

**MINUTES  
OF A  
MEETING OF THE ARUN DISTRICT COUNCIL  
HELD IN THE ARUN CIVIC CENTRE  
ON 13 SEPTEMBER 2017 AT 6.00 P.M.**

Present:- Councillors Mrs Pendleton (Chairman), Gammon (Vice-Chairman), Ambler, 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, Mrs Harrison-Horn, Haymes, Hitchins, Hughes, D Maconachie, Mrs Madeley, Mrs Neno, Northeast, Oppler, Patel, Mrs Porter, Purchase, Mrs Rapnik, 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 – Councillor Mrs Harrison-Horn – Minute 178 (Part) to Minute 181; Councillors Northeast, Mrs Neno, Cates and Purchase – Minute 179 (Part) to Minute 181; Councillors Tyler, L Brown and Patel – Minute 180 (Part) to 181; and Councillor Bicknell – Minute 181 (Part)].

150. WELCOME

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

151. COUNCILLOR MRS JACQUELINE MACONACHIE

The Chairman announced that it was with great sadness that she had to report the death of Councillor Mrs Jacqueline Maconachie who sadly passed away on 11 August 2017.

The Chairman praised the passion and dedication given by Mrs Maconachie to her Council work and she stated that the Council's thoughts continued to be with Mrs Maconachie's family and friends at this sad time.

Councillor Mrs Brown, as Leader of the Council, agreed that Mrs Maconachie left an unquestionable legacy behind her having served as a Councillor for 22 years in the Aldwick West Ward. Councillor Purchase, as Leader of the Liberal Democrat Group, echoed the statements made.

The Council then stood in silence to her memory.

Full Council - 13.09.17

152. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Ayres, Ballard, English, Mrs Oakley, Oliver-Redgate and Reynolds and from the Council's Honorary Aldermen, Mrs Goad, MBE, Mrs Morrish, Mrs Olliver and Mrs Stinchcombe.

153. DECLARATIONS OF INTEREST

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

Reasons

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

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

Councillor Clayden declared a Personal Interest in Agenda Item 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) as he had a family interest in the place.

Councillor Bicknell declared a Personal Interest in Agenda Item 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) as a Member of Angmering Parish Council.

154. 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.

The Leader of the Council, Councillor Mrs Brown, was asked the following questions:

(1) Was the Leader of the Council familiar with the following verse of an old song 'the land, the land, twas God who made the land, the ground on which we stand, why should we be beggars with the ballot in our hand, God made the land for the people'. As much of tonight's agenda was about land would the Leader of the Council agree to four basic principles – (1) that the land the Council owns actually belongs to the people of Arun (2) that Councils have the opportunity to use their land to provide opportunities and facilities for local communities that the market cannot and will not (3) the use of the Council's land can be to provide community facilities for young and old, help to address the infrastructure deficit and to provide visitor attractions to assist the local economy and (4) such land once sold is gone for ever and it would be far more difficult for Councils to buy land back again than it is to dispose of it.

Councillor Mrs Brown stated that Local Government existed to provide services to the residents, businesses and visitors of a given area. In the case of Arun, Councillors tonight would be making difficult decisions on behalf of all the people of Arun. Councillor Mrs Brown outlined that she recognised and understood the questioner's wish, as a resident and as a Town Councillor, for a particular outcome. Councillors would debate the matter later and would determine what would be the best outcome for the people of Arun as a whole.

(2) In March 2017, the questioner stated that he had put a question regarding the Local Plan and the need for the Council to avoid predetermination as it modified its Local Plan, to the then Cabinet Member for Planning & Infrastructure. At that time the questioner had asked the Leader of the Council agree that by declining to consider a single large scale new settlement at Ford and given the higher housing number now under consideration, the Council had ensured that there was no credible alternative to Barnham, Eastergate and Westergate.

At that meeting, the Leader of the Council had been asked if she could explain why the Council had declined to consider a large-scale new settlement of approximately 5,000 houses at Ford. The questioner referred to the Minutes from that meeting and stated that, as usual, the question had not been answered. So, now the Inspector had also asked for an explanation the Council could ignore the public but not the Inspector. Did the Leader of the Council have an explanation and could the residents of the District please hear it?

Councillor Mrs Brown stated that the Council had published on its website a formal response to the various questions the Inspector had asked. She outlined that for Members' information the actual questions asked by the Inspector had been:

1.3 Has the option of a new settlement at Ford following the principles of Garden Cities been fully considered as an alternative way of meeting housing needs. In this respect it is noted that SA undertaken in 2009 appears to have discounted this option.

