



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

31 October 2017

Please ask for:  
Jane Fulton  
Committee Manager

Dear Member

**Full Council Meeting – 8 November 2017 – Bundle 2**

Please find attached further papers to be considered at the Council Meeting on 8 November 2017:

**Item 17 [Development Control Committee – 18 October 2017]**

Please find **attached** the Minutes from the meeting of the Development Control Committee held on 18 October 2017. There are recommendations at:

- Minute 242 [Review of the Terms of Reference for the Development Control Committee] – the Officer's report is *attached*.
- Minute 243 [Development Control Committee – Scheme of Delegation] – the Officer's report is *attached*.

**Item 18 [Standards Committee – 19 October 2017]**

Please find **attached** the Minutes from the meeting of the Standards Committee held on 19 October 2017. There are recommendations at:

- Minute 247 [Review of the Code of Conduct] – the Officer's report is *attached*
- Minute 248 [Review of the Local Assessment Procedure – Approving a New Procedure] – the Officer's report is *attached*
- Minute 249 [Review of the Terms of Reference for the Standards Committee, Assessment Panel and Dispensation Panel] – the Officer's report is *attached*

**Item 19 [Bognor Regis Regeneration Sub-Committee – 23 October 2017]**

Please find **attached** the Minutes from the meeting of the Bognor Regis Regeneration Sub-Committee held on 23 October 2017. There are no recommendations.

**/Cont'd Over .....**

31 October 2017

**Item 20 [Local Plan Sub-Committee – 30 October 2017]**

Please find **attached** the Minutes from the meeting of the Local Plan Sub-Committee held on 30 October 2017. There are recommendations at:

- Minute 16 [Arun Local Plan – Action Plan and Main Modifications] – the Officer's report is *attached*. Should Members wish to access Actions Log and Main Modifications – due to their size – please access using this link: <https://www.arun.gov.uk/meetings-minutes-agendas> and then click on the additional papers box
- Minute 17 [Planning for the Right Homes in the Right Places : Consultation Response] – the Officer's report is *attached*
- Minute 18 [Follow-Up to Clarify Position of the Council after the Decision of Local Plan Sub-Committee on 6 December 2016] – the Officer's report is *attached*
- Minute 19 [Recommendation from the West Sussex & Greater Brighton Strategic Planning Board] – the Officer's report is *attached*
- Minute 20 [Local Plan Sub-Committee Terms of Reference] – the Officer's report is *attached*

**Item 22 [Environment & Leisure Working Group – 24 October 2017]**

Please find **attached** the Minutes from the meeting of the Environment & Leisure Working Group held on 24 October 2017. There are no recommendations.

**Item 24 – Motions**

A Motion has been received in accordance with Council Procedure Rule 12.1.2, from the Liberal Democrat Group, the detail of which is set out below:

“Following increasing concerns from residents and businesses across the District, Arun District Council calls on the Sussex Police and Crime Commissioner to review its policing priorities and to urgently invest more human and financial resources in front line policing”.

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

Yours sincerely

  
Jane Fulton  
Committee Manager

Enclosures

DEVELOPMENT CONTROL COMMITTEE

18 October 2017 at 2.30 p.m.

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

Councillors Mrs Pendleton and Mrs Rapnik were also in attendance at the meeting.

236. WITHDRAWN APPLICATION

The Chairman advised that Planning Application EP/69/17/PL had been deferred and would not be considered at this meeting.

237. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Hitchins.

238. 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.

Development Control  
Committee – 18.10.17.

Councillor Bower declared a personal interest in Planning Application LU/234/16/RES as Chairman of the North Littlehampton Steering Group, where the matter had been discussed on several occasions. He reserved his position.

Councillor Mrs Bower declared a personal interest in Planning Application LU/231/17/PL as she knew the resident of The Bungalow.

#### 239. MINUTES

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

#### 240. PLANNING APPLICATIONS

WA/57/17/PL - Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extension (resubmission following WA/25/16/PL), 1 & 2 Stafford Cottages, Yapton Lane, Walberton Having received a report on the matter, and following some discussion, the Committee

#### RESOLVED

That the application be approved as detailed in the report.

LU/197/17/PL – Change of use of existing leisure use of upper ground floor to form 3 No. flats, extension of first floor to form 2 No. flats & creation of 1 No. flat in roof space (resubmission following LU/395/14/PL & LU/84/16/PL), 90 & 91 South Terrace, Littlehampton Having received a report on the matter, together with the officer's written report update detailing an additional representation received regarding bin storage and parking, the Committee

#### RESOLVED

That the application be approved as detailed in the report.

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

LU/231/17/PL – Change of use of land to the storage of caravans/motor homes; creation of associated hardstanding by the importation of material; siting of 4 No. self-storage containers & use of part of site for storage of scaffolding materials, Castlevue Nursery, Old Mead Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing receipt of new layout and landscaping plan; addition of location plan to condition 2;

and corrections to the report relating to number of units and the west boundary plan, the Committee

RESOLVED

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

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

LU/234/16/RES – Application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11. This application affects a Public Right of Way, Fitzalan Link Road, Littlehampton Having received a report on the matter, the Committee supported the proposal and, following comment that this was long overdue,

RESOLVED

That the application be approved as detailed in the report.

EP/69/17/PL – Construction of 1 No. dwelling (C3) to rear of existing property, 60 Vermont Drive, East Preston Having received a report on the matter, the Committee had been advised that this application had been deferred.

A/114/17/PL – To widen a section of Hangleton Lane adjacent to the vehicle storage compound to ease access onto the site for transporter vehicles. This application is also within the parish of Ferring, Highway outside Hangleton Nursery, Hangleton Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/138/17/PL – Demolition of existing dwelling & outbuildings & erection of 5 No. dwellings. This application affects the setting of listed buildings, 90 Rose Green Road, Aldwick Having received a report on the matter, together with the officer's written report update detailing representation from the Council's Tree Officer and resultant additional new conditions 4 and 5, deletion of conditions 8 and 22 and subject to a Section 106 Agreement, the Committee

Development Control  
Committee – 18.10.17.

RESOLVED

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

241. PLANNING APPEALS

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

242. REVIEW OF THE TERMS OF REFERENCE FOR DEVELOPMENT CONTROL COMMITTEE

As the Council's Constitution was undergoing a major review, led by the Constitution Working Party, Members received a report from the Group Head of Planning which detailed re-drafted Terms of Reference for the Committee as the section currently under review was Part 3, Responsibility for Functions, which set out the Terms of Reference for Committees, Subcommittees and Panels. He advised that the functions of the Committee would not be affected and that the exercise was aimed at simplifying the existing arrangements based on best practice used elsewhere.

Following consideration, the Committee

RECOMMEND TO FULL COUNCIL – That

(1) the revised Terms of Reference for the Development Control Committee, as set out in Appendix 1 to the report, be approved and updated in Part 3, Responsibility for Functions in the Constitution; and

(2) the Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

243. DEVELOPMENT CONTROL COMMITTEE – SCHEME OF DELEGATION

*(With the agreement of the Committee, Councillor Mrs Pendleton participated in the debate on this item.)*

The current Scheme of Delegation for the determination of planning applications was agreed by this Committee in June 2016 in order to significantly reduce the number of applications it had to consider whereby only minor and major applications, where there was an objection from the Town/Parish Council, would be

presented to the Development Control Committee, with 100% of householder and other applications being delegated to officers.

Following a review, the Group Head of Planning presented this report which primarily addressed concerns that had been raised by a small number of Members and some Parish Councils with regard to householder applications being determined under delegated powers. He was proposing that a Ward Member 'referral' process could be introduced that would pick up those householder applications that generated a disproportionate number of representations relative to the scale of the proposals. For clarity, he suggested that, under the recommendation, the wording of iv be amended to read:-

"Any Householder application where the Ward Member has submitted a written request to the Chairman and/or Vice-Chairman for a 'referral', and that has been agreed by the Chairman and/or Vice-Chairman. Any written request must be submitted prior to the expiration of the statutory consultation period and must set out the reason for the 'referral' against the criteria that there are sound planning reasons why an officer level decision is insufficient."

An officer report update was circulated at the meeting which detailed additional comments received from Parish Councils since the agenda had been published.

The Head of Group Planning also proposed that under recommendation ii the wording be amended to include reference to the discharge of conditions or non-material amendments as those could potentially be very time consuming, especially on large schemes such as Littlehampton Leisure Centre.

Members then participated in a full discussion on the matter. Concerns were raised with regard to the Chairman and Vice-Chairman having the responsibility to agree the 'referral' from a Ward Member, together with concerns that Ward Members needed to be issued with guidance to inform them sufficiently when making such a referral. Some views were expressed that that responsibility would be too onerous, particularly for those Ward Members who had no experience of planning. However, comment was also made that, providing a planning guide was issued to all Members to inform on planning reasons for refusal of applications and a reminder given to refer to the Planning Code of Conduct, which gave clear guidance as to their role when working on an application, this was a good way forward and the proposal should be supported.

