further examination in the next review based on a comparison with other Councils. The Basis Allowance paid to

Councillors has therefore only increased in line with the staff 1% pay rise that you have already mentioned.

Staff cost of living pay increases are, and have for some time been, limited to 1%, with the majority of staff being employed on incremental pay-scales. This means that a proportion of them will also receive further annual increases, based on length of service and skills development until they reach the top of their scale. Arun District Council remains committed to the national pay negotiating machinery for Local Government Services staff.

I recommend that your suggestion with Members only being entitled to claim one SRA is put forward to our Independent Remuneration Panel to consider as part of its next review which will commence in early 2018.

Supp

Q Again, no attempt has been made to actually answer my question. In view of the fact that Chichester and Mid Sussex District Councils and West Sussex County Council have all adopted this policy to allow Councillors to only claim one SRA per Councillor – will the Leader support the call for Arun to have the same policy – Yes or No?

Supp

A As already stated, I recommend that you make your suggestions known to the Independent Remuneration Panel when it starts its next review in early 2018.

79

CABINET

17 July 2017 at 5.00 pm

Present : Councillors Mrs Brown (Chairman), Bence, Charles, Clayden, Haymes and Wotherspoon.

Councillors Buckland, Cooper, Edwards, Elkins and Mrs Oakley were also in attendance for all or part of the meeting.

99. WELCOME

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

100. APOLOGY

An apology for absence had been received from Councillor Wensley.

101. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements 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.

102. MINUTES

The Minutes of the meeting held on 19 June 2017 were approved by the Cabinet as a correct record and signed by the Chairman.

Cabinet – 17.07.17.

103. BUDGET VARIATION REPORT

There were no items for this meeting.

104. LITTLEHAMPTON LEISURE CENTRE AWARD OF CONTRACT

The Chairman introduced the Littlehampton Leisure Centre report, commending the project as a fantastic prospect for the District. Praise was given to the Project Management team for their adoption of a coordinated and fast paced approach from the initial vision to expected fruition. The Chairman welcomed the Littlehampton Leisure Centre as a project that would meet one of the Council's priorities of providing quality leisure services for residents whilst supporting the health and wellbeing of the community.

Cabinet then received a report and a comprehensive presentation from the Principal Landscape Officer that sought approval for the award of contract for the main construction work, the allocation of budgets to fund the project and expenditure of external funding.

A project update was provided outlining:

- pre-construction phase
- In a change to the report, it was advised that the latest discharge of conditions application would now be considered at the Development Control meeting on 23 August rather than on 19 July 2017.
- site preparation – following the discovery of a collapsed sewer in the car park of the existing Leisure Centre, Southern Water had continued to carry out essential repair works. It was reported that the enabling works commenced at the end of June 2017 for a period of approximately 9 weeks
- stakeholder engagement – this was reported as having been extremely positive and, through regular correspondence with local residents, feedback had been received that this had been greatly appreciated and had helped to alleviate concerns.
- Budget & Tender – the overall costs had increased due to the unique circumstances of the project and it was important to note that the prices that had come in following the tender process did reflect the market conditions.
- Provision had been made to include a sauna in line with requests received from members of the public. Low carbon technologies would also be included as part of the project.
- Due to the economic uncertainty at the present time, the Council would need to go into the construction phase with a contingency to allow for unforeseen eventualities.
- The Project Team was close to finalising the final contract figure but was still in a period of negotiation to ensure the best possible

value for money. At this stage, it was proposed to award the main contract to Willmott Dixon Construction up to the value within the approved budget. The additional budget required would be subject to approval of a supplementary estimate at Full Council (the details of figures were currently commercially sensitive but would be presented at Full Council).

In conclusion, the Principal Landscape Officer was pleased to inform the meeting that the application that the Council had submitted to Sport England in June had been successful and, subject to agreeing terms and conditions, it was proposed that the Council enters into a contract with Sport England.

In opening up the debate, the Leader welcomed the news that Sport England had approved the Council's application for funding and was also pleased that the provision of a sauna had been included in the design.

It was highlighted that the recommendation to Full Council that "the full cost of delivering the leisure centre project be underwritten should the application to the Sport England Strategic Facilities Fund be unsuccessful" needed to be retained until the terms and conditions associated with the grant from Sport England were finalised and agreed.

All Members were positive in their comments and the Project Team was complimented for their impressive efforts in achieving such a lot in a short space of time.

The Cabinet agreed the recommendations as set out in the report and then confirmed its decision as per Decision Notice C/007/170717, a copy of which is attached to the signed copy of the Minutes, and

RECOMMEND TO FULL COUNCIL – That

- (1) a supplementary estimate for the remaining cost of delivering the new leisure centre project (the final figure to be confirmed at Full Council) be approved;
- (2) the final contract sum for the delivery of the new leisure centre (to be confirmed at Full Council) be noted; and
- (3) the full cost of delivering the leisure centre project be underwritten should the application to the Sport England Strategic Facilities Fund be unsuccessful.

Cabinet – 17.07.17.

105. PROPERTY INVESTMENT STRATEGY

In the light of prolonged and continuing austerity being faced by local government, the Property & Estates Manager presented this report which set out proposals for implementing a Property Investment Strategy as a means of generating income streams to replace the shortfalls in government funding being experienced by the Council.

Members were advised that the Properties and Estates Section was in the process of completing an on-going review of the Council's land and property assets in order to establish the extent to which assets should be retained, disposed of or amended. The purpose of this would be to bring assets into line with the Council's policies and requirements and to ensure, where possible, that good market performance was achieved.

A large factor in the review revolved around the performance of leases. It was highlighted that many of the Council's leases were historic and it would not always be possible to vary these unless both parties were in agreement. However, where possible, work was being undertaken to try and bring them up to date and secure best value for the Council.

The proposal on the table was to set up a Property Investment Fund, which would not require any external borrowing and all funds generated would be raised solely through disposal of existing general fund Council owned land and property. The fund would be ring fenced and sit within the Property & Estates budget and, once funds were in place, the Council would then look to pursue the purchase of investment properties on the open market.

In addition, it was proposed that the Council's Constitution be amended to delegate appropriate authority to allow matters to proceed so the Council could respond swiftly to the market and opportunities presented. The Property & Estates Manager tabled at the meeting an additional recommendation relating to the Constitution as follows:-

"Authority to approve the acquisition of commercial properties from the Property Investment Fund of a value between £750,000 and the maximum value of the Property Investment Fund per acquisition be delegated to a Property Investment Board comprising the Leader of the Council, Cabinet Member for Technical Services, Section 151 Officer and the Director of Place, subject to a viable business case."

In discussing the matter, the Leader was of the view that this was a good approach as the Council did have to find ways to increase its income streams. The Cabinet supported the proposal and thanked the Property & Estates Manager for his well presented report.

Following consideration, the Cabinet agreed the recommendations in the report, together with the additional recommendation detailed above, and

confirmed its decision as per Decision Notice C/008/170717, a copy of which is attached to the signed copy of the Minutes, and

RECOMMEND TO FULL COUNCIL – That

- (1) the broad principles of the Property Investment Strategy be approved;
- (2) the establishment of a Property Investment Fund (as outlined in the report) to support the achievement of the objectives outlined in the Property Investment Strategy be approved;
- (3) the Constitution be amended to:-
 - a) delegated authority be given to the Director of Place in Part 4 (Officer Scheme of Delegation) Section 2, Paragraph 4.0 to read:
“Authority to approve the acquisition of commercial properties from the Property Investment Fund up to a maximum value of £750,000 per acquisition in consultation with the Cabinet Member for Technical Services and the Section 151 Officer, subject to a viable business case.
 - b) add a new paragraph to Part 6, Section 5 (Financial Procedure Rules) at Regulation 3 (Proposals to Incur Expenditure or Reduce Income) to read:
Authority to approve the acquisition of commercial properties from the Property Investment Fund of a value between £750,000 and the maximum value of the Property Investment Fund per acquisition be delegated to a Property Investment Board comprising the Leader of the Council, Cabinet Member for Technical Services, Section 151 Officer and the Director of Place, subject to a viable business case.”
 - c) the Group Head of Council Advice and Monitoring Officer be authorised to make any consequential amendments to the Constitution; and
- (4) the processes and procedures for approving, reporting and monitoring the investments made via the Property Investment Fund, be approved.

106. ARUN WELLBEING HEALTH PARTNERSHIP – 21 JUNE 2017

The Cabinet received and noted the Minutes of the meeting of the Arun Wellbeing Health Partnership held on 21 June 2017.

Cabinet – 17.07.17.

107. HOUSING & CUSTOMERS SERVICES WORKING GROUP – 6 JULY 2017

The Cabinet considered the Minutes of the meeting of the Housing & Customer Services Working Group held on 6 July 2017.

The Cabinet Member for Residential Services requested Members' support for the recommendation relating to the Flexible Homelessness Support Grant and this was agreed.

The recommendation to Full Council regarding Bed & Breakfast Payments – Budget Increase for 2017/18 was also agreed and the Cabinet then confirmed its decision as per Decision Notice C/009/170717, a copy of which is attached to the signed copy of the Minutes, and

RECOMMEND TO FULL COUNCIL

That an increase in the Bed & Breakfast Budget for 2017/18 from £360,000 to £550,000 be approved.

108. ENVIRONMENT & LEISURE WORKING GROUP – 17 JANUARY 2017

Due to an administrative error, the Minutes of the Environment & Leisure Working Group held on 17 January 2017 had not been formally agreed by the Cabinet.

Following consideration and comment from the Cabinet Member for Neighbourhood Services that he supported the recommendations, the Cabinet confirmed its decision as per Decision Notice C/010/170717, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 17.50 pm)

ARUN DISTRICT COUNCIL

**DECISION NOTICES FROM THE CABINET MEETING HELD ON
17 JULY 2017**

REF NO.	DECISION
C/007/170717	Littlehampton Leisure Centre Award of Contract
C/008/170717	Property Investment Strategy
C/009/170717	Housing & Customer Services Working Group – 6 July 2017
C/010/170717	Environment & Leisure Working Group – 17 January 2017

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT
FROM 10.00 A.M. ON WEDNESDAY 26 JULY 2017 UNLESS
THE CALL-IN PROCESS IS APPLIED**

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

EXECUTIVE SUMMARY: At their meeting on 10 April 2017 Cabinet noted that the final tenders for the leisure centre project would be presented to Cabinet on 17 July 2017 (C/056/100417). This report seeks approval for the award of contract for the main construction work, the allocation of budgets to fund the project, and expenditure of external funding.

DECISION:

As recommended in the report Cabinet,

RESOLVED - That

- (1) the main construction contract for delivery of the new leisure centre be awarded to Willmott Dixon Construction Ltd. and delegated authority be given to officers in Legal Services to enter into the necessary legal agreements;
- (2) the award of contract for the appointment of a Clerk of Works/Supervisor and that a piling rig has been reserved for the main contract work be noted;
- (3) the combined contribution of £40,987.13 from planning decision LU/116/13/PL be drawn down for expenditure on the Littlehampton leisure centre project, and that any further Section 106 contributions which are received and which relate to the provision of swimming pool and leisure facilities at Littlehampton also be drawn down for allocation to the project; and
- (4) a contract be entered into with Sport England and approve expenditure of external funding, should the application to the Sport England Strategic Facilities Fund be successful.

As recommended in the report, Cabinet,

RECOMMEND TO FULL COUNCIL - That

- (1) a supplementary estimate for the remaining cost of delivering the new leisure centre project; the final figure to be confirmed at the Full Council meeting, be approved;
- (2) the final contract sum for the delivery of the new leisure centre; final figure to be advised at the Full Council meeting, be noted; and
- (3) the full cost of delivering the leisure centre project be underwritten should the application to the Sport England Strategic Facilities Fund be unsuccessful.

REASON FOR THE DECISION: To enable the delivery of the new Littlehampton leisure centre in accordance with the project programme.	
OPTIONS CONSIDERED BUT REJECTED: To not approve the recommendations and jeopardise the delivery of the leisure centre project.	
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	

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Property Investment Strategy	
OFFICER CONTACT: Paul Broggi (Property & Estates Manager) Extn: 37506 e.mail: paul.broggi@arun.gov.uk	

EXECUTIVE SUMMARY: This report describes proposals for implementing a Property Investment Strategy. The strategy aims to generate revenue income from capital investment and is a direct response to the uncertainty of government funding in future years.

DECISION:

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

RECOMMEND TO FULL COUNCIL – That

- (1) Full Council approves the broad principles of the Property Investment Strategy.
- (2) Full Council approves the establishment of a Property Investment Fund (as outlined in this report) to support the achievement of the objectives outlined in the Property Investment Strategy.
- (3) The Constitution be amended to:
 - (a) give delegated authority to the Director of Place in Part 4 (Officer Scheme of Delegation), Section 2, Paragraph 4.0 to read:

“Authority to approve the acquisition of commercial properties from the Property & Investment Fund up to a maximum value of £750,000 per acquisition in consultation with the Cabinet Member for Technical Services and the Section 151 Officer, subject to a viable business case.”
 - (b) add a new paragraph to Part 6, Section 5 (Financial Procedure Rules) at Regulation 3 (Proposals to Incur Expenditure or Reduce Income) to read:

“Authority to approve the acquisition of commercial properties from the Property Investment Fund of a value between £750,000 and the maximum value of the Property Investment Fund per acquisition is delegated to a Property Investment Board comprising the Leader of the Council, Cabinet Member for Technical Services, Section 151 Officer and the Director of Place, subject to a viable business case.”

<p>And that the Group Head of Council Advice and Monitoring Officer is authorised to make any consequential amendments to the Constitution.</p>	
<p>(4) The processes and procedures for approving, reporting and monitoring the investments made via the Property Investment Fund, be approved.</p>	
<p>REASON FOR THE DECISION: Agreement and operation of a successful Property Investment Strategy will assist in preserving and improving the financial and other resources available to the Council in support of the Council's 2020 Vision and beyond.</p> <p>A successful property investment strategy will see generation of additional revenue income for the Council that can be utilised to underpin both statutory and non-statutory services delivered to the community. This is considered to be in the best interests of the Council.</p>	
<p>OPTIONS CONSIDERED BUT REJECTED: That Cabinet do not approve or recommend to Full Council the Property Investment Strategy.</p>	
<p>CABINET MEMBER(S):</p>	
<p>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</p>	<p>None</p>
<p>DISPENSATIONS GRANTED :</p>	<p>None</p>
<p>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None</p>	

REFERENCE NO: C/009/170717

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: Jackie Follis, Group Head of Policy Extn: 37580 e.mail: jackie.follis@arun.gov.uk	
EXECUTIVE SUMMARY: The Cabinet received the Minutes of the meeting of the Housing & Customer Services Working Group held on 6 July 2017. The Minutes contained recommendations at Minute 5, Flexible Homelessness Support Grant; and Minute 6, Bed & Breakfast Payment – Budget Increase for 2017/18.	
DECISION: Following consideration of the Minutes, the Cabinet RESOLVED That the proposed initiatives and expenditure of the Flexible Support Grant, as set out in Appendix 1 of the report, be approved; and RECOMMEND TO FULL COUNCIL That an increase in the Bed & Breakfast Budget for 2017/18 from £360,000 to £550,000 be approved.	
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	

REFERENCE NO: C/010/170717

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Environment & Leisure Working Group – 17 January 2017	
OFFICER CONTACT: Philippa Dart, Director of Services	
Extn: 37811 e.mail: Philippa.dart@arun.gov.uk	
EXECUTIVE SUMMARY: The Cabinet received the Minutes of the meeting of the Environment & Leisure Working Group held on 17 January 2017. The Minutes contained recommendations at Minute 28, Arun's Play Area Strategy 2017-2027.	
DECISION: Following consideration of the Minutes, the Cabinet RESOLVED That the Council sets out a 10 year sustainable Play Area Strategy based on: <ul style="list-style-type: none"> a) aligning the strategy with the Council's agreed 2020 Vision; b) the aims identified in section 3 of the report; and c) the process outlined in Section 4 of the report. 	
REASON FOR THE DECISION: To endorse the recommendations of the Environment & Leisure Working Group.	
OPTIONS CONSIDERED BUT REJECTED: To not endorse the recommendations of the Environment & Leisure 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	

AGENDA ITEM NO. 11 (Minute 104 Refers)

ARUN DISTRICT COUNCIL

**REPORT TO AND DECISION OF FULL COUNCIL
ON 13 SEPTEMBER 2017**

ADDENDUM TO CABINET REPORT OF 17 JULY 2017

PART A : REPORT

SUBJECT: Littlehampton Leisure Centre – Award of Contract
--

REPORT AUTHOR: Rachel Alderson: Principal Landscape Officer DATE: August 2017 EXTN: 37946

EXECUTIVE SUMMARY:

At the meeting of 10 April 2017 Cabinet noted that the final tenders for the Leisure Centre project would be presented to Cabinet on 17 July (C/056/100417).