(3) Policy TOU DM1 in the submitted Arun Local Plan reads 'Excepting permitted development rights or local/neighbourhood development orders, existing visitor attractions, facilities and accommodation (except holiday caravan sites) will only be granted permission for a change of use that continues a visitor offer unless it is demonstrated that the use is no longer required and is unlikely to be reused or redeveloped for visitor purposes. This will include a clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the alternative use. The Council will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative visitors uses have been fully explored. Change of use of holiday caravan sites to other uses, including permanent residential uses will not be permitted unless the site is allocated for other development within the Local Plan'. How has the Council taken this policy into account when considering its options and marketing for the Daisyfields caravan and camping site?

Councillor Mrs Brown outlined that urban areas like Littlehampton were subject to many competing uses and it would be for the Council, as local planning authority, to determine how to give appropriate weight to emerging policies such as the one quoted and the competing need to deliver much needed housing. The decision the Council would reach tonight would be as a landowner only.

(4) An Arundel By-Pass has always been seen as “enabling infrastructure” to enable the delivery of government housing and employment policies in the Arun District and to assist the regeneration of Bognor Regis and Littlehampton. The exclusion of a grade separated junction on the Ford Road eliminated any opportunity to link Bognor Regis to the strategic Road Network in the east (A24) by creating a link road from the accident black spot at Comet Corner, bridging the railway line near Ford and linking to the Arundel By-pass. It also ensured that Ford Airfield could not be developed to its full potential meaning that other communities in the District would suffer the housing pressure whilst Arundel would take the infrastructure improvement. The questioner stated that in essence the Council’s strategy was to locate a majority of its strategic housing where the A27 would not be improved and a relatively small part of its strategic housing where the A27 would be improved. The questioner therefore asked how did the Leader of the Council think the proposed Arundel By-Pass would contribute towards the delivery of government housing and employment policy and also the regeneration of Bognor Regis and Littlehampton?

Councillor Mrs Brown responded by stating that the communities within Arun had long campaigned for improvements to the A27. The public consultation exercise currently being undertaken by Highways England was welcome and she hoped that the questioner would find time to write a letter of support for one of the options proposed. In 2013 the Council commissioned with West Sussex County Council and Horsham District Council a report looking at the economic benefits of having an Arundel By-Pass. This report estimated that an additional £493 m would be added to the total West Sussex Gross Value Added (GVA).

The Chairman then invited supplementary questions.

The first questioner asked a supplementary question covering both of his questions [Questions 1 and 3]. Although he understood the Leader of the Council’s responses he referred to correspondence from Littlehampton Town Council that had been sent to all Arun District Councillors and whether this had been received. He also referred to Public Question Time at the meeting of Cabinet held on 31 July 2017 and whether the response promised by the Leader of the Council in writing to the supplementary questions asked had been circulated to Members. The questioner also referred to Policy TOU DM1 in the Local Plan. This was a Policy that had been written by Arun and submitted to the Inspector which asked all private landowners to protect sites and to keep them in existence for the health of the local economy. In view of what was being considered tonight the questioner felt that this was a conflict of interest if that policy applied to all private landowners in Arun but not to itself.

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Councillor Mrs Brown responded by confirming that a letter from Littlehampton Town Council had been sent to all District Councillors. In responding to the query about Public Question Time from the meeting of Cabinet on 31 July 2017, all responses for Public Question Time could be found on the Council's web site. Councillor Mrs Brown in responding to the final supplementary point stated that she could not add anymore to what she had already said.

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.

#### 155. MINUTES

The Minutes of the Council Meeting held on 12 July 2017 were approved by the Council as a correct record and signed by the Chairman, subject to the following amendments:

Page 14 – Item 84 – Overview Select Committee – 30 May 2017 (Walberton Parish Council Petition – Local Green Space – Tupper's Field):

- Sixth bullet point down – the word alerted should read altered; and
- Seventh bullet point down – the name of the development company should read Wates and not Weights.

#### 156. CHAIRMAN'S COMMUNICATIONS

The Chairman announced that the Council also needed to pause to remember this evening former Arun District Councillor Paul Beckerson who sadly passed away on 28 June 2017 and also to pay respects to The Duke of Richmond and Gordon who had passed away on 1 September 2017.

The Council then stood in silence to their memory.

On a slightly happier note, the Chairman stated that she wanted to give special thanks on behalf of the Council's Members and Officers to three senior Officers who had reached the end of their careers at Arun. Special thanks were then given to Paul Warters [Transformation Director]; Wendy Ashenden-Bax [Head of Legal and Administration] and Brian Pople [Head of Housing].

Whilst on the subject of staffing, the Chairman stated that she wished to take this opportunity to welcome Satnam Kaur to the Council as the new Group Head of Residential Services.

Finally, the Chairman alerted Members to the list of engagements and events that had been attended since the Full Council Meeting held on 12 July 2017 – these had been emailed to Councillors recently.

157. URGENT MATTERS

There were no items for this meeting.

158. STATUTE MATTERS

There were no items for this meeting.

159. MATTERS FROM THE LAST MEETING

There were no matters for this meeting.

160. ANY OTHER MATTERS

There were no matters for this meeting.