In considering the amended wording for (iv) it was suggested and agreed that it should be the Chairman **and** Vice-Chairman. It was also suggested that, In the event of the absence of the Chairman or Vice-Chairman, the Cabinet Member for Planning could be called upon to substitute.

Development Control  
Committee – 18.10.17.

The Chairman pointed out that, under (iii) reference had been omitted to the A280 and that should also be included.

The Committee then

RECOMMEND TO FULL COUNCIL

That Part 4 of the Constitution be amended as follows:-

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

- i. Any Major or Minor application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of officers
- ii Any planning application for Full or Outline planning permission by or on behalf of the Council
- iii. Any Major or Minor application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284, A259 and A280
- iv. Any Householder application where the Ward Member has submitted a written request to the Chairman and Vice-Chairman for a 'referral', and that has been agreed by the Chairman and Vice-Chairman. Any written request must be submitted prior to the expiration of the statutory consultation period and must set out the reason for the 'referral' against the criteria that there are sound planning reasons why an officer level decision is insufficient.

(The meeting concluded at 4.00 p.m.)



**AGENDA ITEM NO. 9**

**ARUN DISTRICT COUNCIL**

**REPORT TO DEVELOPMENT CONTROL COMMITTEE  
18 OCTOBER 2017**

|                 |   |
|-----------------|---|
| <b>SUBJECT:</b> | <b>Review of the Terms of Reference for Development Control Committee</b> |
|-----------------|---|

|                       |  |
|-----------------------|--|
| <b>REPORT AUTHOR:</b> | Neil Crowther – Group Head of Planning |
| <b>DATE:</b>          | 1 October 2017                         |
| <b>EXTN:</b>          | 01903 737839                           |

**EXECUTIVE SUMMARY:**

The Council's Constitution is undergoing a major review led by the Constitution Working Party. The section currently under review is Part 3, Responsibility for Functions, which sets out the terms of reference for Committees, Sub-Committees and Panels. This report seeks Members' views on re-drafted terms of reference for this Committee.

**RECOMMENDATIONS:**

The Committee is asked to recommend to Full Council that:

1. The revised terms of reference for the Development Control Committee, as set out in Appendix 1 to the report, be approved and updated in Part 3, Responsibility for Functions in the Constitution; and
2. The Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

**1.0 BACKGROUND**

- 1.1 The Council has been receiving regular reports over the last eight months on the review of the Constitution being led by the Constitution Working Party. The current section under review is Part 3, Responsibility for Functions, which set outs the terms of reference of Committees, Sub-Committees and Panels. The aim has been for any revisions to create simplicity and ease of reading based on best practice used elsewhere.
- 1.2 The Chairman and Vice-Chairman of the Committee were consulted in the early stages of this review as requested by the Constitution Working Party.

**2.0 PROPOSALS**

- 2.1 This review has provided the opportunity to reflect on the current practices of the Committee. Appendix 1 sets out a revised Terms of Reference for the Development Control Committee based on the template agreed by the Constitution Working Party. As requested by this Working Party, it aims to simplify the existing arrangements yet still highlight the full functions of the Committee.
- 2.2 Appendix 2 is an extract of the existing wording in the Constitution.
- 2.3 The Committee's views are welcomed.

**3.0 OPTIONS:**

1. To support the revised terms of reference.
2. To not support the revisions and propose alternative arrangements.

**4.0 CONSULTATION:**

| Has consultation been undertaken with:  | YES | NO |
|---|-----|----|
| Relevant Town/Parish Council  |     | ✓  |
| Relevant District Ward Councillors  |     | ✓  |
| Other groups/persons (please specify) <ul style="list-style-type: none"> <li>• Chairman and Vice-Chairman of the Committee</li> </ul> | ✓   |    |

**5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)**

|   | YES | NO |
|---|-----|----|
| Financial   |     | ✓  |
| Legal   | ✓   |    |
| Human Rights/Equality Impact Assessment                       |     | ✓  |
| Community Safety including Section 17 of Crime & Disorder Act |     | ✓  |
| Sustainability  |     | ✓  |
| Asset Management/Property/Land                                |     | ✓  |
| Technology  |     | ✓  |
| Other (please explain)  |     | ✓  |

**6.0 IMPLICATIONS:**

None

**7.0 REASON FOR THE DECISION:**

The Council needs to ensure it has adequate and transparent governance arrangements in place for its Committees, Sub-Committees and Panels.

**8.0 BACKGROUND PAPERS:**

Council's Constitution <https://www.arun.gov.uk/constitution>

**Appendix 1**

## Proposed Changes to Part 3 – Responsibility for Functions

*Replace existing section 4.2 with the table below*

| <b>Committee/Panel and Membership</b>   | <b>Functions</b>   | <b>Delegations of Functions</b>                  |
|---|--|--|
| <p><b>Development Control Committee</b></p> <p>15 Members of the Council<br/>(no more than two of who may also be Cabinet Members)</p> <p>No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Cabinet Member for Planning has been undertaken.</p> | <ol style="list-style-type: none"> <li>1. Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 of the Town &amp; Country Planning Act 1990 (as amended) and the Planning (Listed Building &amp; Buildings in Conservation Areas) Act 1990 (as amended).</li> <li>2. To determine all applications/notifications and related planning enforcement matters.</li> <li>3. To determine matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the creation extinguishment or diversion of public highways affected by development and decisions on high hedges.</li> <li>4. To make amendments to the Officer Scheme of Delegation insofar as they relate to the Director of Place as confirmed in Article 15 in this Constitution.</li> <li>5. To receive reports from the Site Inspection Panel.</li> <li>6. To appoint Briefing Panels and Site Inspection Panels and determine their membership, Terms of Reference and procedures.</li> </ol> | <p>See Part 4 – Officer Scheme of Delegation</p> |

## Appendix 2

Extract from Constitution with existing terms of reference

### 4.2 Development Control Committee

The Committee has 15 Members (no more than two of whom may also be Cabinet Members) and has the following functions, save where the Officer Scheme of Delegation provides for them to be exercised by an officer:

#### 4.2.1. To:

- Determine all applications/notifications and related planning enforcement matters and
- ~~Undertake site specific Development Control procedures pursuant to the legislation governing Town and Country Planning and related regulations, orders and directions within the District.~~

4.2.2. To receive reports from the Site Inspection Panel.

4.2.3. ~~All other Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and the Planning (Listed Building & Buildings in Conservation Areas) Act 1990 (as amended), from time to time including enforcement, and all powers under the legislation governing Town and Country Planning to obtain information as to interests and particulars of persons interested in land.~~

4.2.4. ~~To determine generally applicable procedures pursuant to the legislation governing Town and Country Planning and related Regulations, Orders and Directions within the District after consultation with the Cabinet Member for Planning and Infrastructure.~~

4.2.5. To appoint Briefing Panels and Site Inspection Panels and determine their membership, Terms of Reference and procedures.

4.2.6. To determine matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the creation extinguishment or diversion of public highways affected by development and decisions on high hedges.

4.2.6. ~~Power to create, stop up and divert footpaths and bridleways pursuant to the Highways Act 1980 provided that unopposed Footpath Orders may be confirmed by the Director Planning and Economic Regeneration under delegated powers.~~

4.2.7. ~~Powers in relation to the preservation of trees pursuant to Sections 197 to 214D of the Town and Country Planning Act 1990 and associated Regulations.~~

4.2.8. ~~Powers in relation to the protection of important hedgerows pursuant to the Hedgerows Regulations 1997.~~

4.2.9. ~~The following miscellaneous powers:~~

- ☐ ~~to create by agreement, stop up and divert, footpaths and bridleways,~~
- ☐ ~~to determine applications for Public Path Extinguishment Orders,~~
- ☐ ~~to make railway crossing, special extinguishment, public path diversion, special diversion and SSSI Diversion Orders,~~
- ☐ ~~to require an applicant for an Order to enter into an agreement and~~
- ☐ ~~duty to keep a register in respect of certain of the above applications, under the Highways Act 1980. provided that unopposed Footpath Orders may be confirmed by the Director Planning and Economic Regeneration under delegated powers.~~

- 4.2.10. To make amendments to the Officer Scheme of Delegation insofar as they relate to the Director Planning and Economic Regeneration.
- 4.2.11. ~~The powers contained above can be exercised in the name of Arun District Council.~~
- 4.2.12. No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Planning and Economic Regeneration in consultation with the Cabinet Member for Planning and Infrastructure has been undertaken.



ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 18 OCTOBER 2017

---

Recommendation

Subject : Development Control Committee - Scheme of Delegation

Report by : Neil Crowther

Report date: September 2017

---

EXECUTIVE SUMMARY

The current Scheme of Delegation for Development Control Committee was agreed on 16 June 2016. This agreed that a reduced number of applications would be presented to Committee in order to allow more minor applications to be determined by officers and for the Committee to concentrate on the more significant applications in the District.