At the meeting of 17 July, Cabinet resolved to recommend to Full Council that:

1. a supplementary estimate for the remaining cost of delivering the new Leisure Centre project, (the final figure to be confirmed at Full Council meeting) be approved.
2. the final contract sum for the delivery of the new Leisure Centre: final figure to be advised at the Full Council meeting be noted; and
3. the full cost of delivering the Leisure Centre project be underwritten should the application to the Sport England Strategic Facilities Fund be unsuccessful.

This report provides an update, sets out the contract sum for the delivery of the new centre and confirms the supplementary estimate.

RECOMMENDATIONS:

It is recommended that Full Council:

1. Note the final contract sum for the delivery of the new Leisure Centre of £16,127,376.
2. Approve a supplementary estimate of £3,455,000, which equates to a Band D Council Tax of £58.11
3. Underwrite the full cost of delivering the Leisure Centre project pending the Council entering into an Agreement with Sport England.

1. BACKGROUND:

The full background is set out in the report to Cabinet 17 July 2017. This report is in the form of an addendum to that report and provides a summary of the revised project costs.

At a special meeting on 22 February 2017, Council approved Arun's 2017/18 budget, including an estimated £15.1million for the new Littlehampton Leisure Centre. Together with the £0.9m budget already in place, this gave a total budget of £16.0m which has been set aside for the project. This was a provisional estimate, based on the best information available at the time. Following the tender process firm costs, which reflect the current market rates, have now been obtained and the overall project costs are confirmed to be £19,489,790. A breakdown of the projected project costs is summarised below:

Project Phase	Includes	Cost
Pre-construction Phase	<ul style="list-style-type: none"> • Design fees • Surveys • Enabling works 	1,159,444
Construction Phase	<ul style="list-style-type: none"> • Main construction contract • Client fixtures, fittings and equipment • Upgrade to utilities 	16,745,491
Demolition Phase (not yet tendered)	<ul style="list-style-type: none"> • Demolition of existing leisure centre • Reinstatement to public open space • External site furniture 	617,500
Client Costs (All Phases)	<ul style="list-style-type: none"> • Technical support professional fees • Preparatory work • Project management and support • Contingency 	967,355
Total of Overall Project Costs		19,489,790

Summary of Budget Changes	
Estimated Original Project Costs	16,035,000
Value of Supplementary Estimate	3,455,000
Total Revised Budget	19,490,000
Revised Overall Project Costs	19,489,790

In accordance with Cabinet Decision C/007/170717 a contract has been awarded to Willmott Dixon Construction Ltd. within the value of the approved budget. The total contract value is £16,127,376 (the initial contract award was for £14,388,248 with a package of deferred works for the remaining £1,739,128, to be instructed pending the approval of the supplementary estimate).

A supplementary estimate of £3,455,000 is needed to meet the full funding costs of the project in relation to additional work required to deliver the new leisure centre. The cost

elements which make up the supplementary estimate are set out in Appendix 1.

Project costs have been continually reviewed against the designs throughout the course of the pre-construction phase. The project team have worked to mitigate potential increases while at the same time not compromising the approved facilities mix.

Sport England benchmarked the scheme information in March 2017 against around 60 similar projects to ensure the designs represented value for money. In its value for money assessment Sport England considered the base cost to provide a favourable comparison with their expectation for this project.

The areas of additional cost are considered to be site abnormalities and are unique to this project. These relate specifically to conditions on site, design changes in response to the expectations of the local community and retaining continuity of service throughout the project.

The Council has been successful in its application to Sport England for a grant of £1million. The Council will need to enter into an Agreement with Sport England and the grant award is therefore subject to the terms and conditions within the Agreement.

2. CONSULTATION:

As set out in report to Cabinet 17 July 2017 and set out below.

The following Stakeholder Engagement has taken place:

- User Group Meetings held on 9 & 14 September 2016
- Members Exhibition on 29 September 2016
- Planning Public Consultation 3 – 10 October 2016
- Correspondence to local residents ahead of tree removal work – February 2017

Members of the public also had the opportunity to comment on the scheme as part of the planning application process. The non-material amendment application is not subject to the same consultation process, however, all documents are available to view on the Planning Portal. A link to the revised application was displayed on the leisure centre webpage and stakeholders were notified of the amendment.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors	✓	
Other groups/persons (please specify) The Environment and Leisure Working Group receive project updates at each meeting. The following stakeholders have been consulted and updated on the project throughout the pre-construction phase: Sports clubs, user groups, Friends of Mewsbrook Park, Arun Youth Aqua Centre, Freedom Leisure, Sport England, general public	✓	
3. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES:	YES	NO

(Explain in more detail at 6 below)		
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability	✓	
Asset Management/Property/Land	✓	
Technology		✓
Safeguarding		✓
Other (please explain)		✓

4. IMPLICATIONS:

- Financial – the Council is committed to funding the new leisure centre; as explained in the report a supplementary estimate is required to meet the full cost of delivering the project. The deferred works package must be instructed by 29 September 2017 to avoid programme or cost implications.
- Legal – the delivery programme is linked to dates set in the Leisure Operating Contract. The Arun Youth Aqua Centre will require a revised lease for the relocated boat store. The Council will be required to enter into an agreement with Sport England.
- Sustainability – future maintenance requirements will be taken into account as part of the project.
- Asset Management/Property/Land – the Council will own the new leisure centre and have responsibility for its future maintenance.

5. REASON FOR THE DECISION:

To enable the delivery of the new Littlehampton Leisure Centre in accordance with the project programme.

6. BACKGROUND PAPERS:

[Leisure and Cultural Strategy 2013 - 28](#)
[Full Council 15 May 2013, Final Resolution, Minute 522, Strategy 1, Stage 2](#)
[Leisure, Tourism & Infrastructure Working Group \(30 June 2014\)](#)
[Cabinet Report \(21 July 2014\) – A New Leisure Centre for Littlehampton](#)
[Detailed Feasibility Study 2015](#)
[Cabinet Report \(16 November 2015\) - Capital Prioritisation Programme](#)
[Cabinet Report \(8 February 2016\) – A New Leisure Centre in Littlehampton](#)
[Environmental Services & Community Development Working Group \(28 June 2016\)](#)
[Environment & Leisure Working Group \(6 September 2016\)](#)
[Cabinet Report \(17 October 2016\) – Project Update](#)
[Environment & Leisure Working Group \(1 November 2016\)](#)
[Environment & Leisure Working Group \(17 January 2017\)](#)
[Environment & Leisure Working Group \(14 March 2017\)](#)
[Cabinet Report \(10 April 2017\) – Littlehampton Leisure Centre](#)

[Environment & Leisure Working Group \(27 June 2017\)](#)

[Cabinet Report \(17 July 2017\) – Littlehampton Leisure Centre](#)

Item No. 11 – Minute 104 Refers - Appendix 1

Littlehampton Leisure Centre Additional Costs & Income Sources Update

No.	Area of Additional Costs	Comments
1	Ground conditions	<ul style="list-style-type: none"> The geotechnical surveys identified that the ground conditions on site required piled foundations. Survey work and consultation with the Environment Agency highlighted the need for the design of the leisure centre to mitigate against flood risk.
2	Provisional items	<ul style="list-style-type: none"> The inclusion of a sauna is being proposed following the public consultation. It is proposed to incorporate low carbon technology to improve the energy efficiency and environmental impact of the building.
3	Utility services & external works	<ul style="list-style-type: none"> The Council has committed to opening the new leisure centre prior to the current centre being demolished. The incoming supplies of utility services (electricity, gas etc.) and the provision for surface water storage and discharge need to be upgraded to allow two leisure centres to be operated at the same time. The site levels need to be adjusted to accommodate the design.
4	Client revisions	<ul style="list-style-type: none"> The pre-construction phase has identified the need for further fixtures, fittings and equipment beyond the budget allocation, to ensure the new leisure centre is adequately equipped. Enhanced materials are required to improve the longevity of the building.
5	Sewer diversion	<ul style="list-style-type: none"> Following initial site surveys and examination of drainage records, trial holes were undertaken and a diversion of the smaller sewer is required.
6	Inflation/Risk	<ul style="list-style-type: none"> The uncertain economic climate during the pre-construction phase has impacted on the project costs.
7	Contingency	<ul style="list-style-type: none"> A sum will be allocated to allow for any unforeseen client costs incurred during the construction phase.
8	Income sources	<ul style="list-style-type: none"> Sport England grant (subject to terms & conditions) Section 106 developers contributions

AGENDA ITEM NO. 11 – Minute 107 Refers

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF FULL COUNCIL

ON 13 SEPTEMBER 2017

**ADDENDUM REPORT FOLLOWING HOUSING & CUSTOMER
SERVICES WORKING GROUP – 6 JULY 2017**

PART A : REPORT

SUBJECT: Bed & Breakfast Payments – Budget Increase for 2017/18
--

REPORT AUTHOR: Brian Pople, Head of Housing DATE: August 2017 EXTN: 37428
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EXECUTIVE SUMMARY:

This report seeks to clarify incorrectly quoted budget figures reported to Housing & Customer Services Working Group on 6 July 2017 in connection with Bed & Breakfast payments and approval of a supplementary estimate of up to £230,000 to support expenditure on Bed & Breakfast provision up to end of 2017/18.

RECOMMENDATIONS:

It is recommended that:

1. A supplementary estimate of up to £230,000 (equivalent to a Band D Council Tax **of** £3.87) be approved to support expenditure on Bed & Breakfast provision up to the end of 2017/18; and
2. Note the gross budget for Bed & Breakfast as detailed in the report to Housing & Customer Services Working Group on 6 July 2017 should have been £420,000 not £360,000.

1. BACKGROUND:

1.1 At the Housing & Customer Services Working Group Meeting held on 6 July 2017, a decision paper was considered on “Bed & Breakfast Payments – Budget increase for 2017/18”. The report was endorsed by the Working Group and the recommendation to Full Council supported.

1.2 Unfortunately, the figure quoted in the report was incorrect with the budget figure for Bed & Breakfast being £420,000 (gross of Housing Benefit recovered) rather than the figure of £360,000 shown in the report.

1.3 Further time has also passed since the request was considered by the Housing & Customer Services Working Group was prepared, which means that further expenditure has occurred which assists in providing a more accurate forecast of expenditure for Bed & Breakfast payments for 2017/18.

1.4 With this additional information to hand, Full Council is now asked to note the error in the original report to Housing & Customer Services Working Group regarding the Bed & Breakfast Budget for 2017/18 and to consider a supplementary estimate which more accurately reflects existing and projected spend.

1.5 Below is the basis of the Budget for Bed & Breakfast and details for a supplementary estimate;

Expenditure as at 31 July 2017:

Gross Expenditure to date	£ 231,000
Income to date	£ 58,000
Net Expenditure	£ 173,000
Net Budget	£ 303,000 (£420,000 gross less £117,000 income)
Less Net Expenditure to date	£ 173,000
Budget remaining	£ 130,000

Based on the gross monthly average expenditure to date, it is proposed that the gross Bed & Breakfast Budget be increased from £420,000 to £700,000. Allowing for Housing Benefit and other income this would give a net cost of £533,000 and require a supplementary estimate of £230,000.

2. PROPOSALS:

1. To request Full Council to approve a supplementary estimate of up to £230,000 to support expenditure on Bed & Breakfast provision up to the end of 2017/18 as per recommendation
2. To note that the gross Budget for Bed & Breakfast as detailed in the report to Housing & Customer Services Working Group on 6 July 2017 should have been £420,000 and not £360,000 as noted.

3. OPTIONS:

1. To request Full Council to approve a supplementary estimate of up to £230,000 to support expenditure on Bed & Breakfast provision up to the end of 2017/18 as per recommendation and note that the gross budget figure in the report considered by Housing & Customer Services Working Group on 6 July 2017 should have read 00 £420,000 not £360,000.
2. Not to support a supplementary estimate which will lead to an overspend on Bed & Breakfast payments for which the Council has a statutory responsibility in relation to homelessness.

4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
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		✓
Safeguarding		✓
Other (please explain)		✓
6. IMPLICATIONS:		
The supplementary estimate will help to ensure that the existing Bed & Breakfast budget is not overspent.		

7. REASON FOR THE DECISION:
To approve a supplementary estimate of up to £230,000 to support expenditure on Bed & Breakfast up to the end of 2017/18 financial year.

8. BACKGROUND PAPERS:
..\H&CSWG\Bed & Breakfast report 14.6.17.doc

DEVELOPMENT CONTROL COMMITTEE19 July 2017 at 2.30 p.m.

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

Councillor Ambler was also in attendance at the meeting.

108. APOLOGIES

Apologies for absence had been received from Councillors Dillon, Mrs Maconachie, Oliver-Redgate and Miss Rhodes.

109. 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.

Development Control
Committee – 19.07.17.

110. MINUTES

The Minutes of the meeting held on 21 June 2017 were approved by the Committee and signed by the Chairman as a correct record.

111. PLANNING APPLICATIONS

AW/85/17/PL – Replacement of new kitchen extract supply system which will include odour control & sound attenuation & installation of new walk-in cold store & silent running condenser with additional condenser within yard area to the rear of site (resubmission of AW/315/16/PL), The Martlets Public House, Aldwick Road, Aldwick Having received a report on the matter, together with the officer's written report update detailing an amendment to Condition 2 relating to pollution controls, the Committee was advised by the Planning Team Leader that this application was seeking to address and resolve the complaints of nearby residents in relation to noise, odour and appearance. The Environmental Health team was of the view that the proposal should overcome the problems residents had been experiencing.

In discussing the matter, concerns were expressed regarding the level of noise from the cold store and the ugly appearance of the unit on the roof. It was suggested that a condition be attached to any approval requiring improved fencing and sound insulation around the cold store. However, officer advice was given that that could be considered to be an unreasonable requirement as Environmental Health had not indicated there was a need for it, particularly as the old cold store unit was being replaced with a new one, which should be more efficient and quieter. It was also anticipated that the new extractor unit on the roof would alleviate the problems being experienced with odour. In the event that the proposal did not resolve the problems, Environmental Health would be able to take action under separate legislation.

Following consideration, the Committee

RESOLVED

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

A/81/17/PL – Application for removal of condition No. 2 of previously approved planning application A/113/88 relating to retail sales restrictions, Roundstone Farm and Shop, Littlehampton Road, Angmering Having received a report on the matter, together with the officer's written report update detailing amended plans, the Committee now considered the matter.