161. CABINET – 17 JULY 2017

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 17 July 2017.

Councillor Mrs Brown referred Members to the first of a series of recommendations at Minute 104 [Littlehampton Leisure Centre Award of Contract] and stated that the new Littlehampton Leisure Centre was a fantastic landmark project for the Council which would improve the health and wellbeing for the District's residents which was such an important issue. Councillor Mrs Brown alerted Members to the addendum report that had been supplied with the agenda providing a summary of the revised project costs, as the final contract sum for the delivery of the new Leisure Centre had not been known at the time of the Cabinet Meeting held on 17 July 2017.

Councillors were now being asked to note the final contract sum of £16,127, 376 and to approve a supplementary estimate of £3,455,000 which was 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 made up the supplementary estimate had been set out in the appendix supplied with the addendum report. Councillor Mrs Brown outlined that project costs had been closely monitored and reviewed against the designs throughout the course of the pre-construction phase. The project team had worked to mitigate potential increases whilst at the same time ensuring the approved facilities mix was not compromised.

The areas of additional cost were considered to be site abnormalities which were unique to the project relating specifically to conditions on site; design changes in response to the expectations of the local community; and retaining continuity of service throughout the project. Finally, Councillor Mrs Brown informed Members that the Council had been successful in its application to Sport England for a grant of £1 million. This meant that the Council would need to enter into an Agreement with Sport England and so the grant award was therefore subject to the terms and conditions within that Agreement.

Councillor Mrs Brown in proposing the recommendations and in referring Members to the addendum report outlined that she wished to make an amendment in that the recommendations in the addendum report would supersede the minuted recommendations from the Cabinet meeting held on 17 July 2017.

This amendment was seconded by Councillor Clayden.

In debating the amendment some Councillors, although welcoming the progress made with the project, raised concern over the supplementary estimate required as this was not an insignificant amount of money. As this represented an increase in budget of 20%, the Leader of the Council was asked how the project team had not foreseen this increase earlier, especially as the conditions of the site were known.

Other Councillors agreed that £3.5 m was a staggering increase in cost and so questions had to be asked about the competence of those who were in charge of the project as this was seen as unacceptable. Their concern was that the additional funding required was public money; it was their view that the known problems identified at the very start of the project had been thoroughly discussed from day one with Councillors; discussions regarding the complexity of the site and all of the underground constraints of the site had all been known and mapped out; and so the additional costs could not be understood. It was felt that this issue needed further scrutiny by the Audit &



Governance Committee to understand why increases of this magnitude cost had crept in at this stage of the project.

Other Councillors spoke from a different perspective. They reminded those who had expressed concern that Councillors had campaigned long and hard for this site which would provide a facility that would present exceptionally good value for money. Councillors needed to be reminded of the facility that the Council would eventually end up with. This included additional features, requested by the public. There had been issues relating to pipes and ground conditions to address but these had been resolved and so Councillors were urged to support the recommendations so that the project could continue.

An observation was then made from the discussion held. This was that Councillors were being asked to note the final contract sum so this confirmed that there was a contract in existence. The Principal Landscape Officer was commended for keeping Members fully briefed; the project did represent excellent value for money and was and continued to be scrutinised by external bodies. Yes, the location was a difficult site but the Council knew this and took the decision to proceed with these issues in mind and as this was what people wanted and so this level of cost escalation was not uncommon for a project of this size.

Councillor Clayden, as seconder to the amendment, urged Members to support the recommendations which would enable a fantastic project to be built providing great positives for the community and wellbeing of the District.

Councillor Mrs Brown, as proposer of the amendment, congratulated all Officers for their hard work undertaken on this project and stated that the Council should celebrate achievement so far and in terms of what the District and its residents would end up with. Sports England had endorsed its value for money and this was why the Council had been awarded with the £1m grant.

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

The Chairman then returned to the substantive recommendations and the Council

RESOLVED – That

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

*(During the course of the discussion on this item, Councillor Bicknell declared a Personal Interest in view of the fact that the debate had mentioned Southern Water Services. Councillor Bicknell was an employee of Southern Water Services).*

Councillor Mrs Brown then drew Members' attention to the next set of recommendations at Minute 105 (Property & Investment Strategy) setting out proposals for implementing a Property Investment Strategy as a means of generating income streams to replace the shortfall in government funding being experienced by the Council. Councillor Mrs Brown emphasised that funding for local government had changed which meant that Councils faced greater uncertainty.

This meant that the Council had to look at every opportunity to look at other revenue streams and needed to take different approaches to ensure that best value was achieved. The recommendations before Members proposed the establishment of a Property & Investment Strategy which would allow funds to be established and funded from existing land. This was a sensible way forward allowing the Council to maximise its assets. Councillor Mrs Brown then duly proposed the recommendations which were seconded by Councillor Haymes.

The Council

RESOLVED – 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.