It is considered that the current Scheme of Delegation is working well with 37% fewer application being considered by Committee. It is not considered that changes are required. However, in order to address some concerns raised by a very small number of members and some Parish Councils, a Ward Member 'referral' could be introduced if it were to be a clear formal criteria based call-in in order for it not to be excessively and unnecessarily used.

RECOMMENDATIONS

That Development Control Committee recommend to Full Council that Part 4 of the Constitution be amended as follows.

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

- i Any Major or Minor application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers
- ii. Any planning application for Full or Outline planning permission submitted by or on behalf of the Council
- iii Any Major or Minor application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284, A280 and A259 roads

- |  |
|--|
| iv. <u>Any Householder application where the Ward Member has submitted a written request to the Chairman and Vice-Chairman for a 'referral', and that has been agreed by the Chairman and Vice-Chairman. Any written request must be submitted prior to the expiration of the statutory consultation period and must set out the reason for the 'referral' against the criteria that there are sound planning reasons why an officer level decision is insufficient.</u> |
|--|

## 1.0 INTRODUCTION

- 1.1 The current Scheme of Delegation for the determination of planning applications was agreed at DC Committee in June 2016. This essentially agreed that a significantly reduced number of applications needed to be considered by DC Committee as a result of committee only considering minor and major planning applications where there was an objection from the Parish Council and the recommendation was to approve (or vice versa).
- 1.2 This decision meant that 100% of householder and other applications would be delegated to officers. This was on the basis that such applications constituted a very large proportion of Committee agendas with Members agreeing with the officer recommendation 97% of the time.
- 1.3 The current Scheme of Delegation has worked well with a reduced number of applications being presented to Committee in the period July 2016 – June 2017 (down from 150 to 77).
- 1.4 Had the Scheme of Delegation not changed, an additional 46 planning applications for householder development would have also been considered by Committee. Therefore, DC Committee considered 37% less applications last year and were able to focus time and consideration to the larger more significant applications in the District.
- 1.5 These 46 applications represent about 10% of all householder applications determined in this period. In the period April 2015 – March 2016 (when the Scheme of Delegation meant that some householder applications were determined by Committee), 63 householder applications were determined at Committee with the Committee agreeing with the officer recommendation 97% of the time. Therefore, whilst householder applications that would have previously been determined by Committee are only a relatively small number of the total number of householder applications, they would make up a very significant proportion of agendas and 97% of the time the recommendation of officers is supported.
- 1.6 Whilst officers have not carried out a consultation exercise with Town/Parish Councils prior to the preparation of this report in order to ask them their views on the current scheme of delegation, Middleton on Sea, Littlehampton, Aldwick and Ferring Council's have written and made comments. These have been submitted following the determination of a householder application in Middleton and a residents



association contacting all Town's/Parishes in District with their views. However, this report was circulated to all Town/Parish Council's on 2 October 2017 for them to have ample time to consider before the meeting of the Development Control Committee.

- 1.7 Middleton on Sea Parish Council have requested that the following be included within an amended scheme of delegation;
- Any householder planning application that the Parish Council object to will go to Arun DC Development Control Committee for a decision. Limited to six applications per year per Parish.
  - If more than 20 residents raise objections on proper planning grounds with Arun District Council and the Parish Council also object then this will automatically go to Development Control Committee.

Ferring Parish Council and Littlehampton Town Council have written duplicate letters to support the suggestion made by Middleton Parish Council and suggested that householder applications should be determined by Committee if the Town/Parish Council object **and** this is supported by at least one District Councillor.

Aldwick Parish Council have stated that they wish to see a Parish objection triggering an application being determined by DC Committee and also suggest that a system of controls and criteria is developed between us to assist with the original notion to lessen DCC application workload. However, no further explanation is provided on this point.

- 1.8 Officers have considered the practicalities of the above suggestion by Middleton and it should be remembered that the changes brought about in June 2016 were to simplify the scheme of delegation. The first criteria above would make the scheme of delegation significantly more complex as officers would be required to monitor the representations from 21 Parish/Town Council's in order to determine if there have been more than six objections over a year. Further, the suggestion above would result in householder applications that are recommended for refusal with a Town/Parish objection being considered by Committee when it is very likely that 97% of these recommendations would be agreed with.
- 1.9 In response to the second suggestion, the current scheme of delegation removed the number of individual objections trigger because it resulted in a large number of applications needing to go to Committee when the decision was nearly always the same as the recommendation. It is also considered that the criteria suggested below for a Ward Member 'referral' would address the issue in respect of a large number of individual objections.
- 1.10 The suggestions by Ferring, Littlehampton and Aldwick are adequately addressed by the proposal in paragraph 1.17 of this report.

**Proposed DCC Scheme of Delegation**

- 1.11 It is considered that a further change to the Scheme of Delegation should be included under point ii. Of 3.1.2 in the recommendation. Currently, all applications submitted on behalf of the Council appear at Committee. Whilst it is considered essential that planning applications on behalf of the Council are considered by Committee, considering a large number of discharge of condition or non-material amendment applications can potentially be very time consuming, especially on large schemes such as Littlehampton Leisure Centre.
- 1.12 In spite of the fact that the current scheme of delegation is helping to reduce work loads and issue decisions quicker, there has recently been a couple of concerns raised about the current Scheme of Delegation from a small number of Ward Councillors and Town/Parish Councils. These concerns are borne out of a misunderstanding over what was agreed as a Scheme of Delegation in June 2016. The concerns related to:
- i. The absence of a 'referral' for Ward Members to request that an item be considered by DC Committee
  - ii. The assumption that if a Town/Parish Council objects to a householder application it would then be considered by DC Committee.
- 1.13 In response to i. it should be noted that that there has not been an automatic 'referral' available for Ward Members within the Scheme of Delegation. An informal arrangement has been operated where an application would be presented to committee if the application satisfied one of the following criteria;
- i. The application had attracted a disproportionate amount of representations received from households (rather than individuals) relative to the scale of the proposals
  - ii. The application raises significant planning issues for the District.
- 1.14 In response to ii. (para 1.12) the report to Committee in June 2016 made it very clear that all householder applications would be determined by officers under delegated authority. Committee agreed this and all Town/Parish Councils were notified of this change following the decision.
- 1.15 I consider that the current Scheme of Delegation is working well; there are less applications going to Committee which has resulted in officers being able to deal with the more minor applications quicker for a small number of applications. For these reasons I do not consider that the Scheme needs to be amended.
- 1.16 However, I am aware of the concerns raised above and consider that some kind of Ward Member 'referral' could be introduced and work effectively if it is applied sensibly to ensure that those applications that genuinely need to be considered by Committee. This would mean that Parish/Town Council's would have to approach their Ward Member if they desired that an application should be considered by DCC.

If applications begin to appear at Committee that simply agree with the officer recommendations in the vast majority of instances then this will not be effective and we will return to agendas that are overly long and filled with unnecessary applications.

- 1.17 Therefore, I would suggest that any Ward Member 'referral' has to be made in writing prior to the expiry of the consultation period on that application to the Chairman and/or Vice Chairman of the Committee setting out how the criteria in para 1.13 above are satisfied (copying the case officer and team leader in to this email/letter). The Chairman and/or Vice Chairman would then need to formally agree to this request or not. Written agreement of the Chairman will be sent to the Ward Member and case officer (the criteria suggested in this paragraph were superseded by the resolution of DCC that is contained in the recommendation of this updated report).
- 1.18 If this change is agreed, it can be reviewed in 12 months to analyse how many referrals have been requested, how many have been agreed and what the outcome was in determining these applications at Committee.
- 1.19 Finally, a further training session for Town/Parish Council's on planning matters will be arranged for early 2018.

**Background Papers:**      **Development Control Committee Agenda 16 June 2016**

**Contact:**                      Neil Crowther  
   x37839  
   [neil.crowther@arun.gov.uk](mailto:neil.crowther@arun.gov.uk)

DCC Scheme of Delegation - Agenda item 10

**UPDATE REPORT**

The draft report on the scheme of delegation was circulated to all Parish and Town Council's on 29 September 2017. Prior to this, all Parish and Town Council's were notified that a report would be forthcoming in an email dated 7 September. The following comments have been received in response to the report.

Bognor Regis Town Council – Support the proposed amendments

Middleton on Sea Parish Council – No reference to Parish or Town Council's in referral process. Would like reference to the support of parish/town council in the criteria.

Aldwick Parish Council – recommendation is ambiguous. Request that referral includes reference to a Town/Parish objection against criteria of Neighbourhood Plan, Village Design Statement and Local Plan.

East Preston Parish Council - concerned it would be wasting Planning Officer and District Councillor time by having to submit a written request before the end of the expiration period when it is likely not known which way the Planning Officer is feeling about the Application.

Pagham Parish Council - It was felt that whilst it was a shame that the automatic referral of householder applications to which the Parish Council objected had ceased, the Council welcomed the introduction of a Ward Member referral system for those applications which merited further consideration by the Development Control Committee on appropriate grounds. It would like to see this system introduced, with the caveat that it be reviewed after a year with the input of Parish Councils to assess effectiveness.