Some concerns were raised that this application could be the precursor to something much bigger, i.e. one of the big supermarkets moving in. However, the

Group Head of Planning advised that the footprint of this existing use was only 600 sqm and was nothing like the scale required for a supermarket. He reminded Members that they were looking at the use of the building at this time and that, in addition, no works to increase the entrance to the site was being requested.

Following consideration, the Committee

RESOLVED

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

BR/130/17/PL – Change of use of hotel & function room/licensed bar (C1 Hotel) to 18 No. flats (C3 Dwellinghouses). This application affects the character and appearance of the Steyne Conservation Area. Resubmission of BR/155/15/PL, The Royal Hotel, The Esplanade, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional letter of objection received, the Committee participated in a full discussion on the matter.

Members expressed their concern that, with the ongoing work that was being done to regenerate the town of Bognor Regis in tandem with the Seafront Strategy, it was essential to retain this iconic building as a hotel. Whilst acknowledging that planning permission had previously been granted for 20 flats, it was felt that circumstances had now changed and that this application could now be refused. The Planning Team Leader reminded the Committee that the change of use was not for debate, rather that it was the reduction in the number of flats from 20 to 18.

A further concern was raised that the appearance of the building needed to be preserved and the Group Head of Planning advised that there was very little the applicant could do with regard to the development without first obtaining planning permission.

Following some discussion, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control
Committee – 19.07.17.

(Prior to consideration of the following application, Councillor Bower declared a personal interest as Chairman of the North Littlehampton Steering Group – he reserved his position when discussing the application and remained in the meeting during the debate and vote.)

LU/94/17/OUT – Outline application with all matters reserved for residential re-development comprising of 10 No. dwellings & associated works (resubmission following LU/327/16/OUT), Westholme Nursery, Toddington Lane, Littlehampton
Having received a report on the matter, together with the officer's written report update detailing:-

- Open space contributions would be allocated to Worthing Road Recreation Ground to be used on play improvements; and
- An additional condition following a response from the Environment Agency relating to foul drainage.

Following consideration, the Committee

RESOLVED

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

P/48/17/PL – Application for variation of condition No's 28 & 29 imposed on planning permission P/125/14/PL for the relocation of reptiles to an off site receptor site, 251 Pagham Road & the Lan R/O 251 Pagham Road, Pagham
Having received a report on the matter, the Committee was advised by the Planning Team Leader that the applicants had confirmed that the wildlife buffer zone would be retained as part of the development to enable reconolisation of the area by any reptiles within the boundary/adjacent habitats.

In discussing the matter, comment was made that Members had originally agreed Conditions 28 and 29 to protect the reptiles in the locality and that sufficient reasoning had not been put forward to dispense with them. It was felt that the species concerned were indigenous to the area and must remain so and should therefore not be moved.

The Committee did not support the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The proposed relocation of the reptiles would be harmful to the ecological features of the locality contrary to paragraph 118 of the NPPF and ENV SP1 of the emerging Arun District Local Plan.

Y/1/17/OUT – Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development Plan & affects the character & appearance of the Yapton (Main Road) Conservation Area, Bonham Field, Main Road, Yapton Having received a comprehensive report on the matter, the Committee also received a written officer report update which detailed:-

- Additional representations made, including criticisms of the report
- The decision of the Secretary of State with regard to the Fontwell application (a verbal summary was presented at the meeting)
- Amendment to conditions 4, 17 and 20
- S106 Head of Terms table
- Inclusion of Policy E8: Conservation Areas

Members participated in a full discussion which encompassed a number of issues, i.e.

- Traffic Regulation Orders (TROs) and road surfacing – officer advice was given that that would be dealt with at the detailed application stage. Members also heard that the Cabinet Member for Planning had been in discussion with the County Council with regard to TROs and other highways matters and was awaiting a response.
- Concerns regarding the effect of the proposal on the Conservation Area – Members were reminded that the application was partly in the Conservation Area. It was acknowledged that there would be some harm but the mitigation proposed to separate the built development from heritage assets would address the effects. The reserved matters application would be required to address this issue further.
- Preservation of this very old field should be maintained – however, officer advice was given that the land was no longer viable for crop production and was only used for grazing

The Group Head of Planning reminded the Committee that Full Council had taken a decision to significantly boost its housing numbers due to the under provision with regard to its 5 year HLS (Housing Land Supply). It had been agreed to invite planning applications on sites already identified for development within the District and that was the framework within which the Planning Department was working. Based on the current planning policy framework, if Members were minded to refuse the application, it would be extremely difficult to present a robust case at appeal and the Council could then face significant costs against it.

Development Control
Committee – 19.07.17.

In addition, Member comment was made that the proposed development was considered to be of a high quality and low density, with adequate parking provision.

The Committee then

RESOLVED

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

112. PLANNING APPEALS

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

(The meeting concluded at 5.25 p.m.)

OVERVIEW SELECT COMMITTEE

25 July 2017 at 6.00 p.m.

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

Councillors Bence, Mrs Brown, Chapman, Charles, Haymes, Wotherspoon and Wensley were also present for all or part of the meeting.

[Note: The following Councillors were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillors English and Oliver-Redgate – Minutes 123 to 125].

113. WELCOME

The Chairman welcomed Members and Officers to the meeting and members of the public.

114. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Miss Rhodes and the Cabinet Member for Community Wellbeing, Councillor Clayden.

115. 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,

Overview Select
Committee – 25.0717.

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 Dr Walsh declared a personal interest in Agenda Item 11, Feedback from the meeting of WSCC’s Health & Social Care Committee held on 7 July 2017 as he was Chairman of that committee.

Councillor Edwards declared a personal interest in Agenda Item 11, Feedback from the meeting of WSCC’s Health & Social Care Committee held on 7 July 2017 as he was a member of that committee.

As a member of West Sussex County Council, Councillor Elkins declared a personal interest in any matters on the agenda that might relate to the County Council.

The Director of Place declared a personal interest in Agenda Item 5, Business Case for Operating a Local Property Company, as he was a Director of Trisanto. He stated that if he was called to speak he would do so in his role as Director of Place.

116. MINUTES

The Minutes of the meeting held on 30 May 2017 were approved by the Committee as a correct record and signed by the Chairman.

(During the course of debate on the following item, Councillor Dr Walsh declared a personal interest as a member of the County Council.)

117. BUSINESS CASE FOR OPERATING A LOCAL PROPERTY COMPANY

Prior to consideration of this item, the Chairman advised that, due to a clerical error, the background section for establishing a local property company had been omitted from the report on the table. This was circulated at the meeting and he called a short adjournment to enable Members to read and digest its contents.

The Housing Strategy & Delivery Manager (HS&DM) presented a comprehensive report which set out the business case for the establishment of a wholly owned local authority property company, to be known as Trisanto

(the ancient name for the River Arun). He advised that the purpose for this was to create an additional revenue stream for the Council, which would enable it to become financially more self-reliant in future years and therefore less dependent on receiving the continually reducing government grants. He directed Members to the appendices to the report, namely the Business Case and the Risk Register.

Trisanto would be an independent arms-length company with the Council as its only and principle shareholder. It would have its own business plan, staff and directors and operate as a fully commercial vehicle competing against other large, medium and small developers in the Arun District, the wider West Sussex area and beyond. There would be a Shareholder Agreement between the two parties and Members heard that this was currently being finalised by the Council's legal advisers, Towers & Hamblins. In addition, the company Articles of Association, a Service Level Agreement setting out how Trisanto could purchase council services should it wish to do so, and a Head of Terms document covering the loan documentation between the Council and Trisanto were in the process of being completed.

The HS&DM informed the meeting that, whilst the concept of establishing an independent property company might be new business for Arun, it was becoming fairly commonplace in local government in England as there were now around 120 such companies in existence. He stated that this venture was not reinventing the wheel and neither was it a high risk experimental departure from traditional council activity – property development and investment was increasingly becoming the new business norm for forward thinking local authorities as councils had to look for new income streams to help them finance key statutory public services.

The Cabinet would be considering the matter at a special meeting on 31 July 2017 and Members' views from tonight's meeting would be reported there for inclusion in the debate. A special meeting of the Audit & Governance Committee had also been convened for 7 August 2017 and its comments and the recommendations from Cabinet would then be considered at the Full Council meeting on 13 September 2017.

In conclusion, the HS&DM advised that he had been working closely with the Finance, Audit, Legal and Housing teams since September 2016 to being this project forward.

The Committee then participated in a full debate which illustrated that there was a divergence of views on the matter. Support for the project was expressed as it was seen as an opportunity to increase the Council's income, in addition to providing much needed housing for sale and at a market rent.

Overview Select
Committee – 25.07.17.

However, serious concerns were also raised and views were expressed that Members had not had a briefing on the subject matter and had therefore not had an opportunity to fully understand and digest the advantages and risks associated with the project. It was felt that this was a huge decision for the Council to make and all Members should be given the time to come to an informed decision. Although this Committee, the Audit & Governance Committee and Cabinet would be considering the report, that did not represent the majority of the Council and it was suggested that a seminar be arranged prior to the Full Council meeting on 13 September 2017 to enable Members to be fully briefed on all the issues pertaining to this matter.

A number of questions were asked and responded to at the meeting by the Housing Strategy & Delivery Manager as follows:-

- There was a concern that affordable housing would not be provided at affordable rents. A response was given that the Council would have dual drivers for development, i.e. Trisanto market housing and affordable housing for sale; and the HRA business plan to proceed with a development programme for new affordable housing for those on the Housing Waiting List. Members were informed that the Business Case set out the rationale for that approach, along with the objectives for Trisanto. In addition, there were other avenues available to the Council to provide affordable housing by working with its registered partners.
- With regard to the risk register, 25 risks had been identified and none had been quantified as insignificant. The HS&DM stated that the risk register had been produced as a comprehensive document to cover all potential risks and would be continually updated as Trisanto developed its business operations.
- Points were raised with regard to the setting up of Trisanto and its mode of operation. It was reiterated that it would be an arms-length company and that that clear distinction must be recognised. The Council would appoint the Directors who would then be responsible for the staffing and all aspects of the business, e.g. setting up of contracts with developers/contractors/sales agents; appointment of auditors; budget setting; production of business plan; and all operational matters.
- It was mentioned that, as proposed, Trisanto would be a fully commercial organisation and could provide the potential for a much needed additional income stream for the Council.
- There was a concern raised that there was only to be one Member appointed to the Trisanto Board. It was explained that as Trisanto was to operate as a commercial vehicle, there was a need for the

Board to be comprised of mainly independent directors with appropriate experience of the development industry.

- Concern was expressed about the lack of available land for residential development in the Arun District. It was explained that Trisanto would intend to engage the services of experienced land buyers with a good knowledge of the local market, and that the Company Articles would be unrestricted, thus enabling it to operate outside of the Arun area if suitable opportunities were identified.
- Concern was raised about the lack of financial detail in the Business Case. It was explained that Trisanto would produce its own Business Plan which would be considered and approved by Cabinet.
- Concern was raised about the governance arrangements to enable the Council to oversee the operational business of Trisanto. It was explained that a Shareholder Agreement was being produced which would detail the precise governance arrangements and that all loans requests from Trisanto would be subject to a detailed appraisal before being presented to Cabinet for approval. Trisanto would only be able to operate within the agreed boundaries set out in its Business Plan; if it wanted to undertake any activity outside of the Business Plan then it would need to seek the express permission of the Council to do so.
- A question was asked with regard to the audit arrangements of Trisanto. It was explained that the Company would appoint its own auditors, separate from those used by the Council, although the appointment would require the approval of the Council to protect its investor position in accordance with the Shareholder Agreement.

Finally, a Member view was put forward that the property market at the present time was extremely risky as it was felt that there would be a serious housing correction – prices were far too high and less and less people would be able to buy their own homes. These were huge ingredients for failure and so the concern was voiced that the Council would not have the resources to rectify that failure.

Having been formally proposed and seconded, the Committee voted on the request for a seminar for all Members on this matter. It was declared LOST.

The Committee then turned to the recommendations in the report and

RECOMMEND TO CABINET – That

- (1) the business case at Appendix 1 to the report be approved;

(2) the risk register at Appendix 2 be noted; and

RESOLVED

That the following recommendations to be considered by Cabinet be noted:-

(3) the statement from the Council's Group Head of Corporate Support included in the Executive Summary be noted;

(4) the actions set out at paragraphs 2.1 and 2.2 are completed to enable Trisanto to commence its trading activity;

(5) Full Council to approve a supplementary estimate of up to £1M, equating to a Band D Council Tax of £16.82, for working capital to enable the Company to start transacting;

(6) the working capital to take the form of loans from the Council to the Company, with each loan being subject to the approval of the S.151 officer, the Chief Executive and the Deputy Leader of the Council, and the terms of each loan (including the rate of interest) to be determined by the S.151 officer;

(7) authorisation be given to execute all required legal documentation and take such steps/actions to give effect to the business case including the Shareholder Agreement and Loan Arrangements.

(8) Cabinet will be responsible for the Council's function as shareholder, and that the substantive Directors of the company be appointed at Arun's Annual Council Meeting and the position of Councillor Directors be considered at the Council's Annual Meeting each subsequent year;

(9) the Chief Executive be authorised, in consultation with the Leader of the Council, to approve the appointment of the first directors to Trisanto Development Corporation;

(10) the appointment of the Director of Place, already confirmed as Director of Trisanto Development Corporation on its incorporation in February 2017, be approved;

(11) the Council's constitution be amended at Part 3, Responsibility for Functions, paragraph 2.10 (page 48/49) to add:

- To review and scrutinise the operation of any Council owned companies by working with the arms-length companies

(12) The Council's constitution be amended at Part 3, Responsibilities for Functions, either paragraph 4.1 Audit and Governance Committee (page 63/64) or paragraph 4.4 Overview Select Committee (page 67/68) to add:

- To review and scrutinise the operation of any Council owned companies and Cabinet's role in overseeing this activity through monitoring reports submitted on at least an annual basis or as reported by the S.151 officer.

(13) the Standards Committee be requested to review the Council's Code of Conduct to cover the role of Directors of companies set up by the Council.

(Councillor Dr Walsh wished his vote against the recommendations to be recorded.)

118. DATA PROTECTION POLICIES

The Trainee Solicitor advised the Committee that the General Data Protection Regulations (GDPR) would be coming into force on 25 May 2018 and the Council needed to review its data protection policies. Following a review, Members were now being requested to consider two policies relating to Clear Desk/Clear Screen and Records Retention and Disposal.

In the course of discussion, it was suggested that the use of the words "reasonable" and "best endeavour" were perhaps not strong enough and should be replaced. However, the Trainee Solicitor responded by saying there must be some room for flexibility in case of extreme circumstances e.g. fire.

Following consideration the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) the Clear Desk and Clear Screen Policy, as set out at Appendix 1 to the report, be approved;
- (2) the Records Retention and Disposal Policy, as set out at Appendix 2 to the report, be approved; and

Overview Select
Committee – 25.07.17.

(3) the Group Head of Council Advice & Monitoring Officer be delegated authority to make any necessary consequential changes to the Clear Desk and Clear Screen Policy and Records Retention and Disposal Policy as a result of new legislation or alternative practices.

119. CORPORATE PLAN 2013-2018 – PERFORMANCE OUTTURN YEAR
END REPORT FOR THE PERIOD 1 APRIL 2016 TO 31 MARCH 2017

In presenting this report, the Executive Assistant to the Chief Executive reminded the Committee that the existing Council Priorities had one more year to be reported on, i.e. from 1 April 2017 to 31 March 2018. In this last remaining year, the Directors would be working with their officers to improve the performance of indicators which might not have achieved their targets during the last year.

The Executive Assistant to the Chief Executive advised that this report had been noted by Cabinet and no remedial action had been recommended for under performing targets as the commentary for each indicator explained the reason why.