Councillor Mrs Brown then referred Members to the last recommendations at Minute 107 (Housing & Customer Services Working Group – 6 July 2017 – Bed & Breakfast Budget) and alerted Members to the addendum report circulated with the agenda as this clarified incorrectly quoted budget figures reported to the Housing & Customer Services Working Group on 6 July 2017 in connection with Bed & Breakfast payments. The report also sought approval of a supplementary estimate of up to £230,000 to support expenditure on Bed & Breakfast provision up to the end of 2017/2018.

Councillor Mrs Brown outlined that she wished to make an amendment in that the recommendations in the addendum report would supersede the minuted recommendations from the Cabinet meeting held on 17 July 2017.

This amendment was seconded by Councillor Bence.

In discussing the amendment various comments were made. Firstly, it was the view of one Councillor that the Council should approach all bed and breakfast establishments in the District and scrutinise them as he alleged that in some cases the Council was paying £1,000 per week for a single person to be housed in this way. Although the difficulties being faced by the Council were understood and it was accepted that homelessness was continuing to grow at a District, County and National level, the time had now come to scrutinise all bed and breakfast establishments to assess fully what they provided; whether this was value for money coupled with the need to look for other alternatives.

Other Councillors agreed with the comments made. Concern was expressed over the fact that the original report to the Working Group had been incorrect and a detailed explanation in terms of how the Council got to this position and how the error had been made was requested as the supplementary estimate required was another staggering sum.

Debate then turned to B&B provision which was considered to be unsustainable for the Council and for the families involved. Reference was made to the Special Council Meeting held back in February to agree the Council's Budget and the debate that had taken place over an amendment to allocate funding to invest in two family hostels. This amendment had been voted down at that meeting but now seemed a relevant time for a project like this to be revisited with investigations looking into how a better service could be provided to residents and especially families. The Leader of the Council and the Cabinet Member for Residential Services were asked to reconsider this proposal.

Councillor Bence, as seconder to the amendment, reassured Councillors that the error had been a simple misquote, that it had been printed incorrectly. He reassured Members that the Council was responding to the increasing problem of bed and breakfast payments and that there would be a paper in the future for Members to consider which would highlight the efforts that the Council was making on all fronts.

Councillor Mrs Brown, as proposer to the amendment, confirmed that the Council was always looking for better value and accommodation. The Council had put aside £1M to buy its own Bed & Breakfast accommodation and so she urged Members to support the amendment.

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

The Chairman then returned to the substantive recommendations and the Council

RESOLVED – 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 and Breakfast provision up to the end of 2017/18; and

(2) It be noted that the gross budget for Bed & Breakfast as detailed in the report to the Housing & Customer Services Working Group on 6 July 2017 should have been £420,000 and not £360,00

*(During the course of the discussion on this item, Councillor Elkins declared a Personal Interest stating that he had connections with a housing association that provided Bed and Breakfast support to its tenants and so he did not take part in the vote.)*

162. DEVELOPMENT CONTROL COMMITTEE – 19 JULY 2017

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 19 July 2017.

163. OVERVIEW SELECT COMMITTEE – 25 JULY 2017

The Chairman, Councillor Dingemans, presented the Minutes from the meeting of the Overview Select Committee held on 25 July 2017.

Councillor Dingemans alerted Members to three recommendations at Minute 118 (Data Protection Policies) which he duly proposed. The recommendations were seconded by Councillor Edwards.

The Council

RESOLVED – That

(1) The Clear Desk and Clear Screen Policy, as set out at Appendix 1 to the report be approved; and

(2) The Records Retention and Disposal Policy, as set out at Appendix 2 to the report, be approved; and

(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.

164. SPECIAL CABINET – 31 JULY 2017

The Chairman, Councillor Mrs Brown, presented the Minutes from the Special meeting of Cabinet held on 31 July 2017.

Councillor Mrs Brown firstly referred Members to a series of recommendations at Minute 133 [Housing Revenue (HRA) Account Business Plan] which was asking Members to support the priorities set out in the HRA Business Plan which identified a significant range of improvements and changes within the Plan which would make a real and substantial difference in terms of housing provision and the service that the Council would be able to provide to its tenants in the future.

Councillor Mrs Brown then formally proposed the recommendations which were seconded by Councillor Bence.

The Council

RESOLVED – 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;

(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.

Councillor Dr Walsh then made a Statement on Minute 132 (A27 Arundel By-Pass Consultation) in accordance with Council Procedure Rule 11.2 highlighting that it was a critical issue for the District that enhancements to the A27 go ahead. He outlined that the tactics used in the past to divide and rule must not be allowed to pass this time – there needed to be a common consensus with all neighbouring Town and Parish Councils and also including areas to the south of Horsham district and around. The implications of not having improvements made to the A27 would have a catastrophic impact for all areas surrounding Arun as well as all of the coastal communities on the A259. Congestion would only get worse and the South Downs National Park areas would be used as a rat run. It was vital for the Council to take into account local concerns with the need for all to stand united on this issue.