Climping & Kingston Parish Council – Make identical comments. Support suggestion that householder applications should be determined by Committee if the Town/Parish Council object and this is supported by at least one District Councillor.

Middleton on Sea Residents Association

- would like householder, listed building and conservation area applications to be determined by committee.
- recommended amendment to Part 4 of the Constitution shown as 3.1.2.iv is welcomed, as this would provide a mechanism for the most controversial householder applications to be decided by Councillors, whilst maintaining the large reduction in the overall number of such applications being considered by them.
- Suggested amendment does not acknowledge involvement of Parish and Town Council's

One individual comment from a resident in Middleton - a written objection from a Parish/Town Council would only be advisory and also would not “trigger” an automatic referral. Other councils do not require approval for similar referrals to go forward.

STANDARDS COMMITTEE

19 October 2017 at 6.00 p.m.

Present: - Councillors English (Chairman), Maconachie (Vice-Chairman), Mrs Bence, Dillon, Mrs Rapnik, Tyler, Dr Walsh and Wheal.

*Independent Persons* – Mr B Green, Mr Howdle and Mr J Thompson.

[Note: Independent Person, Mr J Thompson, was absent from the meeting during consideration of the matters referred to in Minute 244 to Minute 248 (Part)].

Councillor Mrs Oakley was also present during the meeting.

244. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Edwards.

245. 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.

Standards Committee  
19.10.17

Councillor Maconachie declared a Personal Interest in Agenda Item 11 (Review of Assessment Panel Decision – Arun District Councillor – Mrs J Maconachie – Exempt – Paragraph 1 – Information Relating to Any Individual) as he had been married to the late Councillor Mrs Jacqueline Maconachie. Councillor Maconachie confirmed that he would leave the meeting for this item.

246. MINUTES

The Minutes of the meeting held on 5 July 2017 were approved by the Committee as a correct record and signed by the Chairman.

247. REVIEW OF THE CODE OF CONDUCT

The Committee received a report from the Group Head of Council Advice & Monitoring Officer reminding Members that at its last meeting held on 5 July 2017, it had received a report seeking views on proposals to amend the Code of Conduct which had been in place since June 2012.

At that meeting, the Committee had confirmed its views that the existing Code of Conduct be revised to identify disclosable pecuniary and other interests based on examples of best practice and to ensure that the Code complied with new legislation with this being presented to this meeting for approval.

The Group Head of Council Advice & Monitoring Officer confirmed that in redrafting the revised Code she had not changed any of the principles of the Code, nor the expectations of general conduct. What had changed had been the addition of specific direction and guidance to support Members in completing their Register of Interests and making declarations at meetings. The revised Code had set out the requirements for:

- (i) Disclosable pecuniary interests
- (ii) Personal interest
- (iii) Prejudicial interests; and
- (iv) Sensitive interests

The revised Code, which had been attached as an appendix to the report, had been written in a way to show a Councillor what their individual responsibilities were so that a member of the public looking at this documentation could easily understand this. What was outstanding was how the Code would cover the role of Directors of companies set up by the Council. Advice was currently being sought and it was proposed to bring a

report back to a future meeting of the Committee recommending that an additional appendix be added covering this requirement.

The Committee asked for examples of what this covered. The establishment of the new Local Property Company was one and the Group Head of Council Advice & Monitoring Officer stated that this could also cover Member and Officer representation on some Outside Bodies such as the Littlehampton Harbour Board. Councillors Dr Walsh and Tyler disputed this stating that the Littlehampton Harbour Board had its own Code of Conduct that all representatives had to sign up to. The point was made that all representatives of the Littlehampton Harbour Board were all appointed as individual commissioners and so this should not apply to this Council's Code of Conduct. The Group Head of Council Advice & Monitoring Officer confirmed that she would look into this further.

The Committee's views were then sought on the revised Code and a number of specific areas raised within the report. It was outlined that those Parish Councils who previously adopted Arun's Code would need to review their own practices. It was proposed that the Group Head of Council Advice & Monitoring Officer be given authority to liaise with the Parishes to support them through this change. The Chairman offered his support in liaising with Parishes where any issues of concern were raised.

It was explained to Members that if the new Code of Conduct was adopted by Full Council on 8 November 2017, then all Members would be required to sign a new declaration to adhere to the Code and to update their Register of Interests. The Committee agreed that the wording of Recommendations (2) and (3) should be amended from 'requested' to 'required' to confirm this obligation.

In discussing the changes made to the Code of Conduct, concern was expressed over the inclusion of the heading 'sensitive interests' and whether this was necessary. The Group Head of Council Advice & Monitoring Officer confirmed that there were instances when Councillors did have sensitive issues that fell under this requirement and that when this involved the protection of a person(s), then it was appropriate for a Councillor to not disclose everything in their register of interests. It was explained that such requirements were dealt with on a case by case basis and that genuine need was strictly assessed. This response was accepted by the Committee, however, it stated that it would like to have reported to it on an annual basis how many of this Council's Councillors had disclosed sensitive interests mentioning no names or nature, just the numbers affected.

Standards Committee  
19.10.17

Following some further discussion, the Committee

**RECOMMEND TO FULL COUNCIL – That**

- (1) The revised Code of Conduct, as set out in Appendix 1 to the report, be approved;
- (2) All Arun District Councillors be required to sign up to the revised Code of Conduct within 28 days of its adoption;
- (3) All Arun District Councillors be required to update their Register of Interests based on the new Code of Conduct and to ongoing annual reviews; and
- (4) The Group Head of Council Advice & Monitoring Officer be given authority to liaise with Parish Councils to seek their agreement to signing up to the revised Code of Conduct.

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

**248. REVIEW OF THE LOCAL ASSESSMENT PROCEDURE –  
APPROVING A NEW PROCEDURE**

The Group Head of Council Advice & Monitoring Officer reminded the Committee that its last meeting held on 5 July 2017, it had considered proposals in taking forward the review of the Local Assessment Procedure for complaints against Councillors under the Code of Conduct.

Appendix A to the report set out the redrafted procedure which aimed to explain simply to the reader what was required to make a complaint; how the investigation would be conducted; and what decision could be reached. It also included at Appendix 1 a draft hearing procedure and at Appendix 2 what sanctions were available to the Assessment Panel. At Appendix 3, a flowchart had been introduced of the process and referred to anticipated timescales for each stage of the process.

The documents highlighted a number of areas where the Committee's specific views were sought. The Committee then worked through each of these and comments have been summarised - these were:



- (i) Paragraphs 5.5 and 5.6 – to ensure that all relevant information would have been covered in the investigation, it was being suggested that the draft report from the Investigating Officer be provided to the Complainant and the Subject Member for comment within 14 days. The Committee supported this additional consultation stage.
- (ii) Paragraph 5.8 - the draft asked whether the initial stage of the assessment to consider the validity of the complaint giving authority to the Monitoring Officer should be in consultation with an Independent Person and the Chairman of the Standards Committee or just the Independent Person. Whilst the Group Head of Council Advice & Monitoring Officer was aware of the Committee's view, from discussion held at its last meeting, that only the Independent Person should be involved at this stage, the review of alternative practices showed that some Councils also included the Chairman of the Committee at this stage. This was why she had asked this question again. Following discussion the previous view was supported and it was agreed that the initial stage of the assessment should involve only the Monitoring Officer and an Independent Member.
- (iii) Paragraph 8.0 – a number of the examples of best practice reviewed confirmed that not all Councils adopted a review stage in their assessment process. Some directed any request for a review direct to the Local Government Ombudsman. Arun's current procedure included a review stage considered by this Committee and so this has been allowed for in the draft. The Committee agreed that it wished to see a review stage remain and not to opt for directing any request for a review direct to the Local Government Ombudsman.
- (iv) Appendix 1 – In considering arrangements for Assessment Panel hearings, the fourth question for the Committee to consider was whether hearings should be held in open or exempt business? Examples of best practice reviewed showed that many Councils now had hearings in open business and moved to exempt business only when sensitive information was being discussed. Whichever option the Committee decided to choose, the Group Head of Council Advice & Monitoring Officer recommended that this be clearly stated in the procedure and terms of reference for the Panel so Complainants and Councillors were aware of this in advance.

Standards Committee  
19.10.17

Although the Committee supported open meetings, for Local Assessment Panel hearings, it was felt that due to the nature and content of hearings, these should remain in Exempt business or closed sessions to protect the interests of all those involved.

- (v) Appendix 1 – also highlighted whether the Complainant should be involved in the hearing process. From discussions with the Chairman of the Committee, it was felt that there should be equal right for the Complainant and the Subject Member and therefore the hearing procedure had been drafted on this basis.