Member comment was made with respect to the lower recycling rates and the Director of Services advised that steps were being taken under the new Waste Contract to improve education and information to the public to drive recycling up and some success had already been experienced. The Council was working closely with the County Council to explore other options.

Further Member comment was made with regard to Planning Appeals and the question asked as to why no evidence had been presented by officers to defend a particular appeal when planning permission had been refused by the Development Control Committee. The Director of Place gave an assurance that officers would present evidence at appeals.

The Cabinet Member for Planning then appraised Members of the 3 Corporate Plan Indicators for the Planning Service and their current status.

The Committee

RESOLVED

That the Council's overall performance against the targets set out in the Corporate Plan 1 April 2016 to 31 March 2017, as set out at Appendix A to the report, be noted.

120. SERVICE DELIVERY PLAN 2013-2018 – PERFORMANCE OUTTURN
YEAR END REPORT FOR THE PERIOD 1 APRIL 2016 TO 31
MARCH 2017

The Executive Assistant to the Chief Executive presented the year end performance outturn for the Service Delivery Plan performance indicators for the period 1 April 2016 to 31 March 2017 and was pleased to advise that 61% of the 2016/17 targets had been met. The report had been noted by Cabinet and no remedial action had been recommended for under performing targets as the commentary for each indicator explained the reason why and detailed the appropriate action to be taken by officers during 2017/18, where required. Cabinet had approved the deletion of 3 SDP indicators, the amendment to 1 indicator and the addition of 2 new indicators.

In considering the matter, comment was made that indicator CHH001, Emergency Accommodation, did not seem to be improving. A response was given by the Director of Services that a report had been presented to Cabinet which showed that the Council needed to purchase properties to use for temporary accommodation which would, in the longer term, save money. That proposal had been approved and an update would be provided at a later date to illustrate cost savings.

The Cabinet Member for Planning provided a brief update in relation to affordable housing which showed that there had only been 40 starts on site during 2016/17 but it was anticipated that this number would be much higher at around 200 during 2017/18. Nationally and regionally, affordable housing delivery was falling in West Sussex with 1,260 completions in 2014/15 but only 500 in 2015/16. A considerable amount of land was being traded once outline permission was granted, which was adding at least 1-2 years to the housing delivery timeline.

The Committee

RESOLVED – That

(1) the Council's overall performance against the targets set out in the SDP report 1 April 2016 to 31 March 2017, as set out at Appendix A to the report, be noted; and

(2) the deletion of 3 SDP indicators, the amendment to 1 indicator and the addition of 2 new indicators, be noted.

Overview Select
Committee – 25.07.17.

121. CABINET MEMBER QUESTIONS AND UPDATES

Councillor Warren asked the Cabinet Member for Planning how often the planning notices put up to advertise planning applications were checked to ensure they were still in place. The response was given that, due to insufficient resources, they were not checked.

Dr Walsh asked the Leader of the Council when the decision to withdraw from the Joint Eastern Arun Area Committee had been taken as a Member of the Council had stated that was the case at a recent meeting of Rustington Parish Council. The Leader confirmed that no such decision had as yet been taken as the options had to be looked at and, in addition, the matter would be decided by Full Council.

Councillor Mrs Oakley sought an assurance from the Cabinet Member for Planning that the Scheme of Delegation would be reviewed in terms of Householder Planning Applications, as agreed on 6 June 2016. That assurance was given and it was anticipated that a report would be presented to the Development Control meeting on 20 September 2017.

The Leader of the Council advised the Committee of the Arundel By Pass consultation that was being undertaken for 8 weeks, with three options being put forward. She requested Members to make every effort to attend as it was really important for the District.

The Cabinet Member for Residential Services informed Members that the HRA Business Plan was being presented at the Cabinet meeting on 31 July 2017 following 9 months of hard work by officers. He was of the view that a progressive approach had been taken and he invited the Committee to attend the presentation by the Council's consultants and himself.

122. FEEDBACK FROM THE MEETING OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 30 JUNE 2017

The Committee received and noted the feedback report circulated prior to the meeting following the meeting of the Sussex Police and Crime Panel held on 30 June 2017.

As the Cabinet Member for Community Wellbeing was unable to be present at the meeting, a request was made that he be asked to take forward Members' concerns at the lack of statistics on crime that were now available.

(Prior to consideration of the following item, Councillors Dr Walsh and Edwards had declared a personal interest and remained in the meeting.)

123. FEEDBACK FROM THE MEETING OF THE WEST SUSSEX COUNTY COUNCIL'S HEALTH & AUDIT SOCIAL CARE SELECT COMMITTEE (HASC) ON 7 JULY 2017

In receiving and noting the feedback report circulated prior to the meeting, Councillor Dr Walsh advised that the maximum 45 minute travel time for cancer patients receiving radiotherapy treatment was a national target rather than the personal target of Mr John Gooderham.

124. COUNCIL TAX SUPPORT TASK & FINISH WORKING PARTY – CHANGE IN MEMBERSHIP

Following consideration, the Committee

RESOLVED

That Councillor Edwards replace Councillor Clayden as a member of the Council Tax Support Task & Finish Working Party.

125. WORK PROGRAMME 2017/2018

The Group Head of Policy advised Members of the following:-

- A further report on Data Protection Policies covering the Homeworking Policy would be submitted to the meeting on 26 September 2017 so that recommendations could go to Full Council in November.
- The Property & Estates Manager was looking for a steer from Members with regard to the review of the Concessions Strategy and would be attending the meeting on 26 September for that purpose.
- An update on the HRA Business Plan and the Leisure Strategy would be presented at the meeting on 21 November 2017.

(The meeting concluded at 8.05 pm)

103

CABINET

31 July 2017 at 5.00 pm

Present : Councillors Mrs Brown (Chairman), Bence, Charles, Clayden, Haymes and Wotherspoon.

Councillors Blampied, Buckland, Chapman, Elkins, Mrs Madeley, Mrs Oakley, Mrs Pendleton, Mrs Porter, Mrs Stainton, Tyler and Wheal were also in attendance for all or part of the meeting.

126. WELCOME

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

127. APOLOGY

An apology for absence had been received from Councillor Wensley.

128. 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.

Cabinet – 31.07.17.

129. PUBLIC QUESTION TIME

In line with Council Procedure Rules relating to Public Question Time, a number of questions had been submitted prior to the meeting in writing and these were responded to at the meeting by the Leader of the Council, Councillor Mrs Brown. 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 working days of the meeting.

Question 1: Agenda item 11. Disposal of Council Land at Cornfield Close

This question related to the CCG's (Clinical Commissioning Group) failure to fulfil its promise to provide a new medical facility at the Enterprise Hub at Morrisons, Littlehampton. Cabinet was asked to consider making a suitable site or piece of land available for the construction of a new medical centre. Whether it was along with any future purchasers of the land or a separate deal or whatever Cabinet thought appropriate then it was believed that the promises the CCG had made to the people of the town could at long last be achieved.

Response from the Leader

Thank you for your question and thank you for your recognition of the efforts the Council has undertaken to work towards a long term solution for health provision in Littlehampton.

We have made a number of suggestions to the CCG regarding both short and long-term solutions. Before any of these can be actioned they need to be clear about the requirements. Once this is known we will be ready to continue our facilitating role to deliver the required solutions. Officers are in regular contact with the CCG encouraging the speedy resolution of these issues. The public deserve to know how health care will be delivered in the future.

Question 2: Enterprise Hub, Morrisons site

On what date was Arun District Council informed that Morrison's were no longer prepared to lease out part of the empty enterprise hub in Littlehampton for use as a medical practice?

Response from Leader

My understanding is that we have had no official communication from Morrison's. However, we are aware that Morrison's have been in discussions with third parties regarding the use of building as an enterprise centre, which is the original intended use when permission was granted for the Supermarket. Officers at Arun continue to work with the CCG and others to try and establish a solution to the long term health care needs of Littlehampton.

Questions 3, 4, 5, 6 & 7: Camping Facilities at Cornfield Close, Littlehampton

These questions all related to the possible sale of Council owned land at Cornfield Close, Littlehampton and the detrimental effect that could have on camping facilities in the area and the tourism economy, which was considered important to the vitality of the District. (The detailed questions can be accessed via the Council's website)

Response from the Leader

The campsite at Daisyfields is in poor condition and in order for the campsite to remain viable it will require some very substantial investment. Research indicates that the area is reasonably well served by camping and caravanning sites, for example a mile away there is Littlehampton caravan Club site operated by the Caravan Club with 108 caravan pitches. The Council acknowledges that tourism is an important aspect of the area's economy. In considering the future of this site, the Cabinet will carefully evaluate the pros and cons of disposing of this land, including how any receipts might be used to support the local economy.

A supplementary question was asked as to how many tented camping site pitches were there available in Littlehampton? It was felt that if Daisyfields Campsite was lost there would be none.

The Leader responded by saying that she did not know the answer but would find out and respond in writing following the meeting.

Two questions were then asked by Councillor Wheal as Ward Member for Arundel, both related to Agenda Item 6, A27 Arundel By-Pass Consultation. He asked:-

- (1) Why were the Relevant Ward Councillors, representing Arundel & Walberton Ward, not included in the discussions with Arundel Town Council, Arun District Council and Highways England at the meeting of 7th July 2017?
- (2) I believe it vitally important that Ward Councillors are included in all meetings/discussions on this most important issue.

Response from the Leader

The meeting was arranged by Highways England and both myself and the Leader of West Sussex County Council were invited. I insisted that the ex-mayor of Arundel was also invited as I felt it was extremely important to show them that we were totally aligned with Arundel Town Council in our objectives for the Arundel By-Pass. It was not our meeting and I could not get any others invited. I agree that Ward Councillors must be involved throughout the consultation process, together with as many businesses as possible.

Cabinet – 31.07.17.

130. MINUTES

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

131. BUDGET VARIATION REPORT

There were no items for this meeting.

132. A27 ARUNDEL BY-PASS CONSULTATION

The Group Head of Policy advised the Cabinet that, following the failure to approve improvements to the A27 at Chichester due to lack of agreement on a preferred route between the relevant Councils, it was felt essential to formalise a common approach between this Council and Arundel Town Council to ensure that all steps were taken to facilitate the A27 Arundel By-Pass happening. To that end a Memorandum of Understanding between the Councils had been drawn up which set out common principles for working together towards a single solution for this much needed highway improvement.

The Highways England consultation on the A27 Arundel By-Pass would be commencing on 22 August to 16 October 2017 (and not 23 August to 18 October 2017 as stated in the report) and plans of the suggested routes would be supplied by them on the first day of the consultation.

The Cabinet agreed the recommendations as set out in the report and then confirmed its decision as per Decision Notice C/011/310717, a copy of which is attached to the signed copy of the Minutes.

133. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN 2017-2027

The Cabinet Member for Residential Services was pleased to introduce this report as he was of the view that the Plan had much to commend it, including the building of up to 250 council homes which, when measured against the current average loss of around 20 per year from Right to Buy, would mean that for the first time the Council would be able to increase its housing stock.

The Council's Housing financial position had been examined in detail and it was felt that the service had the means to provide more housing as well as providing investment in sheltered housing, which would help to transform the current housing stock and make it fit for purpose. In addition, a detailed stock condition was underway and each and every HRA Council property would be used to inform the Business Plan as to future investment

requirements to maintain the housing stock and develop new and existing properties should opportunities arise. It would also afford the Council the opportunity to consider new revenue streams.

In conclusion, the Cabinet Member for Residential Services was of the view that the Business Plan identified a significant range of improvements and changes which would make a real and substantial difference in terms of housing provision and the service the Council was able to provide its tenants.

The Director of Services, in the absence of the Head of Housing, thanked the consultants and the Housing team for their advice and experience in putting the Plan together. She saw it as a dynamic way forward that would increase the Council's housing stock and would provide high quality homes for its residents.

Ms Heather Grant, the Council's Housing Consultant, and Mr Glen Smith, from the Chartered Institute of Housing were then introduced to the meeting and they gave a brief joint presentation on the primary objectives of the Plan, i.e. to increase the housing stock; ensure housing assets were fit for purpose; and to maximise income and make the best use of available resources. It was highlighted that the Plan was based on the present conditions but it would be a living document as account would have to be taken of changes in the Government's housing and financial policies, as well as changing circumstances.

The Consultants were thanked for their attendance at the meeting and for their informative presentation, together with work and input towards the production of the HRA Business Plan.

Members commented that the Plan was a positive way forward and, following consideration, Cabinet agreed the recommendations in the report, and confirmed its decision as per Decision Notice C/012/310717, a copy of which is attached to the signed copy of the Minutes, and

RECOMMEND TO FULL COUNCIL – That

(1) the priorities set out in the HRA Business Plan under Section 2 Key Objectives (page 7) and ten year financial model be approved; the use of specialist consultants to review and rewrite the plan on an annual basis be agreed; and that an amount of £30K per annum be set aside for these costs in future HRA budgets;

(2) authority be delegated to the Cabinet Member for Residential Services and the Director of Services in consultation with the S151 Officer to acquire 250 houses over ten years. This is based on a rolling 3 year Capital funding programme of up to £15M and, subject to viability, up to 30

Cabinet – 31.07.17.

houses a year or the equivalent of 90 over 3 years. Updates on spend will be reported via the Budget Variation reports routinely submitted to Cabinet. The preferred form of acquisition to be in the following order:-

- Purchase houses 'off plan' from developments with the benefit of planning permission
- Purchase of existing properties
- Build on Housing owned land

(3) Where appropriate, authority be delegated to the Cabinet Member for Residential Services and the Director of Services, in consultation with the S151 Officer, to approve the use of specialist legal advisors in connection with property acquisitions;

(4) a Rent Setting Policy and Service Charge Review be undertaken with immediate effect, which will be used to support the funding of the Housing development. An amount of £20K is requested from the HRA budget to appoint specialist consultants to carry out this work;

(5) authority be delegated to the Cabinet Member for Residential Services and the Director of Services, in consultation with the Group Head of Technical Services and Group Head of Corporate Support, in connection with disposal of all HRA assets (land and property), outside of Right to Buy, and that the sale proceeds be reinvested back into the HRA account on all occasions;

(6) £400,000 funding for planned maintenance (£200K from the HRA budget, £200K transferred from existing reactive maintenance budget) is identified for the financial year 2018/19, whilst the housing stock condition survey is completed;

(7) £6M funding be approved for investment in the sheltered housing schemes over ten years, to ensure that they remain fit for purpose;

(8) an options appraisal be undertaken on sheltered housing schemes where alternative use or redevelopment could be considered and that an amount of £35K be allocated from the HRA budget to commission specialists to undertake this work.

134. COUNCIL OWNED PROPERTY COMPANY

The Housing Strategy & Delivery Manager (HS&DM) presented a comprehensive report which set out the business case for the establishment of a wholly owned local authority property company, to be known as Trisanto (the ancient name for the River Arun). The purpose for this would be to create an additional revenue stream for the Council, which would enable it to become financially more self-reliant in future years and therefore less dependent on receiving the continually reducing government grants. He directed Members to the appendices to the report, namely the Business Case and the Risk Register.

The Overview Select Committee had considered the same report at its meeting on 25 July 2017 and the minutes from that meeting were circulated to be considered as part of the Cabinet's deliberations on the matter. The Overview Select Committee had agreed and noted the recommendations set out in the report.

The Audit & Governance Committee would also be considering this item at a Special meeting on 7 August 2017 and its views/recommendations would be fed into the Full Council meeting on 13 September 2017.

With regard to the Overview Select Committee meeting, the HS&DM advised that Members there had raised a number of concerns (as detailed in the Minutes circulated) and he gave a brief summary of what had been discussed, e.g.