In response, Councillor Mrs Brown agreed with the comments made about the A27 Arundel By-Pass and she urged Members to attend the Member Briefing taking place on 19 September 2017 with Highways England.

Councillor Mrs Brown then referred Members to the next set of recommendations at Minute 134 (Council Owned Property Company) and she referred to the detailed debates that had taken place at the Overview Select Committee on 25 July 2017 and the Special Meeting of the Audit & Governance Committee on 7 August 2017. The proposal to establish a Council Owned Property Company had been worked on as an in-depth project as part of the 2020 Vision work undertaken by the Council. This was seen as an opportunity for the Council to generate additional sources of income so that it could continue to maintain quality services. Councillor Mrs Brown outlined that to date a lot of work had been undertaken and that the costs incurred associated with this work were in line with what the Council had already approved. Councillor Mrs Brown stated that although the company “Trisanto” had been set up and was ready to operate, there was no need, at this time, to provide it with any working capital. Other Councils were managing similar projects and so the plan was to examine how they had moved forward. Councillor Tyler, as a Member Director on the Board, would be undertaking this work by visiting other Councils.

Councillor Mrs Brown confirmed that in proposing the thirteen recommendations, she wished to make an amendment which was that Recommendations (5) and (6) be deferred for consideration to a further meeting of this Council in the future. She explained that the remaining recommendations would stand as all other matters other than the working capital had been addressed.

This amendment was seconded by Councillor Haymes.



In debating the amendment, this was supported by Members who agreed that the working capital needed to enable the company to start transacting needed more thought. Other Councillors stated that until the full detail surrounding their potential liability had been adequately explained, they could not have supported Recommendations (5) and (6) in any case.

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

The Chairman then returned to the substantive recommendations and invited debate. Some Councillors spoke in support of the scheme but in doing so stated that they were glad that further consideration would be undertaken in terms of the way in which the company would run and as there was still much detail to sort out. Comments were made about Recommendation (8) and the proposal for the Cabinet to be responsible for the Council's function as shareholder. A major part of this was the establishment and agreement of the Shareholder Agreement and Shareholder Advisory Group. A point was made that a Member of the Council should sit on the Shareholder Advisory Group as it was seen vital to have Member representation on such an important body that would play a major part in ensuring that this project would be a success.

The Chairman invited the Director of Place to respond to the concerns raised. He outlined that it was a matter for Members in terms of the Council agreeing its Shareholder Agreement and who would form the Advisory Group. He referred to the fact that a draft Shareholder Agreement had been circulated to Members in advance of this meeting and that when this was ready for the Council to approve; this would be the time and Members' opportunity to request Member representation on the advisory group.

The Council

RESOLVED – 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 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;

(5) 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;

(6) 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;

(7) 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;

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

(9) 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.

(10) 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.

(11) 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 Mrs Brown then referred Members to Minute 137 (Disposal of Land at Cornfield Close, Littlehampton – Exempt – Paragraph 3 – Information Relating to Business Affairs) and outlined that this item linked into the work of the Property Investment Strategy that Members had approved earlier. Part of this work was the completion of an ongoing review of the Council's property assets as this would ensure that Council assets were well structured and performed acceptably in order to raise revenue for the Council. Changes in Local Government funding required all Councils to become more self-sufficient allowing them to continue to meet their statutory obligations. The approval of the Property Investment Strategy meant that the Council was able to consider alternative methods of generating income streams in order to replace the shortfalls in funding.

Councillor Mrs Brown outlined that the Council had a freehold interest in an area of land situated at Cornfield Close, Littlehampton, which was known as Daisyfields. The report before Members presented two recommendations for consideration with one being that the Council approves the disposal of this land. Councillor Mrs Brown proposed these two recommendations which were then seconded by Councillor Haymes.

Before inviting debate this item, the Chairman reminded Members that due to the confidential nature of this report, should there be any detailed discussion then it would be necessary to move into Exempt business.

Councillor Dr Walsh commenced the debate by stating that he wished to propose an amendment which would be to delete Recommendations (1) and (2) and replace with the following two recommendations:

- (1) The Council resolves to ask Cabinet to reconsider its proposal to sell the freehold of Cornfield Close, Littlehampton in particular to give due consideration to the concerns raised by Littlehampton Town Council and others with regard to the impact of such a sale on tourism in Littlehampton and to also consider the potential breach of the Council's own draft Local Plan; and
- (2) The Council further resolves to ask Cabinet to report back to Full Council in due course with new recommendations.