The Committee strongly felt that the Complainant and the Subject Member should be allowed to attend the hearing. It was pointed out that this had occurred with some previous hearings and so needed to be formalised within the new procedure. It was made clear that such attendance should not be in each other's presence as this could be confrontational and that each party should attend the hearing to make their statement/answer questions and then leave. It was agreed that the Complainant be heard first and then the Subject Member with provision being made in the procedure to allow both to send an alternative representative to attend on their behalf in the event of ill-health. The Committee agreed that this part of the procedure should allow for flexibility in the event that the Complainant or Subject Member was ill on the day. It was agreed that in such instances the hearing could be adjourned to another day or could be heard if it was agreed that there were sufficient facts for it to be heard or if an alternative representative could be found at short notice.

The Group Head of Council Advice & Monitoring Officer confirmed that she would rewrite the procedure including the requests made by the Committee which would be circulated to the Committee prior to the recommendations going before Full Council on 8 November 2017.

Finally, the Committee wished to have recorded its thanks to the Group Head of Council Advice & Monitoring Officer for her work in revising the Local Assessment Procedure which they fully commended.

The Committee then

RECOMMEND TO FULL COUNCIL – That

- (1) the revised Local Assessment Procedure, as set out in Appendix 1 to the report, and as revised at the meeting, be approved;
- (2) a copy of the revised Local Assessment Procedure be sent to all Town and Parish Councils; and
- (3) a review of the Procedure be undertaken following a year of operation and reported back to the Standards Committee.

249. REVIEW OF THE TERMS OF REFERENCE FOR STANDARDS COMMITTEE, ASSESSMENT PANEL AND DISPENSATION PANEL

The Committee received a report from the Head of Council Advice & Monitoring Officer stating that the Council's Constitution was undergoing a major review. The report before Members was seeking views on re-drafted terms of reference for the Standards Committee and its two Panels being the Assessment Panel and the Dispensation Panel.

The Committee was advised that the terms of reference for all Committees Sub-Committees and Panels were being reviewed so that the full review of Part 3, Responsibility for Functions, could be concluded after Full Council on 10 January 2018.

Following a brief discussion, the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) the revised terms of reference for the Standards Committee, Assessment Panel and Dispensation Panel, as set out in Appendix 1 to the report, be approved and updated in Part 3, Responsibility for Functions in the Constitution; and
- (2) the Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

Standards Committee  
19.10.17

250. ASSESSMENT PANEL DECISION – ALLEGATION AGAINST AN ARUN DISTRICT COUNCILLOR

The Committee received and noted a report from the Group Head of Council Advice & Monitoring Officer advising Members of the outcome of the Assessment Panel's investigation into an allegation against Arun District Councillor, Colin Oliver-Redgate.

251. EXEMPT INFORMATION

The Committee

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 and Part 5 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

252. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (Exempt – Paragraph 1 – Information Relating to Any Individual)

The Committee received a report from the Group Head of Council Advice & Monitoring Officer which updated Members on the complaints against Councillors received since January 2012.

For this meeting a full copy of the Register had been attached to the report as Appendix A and the Committee worked through some of the complaints which were listed as either not being completed or where there was a need to review any lessons learnt.

The Committee discussed:

- The need for the document to be shortened in the future only listing complaints going back over a period of two years, listing any ongoing outstanding actions

- For outstanding complaints involving a Subject Member who was no longer a Councillor – that no assessment hearing be organised but that the Monitoring Officer looks at the judgement that would have been reached and where required recommendations still being made
- One outstanding complaint was discussed and it was agreed that this complaint now be closed with the Group Head of Council Advice & Monitoring Officer producing a Police Protocol for the next meeting of the Committee to consider.

The Committee then noted the content of the report.

253. REVIEW OF ASSESSMENT PANEL DECISION – ARUN DISTRICT COUNCILLOR MRS J MACONACHIE (Exempt – Paragraph 1 – Information Relating to Any Individual)

*(As declared at the start of this meeting, Councillor Maconachie left the meeting for this item).*

In receiving this report, the Committee fully supported that there be no further right of review in terms of the allegation made against the late Councillor Mrs Jacqueline Maconachie and that the Complainant be advised that no decision notice will be published to the Council's web pages as it would not serve the public interest to do this or pursue the complaint any further.

The Group Head of Council Advice & Monitoring Officer confirmed that she would write to the Complainant confirming this and would issue the decision notice to the Complainant concluding this matter.

The Committee

RESOLVED – That

- (1) the decision of the Assessment Panel to take no further action be noted;
- (2) the decision notice be issued to the complainant and they be advised that there is no right of review as the subject member is no longer a member of the authority and it would not serve the public interest to pursue the complaint any further; and
- (3) in view of the decision at (2), the decision notice would not be published on the Council's website.

(The meeting concluded at 6.57 pm)



**AGENDA ITEM NO. 5**

**ARUN DISTRICT COUNCIL**  
**REPORT TO STANDARDS COMMITTEE**  
**ON 19 OCTOBER 2017**

|                 |  |
|-----------------|--|
| <b>SUBJECT:</b> | <b>Review of the Code of Conduct – Adopting a new Code</b> |
|-----------------|--|

|                       |   |
|-----------------------|---|
| <b>REPORT AUTHOR:</b> | Liz Fitcher – Group Head of Council Advice & Monitoring Officer |
| <b>DATE:</b>          | September 2017  |
| <b>EXTN:</b>          | 01903 737610  |

**EXECUTIVE SUMMARY:**

As agreed at the last meeting of the Committee on 5 July 2017, this report seeks views on a re-drafted Code of Conduct for Arun District Councillors that identifies disclosable pecuniary and other interests.

**RECOMMENDATIONS:**

It is recommended that:

1. the revised Code of Conduct, as set out in Appendix 1 to the report be approved;
2. all Arun District Councillors be requested to sign up to the revised Code of Conduct within 28 days of its adoption;
3. all Arun District Councillors be requested to update their Register of Interests based on the new Code of Conduct and to ongoing annual reviews; and
4. the Group Head of Council Advice & Monitoring Officer be given authority to liaise with Parish Councils to seek their agreement to signing up to the revised Code of Conduct.

**1.0 BACKGROUND**

- 1.1 At its last meeting on 5 July 2017, the Committee agreed that the Code of Conduct should be reviewed so that it identified disclosable pecuniary and other interests which had not been included in the original version adopted by the Council on 20 June 2012.
- 1.2 This review has now been concluded using examples of best practice and, subject to approval, will allow the current interim Declarations of Interest process on all agendas and minutes to be updated.

**2.0 PROPOSALS**

- 2.1 As requested by the Committee, the re-drafted Code of Conduct does not alter the principles of the Code, nor the expectations of general conduct. What has changed is the addition of specific direction and guidance to support Members in completing their Register of Interests and making declarations at meetings. It sets out the requirements for:
- (i) disclosable pecuniary interests;
  - (ii) personal interests;
  - (iii) prejudicial interests; and
  - (iv) sensitive interests
- 2.2 The revised Code also covers exempt categories and the criminal sanctions that apply for failure to disclose a pecuniary interest; and gives additional advice for Members of the Overview Select Committee. The final section covers the notification of gifts and hospitality.
- 2.3 What has not yet been considered in this revised Code of Conduct is the request from the Council meeting on 13 September 2017 for the Committee to review how the Code will cover the role of Directors of companies set up by the Council. Advice is currently being sought and it is proposed to bring a report back to a future meeting of the Committee recommending that an additional appendix be added covering this requirement.
- 2.4 The revised Code is attached as Appendix 1 to the report. The shaded areas confirm the areas to be added.
- 2.5 The Committee's views are welcomed. If the new Code of Conduct is adopted, then all Members will be required to sign a new declaration to adhere to the Code and to update their Register of Interests.
- 2.6 In addition, as discussed at the last meeting, those Parish Councils who previously adopted Arun's Code will need to review their own practices. It is proposed that the Group Head of Council Advice & Monitoring Officer is given authority to liaise with the Parishes to support them through this change.

**3.0 OPTIONS:**

1. To support the revised Code of Conduct.
2. To not support the Code and propose alternative arrangements.

**4.0 CONSULTATION:**

| Has consultation been undertaken with:   | YES        | NO        |
|--|------------|-----------|
| Relevant Town/Parish Council   |            | ✓         |
| Relevant District Ward Councillors   |            | ✓         |
| Other groups/persons (please specify) <ul style="list-style-type: none"> <li>• Chairman and Vice-Chairman of the Standards Committee</li> <li>• Chairman and Vice-Chairman of the Audit &amp; Governance Committee</li> <li>• Group Leaders</li> </ul> | ✓          |           |
| <b>5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)</b>  | <b>YES</b> | <b>NO</b> |



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

#### 6.0 IMPLICATIONS:

The Council needs to ensure that it has a Code of Conduct in place that meets the requirements of the Localism Act 2011.

#### 7.0 REASON FOR THE DECISION:

A review of the Code of Conduct has been outstanding to identify disclosable interests. Adopting a revised Code will enable the interim arrangements in place for Declarations of Interests at meetings to be updated.