- Only ¼ of local authorities had established these vehicles and how many were similar to Arun?
- The property market was a high risk form of investment.
- There was a scarce amount of available land and Trisanto would be competing with others with more experience.
- Insufficient Member consultation and there should be a seminar.
- The Risk Register detailed a significant number of risks.
- Council liable for the debts as the only shareholder.
- Level of return from the property investments.
- The point was made about the crossover between Trisanto and the Housing Revenue Account (HRA) as both would present a pull on the Council's borrowing requirements in the future.
- Credit bubble and this would lead to a market correction in the future and house prices might restrict people's ability to buy homes.

The HS&DM stated that he had responded at the meeting and had made every effort to give full answers to the matters that had been broached.

The Chairman stated that this was looking at a different way of working for the Council and would be a long term project – it was the start of a journey

Cabinet – 31.07.17.

and it was important to attract the right people onto the Board of Directors to provide the experience and expertise required.

In the course of brief comment on the matter by the Cabinet, it was highlighted that, although the Overview Select Committee had raised concerns, it had supported the recommendations.

The Cabinet agreed the recommendations in the report, and confirmed its decision as per Decision Notice C/013/310717, a copy of which is attached to the signed copy of the Minutes, and

RECOMMEND TO FULL COUNCIL – That

- (1) the business case at Appendix 1 be approved;
- (2) the risk register at Appendix 2 be noted;
- (3) the statement from the Council's Group Head of Corporate Support included in the Executive Summary, be noted;
- (4) the actions set out at paragraphs 2.1 and 2.2 are completed to enable Trisanto to commence its trading activity;
- (5) a supplementary estimate of up to £1M, equating to a Band D council tax of £16.82, for working capital to enable the Company to start transacting be approved;
- (6) the working capital to take the form of loans from the Council to the Company, with each loan being subject to the approval of the S.151 officer, the Chief Executive and the Deputy Leader of the Council, and the terms of each loan (including the rate of interest) to be determined by the S.151 officer;
- (7) authorisation be given to execute all required legal documentation and such steps/actions be taken to give effect to the business case including the Shareholder Agreement and Loan Arrangements;
- (8) Cabinet will be responsible for the Council's function as shareholder, and that the substantive Directors of the company be appointed at Arun's Annual Council Meeting and the position of Councillor Directors be considered at the Council's Annual Meeting each subsequent year;
- (9) the Chief Executive be authorised, in consultation with the Leader of the Council, to approve the appointment of the first directors to Trisanto Development Corporation;

(10) the appointment of the Director of Place, already confirmed as Director of Trisanto Development Corporation on its incorporation in February 2017, be approved;

(11) the Council's Constitution be amended at Part 3, Responsibility for Functions – The Cabinet, paragraph 2.10 (page 48/49) to add:

- To review and scrutinise the operation of any Council owned companies by working with the arms-length companies.

(12) the Council's Constitution be amended at Part 3, Responsibilities for Functions, paragraph 4.1 Audit and Governance Committee (page 63/64) to add:

- To review and scrutinise the operation of any Council owned companies and Cabinet's role in overseeing this activity through monitoring reports submitted on at least an annual basis or as reported by the S.151 officer.

(13) the Standards Committee be requested to review the Council's Code of Conduct to cover the role of Directors of companies set up by the Council.

135. OVERVIEW SELECT COMMITTEE – 25 JULY 2017

In considering the previous item, the Cabinet also took account of the Minutes of the meeting of the Overview Select Committee held on 25 July 2017 and confirmed its decision as per Decision Notice C/014/310717, a copy of which is attached to the signed copy of the Minutes.

136. EXEMPT BUSINESS

The Cabinet

RESOLVED

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

Cabinet – 31.07.17.

137. DISPOSAL OF COUNCIL LAND AT CORNFIELD CLOSE, LITTLEHAMPTON [Exempt – Paragraph 3 – Information Relating to Business Affairs]

The Property & Estates Manager presented this report which, he advised Members, followed on and was linked to the report that was presented to Cabinet on 17 July 2017 and which was subsequently approved. He reminded the Cabinet that the Property & Estates team were completing a review of the Council's general fund assets, one of which was Daisyfields, a camping and touring caravan site located in Cornfield Close, Littlehampton. The site was comprised of over 6 acres of land and was presently under lease as a campsite.

The report informed the Cabinet of the financial detail of the options available to the Council when determining the future of this site.

In considering the matter, Member comment was made that the Council now had to look at every opportunity to generate income on behalf of the District's council tax payers and that this was the right time for this site as the lease was coming to an end.

The Cabinet confirmed its decision as per Decision Notice C/015/310717, a copy of which is attached to the signed copy of the Minutes, and

RECOMMEND TO FULL COUNCIL – That

(1) the freehold disposal of land located at Cornfield Close, Littlehampton, for best consideration, be approved; and

(2) authority be delegated to the Cabinet Member for Technical Services, in consultation with the Director of Place and the Section 151 Officer, to agree terms for disposal, selection of purchaser from the four offers received and to conclude any and all matters necessary to complete disposal and conveyance of the freehold site.

(The meeting concluded at 17.52 pm)

ARUN DISTRICT COUNCIL

**DECISION NOTICES FROM THE CABINET MEETING HELD ON
31 JULY 2017**

REF NO.	DECISION
C/011/310717	A27 Arundel By-Pass Consultation
C/012/310717	Housing Revenue Account (HRA) Business Plan 2017-2027
C/013/310717	Council Owned Property Company
C/014/310717	Overview Select Committee – 25 July 2017
C/015/310717	Disposal of Council Land at Cornfield Close, Littlehampton [Exempt – Paragraph 3 – Information Relating to Business Affairs]

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT
FROM 10.00 A.M. ON WEDNESDAY 9 AUGUST 2017 UNLESS
THE CALL-IN PROCESS IS APPLIED**

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: A27 Arundel By-Pass Consultation	
OFFICER CONTACT: Jackie Follis, Group Head of Policy Extn: 37946 e.mail: jackie.follis@arun.gov.uk	

EXECUTIVE SUMMARY There has been an ongoing request from the community for a number of years to improve the A27 locally. The pace and level of interest in this process has increased dramatically following the recent decision of Highways England not to approve proposals for Chichester. A key reason given for this was lack of agreement on a preferred route between Councils. It is, therefore, vital that a common approach between ourselves and Arundel Town Council is agreed. This paper sets out a proposed Memorandum of Understanding between the Councils and asks for Cabinet approval. It also updates Members on the timetable for consultation.

DECISION:

As recommended in the report, Cabinet,

RESOLVED – That

(1) the Memorandum of Understanding between Arun District Council and Arundel Town Council, which sets out common principles for working together towards a single solution for a new A27 Arundel By-Pass, be agreed; and

(2) the dates for the Highways England Consultation on the A27 Arundel By-Pass be noted.

REASON FOR THE DECISION: To facilitate a common approach between Arun District Council and Arundel Town Council to the forthcoming Arundel A27 By-Pass consultation.

OPTIONS CONSIDERED BUT REJECTED: To not agree the Memorandum of Understanding and consider an alternative approach.

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/012/310717

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Housing Revenue Account (HRA) Business Plan 2017-2027	
OFFICER CONTACT: Brian Pople, Head of Housing	
Extn: 37718	e.mail: brian.pople@arun.gov.uk

EXECUTIVE SUMMARY: This report recommends the adoption of a new Housing Revenue Account (HRA) Business Plan for the next ten years, 2017-2027. The new plan proposes that the Council utilises its financial capacity to enable the development of new homes and further investment in housing stock. As a consequence, the plan proposes that borrowing be maintained at current levels and that the Council makes further capital investment of £48.5 million in its proposed Capital programme to achieve the delivery of 250 new homes and a programme of improvement and redevelopment to its sheltered housing over the next ten years.

DECISION:

As recommended in the report, Cabinet

RECOMMEND TO FULL COUNCIL – That

(1) the priorities set out in the HRA Business Plan under Section 2 Key Objectives (page 7) and ten year financial model be approved; the use of specialist consultants to review and rewrite the plan on an annual basis be agreed; and that an amount of £30K per annum be set aside for these costs in future HRA budgets;

(2) authority be delegated to the Cabinet Member for Residential Services and the Director of Services in consultation with the S151 Officer to acquire 250 houses over ten years. This is based on a rolling 3 year Capital funding programme of up to £15M and, subject to viability, up to 30 houses a year or the equivalent of 90 over 3 years. Updates on spend will be reported via the Budget Variation reports routinely submitted to Cabinet. The preferred form of acquisition to be in the following order:-

- Purchase houses 'off plan' from developments with the benefit of planning permission
- Purchase of existing properties
- Build on Housing owned land

(3) Where appropriate, authority be delegated to the Cabinet Member for Residential Services and the Director of Services, in consultation with the S151 Officer, to approve the use of specialist legal advisors in connection with property acquisitions;

(4) a Rent Setting Policy and Service Charge Review be undertaken with immediate effect, which will be used to support the funding of the Housing development. An amount of £20K is requested from the HRA budget to appoint specialist consultants to carry out this work.

<p>(5) authority be delegated to the Cabinet Member for Residential Services and the Director of Services, in consultation with the Group Head of Technical Services and Group Head of Corporate Support, in connection with disposal of all HRA assets (land and property), outside of Right to Buy, and that the sale proceeds be reinvested back into the HRA account on all occasions;</p> <p>(6) £400,000 funding for planned maintenance (£200K from the HRA budget, £200K transferred from existing reactive maintenance budget) is identified for the financial year 2018/19, whilst the housing stock condition survey is completed;</p> <p>(7) £6M funding be approved for investment in the sheltered housing schemes over ten years, to ensure that they remain fit for purpose;</p> <p>(8) an options appraisal be undertaken on sheltered housing schemes where alternative use or redevelopment could be considered and that an amount of £35K be allocated from the HRA budget to commission specialists to undertake this work.</p>	
REASON FOR THE DECISION: To approve a revised HRA Business Plan	
<p>OPTIONS CONSIDERED BUT REJECTED: To not accept the proposals as set out in paragraphs 2.1 to 2.20 of the report. To set out alternative proposals to those given at paragraphs 2.1 to 2.20 of the report.</p>	
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	

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Council Owned Property Company	
OFFICER CONTACT: Andy Elder, Housing Strategy & Delivery Manager Extn: 37714 e.mail: andy.elder@arun.gov.uk	
<p>EXECUTIVE SUMMARY: At its meeting on 17th October 2016 Cabinet approved the principle and purpose of establishing a wholly owned local authority housing company (to allow greater flexibility this is now referred to as a local authority property company) subject to the production and approval of a satisfactory business case. This paper presents the finalised business case for Trisanto, the Council's arms-length property company, and an accompanying risk register which have both been subject to an independent review by our advisors. It also sets out the next steps which will need to be completed before the company can commence its trading activity, this work will be funded from the initial working capital loan.</p> <p>The Overview Select Committee had also considered the matter at its meeting on 25 July 2017 and the minutes were circulated for the Cabinet's attention.</p>	
<p>DECISION:</p> <p>As recommended in the report and having considered the Minutes of the Overview Select Committee, the Cabinet</p> <p>RECOMMEND TO FULL COUNCIL – That</p> <p>(1) the business case at Appendix 1 be approved;</p> <p>(2) the risk register at Appendix 2 is noted;</p> <p>(3) the statement from the Council's Group Head of Corporate Support included in the Executive Summary, be noted;</p> <p>(4) the actions set out at paragraphs 2.1 and 2.2 are completed to enable Trisanto to commence its trading activity;</p> <p>(5) a supplementary estimate of up to £1M, equating to a Band D council tax of £16.82, for working capital to enable the Company to start transacting be approved;</p> <p>(6) the working capital to take the form of loans from the Council to the Company, with each loan being subject to the approval of the S.151 officer, the Chief Executive and the Deputy Leader of the Council, and the terms of each loan (including the rate of interest) to be determined by the S.151 officer;</p> <p>(7) authorisation be given to execute all required legal documentation and such steps/actions be taken to give effect to the business case including the Shareholder Agreement and Loan Arrangements;</p>	

<p>(8) Cabinet will be responsible for the Council's function as shareholder, and that the substantive Directors of the company be appointed at Arun's Annual Council Meeting and the position of Councillor Directors be considered at the Council's Annual Meeting each subsequent year;</p> <p>(9) the Chief Executive be authorised, in consultation with the Leader of the Council, to approve the appointment of the first directors to Trisanto Development Corporation;</p> <p>(10) the appointment of the Director of Place, already confirmed as Director of Trisanto Development Corporation on its incorporation in February 2017, be approved;</p> <p>(11) the Council's Constitution be amended at Part 3, Responsibility for Functions – The Cabinet, paragraph 2.10 (page 48/49) to add:</p> <ul style="list-style-type: none"> To review and scrutinise the operation of any Council owned companies by working with the arms-length companies. <p>(12) the Council's Constitution be amended at Part 3, Responsibilities for Functions, paragraph 4.1 Audit and Governance Committee (page 63/64) to add:</p> <ul style="list-style-type: none"> To review and scrutinise the operation of any Council owned companies and Cabinet's role in overseeing this activity through monitoring reports submitted on at least an annual basis or as reported by the S.151 officer. <p>(13) the Standards Committee be requested to review the Council's Code of Conduct to cover the role of Directors of companies set up by the Council.</p>	
REASON FOR THE DECISION: To provide the authority to operate a property company wholly owned by the Council.	
OPTIONS CONSIDERED BUT REJECTED: To not operate a Council property company.	
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/014/310717

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Overview Select Committee – 25 July 2017	
OFFICER CONTACT: Jackie Follis, Group Head of Policy Extn: 37580 e.mail: jackie.follis@arun.gov.uk	
EXECUTIVE SUMMARY: The Cabinet received the Minutes of the meeting of the Overview Select Committee held on 25 July 2017. The Minutes contained recommendations at Minute 117, Business Case for Operating a Local property Company.	
DECISION: Decision Notice C/012/310717 refers.	
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	

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Disposal of Council Land at Cornfield Close, Littlehampton [Exempt – Paragraph 3 – Information Relating to Business Affairs]	
OFFICER CONTACT: Paul Broggi, Property & Estates Manager Extn: 37506 e.mail: paul.broggi@arun.gov.uk	
EXECUTIVE SUMMARY: The purpose of this report is to seek the authority of Cabinet for the disposal of freehold land located at Cornfield Close, Littlehampton, for best consideration.	
DECISION: As recommended in the report, Cabinet RECOMMEND TO FULL COUNCIL – That (1) the freehold disposal of land located at Cornfield Close, Littlehampton, for best consideration, be approved; and (2) that authority be delegated to the Cabinet Member for Technical Services, in consultation with the Director of Place and the Section 151 Officer, to agree terms for disposal, selection of purchaser from the four offers received and to conclude any and all matters necessary to complete disposal and conveyance of the freehold site.	
REASON FOR THE DECISION: Disposal of the Council's freehold site at Cornfield Close will realise a considerable capital sum for the Council which, following prudent re-investment in accordance with the Council's Property Investment Strategy, will provide improved investment yield. This will assist in preserving and improving the financial and other resources available to the Council in support of its 2020 Vision and beyond. This proposed action is considered to be in the best interests of the Council.	
OPTIONS CONSIDERED BUT REJECTED: To not approve or recommend to Full Council the freehold disposal of land located at Cornfield Close, Littlehampton for best consideration. To not delegate authority to Cabinet Member for Technical Services, in consultation with the Director for Place and the Section 151 Officer to agree terms for disposal, selection of purchaser from the four offers received and to conclude any and all matters necessary to complete disposal and conveyance of the freehold site.	
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	

SPECIAL AUDIT AND GOVERNANCE COMMITTEE

7 August 2017 at 9.30 am

Present: - Councillors Chapman (Chairman), Mrs Oakley (Vice-Chairman), Blampied, Brooks, Cates, Mrs Porter, Purchase and Wheal.

Councillor Haymes was also present during the meeting.