Councillor Dr Walsh outlined the reasoning behind his amendment. This was because the Cabinet report had been erroneous in several respects as it had stated that there were camping sites available in the Littlehampton area. This was false information as there were no other camping sites in Littlehampton. Councillor Dr Walsh also referred to Public Question Time at the start of this meeting and the question that had been asked about a specific clause written into the Council's own draft Local Plan dealing with the

disposal of such tracts of land. This was Policy TOUDM1 which committed to keeping all tourism related sites and stipulating that they should not be disposed of for housing development. If the Council chose to approve the two recommendations presented, Councillor Dr Walsh outlined that the Council, even before the local plan had been subjected to Inspection, would have broken one of the Policies in its own Plan and so what signal did this give to rampaging developers around the District. Councillor Dr Walsh stated that the disposal of Daisyfields was an unthinkable proposal and an outrage to the area due to the impact that this would have on much valued tourism. Due to the current economic climate, camping had and was becoming ever more popular and there was an increase in demand for camping sites in the District. Councillor Dr Walsh stated that a much fuller report detailing why the Council proposed departing from its own local plan was needed and that such a report needed to cover the type of land that this site was. Details on the ground condition of the site all needed to be taken into consideration and before any decision on disposal could be made.

The amendment was then seconded by Councillor Buckland

The Chairman then invited debate on the amendment. This firstly saw discussion in support of the amendment and where numerous reasons were listed as to why the site should not be disposed of.

The main concern was the impact disposal of this site would have on tourism within the area. At this point in the debate Councillor Northeast was asked not to drift into discussing the confidential detail of the report. As he continued to refer to the site owner and other associated facts, the Chairman stopped the debate and sought advice from the Chief Executive.

The Chief Executive stated that in order for the debate to be able to remain in open business, Councillors could not talk or refer to any personal individual situations or about the land and the use of the land. If debate of this nature continued, then it would be necessary to continue discussion in Exempt business.

Councillor Northeast then continued to talk to the amendment. As he made reference to the Leaseholder, the Chairman postponed the debate. Councillor Bower then proposed and Councillor Bicknell seconded that any further discussion on this item be dealt with only in Exempt business. On this being put to the vote it was declared CARRIED.

165. SPECIAL AUDIT & GOVERNANCE COMMITTEE – 7 AUGUST 2017

The Chairman, Councillor Chapman, presented the Minutes from the Special Meeting of the Audit & Governance Committee held on 7 August 2017.

Councillor Chapman referred Members to two recommendations at Minute 141 [Local Property Company] and he thanked the Leader of the Council for facilitating sending all Members a copy of the draft Shareholder Agreement. Councillor Chapman stated that now this document had been received, he proposed an amendment which was that Recommendation (2) be withdrawn. He outlined that Recommendation (1) [the noting of the Risk Register] remained in place and as per the recommendation agreed earlier from the meeting of Cabinet on 31 July 2017. In formally proposing this recommendation, Councillor Chapman thanked all Members of his Committee for their debate and input and especially the Director of Place and the Project Manager for their work and advice.

This amendment was then seconded by Councillor Wheal.

Having been reminded of the correct spelling of the Property Company, which was Trisanto and not Tresanto, as detailed in Recommendation (1), the Council

RESOLVED

That the risk register in respect of creating Trisanto [a Council Owned Property Company] be noted [as per Recommendation (2) – Cabinet – 31 July 2017].

166. CONSTITUTION WORKING PARTY – 15 AUGUST 2017

The Chairman, Councillor Mrs Bower, presented the Minutes from the meeting of the Constitution Working Party held on 15 August 2017 and alerted Members to recommendations at Minute 11 [Proposed Constitutional Amendments – Part 1 (Summary) and Part 2 (Articles) which she formally proposed. The recommendations were then seconded by Councillor Wensley.

The Council

RESOLVED – 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.

**167. DEVELOPMENT CONTROL COMMITTEE – 24 AUGUST 2017**

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

Councillor Dingemans asked a question in relation to Minute 148 [Planning Applications – WA/23/17/OUT Outline Application with all matters reserved for residential development comprising 22 No dwellings demolition of Barnfield House and existing outbuildings. This application was a departure from the Development Plan, Barnfield House. Arundel Road, Fontwell) in accordance with Council Procedure Rule 11.2. In light of the incorrect advice given at the Development Control Committee, this application would be considered again at the Committee's next meeting on 20 September 2017. Councillor Dingemans asked how this application could be recommended for approval when application CM/1/17/OUT had been refused. Councillor Dingemans asked the Cabinet Member for Planning if he could provide him with a written response by close of play on Monday, 18 September 2017.

Councillor Bower, as Chairman of the Development Control Committee, stated that as this application was coming back to the next meeting of the Development Control Committee and as this was still a live application it could not be discussed. The Group Head of Council Advice & Monitoring Officer confirmed that Councillor Dingemans could make a statement or ask questions but that he needed to be careful to not stray into discussing the merit or any other parts of the planning application. Councillor Dingemans again requested a written response to his question asked.