#### 8.0 BACKGROUND PAPERS:

Council's Constitution <https://www.arun.gov.uk/constitution>

Statutory Instrument 2012/1464 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)

[http://www.legislation.gov.uk/ukxi/2012/1464/pdfs/ukxi\\_20121464\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/1464/pdfs/ukxi_20121464_en.pdf)

Sections 27 and 28 of the Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/section/27/enacted>

<http://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>

## SECTION 1 - THE PRINCIPLES BEHIND THE MEMBERS' CODE OF CONDUCT

### 1. INTRODUCTION

- 1.1 Arun District Council (the authority) has adopted this Code of Conduct in accordance with the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the authority. The Code was originally introduced on 1 July 2012 and was updated on 8 November 2017 *(subject to Full Council approval)*.
- 1.2 As an elected or co-opted member of Arun District Council, councillors have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

### 2. PRINCIPLES OF THE CODE OF CONDUCT

- 2.1 In accordance with the Localism Act 2011 provisions, when acting in this capacity a councillor is committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority. The following are the statutory principles of the Members' Code of Conduct:
1. SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
  2. INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
  3. OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
  4. ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
  5. OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
  6. HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
  7. LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

## SECTION 2 - MEMBERS' CODE OF CONDUCT

### 1. SCOPE

1.1 This Code of Conduct applies to you whenever you are acting in your capacity as a member, or co-opted member, of the authority, including:

- at formal meetings of the authority
- when acting as a representative of the authority
- in taking any decision as a Cabinet Member or a Ward Councillor
- in discharging your functions as a Ward Councillor
- when corresponding with the authority other than in a private capacity.

1.2 In this Code "meeting" means any meeting organised by or on behalf of the authority including:

- any meeting of the Council, or a Committee, Sub-Committee, Working Group, Working Party or Panel constituted by the Council
- any meeting of the Cabinet and any Committee of the Cabinet
- any briefing by officers
- any site visit.

1.3 This Code is based on the principles set out in Section 1 of Part 8 of this Constitution.

1.4 Any allegations received by the authority that you have failed to comply with this Code will be dealt with under the Local Assessment Procedure.

### 2. GENERAL CONDUCT

~~From 1 July 2012 all Arun District Councillors have agreed to sign up to the following new local Members' Code of Conduct:~~

2.1 As a member of Arun District Council, I agree to sign up to the local Members' Code of Conduct and that my conduct will in particular address the statutory principles of the Code by:

1. Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
2. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
3. Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the district of Arun or the good governance of the authority in a proper manner.
4. Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this authority.
5. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

6. Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
7. Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
8. Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources.
9. Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
10. Always treating people with respect, including the organisations and public I engage with and those I work alongside.
11. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

**In addition:**

- ~~12. Within 28 days of taking office, or signing an undertaking to abide by the authority's Members Code of Conduct [whichever is the sooner] and within 28 days of any change of my circumstances I will notify Arun District Council's Monitoring Officer of any disclosable pecuniary interest, where that interest is mine, my spouse's<sup>1</sup> or non-pecuniary interest that is required by the authority, by completing and signing a Register of Interests Form, and returning that Register of Interests Form to the Monitoring Officer.~~
- ~~13. If I have a disclosable interest at a meeting, and that matter is not a 'sensitive' interest, and that interest has not been entered onto my Register of Interests Form, I will disclose that interest to the meeting of the authority at which I am present.~~
- ~~14. Following any disclosure of interest in paragraph 13 of the Members' Code of Conduct, I will notify the Monitoring Officer of the interest within 28 days beginning from the date of disclosure by completing and signing a new Register of Interests Form.~~
- ~~15. Unless dispensation has been granted, I will not participate in any discussion of, vote on, or discharge any function related to any matter in which I have a Pecuniary Interest as defined by regulations made by the Secretary of State.~~
- ~~16. I agree that, where I have a Pecuniary Interest in an item to be considered at a meeting, it is my responsibility to ask, before I leave the meeting, for it to be minuted that I am leaving the meeting for that item, so there is clear evidence that I did not take part in the debate or the vote.~~
- ~~17. I will observe the restrictions the authority places on my involvement in matters where I have a Pecuniary or non-Pecuniary interest as defined on my Register of Interests Form.~~

**3. REGISTER OF INTERESTS**

3.1 Within 28 days of this Code being adopted by the Council, or your election (if later), you must register with the Monitoring Officer any interests that fall under any of the descriptions listed in Appendices A and B of this Code.

3.2 You must ensure that your Register of Interests is kept up to date and must notify the Monitoring Officer in writing within 28 days of becoming aware of any change in any of the descriptions listed in Appendices A and B of this Code.

#### 4. DISCLOSABLE PECUNIARY INTERESTS

4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary State, as set out at Appendix A to this Code, and either:

- a) it is an interest of yours; or
- b) it is an interest of:
  - (i) your spouse of civil partner; or
  - (ii) a person with whom you are living as husband and wife; or
  - (iii) a person with whom you are living as if you were civil partnersand you are aware that other person has the interest.

4.2 You must:

4.2.1 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest” you need only declare the existence of the interest but not the detail;

4.2.2 where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not:

- (i) participate, or participate further, in any discussion of the matter at the meeting;
- (ii) remain in the meeting whilst the matter is being debated;
- (iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

#### 5. PERSONAL INTERESTS

5.1 You have a personal interest in any business of the authority if it is of a description specified in Appendix B to this Code.

5.2 You have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a ‘relevant person’ to a greater extent than the majority of other council tax payers, ratepayers or residents of your ward affected by the decision; or it relates to or is likely to affect any interests you have registered as a disclosable pecuniary interest.

5.3 A 'relevant person' is:

5.3.1 a member of your family or any person with whom you have a close association;

5.3.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

5.3.3 any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

5.3.4 any body of a type described in Appendix B.

5.4 Where you have a personal interest under paragraphs 5.3.3 or 5.3.4, you must make a verbal declaration of the existence and nature of any personal interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest", you need only declare the existence of the interest but not the detail.

5.5 Where you have a personal interest under paragraph 5.3.1 and 5.3.2, you need only disclose to the meeting the existence and nature of the interest when you address the meeting on that business.

5.6 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.

5.7 Where you have a personal interest and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

6. PREJUDICIAL INTERESTS

6.1 Where you have a personal interest in any business of the authority, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest (unless the matter falls within one of the exempt categories referred to at paragraph 9) and where that business:

6.1.1 affects your financial position or the financial position of a person or body defined as a 'relevant person'; or

6.1.2 relates to the determining of any approval, consent licence, permission or registration in relation to you or any person or body defined as a 'relevant person'.

6.2 Where you have a prejudicial interest:

6.2.1 you must make a verbal declaration of the existence and nature of any such interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest

is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent.

6.2.2 you must not:

- (i) participate, or participate further, in any discussion of the matter at the meeting;
- (ii) remain in the meeting whilst the matter is being debated;
- (iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

6.3 The only exception is that you may attend a meeting for the purpose of making representations, answering questions or giving evidence relating to the business being considered, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise. You must leave the meeting immediately after making the representations, answering questions or giving questions.

6.4 Where, as a Cabinet Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by yourself, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## **7. SENSITIVE INTERESTS**

7.1 Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, you should share your concerns with the Monitoring Officer. If the Monitoring Officer agrees, he/she will not include details of the interest in the Register of Interests, but may state that you have registered an interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

## **8. EXEMPT CATEGORIES**

8.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the authority in respect of:

8.1.1 housing – where you are a tenant of the authority provided that those functions do not relate particularly to your tenancy or lease;

8.1.2 an allowance, payment or indemnity given to Members;

8.1.3 any ceremonial honour given to Members; and

8.1.4 setting council tax or a precept under the Local Government Finance Act 1992.

## **9. CRIMINAL SANCTIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS**

9.1 It is a criminal offence to:

9.1.1 fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;

9.1.2 fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;

9.1.3 fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;

9.1.4 participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest (including taking a decision as a Cabinet Member acting alone);

9.1.5 fail to notify the Monitoring Officer within 28 days of the interest if you are a Cabinet Member discharging a function acting alone and have a disclosable pecuniary interest in such a matter; and

9.1.6 knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

9.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for a maximum of 5 years.

## 10. OVERVIEW SELECT COMMITTEE

10.1 You also have a prejudicial interest in any business before the Overview Select Committee of the authority (or of a sub-committee of this committee) where:

- a) that business relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the authority's committees, sub-committees, joint committees, or joint sub-committees; and
- b) at the time the decision was made or action was taken, you were a member of the Cabinet, committee, sub-committee, joint committee or joint sub-committee and you were present when that decision was made or action was taken.

10.2 In such cases, you may only attend a meeting of the Overview Select Committee for the purpose of answering questions or giving evidence relating to the business. You must leave the meeting immediately after making representations, answering questions or giving evidence.

## 11. GIFTS AND HOSPITALITY

11.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the authority.