138. WELCOME

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

139. APOLOGIES FOR ABSENCE

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

140. DECLARATIONS OF INTEREST

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

Reasons

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

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

The Director of Place declared a Personal Interest in Agenda Item 3 [Council Owned Property Company] as he was a Director of Trisanto. He stated that if he was called to speak he would do so in his role as Director of Place.

141. LOCAL PROPERTY COMPANY

The Chairman, in introducing this item, firstly referred Members to Appendix B of the agenda papers, as reported to Cabinet on 31 July 2017, relating to the Risk Register and the business case as prepared by the Housing Strategy & Delivery Manager (HS&DM).

The Chairman drew Members' attention to the second paragraph on page 122 relating to the Council's Risk Appetite Statement. This stated "the level of risk the Council is prepared to tolerate or accept in the pursuit of its strategic objectives". The Chairman outlined that the two specific elements of the Council's Risk Appetite Statement that needed to be considered in considering the establishment of a Local Property Company (LPC) were transformational change and development and regeneration.

The Chairman confirmed that these statements had been taken from the Council's Risk Management Policy Statement and Strategy; specifically they were contained in Appendix 3 to that document which had been agreed in September 2015 by the then Director of Resources and Deputy Chief Executive and the then Cabinet Member for Corporate Governance.

The Chairman reminded Members to note what was stated within this document which was the role of this Committee in regard to risk management. The Chairman then read out to Members the role of the Committee in this instance and in reviewing the risks associated with the next steps that needed to be completed by the Council before the Local Property Company could commence any trading activity. This was to:

- Provide an independent assurance of the adequacy of the risk management framework and the associated control environment so as to best protect the Council's reputation
- Provide independent scrutiny of the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens that control environment
- Oversee the work of the internal and external audit and receive periodic reports from the authority's Governance and Risk Group
- Monitor the effective development and operation of risk management and corporate governance in the Council

In considering the business case for operating a LPC the Chairman suggested to the Committee that it should work through the risk register produced for this project discussing each of the risks identified – these being from Risk 1 through to Risk 27 with the Committee's debate and observations being recorded. This approach was agreed by the Committee.

The Chairman then circulated to the meeting an information document which related each of the risks back to the appropriate page in the business case for ease of reference and to assist effective discussion.

Before discussing each of the separate risks listed, the Chairman invited the HS&DM to introduce this item. He outlined that a list of potential risks had been produced as a comprehensive document which would be continually updated as the LPC developed its business operations. The register had been drafted with input and having been independently reviewed by the Council's advisors.

The discussion on each numbered Risk is summarised below:

- **Risk 1** – inexperience, lack of market knowledge and market trends.

Statement from HS&DM - This covered the risk that the Council would be taking in terms of the whole purpose and work of the LPC. There would be the need for the LPC to be careful in looking at how work would be addressed in terms of the LPC having the appropriate skills and market knowledge to address this new business environment and especially in ensuring the appointment of appropriate Directors and staff having the correct experience to address this type of business activity.

Questions from the Committee

- Would business activity compete with what was contained within the HRA Business Plan? The HS&DM confirmed that there would be no competition as the HRA Business Plan was about a specific type of development. The LPC's remit and focus would be on other market interests covering housing for sale, rent and affordable housing for sale such as shared ownership and other types of starter homes or shared equity properties. The LPC would also look at private land acquisition and other public sector estates where the landowner did not have the funds or capability to resource or develop the land themselves.

- How would the LPC compete with larger companies such as Barratt and Persimmon Homes? It was outlined that the LPC would also purchase land and would build houses and so would be in competition with private development companies large and small as well as housing associations too inside and outside of the District if suitable opportunities arose.
- Could more explanation be provided in terms of the differences between how the HRA Business Plan would be progressed compared to the work of the LPC. Surely they would be competing for the same land. It was outlined that the work of the HRA would be in two areas – all within the District and on HRA development sites owned by the Council. The LPC would not touch this land. Looking at other sites, the approach would be to acquire affordable rented housing on private sites taken forward by developers. If there was a section 106 obligation to provide a proportion of affordable housing, the LPC would look to acquire this. The new development at Foxes Furlong in Barnham was cited as an example. It was also explained that there would potentially be new opportunities for the HRA to acquire new housing from the LPC which might not come about if the LPC was not in place. The Director of Place provided further detail on how this would work.
- Who would undertake the detailed market research that would be key to the LPC's success? What would be the cost of this and was this detailed in the Business Plan? It was confirmed that this work would be undertaken by the LPC. Some preliminary work had been undertaken looking at house prices; land prices; and build costs prices to see what levels of development would need to come forward and at what cost for marketing property for sale. The LPC would undertake the identification work of sites and the Council would critique whether a specific loan would be appropriate or not. This was background information supporting the business case.
- Although there were clear benefits in establishing the LPC in terms of providing the Council with additional revenue streams, there was concern expressed over the lack of instructional knowledge that members of the board would have – the HS&DM was asked what lessons had the Council learnt from other authorities to ensure that this project would be a success?

It was stated that the Council had attended various meetings that had been set up for local authorities (LA's) who were in a similar position to Arun. Those in attendance had been LA's who had operated LPC's for some time. There had been some key themes shared in respect of lessons learnt. One was expecting too much too soon. Another had been the ability to attract and recruit suitable staff with the appropriate development knowledge from the private sector to run the LPC.

- Concern was expressed that there appeared to be a conflict of interest in terms of the Director of Place's emerging role on the Board of Directors of the LPC and his continuing role within the Council. It was felt that this was an issue that the Council needed to look into. The Director of Place confirmed that if this became a growing concern then he would stand down from the LPC though Members needed to recognise the importance of having an Officer of the Council on its Board of Directors – this applied to many other LPC's. He also confirmed that there was nothing to prevent an officer of the Council also being a director of a LPC.

- **Risk 2** - Development Opportunities

Questions from the Committee

- Concerns were expressed that development opportunities were limited, especially as Arun was an asset poor authority in terms of land holdings. It was explained that the LPC would intend to engage the services of experienced land buyers with good knowledge of the local market and that its Articles of Association would be unrestricted enabling it to operate outside of the District if suitable opportunities were identified.
- How would the LPC ensure that it would be able to source public assets not controlled by the Council as there had been examples where this has not happened with other LPC's. The same answer as above was provided.
- The Chairman asked if the wording contained in the Note on page 105 of the Cabinet papers "*Note – it is unlikely at present that HRA land will be available to the LPC for development purposes*" – was accurate in terms of the use of the word *unlikely*. The Director of Place explained that this note stated that this was an unlikely scenario and

would be a matter for the Council [with responsibility for HRA] to determine if land was surplus to requirements and should be disposed of to the LPC. Given the Council's target to deliver 250 homes over the next ten years – the Council would use its land first and so it was unlikely that such land would be presented to the LPC to bid for.

- Questions were then asked about the term 'market price' and how this would be used and that this should be best value to the Council. A discussion took place on the issue of State Aid, and how the Council's land assets would be valued. It was explained that the District Valuer would value any sites.
- **Risk 3** - This outlined the importance for the Council to have sufficiently detailed tools at its disposal to critique any investment required from the LPC. There may be the need to bring in external support and advice on such technical aspects.

Statement from HS&DM - This covered the risk that the Council would be taking in terms of the whole purpose and work of the LPC. It was almost inevitable that the Council would look to bring in external support and advice on this technical aspect. The Council currently used external advice on developer appraisals.

Questions from the Committee

- The Committee agreed that the Council should not make any decisions without the input of external advice.
- **Risk 4** - Government funding.

Statement from HS&DM - it was explained that the funds provided to housing associations and others for the development of affordable housing for rent and sale over the last few years and the levels of government grant for rented housing had fallen. The Director of Place provided some figures. This would not be an issue for the LPC unless it chose to register with Homes and Community Agency; presently there was no intention to do this.

Questions from the Committee

The Chairman outlined that he felt that this was an important issue for the Committee to note.

- **Risk 5** - Development pipeline

Statement from HS&DM - The importance of having a robust pipeline of potential schemes for the first 5 years and onwards was confirmed. This was the length of planned programme that most organisations had in place. As well as land purchase, the LPC could take out options on land not owned by the Council. The process for this and associated risks was explained to the Committee. It was stressed that securing these options was seen as critical.

Questions from the Committee

- When taking out an option – what level of deposit had to be paid and could this be lost – for example if a leaseholder defaulted on a property rented to them by the LPC who was responsible for the interest on the loan taken out to buy the property. The HS&DM explained how land options worked and that there were different clauses for different options. Options were also time related in terms of obtaining the required permissions to take development schemes forward. If these were not realised there was then potential that that option would be at risk and could be lost. There were many costs in the development cycle and an option agreement was just one of those that would present risks.
- In terms of a pipeline for development had any research been undertaken in terms of land available? From a Local authority perspective and as part of the work undertaken on the Local Plan, many documents had been produced confirming what land was available. Many private sector companies had land banks which Members felt would restrict local land available to the LPC and that additional competition could increase land prices. The HS&DM explained that from a local authority perspective, and in preparing for the Local Plan, many documents had been produced confirming the availability of sites.

- **Risk 6** - Experienced Board Members and staff

Statement from HS&DM - as well as the LPC needing to appoint skills and experienced staff it was equally important for the LPC to be able to attract and appoint the appropriate balance of skills consisting of experienced and appropriate commercially minded persons to sit on the Board. The LPC was looking at a small Board being made up of one Elected Member of the Council [excluding

Members of the Cabinet and Development Control Committee]; one Senior Officer; and a maximum of three independent non-executive directors. It would be the 3 independent non-executive directors that would be critical as they would be recruited to bring commercial housing development and finance experience to the Board. The LPC would be looking to put together job descriptions and person specifications. The independent non-executive director positions would be paid roles and this was common practice.

Questions from the Committee

- How would the LPC compete with the private sector in attracting people to these posts? It was explained that the LPC would focus more on drive and motivation targeting those wanting to put something back into their local communities. The Director of Place provided some further information on the person specification for the non-executive director roles. The LPC would only consider those who had undertaken a similar type of role before and would focus on the skill set they could bring as a Director ie the right property and/or financial experience.

- **Risk 7** - Lack of experienced staff

The Chairman outlined that as this had already been discussed earlier.

- **Risk 8** - Members don't buy into the LPC proposals so it is not supported.

The Chairman outlined that this had already been discussed earlier.

- **Risk 9** – the Council is not prepared for the impact of national policy changes.

In relation to Risks 9 to 12, the Chairman commented that the changes in public and national policy (including those that may occur as a result of Brexit) were not known at this time. It was agreed that as the implications were not currently known that there would be no value in the Committee debating these risks at this time.

- **Risk 10** - Council is not prepared for the impact of regulatory changes.

In relation to Risks 9 to 12, the Chairman commented that the changes in public and national policy (including those that may occur as a result of Brexit) were not known at this time. It was agreed that as the implications were not currently known that there would be no value in the Committee debating these risks at this time.

- **Risk 11** - Brexit outcome leads to uncertainty in the markets

In relation to Risks 9 to 12, the Chairman commented that the changes in public and national policy (including those that may occur as a result of Brexit) were not known at this time. It was agreed that as the implications were not currently known that there would be no value in the Committee debating these risks at this time.

- **Risk 12** - Brexit affect – change in Government leadership

In relation to Risks 9 to 12, the Chairman commented that the changes in public and national policy (including those that may occur as a result of Brexit) were not known at this time. It was agreed that as the implications were not currently known that there would be no value in the Committee debating these risks at this time.

Statement from the HS&DM - it was outlined that the Shareholder Advisory Group would require the LPC to advise them of any operational and delivery issues (including those occurring as a result of Risks 9 to 12). The make-up of this Group was outlined and Members were reassured that this would include the Section 151 Officer.

- **Risk 13** - Insufficient Pipeline

Questions from the Committee

- The lack of available land was a concern. The Director of Place explained that the LPC would not be looking to acquire large scale developments. The main target would be for land with around 10-20 units to minimise risk.
- Would council tax payers who fund the Council be getting a fair deal? The HS&DM referred to the business case and the arrangements in place

- How would the LPC stand competitively in getting funds? The Director of Place explained how funding requests would be considered with the use of the Shareholder Advisory Group. The Shareholder Agreement would set out this detail. The Committee was reassured that the Council would ensure that any loans were on an appropriate level and the Council would receive a good return. On-lending fees were explained.
- It was expected that funds would initially be obtained by the Council via the Public Works Loan Board (PLWB). These funds might form the basis of loans to the LPC but at a higher rate paid by the Council to the PWLB.
- **Risk 14** - Unable to attract appropriately skilled and experienced directors – as this has been discussed earlier – no further discussion took place on this risk as matters had been covered under Risk 6.
- **Risk 15** - Reputational risk to the Council

Statement from the HS&DM -

The Business Case covered the need to have an exit strategy in place in the event that the LPC did not work as planned. This was to ensure that at least the investment costs would be recovered at the point of exit. This strategy would form part of the Business Plan yet to be agreed. It was explained that it was also important for the public to be able to distinguish between the Council and the arm's length company which would be making its own operational decisions.

The approach used by other LPCs such as South Norfolk was explained as they had created their own trading company.

Questions from the Committee

- The Chairman referred to the importance of the Shareholder Agreement still to be drafted as this would set out how the checks and balances in this agreement would be delivered.
- **Risk 16** – Shareholders and the operational running of the LPC

Statement from the HS&DM

The shareholder agreement would set out how the relationship between the Council and the LPC would operate.

Questions from the Committee

- Could the HS&DM define what was meant by the Council – legally if the Council owned the LPC then surely every Elected Member would be a shareholder and would have liability. Would Members have the right to say that they did not wish to be a shareholder? This could affect how the Council might deal with prospective candidates at future elections.
- What would happen for Members if the LPC did not succeed. It was believed that Members would not have a personal liability. However, there might be some circumstances of impropriety when a Director might have some personal liability.
- The HS&DM agreed to confirm the position and advise Members.

- **Risk 17** - State Aid

Statement from the HS&DM

The Business Case clearly set out the details that related to State Aid. The Council had taken a great deal of legal advice from its advisors Trowers and Hamlins in terms of structuring the business case in relation to this issue.

Questions/Comments from the Committee

- The Council would need to be completely satisfied that any funding supplied to the LPC, as a third party organisation complied to the appropriate rules.
- The shareholder agreement had been mentioned on numerous occasions in the debate so far but this was not available for Members to refer to.
- Would a draft be available for Members to work through ahead of Full Council on 13 September 2017? Members were advised that a draft of the shareholder agreement was being worked on with legal advisors. It was difficult to confirm if this would be completed in time for 13 September 2017 as Officers were working through a series of other supporting documents such as a revised Articles of Association; Service Level Agreement; and Loan Agreement.

Special Audit & Governance
Committee – 07.08.17

- The Committee was of the view that the shareholder agreement needed to be made available to Members before they could make any decision on whether to approve the Business Case for the LPC. In view of this, it was felt that the decision on the LPC at Full Council on 13 September 2017 should be deferred to a later date and until these documents could be reviewed.
 - Members were concerned over the issue of limited liability and the enormity of the decision in agreeing the business case of the LPC for the Council.
 - Members wanted to know how this decision affected Members sitting on the Development Control Committee and where there could be other conflicts of interest. Members asked to receive more clarity around the issue of prejudicial interests in relation to the LPC.
 - The Director of Place responded stating that he could provide additional information on the points raised in time for Full Council on 13 September 2017.
 - Following further discussion, Councillor Purchase proposed “that the decision to approve the business case and risk register for the LPC be deferred for decision at Full Council on 13 September 2017 until the outstanding documentation such as the shareholder agreement be made available to Members”. This was seconded by Councillor Blampied. On this proposal being put to the vote it was declared CARRIED.
 - The Group Head of Council Advice and Monitoring Officer provided input stating that this recommendation could not stop the recommendations from the Special Meeting of the Cabinet held on 31 July 2017 being put to Full Council for consideration on 13 September 2017. The proposal just agreed, would need to be made at Full Council as part of the deliberations on the recommendations. This was noted by the Committee.
- **Risk 18** - Failure to arrange adequate Insurance

Questions/Comments from the Committee

- How much insurance cover would be required and who would pay for this? The HS&DM confirmed that these were all issues for the LPC to resolve. Any stock that the LPC held would need to be insured and indemnity insurance would need to be provided for the Directors.