**168. LOCAL PLAN SUB-COMMITTEE – 31 AUGUST 2017**

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

169. HOUSING & CUSTOMER SERVICES WORKING GROUP – 6 JULY 2017

The Chairman, Councillor Hughes, presented the Minutes from the meeting of the Housing & Customer Services Working Group held on 6 July 2017 and in doing so reminded Members that there was a recommendation at Minute 6 [Bed and Breakfast Payments – Budget Increase for 2017/2018] but that this had been resolved earlier in the meeting at Agenda Item 11 – Cabinet – 17 July 2017 – Minute 107.

170. ENVIRONMENT & LEISURE WORKING GROUP – 29 AUGUST 2017

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Environment & Leisure Working Group held on 29 August which had been circulated separately to the agenda.

171. MATTERS RELATING TO JOINT ARRANGEMENTS

There were no items for this meeting.

172. MOTIONS

There were no Motions to consider.

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

One question had been received from Councillor Brooks to the Leader of the Council, Councillor Mrs Brown, regarding the Council's new logo.

The full detail of the question asked and the response provided can be found at the back of these Minutes.

174. MANAGEMENT RESTRUCTURE – UPDATE

The Leader of the Council, Councillor Mrs Brown, presented a report which confirmed the detail of the management restructure that had been undertaken as part of the Council's 2020 Vision; what the costs had been; what savings would be gained; investment needed moving forward and the need for continuing professional development (CPD).

Full Council – 13.09.17

Councillor Mrs Brown stated that the report sought support 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. It also sought support for £10,000 to be invested in CPD that would support and develop the Council's senior management's leadership behaviour.

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

The Council

RESOLVED – That

- (1) the newly created management structure (September 2017) is supported and the costs and appropriate ongoing savings are noted;
- (2) 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 is supported; and
- (3) the £10,000 for CPD in 2018/19 to be incorporated into the draft budget for 2018/19 is supported.

#### 175. 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) In response to a recommendation of the Assessment Panel held on 29 June 21017, 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 being filled by Councillor Haymes; and
- (ii) Councillor Dr Walsh replaces Councillor Purchase on the CEO Remuneration Committee



176. REPRESENTATION ON OUTSIDE BODIES

The Leader of the Council, Councillor Mrs Brown, proposed that Councillor Haymes should become the Council's nominated representative on the newly established Bathing Water Steering Group, with Councillor Mrs Oakley being the nominated substitute. Councillor Wensley seconded this proposal.

The Council

RESOLVED

That Councillor Haymes becomes the Council's nominated representative on the newly established Bathing Water Steering Group, with Councillor Mrs Oakley being the nominated substitute. Councillor Wensley seconded this recommendation.

177. EXEMPT INFORMATION

The Council

RESOLVED

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

178. SPECIAL CABINET – 31 JULY 2017 – MINUTE 137 [DISPOSAL OF COUNCIL LAND AT CORNFIELD CLOSE, LITTLEHAMPTON – EXEMPT – PARAGRAPH 3 – INFORMATION RELATING TO BUSINESS AFFAIRS]

The Chairman invited Councillor Northeast to continue with his debate on the amendment put forward by Councillor Dr Walsh [as per Minute 164]

Councillor Northeast stated that he spoke in support of the amendment because the report before Members had only presented one side of the argument and had little or no regard for the positive affect that the Daisyfield site played in terms of tourism and the local economy. Councillor Northeast felt that this item was being rushed through and that a deferral would at least allow more time for more detail to be presented to Members in terms of the impact closure of this site would have. Members needed more information on the availability of other similar sites in the near area and across the District

first before such a tourism asset could be terminated. Councillor Northeast also asked the Council to look more sympathetically at the Leaseholder's position.

Similar comments were made by other Councillors who focused upon the impact of tourism and the potential issue with the Council's draft local plan, as mentioned earlier as part of Public Question Time. The amendment was not asking for the decision to be reversed but to give time for all of the facts to be addressed properly.

Comments were also made about the need to conduct survey work and that as part of any decision investigations should be commenced in terms of providing a new camping site in the area.

As proposer to the amendment, Councillor Dr Walsh outlined that it was not necessary to make a decision on this site tonight, the most overriding reason to pause this matter was because of the clash with the Council's own stated local plan.

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

Those Councillors voting for the amendment were Councillors Brooks, Buckland, Chapman, Mrs Daniells, Dendle, Dingemans, Hughes, Northeast, Oppler, Patel, Purchase, Mrs Rapnik, Dr Walsh, Warren, and Wells (15). Those voting against were Councillors Mrs Bence, T Bence, Bicknell, Blampied, Mrs Bower, R Bower, Mrs Brown, L Brown, Charles, Clayden, Cooper, Edwards, Elkins, Haymes, Hitchins, Maconachie, Mrs Madeley, Mrs Porter, Mrs Stainton, Tyler, Wheal, Wensley and Wotherspoon (23). Councillors Ambler, Cates, Dillon, Gammon, Mrs Neno, Mrs Pendleton and Miss Rhodes (7) abstained from voting.