11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.



**APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS**

The duties to register, disclose and not to participate in respect of any matter in which a Member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

| <i>Interest</i>                                   | <i>Prescribed description</i>   |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain.  |
| Sponsorship                                       | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by 'M' in carrying out duties as a Member, or towards the election expenses of 'M'.<br><i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>   |
| Contracts   | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: <ul style="list-style-type: none"> <li>(a) under which goods or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged.</li> </ul>   |
| Land  | Any beneficial interest in land which is within the area of the relevant authority.   |
| Licences  | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.  |
| Corporate tenancies                               | Any tenancy where (to 'Ms' knowledge): <ul style="list-style-type: none"> <li>(a) the landlord is the relevant authority; and</li> <li>(b) the tenant is a body in which the relevant person has a beneficial interest.</li> </ul>  |
| Securities  | Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> <li>(a) that body (to 'Ms' knowledge) has a place of business or land in the area of the relevant authority; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issues</li> </ul> </li> </ul> |

|  |                              |
|--|------------------------------|
|  | share capital of that class. |
|--|------------------------------|

These descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

**“the Act”** means the Localism Act 2011;

**“body in which the relevant person has a beneficial interest”** means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

**“director”** includes a member of the committee of management of an industrial and provident society;

**“land”** excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

**“M”** means a member of a relevant authority;

**“member”** includes a co-opted member;

**“relevant authority”** means the authority of which M is a member;

**“relevant period”** means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

**“relevant person”** means M or any other person referred to in section 30(3)(b) of the Act;

**“securities”** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**APPENDIX B – PERSONAL INTERESTS**

You have a personal interest in any business of the authority where it either relates to or is likely to affect:

(a) any body of which you are a member or in a position of general control or management and to which are appointed or nominated by the authority;

(b) any body -

(i) exercising functions of a public nature; or

(ii) directed to charitable purposes; or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of control or management.



**AGENDA ITEM NO. 6**

**ARUN DISTRICT COUNCIL**  
**REPORT TO STANDARDS COMMITTEE**  
**ON 19 OCTOBER 2017**

|                 |   |
|-----------------|---|
| <b>SUBJECT:</b> | <b>Review of the Local Assessment Procedure – Approving a new procedure</b> |
|-----------------|---|

|                       |   |
|-----------------------|---|
| <b>REPORT AUTHOR:</b> | Liz Fitcher – Group Head of Council Advice & Monitoring Officer |
| <b>DATE:</b>          | September 2017  |
| <b>EXTN:</b>          | 01903 737610  |

**EXECUTIVE SUMMARY:**

At its last meeting on 5 July 2017, the Committee agreed that the Local Assessment Procedure for Code of Conduct complaints should be reviewed based on examples of best practice. This report informs the Committee of the outcome of this review and seeks approval to a revised procedure.

**RECOMMENDATIONS:**

The Committee is requested to recommend to Full Council that:

1. the revised Local Assessment Procedure, as set out in Appendix 1 to the report, be approved;
2. a copy of the revised Local Assessment Procedure be sent to all Town and Parish Councils; and
3. a review of the Procedure be undertaken following a year of operation and reported back to the Standards Committee.

**1.0 BACKGROUND**

- 1.1 The Committee previously requested a review of the current Local Assessment Procedure, at its meeting on 14 July 2016, to address issues raised and lessons learnt from assessments undertaken. Whilst this review was not taken forward at the time, this latest review has included the proposals that the Committee raised at that time. The key proposal being the introduction of a two stage assessment, as this was seen to speed up the review process from lessons learnt from practice elsewhere.
- 1.2 As the minutes from 14 July 2106 confirm, the Committee had also agreed to a new Habitual/Vexatious Complaints Policy being introduced; and procedures to allow for complaints to be immediately referred to the Police. This work is still underway and will be presented to the next meeting of the Committee so it can be annexed to the Local Assessment Procedure.

## 2.0 **PROPOSALS**

- 2.1 As requested by the Committee, the re-drafted Local Assessment Procedure is based on a two stage review process. Appendix A sets out the revised Procedure. This aims to explain simply to the reader what is required to make a complaint; how the investigation will be conducted; and what decision can be reached. It also includes at Appendix 1 a draft hearing procedure and at Appendix 2 what sanctions are available to the Assessment Panel. At Appendix 3, we have introduced a flowchart of the process and referred to anticipated timescales for each stage.
- 2.2 The documents highlight a number of areas where the Committee's specific views are sought, namely:
- (i) Paragraphs 5.5 and 5.6 – to ensure that all relevant information has been covered in the investigation, it is being suggested that the draft report from the Investigating Officer will be provided to the complainant and the Subject Member for comment within 14 days. *The first question for the Committee is whether they support this additional consultation stage?*
  - (ii) Paragraph 5.8 - the initial stage of the assessment will consider the validity of the complaint and gives authority to the Monitoring Officer to agree action in consultation with an Independent Person and the Chairman of the Standards Committee. Whilst the Committee was of the view at its last meeting that only the Independent Person should be involved at this stage, the review of alternative practices showed that some Councils also included the Chairman of the Committee at this stage. *The second question for the Committee is to consider whether they wish the initial stage to involve only an Independent Person or also include the Chairman of the Committee?*
  - (iii) Paragraph 8.0 – a number of the examples of best practice we reviewed confirmed that not all Councils adopted a review stage in their assessment process. Some directed any request for a review direct to the Local Government Ombudsman. Arun's current procedure includes a review stage considered by this Committee and so this has been allowed for in the draft. *The third question for the Committee to consider is whether they wish to retain a review stage as drafted?*
  - (iv) Appendix 1 – In considering arrangements for Assessment Panel hearings, *the fourth question for the Committee is whether these should be held in open or exempt business?* Examples of best practice reviewed showed that many Councils now have hearings in open business and move to exempt business only when sensitive information is being discussed. Whichever option is chosen, it is recommended that this is clearly stated in the procedure and terms of reference for the Panel so complainants and councillors are aware of this in advance.
  - (v) Appendix 1 – also highlights whether the complainant should be involved in the hearing process. From discussions with the Chairman of the Committee, we felt that there should be equal right for the complainant and the subject member and therefore the hearing procedure has been drafted on this basis. *The fifth question for the Committee is whether they support the involvement of the complainant throughout the hearing process?*

- 2.3 One of the main aims of the revised procedure is to create a transparent and simple to follow document that will guide complainants through the process at the outset; whilst also highlighting to any councillor who is the subject of a complaint what they should expect to see happen. We have deliberately included anticipated timescales in the flowchart at Appendix 3 as delays in the process have been a major criticism of the current procedure. We believe the timescales are realistic based on the two stage process, however, there is a recommendation for a review to take place after a year of operation so we can test this out in practice.
- 2.4 The Committee's views are welcomed on these five questions and the re-drafted procedure.

### 3.0 OPTIONS:

1. To support the revised Local Assessment Procedure
2. To not support the Procedure and propose alternative arrangements

### 4.0 CONSULTATION:

| Has consultation been undertaken with:   | YES | NO |
|--|-----|----|
| Relevant Town/Parish Council   |     | ✓  |
| Relevant District Ward Councillors   |     | ✓  |
| Other groups/persons (please specify) <ul style="list-style-type: none"> <li>Chairman and Vice-Chairman of the Standards Committee</li> <li>Chairman and Vice-Chairman of the Audit &amp; Governance Committee</li> <li>Group Leaders</li> </ul> | ✓   |    |
| 5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)   | YES | NO |
| Financial  |     | ✓  |
| Legal  | ✓   |    |
| Human Rights/Equality Impact Assessment  |     | ✓  |
| Community Safety including Section 17 of Crime & Disorder Act  |     | ✓  |
| Sustainability   |     | ✓  |
| Asset Management/Property/Land   |     | ✓  |
| Technology   |     | ✓  |
| Other (please explain)   |     | ✓  |

### 6.0 IMPLICATIONS:

The Council needs to ensure that it has a Local Assessment Procedure in place that meets the requirements of the Localism Act 2011.

### 7.0 REASON FOR THE DECISION:

A review of the Local Assessment Procedure has been outstanding. Adopting a new two stage

procedure will speed up the complaints process.