- **Risk 19** - Failure to comply with Company Law

Statement from HS&DM - this linked in with Risk 18. This was part of the scope for the shareholder agreement. All Directors of the Board would have to comply with company law defined under the 2006 Companies Act.

Questions from the Committee

- How would lax behaviour be dealt with? It was explained that this would be set out within the Shareholder Agreement. Any Director would have personal responsibility for the way that they conducted themselves and the way that they followed the law in terms of the 2006 Companies Act. The LPC currently did not have a Chairman or Company Secretary. Its Company Secretary was likely to be its Managing Director. This would be one of the first roles for the LPC as it was for it to decide who to appoint.
- **Risk 20** - consideration of employment law including TUPE. The Director of Place outlined that as Council staff were not being transferred to the LPC, this should not be an issue and so no discussion took place on this risk.
- **Risk 21** - Property Company failure

The Chairman stated that he wanted to receive assurance that the Council's Section 151 Officer would be part of the Shareholder Advisory Group with regular reporting on progress of the LPC being monitored and that the Shareholder Agreement be something that the Committee should be able to review.

- **Risk 22** - Insufficient financial controls in place

The Chairman stated that the business case made it clear on start-up expenses and in terms of how the initial capitalisation of £1 million could be spent, if approved. It was felt that there was a significant risk to the Council in terms of financing. The HS&DM outlined that again this would be the role of the Shareholder Advisory Group but that the £1m was for start-up costs rather than any initial build project.

Questions/Comments from the Committee

- The importance of the Shareholder Advisory Group was outlined in ensuring that the Council would be best served and that the LPC was managing its affairs as it should.
 - It was outlined that the control levers needed to remain with the Council with the Council signing off the Business Plan that would accompany the business case as this would be a key financial/operating document.
 - Discussion returned to the proposal for the Council to approve the £1 m supplementary estimate where concern was expressed that the Council's general fund reserves should not fall below £4m. The Group Head of Corporate Support explained that the £1m working capital would be financed from revenue balances – this amount could not be borrowed. Any working capital should be a loan and this would come back to the Council at some stage with interest.
 - There was concern that no details on cash-flow forecast had been provided by the LPC – was this being worked on? The HS&DM outlined that this would be for the LPC to produce as part of its Business Plan which would set out its own arrangements for finance in the future. Each loan required by the LPC would be submitted to the Shareholder Advisory Group and this process would apply for each individual loan request. Recommendations would then be made to the Cabinet to approve. The involvement of the Section 151 Officer was again explained.
 - There was concern expressed over the Cabinet approving the loan requests with the feeling that all loan requests should come to Full Council to approve.
 - There was feeling that in the absence of the Shareholder Agreement or cash-flow forecast this risk could not properly be considered.
 - There was concern that the £1m working capital fund would be insufficient to set up the LPC.
- **Risk 24** - Challenge from the Council's external auditors

Statement from the HS&DM

It was accepted that the LPC would need to follow the CIPFA code of practice in terms of any loan applications agreed from the LPC.

The Audit Director from Ernst & Young was invited to comment. He confirmed that as a wholly owned subsidiary of the Council he would expect the Council to apply the relevant accounting tests. The LPC would need to prepare its own accounts and consideration would be needed as to whether it would be appropriate for the Council to prepare group accounts. Under the Code of Audit Practice External Auditors would need to consider all implications and would need to be assured that the LPC would provide value under the Value for Money Conclusions part of its annual audit as this would be a new departure for the council. They would consider the arrangements that the Council put into place for the establishment of the company; the degree to which the council had engaged in this.

- **Risk 25** - Lack of capacity to manage additional workload

Questions/Comments from the Committee

- Reference was made to some of the concerns expressed by the Overview Select Committee on 25 July 2017 in terms of the recruitment by the LPC of external advisors. The Director of Place explained that it was for the LPC to make these decisions and that it would be likely that the LPC would need to buy in professional construction experience to enable the LPC to set up contracts with developers/contractors/sales agents etc.
- **Risk 26** - Poor investment acquisitions
 - The Committee agreed that this risk could not be discussed until a copy of the shareholder agreement had been received.
- **Risk 27** - Poor rate of return on property development deals

Statement from the HS&DM

It was outlined that the Business Plan, when complete, would be reported to Full Council for approval and that any subsequent revisions should also be submitted to Full Council for approval. Other sets of documents such as the Articles of Association and Service Level Agreement would not be reviewed unless any significant changes were made. In terms of the Shareholder Agreement it was felt that this document should be submitted to the Audit & Governance Committee for agreement and review as and when required to ensure that the appropriate levels of governance were in place.

Special Audit & Governance
Committee – 07.08.17

Having completed a thorough review of the Risk Register the Chairman invited the Group Head of Council Advice and Monitoring Officer to outline how the deliberations of the Committee could be framed in terms of any further recommendations that the Committee might wish to submit to Full Council on 13 September 2017.

The Head of Council Advice and Monitoring Officer outlined that:

- The recommendations from the Overview Select Committee from its meeting held on 25 July 2017 has been referred to and agreed at the Special Meeting of Cabinet held on 31 July 2017;
- The recommendations from the Special Meeting of Cabinet on 31 July 2017 would be referred to Full Council on 13 September for discussion and decision;
- This Committee was entitled to either propose alternative recommendations such as a request to defer this decision, as agreed earlier in the meeting, or it could request amendments against the recommendations of Cabinet when debated at Full Council on 13 September 2017.

Looking at the recommendations from Cabinet on 31 July 2017, the Chairman outlined that with recommendation (i) approving the business case, because the shareholder agreement featured so largely in what the Committee had raised as concerns in terms of risk, he took Members' comments as implying they were not in a position to support it. This had been the reason for the Committee's earlier recommendation to defer the approval of the business case unless a copy of the shareholder agreement could be drafted and sent to Members in advance of Full Council.

The Group Head of Council Advice and Monitoring Officer stated that the Committee, based on the recommendation it had already made and agreed, needed to consider and ask if the shareholder agreement could be prepared in advance of 13 September Full Council and whether Members of the Committee would be prepared to receive a draft version or substantive draft version of this document. On putting this to the vote, the Committee agreed that a substantive draft would be acceptable. Other factors discussed were whether there should be a further Meeting of the Committee to consider the draft shareholder agreement ahead of Full Council.

The Chairman stated that the need for a further meeting would be considered when a substantive draft of the Shareholder Agreement had been produced and circulated to Committee Members.

Following further discussion, the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) The risk register in respect of creating Tresanto [a Council owned property company] be noted [as per Recommendation (2) - Cabinet – 31 July 2017]; and
- (2) Approval of the business case (as per Recommendation 1 - Cabinet – 31 July 2017] be deferred until Members are able to receive a copy of the shareholder agreement.

The Chairman thanked Members and Officers for their input in considering this important issue for the Council.

(The meeting concluded at 12.24 pm)

CONSTITUTION WORKING PARTY

15 August 2017 at 4.29 pm

Present:- Councillors Mrs Bower (Chairman), Wensley (Vice-Chairman), R Bower, Chapman, Cooper (Substituting for Bence), Haymes and Mrs Oakley.

Councillor Charles was also present during the meeting.

7. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bence and Dr Walsh.

8. DECLARATIONS OF INTEREST

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

Reasons

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

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

There were no Declarations of Interest made.

9 MINUTES

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

10. REVIEW OF PART 3 (RESPONSIBILITY FOR FUNCTIONS) – TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

The Working Party received a verbal update from the Group Head of Council Advice and Monitoring Officer. She reminded Members that at the last meeting they had agreed the approach in taking forward the review of the Constitution and specifically a review of the Terms of Reference for Committees at Part 3 – Responsibility for Functions. As requested by the Working Party, the Group Head of Council Advice & Monitoring Officer had met with the Chairmen and Vice-Chairmen of the Council's main Committees and Sub-Committees to discuss ideas that they had and to explain more about the work to be undertaken in reviewing the Terms of Reference.

The Working Party was advised that all had been supportive of the approach to be followed in completing this work. The next stage of work was to draft out new Terms of Reference in consultation with the Officer team; aim to report this draft into the next round of meetings and if possible aim to finish the review with a report to Full Council proposing any changes on 8 November 2017.

It was outlined that a review of the Licensing Committee; Licensing Sub-Committee and Enforcement Review Panel would be separate to this process as this work would be undertaken in the Autumn after one year of these Committees having operated following the changes made to their terms of reference last year.

The Working Party was reminded that the remit supplied to Officers was that in looking at changes in terms of reference they should aim for simplicity and ease of reading as used by the Huntingdonshire model provided and best practice used elsewhere.

Other Panels and Working Groups would be assessed differently and discussed further with the Working Party at its next meeting.

In discussing the update provided, Councillor Bower raised some points. Firstly, with the Petitions Scheme he raised a concern. This was that any Petitions received should follow statutory consultation processes whereby any Petitions received relating to a planning matter should be reported through to either the Development Control Committee or Local Plan Sub-Committee and considered by Members who had received the appropriate training. He believed that the Council should not consider any Petitions outside of this statutory process. The recent Petition considered by the Overview Select Committee and then Full Council on Green Space at Tuppens Field was cited as an example of this. Secondly, in reviewing the Terms of

Reference for the Local Plan Sub-Committee, Councillor Bower stated that it was proposed that the name of the Local Plan Sub-Committee be changed to the Planning Policy and Local Plan Sub-Committee.

The Group Head of Council Advice & Monitoring Officer responded by stating that changes to the name and remit of the Local Plan Sub-Committee would be considered at the same time as the Sub-Committee's Terms of Reference were reviewed. Proposals to allow any future petitions on planning matters to be considered by the Sub-Committee would need to form part of the review on the Petitions Scheme – this was an item for discussion later on in the agenda.

The Working Party then noted the contents of the update provided.

11. PROPOSED CONSTITUTIONAL AMENDMENTS – PART 1 (SUMMARY) AND PART 2 (ARTICLES)

The Working Party received a report from the Group Head of Council Advice & Monitoring Officer reminding Members that at their last meeting it had been agreed that the work programme for the ongoing review should aim to review each section of the Constitution sequentially. Therefore this report presented two new sections to the Constitution for Members to consider replacing Part 1 (Summary) and Part 2 (Articles).

In introducing the report, the Group Head of Council Advice & Monitoring Officer sought the Working Party's views on specific issues raised in Article 3 and Article 7. Secondly, at Article 14 she highlighted that a section had been omitted from the draft relating the authentication of documents and it was requested that the following paragraph be added:

5. AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Group Head of Corporate Support or their nominated representative unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

This addition was approved by the Working Party.

The Working Party then considered the specific issues raised in Article 3 and Article 7 relating to:

- Article 3, Section 3 – Rights and Duties (All Councillors) - the Group Head of Council Advice & Monitoring Officer drew Members' attention to this section which covered Members rights of access and disclosure of confidential or exempt information. This was a local addition to Arun's previous Articles

and the Working Party supported this remaining in the revised Articles.

- Article 7, Section 5 – the Group Head of Council Advice & Monitoring Officer drew the Working Party's attention to an anomaly between the current Article 4.2.6 (page 25) and Council Procedure Rule 1.27 (page 141). This Article stated that the Council will "receive and note the Leader's report of who he or she has appointed as Member of the Cabinet" whereas the Council Procedure Rule stated that the Annual Council will "elect the Leader and the Cabinet". The Working Party agreed that the current practices, as set out in Articles 4.2.5 and 4.2.6 should continue with the Leader and Deputy Leader being appointed by the Council, and the appointment of Cabinet Members and Deputies to Cabinet Members being noted from a Leader's report.

Having worked through both appendices page by page and made various observations and comments, it was agreed that the Group Head of Council Advice & Monitoring Officer would compile revised versions of Part 1 and Part 2 so that these could be presented to Full Council for approval on 13 September 2017.

The Working Party

RECOMMEND TO FULL COUNCIL – That

- (1) the proposed changes to the Constitution at Part 1 (Summary and Explanation) as set out in the replacement text at Appendix 1, as attached to the minutes, be approved; and
- (2) the proposed changes to the Constitution at Part 2 (Articles of the Constitution) as set out in the replacement text at Appendix 2, as attached to the Minutes, be approved; and
- (3) the Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

12. FEEDBACK ON CABINET REPORTS – 17 AND 31 JULY 2017

The Group Head of Council Advice & Monitoring Officer outlined that reports submitted to Cabinet on 17 and 31 July 2017 relating to the Property Investment Strategy; the Local Property Company; and the HRA Business Plan all included proposals to change the Council's Constitution and would be considered at Full Council on 13 September 2017.

The Group Head of Council Advice & Monitoring Officer confirmed that she had worked with Officers to propose that the recommendations included the full amendments needed and these be made direct to Full Council in September rather than having to be reported through to the Working Party first and then onto Council which could have delayed decision making.

The Working Party noted the proposals and supported these being presented to Full Council.

13. REVIEW OF THE PETITIONS SCHEME

The Group Head of Council Advice & Monitoring Officer asked the Working Party to think about agreeing the scope and timescale of the review of the Petitions Scheme as had been requested by Full Council on 12 July 2017.

The Working Party was reminded of its discussion on this item as it last meeting. It had agreed that the work programme for the ongoing review should aim to review each section of the Constitution sequentially. The Council's Petition Scheme sat within the Constitution at Part 8 – towards the end of the Constitution and so based on this approach a review would not be undertaken for some months.

The Working Party had also agreed at its last meeting that any priorities or requests received should be consulted upon with the Chairman and Vice-Chairman of the Working Party. It had been decided for this latest request, that the views of all Members of the Working Party should be sought.

The Group Head of Council Advice & Monitoring Officer informed Members that a review of the Petitions scheme would fall within the Group Head of Policy/Democratic Services team's remit. Currently, this team had no resource to dedicate to any review, due to other priorities. The Group Head of Council Advice & Monitoring Officer outlined that it would be difficult for her to consider taking on this task in addition to the programmed work the Working Party had already agreed she undertake.

In discussing this, the Working Party was still of the view that the primary focus for the Group Head of Council Advice & Monitoring Officer should be to get the Constitution reviewed as quickly as possible. It was also acknowledged that work was ongoing to review the Code of Conduct and the Standards Committee Assessment Procedure. It was felt that these projects needed to take priority over a review of the Petition Scheme.

Following discussion, the Working Party agreed that a review of the Petitions Scheme should take place when Part 8 of the Constitution was reviewed by the Group Head of Council Advice & Monitoring Officer.

(The meeting concluded at 17.47 pm)

HOUSING & CUSTOMER SERVICES WORKING GROUP

6 July 2017 at 6.00 p.m.

Present: - Councillors Hughes (Chairman), Mrs Porter (Vice-Chairman), Mrs Ayres, Blampied, Edwards, Mrs Harrison-Horn, Purchase, Mrs Rapnik and Miss Rhodes.

[Note: Councillor Purchase was absent from the meeting during the consideration of matters referred in Minute 6 [Part]].

1. 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.

2. MINUTES

The Minutes of the meeting of the Housing & Customer Service Working Group held on 23 March 2017 were approved and signed by the Chairman.

3. START TIMES

The Working Group

RESOLVED

That its start times for meetings during 2017/2018 be 6.00 pm.