The Amendments was therefore declared LOST.

The Chairman then referred Members to the substantive recommendations and invited debate.

Councillors then spoke in support of the recommendations stating that the Council needed to make the best use of the assets that it had.

In response to the comments made about the draft Local Plan, the Cabinet Member for Planning, Councillor Charles, outlined that it was important for Members to note that the Local Plan had yet to be adopted and therefore it did not yet form part of the Development Plan and consequently this impacted upon how much weight the plan should be afforded. There were many other material considerations for the Council to have regard to including the lack of five year land supply.

The Council

RESOLVED – 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.

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

179. 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]

The Leader of the Council, Councillor Mrs Brown, presented this report which asked Members to note that the Chief Executive had exercised his delegated authority to authorise Officers in Legal Services not to contest an application for judicial review, in order to minimise costs.

Councillor Mrs Brown then formally proposed the recommendations which were duly seconded by Councillor Charles.

The Council

RESOLVED

It be noted that the Chief Executive had exercised his delegated authority to take urgent action. The Chief Executive had authorised officers in Legal Services to notify the High Court immediately, that the Council would not be contesting the application to quash the Council's decision. It was expected that the High Court would grant the application and quash the Council's decision. This would result in the original planning permission being reinstated (permission for building 4 will return to 24 apartments and communal spaces).

*(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest as a Member of Littlehampton Town Council and as he thought that this item would be of interest to Littlehampton Town Council and neighbouring Parishes).*

180. STORE PROPERTY INVESTMENTS LIMITED V ARUN DISTRICT COUNCIL – RETROSPECTIVE REPORTING OF URGENT DECISION 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]

*(Before the commencement of this item, Councillor Cooper, declared a Personal Interest as he rented his business premises from Store Property Investments Limited).*

The Leader of the Council, Councillor Mrs Brown, presented this report which asked Members to note that in the absence of the Chief Executive, the Director of Place had exercised his delegated authority to take this urgent action and had authorised Legal Services to settle the costs claim at £35,000.

Councillor Mrs Brown then formally proposed the recommendations which were duly seconded by Councillor Charles.

The Council

#### RESOLVED

That it notes that in the absence of the Chief Executive, the Director of Place has exercised his delegated authority to take urgent action and authorise Legal Services to settle the costs claim at £35,000.

181. SUPPLEMENTARY ESTIMATE TO ACQUIRE COMMERCIAL PREMISES IN BOGNOR REGIS (Exempt – Paragraph 3 – the Supply of Goods and Services and the Financial and Business Affairs of any Particular Person).

The Leader of the Council, Councillor Mrs Brown, presented this report which sought Members' approval of a supplementary estimate to allow acquisition of commercial premises in Bognor Regis.

Councillor Mrs Brown in proposing the recommendations confirmed that she had seen sight of the Condition Survey undertaken for this venture. Councillor Wensley then seconded the recommendations.

In discussing this item, Members spoke in support of the proposed purchase but aired concern that they had not received any detail on the valuation of the building or any form of dilapidation report. Despite this, the proposal to acquire this site was seen to be a positive acquisition which would benefit the Town and would strengthen the retail offer in Bognor Regis.

Following further discussion, the Council

**RESOLVED – That**

- (1) A supplementary estimate of up to £1.8 Million (equivalent Band D Council tax £30.27) to allow the Council to proceed to the freehold purchase of commercial premises in Bognor Regis is approved; and
- (2) delegated authority is given to the Director of Place to agree terms, in consultation with the Section 151 Officer, and authorise officers in Legal Services to enter into the contract for this acquisition.

(The meeting concluded at 9.19 pm)

**COUNCIL MEETING – 13 SEPTEMBER 2017**

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

**Q1: Councillor Brooks to the Leader of the Council, Councillor Mrs Brown**

**Q1 Am I the only Member who doesn't like our new logo? I think it is far too 'in your face' and the new font throws away 40 years of tradition. Who decided we should change this and why, and are we now committed to changing every road and other Arun sign and how much will this cost?**

**A1** Thank you Councillor Brooks, for your question. The original logo does indeed go back to November 1991 and that is the problem. The font used for the wording 'Arun District Council' was some 25 years old and many computers no longer hold that font as standard. The updated (note: not 'new') logo simply has an updated font. We will use the updated logo when signs etc are renewed. Even 'old' headed paper is still being used by officers until supplies are used up and new batches printed. This will, therefore, be a gradual process as we change with the times!

**Supp**

**Q I cannot accept your response that the font is lost due to its age and so I do not agree with the response. I again ask, why are doing this – we will have different logos all over the place and how much will it cost.**

**A** Apart from explaining again the detail over the age of the font and the problem this causes, I have nothing further that I feel I can add.