4. UPDATE ON HOUSING FIRE SAFETY

In light of the recent and horrendous fire disaster at Grenfell Tower in London, the Working Group received a verbal update from the Head of Housing outlining the action that the Council was taking in response with its social housing.

The first point made was that the Council did not have any Council housing that could be categorised as 'high rise'. This had been classified by the Department of Community and Local Government (DCLG) as being over six floors high. Secondly, it was confirmed that the Council had no buildings which had any form of aluminium cladding. The Council had, however, taken this incident as an opportunity for it to ensure the safety of its tenants and leaseholders.

The Head of Housing then informed Members of the action that the Council had taken – in summary this was:

- Checking blocks of flats which had been clad to ensure correct insulation and that there were fire breaks between the floors of flats
- That the materials used for cladding met current fire safety and building regulations. Initial findings confirmed that the materials had been fitted correctly.
- Letters had been hand delivered to all tenants and leaseholders who lived in properties that had been clad, including houses. This had set out the steps that the Council was taking to assess the cladding and to identify any action, if required.
- Flats had been inspected and front doors that were not believed to be fire doors had been identified.
- Leaseholders had been asked to provide evidence of fire door compliance by no later than 31 July 2017. Any door found to be non-compliant would need to be replaced by the Leaseholder and in the event that this was not replaced, then the Council would take steps to undertake the installation and then recharge the leaseholder.
- Risk assessments had been undertaken on a number of blocks of flats and to date no significant issues had been found.
- The Council, along with other West Sussex District and Borough Councils, had recently attended a meeting with West Sussex

Fire Brigade in which information on appropriate fire safety had been shared.

- It was outlined that the fire service had already carried out 53 requested inspections of high rise buildings across the County. Work on non-residential high rise buildings would follow
- A meeting to review the provision of various information relating to private sector housing; building control; and planning and housing was due to be led by the Director of Services. This information would then be fed back to West Sussex Fire Brigade.
- Council housing staff had been written to, to ask that when they were not on site, steps needed to be taken to ensure that corridors and stairways in flats remained free from obstruction and rubbish.
- There were still a number of issues that the Council wanted to investigate further. One was whether the Council had an obligation to fit fire alarms into two storey flats.

The Head of Housing stated that this was clearly an ongoing issue and that it was anticipated that further matters relating to fire safety would be identified locally or nationally and that details would be brought back to Members in due course.

In discussing the update provided, the Working Group confirmed that it was pleased to know that the Council had and was continuing to take fire safety very seriously. It was reassuring to hear that the Council had used the correct installers and equipment to make sure that the fire safety regime was constantly in line with current regulations. Some questions were asked about risk assessments and how often these were reviewed. The Head of Housing confirmed that he would check if there was a review pattern that the Council needed to be following and how frequently to date the Council checked risk assessments. He outlined that consideration was being given as whether fire assessments should be put on-line. Although there was no statutory requirement to review of them annually, it was his view that this would provide an added comfort for residents.

Other Councillors stated that it was positive to hear that the Council was working so closely with the Fire Brigade in terms of the safety of its buildings. A question was asked as to whether there were plans to look at privately owned high rise buildings such as Kingley Gate in Littlehampton and whether freehold residents had the correct fire alarm systems in place for each building. Members were interested to learn what publicity or communication had been undertaken by the Council, if any, with the residents of these properties as well as Houses in Multiple Occupation (HMOs) to ensure their compliance with regulations. The Head of Housing outlined that the Fire Brigade was taking on this role and to date had checked 53 high rise buildings across the County. This was also an issue that the Council would be discussing with other Councils and taking up with the Fire Brigade so that the Council could learn best practice and what was happening elsewhere.

The Working Group in thanking the Head of Housing for his update noted the contents that they had been supplied with.

5. FLEXIBLE HOMELESSNESS SUPPORT GRANT

The Head of Housing introduced this report which set out the ways that the new Flexible Homeless Support Grant would be used by the Council to prevent homelessness and to sustain tenancies.

Members were reminded that at the last meeting of the Working Group, they had received a report briefing them about this Grant that the Council would be receiving in place of the Temporary Accommodation Management Fee and in terms of the allocation of funding for Arun. The report before Members this evening was asking the Working Group to confirm how the Grant should be best used within the Council to meet local homelessness demand.

In discussing this item, the Working Group agreed that this was exciting news and that the grant would massively assist the Council in being able to continue to assist vulnerable people. It was explained that the grant needed to be used in four ways – these being:

- Staffing resources to focus on prevention, tenancy sustainment and sourcing alternative accommodation, through a keyworker model;
- Financial remedies to prevent or relieve individual cases of homelessness;
- Contribution to partnership initiatives in homelessness prevention or in achieving accommodation solutions; and
- The purchase of specialist software to record prevention data specifically for the purpose of reporting on the new Performance Indicators returns to the DCLG.

Members were reassured to hear that the Council was working with external partners to ensure that it did all it could to enable people to remain where they were living. On software, the question was asked if this would provide a better way of managing homelessness. The Housing Services Manager outlined that the Council had not yet seen the software that would be made available but could outline that this would be specific software built around homelessness which would assist in data gathering which was not as in-depth as the Council would like. The Council was therefore taking part in a trial and as part of this was asking for more information about clients and outcomes. This new software would provide the technology to allow the Council to do this.

The role of the homelessness intervention keyworker was supported and it was hoped that in the long-term this would end up saving the Council money. It was recognised that prevention was a big issue and problem to overcome as many people on benefits struggled to find suitable accommodation in the private sector with many landlords not accepting them as tenants or would not

accept rent bonds. The Housing Services Manager explained how the intervention of the keyworker would assist with this problem.

Following some further discussion, the Working Group

RECOMMEND TO CABINET

That the proposed initiatives and expenditure of the Flexible Support Grant, as set out in Appendix 1 of the report, be approved.

6. BED AND BREAKFAST PAYMENTS – BUDGET INCREASE FOR 2017/18

The Working Group received a report from the Head of Housing which sought approval for the Bed and Breakfast Budget for 2017/18 to be increased to better reflect demand.

Members were reminded that on 19 June 2017, Cabinet had considered a report on tackling homelessness and as part of those recommendations it had been identified that the Working Group should receive a report regarding an increase in budget for Bed and Breakfast for 2017/18. At the same time that that report was approved, details regarding the first two months expenditure would have been available which could provide some clarity in terms of the possible outturn for 2017/18.

As identified in the report to Cabinet, the increase in homelessness was continuing to grow at a District, County and National level. The reasons for this were many and varied, some of which had been discussed as part of the previous agenda item. Although the Council continued to provide a range of assistance to those who were homeless or were about to be made homeless, the Council was continuing to spend significant sums on the provision of Bed & Breakfast accommodation. It was outlined that in 2016/17 a total of £440,000 was spent on Bed and Breakfast and that financial provision for Bed & Breakfast for 2017/18 had been set at £360,000. It was clear that the budget allocated was insufficient as expenditure at April 2017 had been £30,000 and £50,000 for May. It was too soon to be able to confirm the spend for June 2017. Based on these trends, it was proposed that the Bed & Breakfast budget for 2017/18 be increased to £550,000.

As this recommendation was wholeheartedly supported by the Working Group, it then

RECOMMENDED TO FULL COUNCIL

That an increase in the Bed & Breakfast Budget for 2017/18 from £360,000 to £550,000 in approved.

7. WORK PROGRAMME 2017/18

The Working Group received and noted its Work Programme for 2017/18.

(The meeting concluded at 6.48 pm)

AGENDA ITEM NO. 24

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF FULL COUNCIL ON 13 SEPTEMBER 2017

PART A : REPORT

SUBJECT: Management Restructure - Update

REPORT AUTHOR: Nigel Lynn – Chief Executive DATE: 11 August 2017 EXTN: 37600

EXECUTIVE SUMMARY:

As part of the agreed 2020 Vision Programme (July 2016), a complete management restructure has now taken place. This report confirms the detail of this restructure, costs and ongoing savings. The report seeks support for decisions to be made in consultation with the Leader and Deputy Leader of the Council. The report also requests funding for continuing professional and personal development (CPD) for the Senior Management Team (SMT).

RECOMMENDATIONS:

- i) That Full Council supports the newly created management structure (September 2017) and notes the costs and appropriate ongoing savings;
- ii) That Full Council supports the decision to implement the new management restructure on 1 September 2017, made by the Chief Executive in consultation with the Leader and Deputy Leader of the Council; and
- iii) That Full Council supports £10,000 for CPD in 2018/19 to be incorporated into the draft budget for 2018/19.

1. BACKGROUND:

- 1.0 The consultancy firm 'bfpeople' were appointed by the Chief Executive, in agreement with the Leader of the Council, to assist with the restructure of the Corporate Management Team (CMT) and the Senior Management Team (SMT) in 2016.
- 1.1 In terms of the CMT appointments, the consultants invited all applicants to complete online psychometric appraisals and the results were shared with the Chief Executive and the Leader, prior to interviews taking place on 13 October 2016. The interview panel comprised of the Chief Executive, the Leader and two representatives from bfpeople (consultants). Three new Director posts were established and took effect from November 2016 and appointments were made: Director of Place (Karl Roberts), Director of Services (Philippa Dart) and Director of Transformation (Paul Warters). The Transformation Director post was a temporary appointment and Paul Warters left the Authority on 30 August 2017.

The service areas for which he is currently responsible will be passed over to the two Directors and Chief Executive. The initial assessment for the length of the Transformation Director's post was 'up to December 2018' (as authorised by Full Council on 20 July 2016, minute 146, Council Vision, recommendation 5). Due to the speed of progress on the 2020 Vision, this post ended on 30 August 2017.

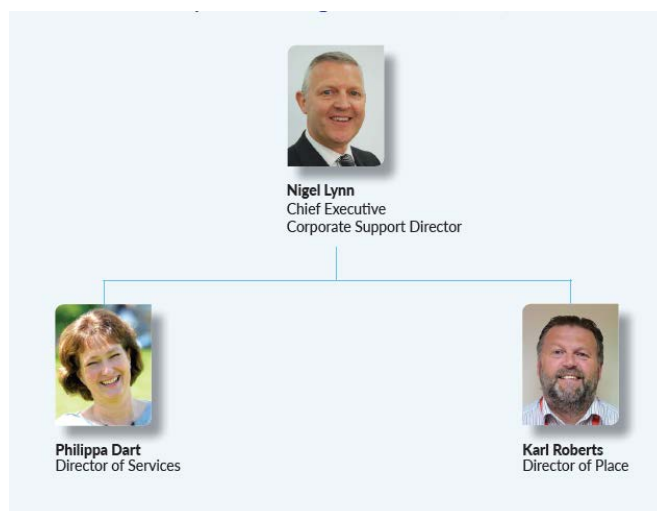
- 1.2 The Group Head interviews (for SMT) took place w/c 21 November 2016. Applicants completed online psychometric appraisals prior to the interviews. There were two interview Panels; a Presentation Panel (with a representative from bf people and two Cabinet Members) and an Interview Panel (Nigel Lynn, Councillor Mrs Brown, the relevant Directors and a representative from bf people). Appointments were made in November 2016 and were ratified by Full Council on 11 January 2017, with posts to take effect from 1 April 2017. Eight Group Heads were appointed. The Group Head of Residential Services was not successfully recruited and this, therefore, went to external advert in March 2017 and an appointment was made following a separate interview on 26 April 2017 with a start date of 21 August 2017.
- 1.3 The nine Group Heads, together with the Corporate Management Team (CMT) of three, form the new Senior Management Team (SMT). A total of 12 down from 30. In the previous senior management team, 71% of the team were male. Following the restructure, with a smaller senior management team, we currently have eight male and five female (61% male).

Financial savings to date and investment going forward

- 1.4 It has been essential that the restructure both covers its costs and delivers a significant amount of savings to contribute to the savings required for the future budgets. The final costings will include regrading or the creation of a number of lower graded jobs below Group Head level to ensure the organisation has sufficient capacity to deliver continued quality services with fewer senior managers.
- 1.5 Members should also be made aware of the significant reduction in cost of the senior management team over the last few years, which clearly indicates that savings are being delivered and resources are being directed more towards front line services as opposed to senior management.
- 1.6 It should be noted that, over the period 2009/10 – 2013/14, the cost of the Council's Senior Management Team has already been reduced by around £0.6m or 42%.
- 1.7 The redundancy and other costs associated with the deletion from the establishment of the previously existing seven Heads of Service/Director positions and consequential one-off redundancy/pension payments was £689k based on staff leaving the authority between April and December 2017 and the subsequent savings were £270k which equates to a payback period of just over 2.5 years as long as we do not backfill identical roles of the successful Group Heads.
- 1.8 The structures beneath each of the Group Heads are currently being reviewed. This may result in further redundancies which will require additional budget. Again, the payback to the Council will be within the policy of three years. Similarly, further

reports will follow to Cabinet and Full Council as required.

- 1.9 Up to £50,000 was approved by Full Council to assist the Chief Executive and Leader with the interview process. The final cost of the three interview processes was £28,163. The current CMT structure is:



Continuing Professional and Personal Development (CPD)

- 1.10 As local government continues to feel the strain of needing to do more with less resources, excellent leadership behaviours will become even more important as the Council moves forward.
- 1.11 The Council is fully aware of its need to change and reform services and how we want to work with others. The need to evolve was first identified through the Peer Review (March 2014), the Peer Review Action Plan (June 2014), and Member Workshops (June/July 2015). This has led to new operating models and structures.
- 1.12 In responding to the growing importance of 'Place' over locality, senior managers have been required to shift their mindset beyond our own organisation to deliver more without direct control. Leadership, in our management structure going forward, therefore, needs to be more sophisticated and versatile than before. Attributes for outstanding leaders will include:
- A more commercial approach to generate more income
 - Longer term strategic planning and relationship building
 - Using more technology for efficiency and convenience for the community
 - Leading a changing workforce, which is more flexible, mobile and holds and attracts the best talent.
- 1.13 The Council needs to develop our senior management's leadership behaviours and to invest in individuals to strengthen the inherent attributes that the new management structure has. It is estimated that this will cost in the region of £10k in 2018/19.

2. PROPOSAL(S):		
i) That Full Council supports the newly created management structure (September 2017) and note the costs and appropriate ongoing savings. ii) That Full Council supports the decision to implement the new management restructure on 1 September 2017, made by the Chief Executive in consultation with the Leader and Deputy Leader. iii) That Full Council supports £10,000 for CPD in 2018/19 to be incorporated into the draft budget for 2018/19		
3. OPTIONS:		
To support the investment of £10,000 for CPD in 2018/19 or to not support this.		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		√
Relevant District Ward Councillors		√
Other groups/persons (please specify)		√
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		√
Safeguarding		√
Other (please explain)		
6. IMPLICATIONS:		
6.1 The Equality Act 2010 legally protects people from discrimination, both in the workplace and in wider society. As a local authority, Arun District Council is further bound by the Public Sector Equality Duty. This means that it has to consider all individuals in their day-to-day work – in shaping policy, in delivering services, and in relation to our own employees. Equality Impact Assessment may well be required for all of the 2020 Vision programme going forward. At this high level stage, the effect of the Equality Act has been considered, but no further work is needed at this time.		

7. REASON FOR THE DECISION:

To support the new structure going forward and to enable the development of our Corporate and Senior Management Team.

8. BACKGROUND PAPERS:

[Full Council Report 20 July 2016](#) (item 36 on the agenda – The Council's 2020 Vision)

[Full Council Report 9 November 2016](#) (item 26 on the agenda – The Council's 2020 Vision – “Working together for a Better Future” and Update on Management Restructure)

[Cabinet Report 12 December 2016](#) (item 11 on the agenda – Management Restructure – request for supplementary estimate)