## **8.0 BACKGROUND PAPERS:**

Council's Constitution <https://www.arun.gov.uk/constitution>

Section 28 of the Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>





# LOCAL ASSESSMENT PROCEDURE

REVISED DRAFT – Full Council 081117

Procedure adopted dd/mm/yy

Full Council Resolution

## TABLE OF CONTENTS

|   |   |   |
|---|---|---|
| 1 | BACKGROUND .....  | 3 |
| 2 | HOW TO MAKE A COMPLAINT .....   | 3 |
| 3 | WILL MY COMPLAINT BE INVESTIGATED? .....                                    | 4 |
| 4 | WHEN WILL A COMPLAINT NOT BE ACCEPTED? .....                                | 5 |
| 5 | HOW IS THE INVESTIGATION CONDUCTED? – INITIAL ASSESSMENT -<br>STAGE 1 ..... | 5 |
| 6 | ASSESSMENT PANEL HEARING – STAGE 2 .....                                    | 6 |
| 7 | DECISION.....   | 7 |
| 8 | RIGHT OF REVIEW.....  | 8 |
| 9 | PUBLICATION OF DECISION.....  | 9 |

## 1 BACKGROUND

- 1.1 Under Section 28 of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that an Elected or co-opted Councillor of the authority or of a Town or Parish Council within the authority’s area (herein after referred to as the ‘Subject Member’) has failed to comply with the authority’s Code of Conduct can be investigated and decisions made on such allegations.
- 1.2 These arrangements provide for the Council to appoint at least one Independent Person<sup>1</sup> whose views must be sought by the Council before it takes a decision on whether an allegation should be investigated, and whose views can be sought by the Council at any other stage, or by the Subject Member against whom an allegation has been made.
- 1.3 The Council has adopted a Code of Conduct for Councillors, which is published on the Council’s website and is available for inspection on request from the Council’s office (see below).
- 1.4 Each Town and Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Town or Parish Council’s Code of Conduct, it should be available on their website, or you can make enquiries of their Town or Parish Clerk.
- 1.5 All Parish councils within the Arun District, and Arundel Town Council, have signed up to Arun District Council’s Code of Conduct. Bognor Regis and Littlehampton Town Councils have developed their own Code of Conduct.

## 2 HOW TO MAKE A COMPLAINT

- 2.1 If you wish to make a complaint against a Councillor, please complete the online complaint form which can be found on our website (<http://www.arun.gov.uk/complaints-against-councillors>) or write to:

The Monitoring Officer  
Arun District Council  
Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Or by email to [monitoring.officer@arun.gov.uk](mailto:monitoring.officer@arun.gov.uk)

- 2.2 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of Councillors’ interests and who is responsible for administering the system for complaints of Councillor misconduct.

---

<sup>1</sup> The Independent Person is a person who has applied for the post and is appointed by Councillors of the Council. The definition of an Independent Person can be found in Section 28 of the Localism Act 2011.

- 2.3 Please provide your name and address and contact details so that we can acknowledge receipt of your complaint and keep you informed of progress. Anonymous complaints will not be accepted.
- 2.4 As a matter of fairness and natural justice, the Subject Member will usually be told who has complained about them and receive details of the complaint. However, the Monitoring Officer may withhold your identity if he/she can be satisfied that there are reasonable grounds for doing so, e.g. belief that the complainant or any witness to the complaint may be at risk of physical harm or intimidation, or that their employment may be jeopardised if their identity is disclosed.

### 3 WILL MY COMPLAINT BE INVESTIGATED?

- 3.1 The Code of Conduct applies to Councillors whilst they are acting in their official capacity as a Councillor, or give the impression that they are acting in this capacity. The Code does not apply when they are acting in their capacity as a private individual.
- 3.2 If the Monitoring Officer is of the view that your complaint does not fundamentally relate to a code of conduct matter, then he/she will decline to progress it further under this procedure. For example, it is generally considered that complaints relating to the consideration of planning applications will not be dealt with under this procedure if there is an alternative legal remedy. You will be advised if this is the case.
- 3.3 Complaints which identify criminal conduct or breach of other regulations by any person, will be referred by the Monitoring Officer to West Sussex Police for consideration, in accordance with an agreed protocol (still to be confirmed), or any other regulatory agency.
- 3.4 If the Subject Member is no longer a Councillor, or resigns/is removed from office at any point during the investigation, the Monitoring Officer has the power to withdraw the complaint and take no further action. A record of the complaint will be kept on file in the event that the Subject Member returns to office in the future and a subsequent complaint is lodged against them.
- 3.5 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. Where a reasonable proposal for local resolution is proposed, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether your complaint merits formal investigation.
- 3.6 If your complaint relates to a Parish Councillor, the Monitoring Officer will seek the views of the Town/Parish Clerk about the complaint. Their view will be recorded in the investigation report and taken into account when a decision on whether to investigate is made.

#### 4 WHEN WILL A COMPLAINT NOT BE ACCEPTED?

- 4.1 The resources involved in carrying out a formal investigation can be considerable and must be balanced by the severity of the complaint and the sanctions available to the Assessment Panel (see Appendix 2), should a breach of the code be found.
- 4.2 The Monitoring Officer has the discretion not to proceed with complaints, including those:-
- a) Containing no or insufficient evidence to demonstrate a breach of the Code;
  - b) Where there are alternative, more appropriate, remedies that should be explored first;
  - c) Where you and the Subject Member have agreed a local resolution e.g. a written or verbal apology, mediation;
  - d) Where the complaint is by one Councillor against another, a greater allowance for robust political debate (but not personal abuse or “unparliamentary” language) may be given;
  - e) That are malicious, politically motivated, or ‘tit for tat’;
  - f) Where an investigation would not be in the public interest or the matter would not warrant any sanction (see Appendix 2);
  - g) Where a substantially similar complaint has previously been considered and no new material evidence has been submitted;
  - h) Relating to allegations concerning a Councillor’s private life;
  - i) Relating to conduct in the distant past (over six months before);
  - j) Relating to dissatisfaction with a Council (or Parish Council) decision; and
  - k) About someone who is no longer a member of the Council (or relevant Parish Council) or who is seriously ill (see 3.4 above)

#### 5 HOW IS THE INVESTIGATION CONDUCTED? – INITIAL ASSESSMENT - STAGE 1

- 5.1 On the basis that your complaint is accepted, the Monitoring Officer will acknowledge receipt of your complaint within 5 working days, confirm that it will be investigated and will keep you informed as the complaint investigation progresses.
- 5.2 The Monitoring Officer will appoint an Investigating Officer (IO), who may be another senior officer of the same authority, an Officer of another authority, or an external investigator.
- 5.3 The IO will decide whether or not they need to meet with you to further clarify the detail of your complaint, and/or for you to explain your understanding of events. There may also be a discussion about what supporting documents may need to be provided and who else the IO may need to interview.
- 5.4 The IO will write to the Councillor against whom the complaint has been made, providing them with a copy of the complaint (unless the right to anonymity has been agreed – see 2.4 above) and ask them to provide their explanation of the event(s), to suggest what other supporting documents may be required and who else the IO may wish to interview. If your complaint relates to a Town or Parish Councillor, the IO will also advise the Town/Parish Clerk.

- 5.5 At the end of the investigation, the IO will produce a draft report and provide copies for both you and the Subject Member to respond to within 14 days.
  - 5.6 Both you and the Subject Member will be given the opportunity to comment on the draft report, and indicate agreement (or otherwise) with the content.
  - 5.7 The IO will then send a copy of the report – having taken account of any comments from you and/or the Subject Member – to the Monitoring Officer for reviewing.
  - 5.8 The Monitoring Officer will consult with an Independent Person to decide whether to:-
    - a) Take no action if there is clear evidence that there has been no breach of the Code of Conduct
    - b) Resolve the matter informally by asking the Subject Member to:-
      - i. take part in mediation with you in order to settle the complaint, providing both parties are willing to do so, and/or
      - ii. send a written apology to you, which is acceptable to the Monitoring Officer and the Chairman of the Standards Committee; and/or
      - iii. attend training, and/or
      - iv. correct an entry in the Register of Interests or correct a declaration made; OR
    - c) Progress to Stage 2 where the complaint is considered by the Assessment Panel
- 6 ASSESSMENT PANEL HEARING – STAGE 2 (If the Monitoring Officer and Independent Person support the complaint going forward)
- 6.1 The Assessment Panel will consist of 3 members of the Council's Standards Committee, plus an Independent Person.
  - 6.2 The Monitoring Officer will also attend to present the report from the IO.
  - 6.3 The Hearing will be called within a maximum period of 4 months from receipt of the complaint and the Panel will be selected from available Members of the Standards Committee. Councillors representing the ward where you live will not be permitted to sit on the Panel, nor will any Councillor who has any connection with the Subject Member.
  - 6.4 Panel Members will be provided with copies of the original complaint, the IO report, any additional information or comments provided by you and/or the Subject Member, or statements from witnesses to the event.
  - 6.5 Unless it is not practical, reasonable or is not likely to assist the Assessment Panel in its consideration of the Complaint, the Panel will follow the process outlined in Appendix 1.

- 6.6 Following the hearing and an agreed outcome being reached, the Panel shall prepare and sign a written decision for the Monitoring Officer to send to:
- the Subject Member
  - you
  - all Independent Persons (via a report to Standards Committee)
  - all District Councillors (via a report to Standards Committee)
  - all members of the Council's Senior Management Team (when the decision notice is published) where the complaint is about an Arun District Councillor
  - the Clerk and Chairman of the Town/Parish Council at the same time that the report is presented to the Standards Committee where the complaint is about a Town or Parish Councillor.
- 6.7 Separately, the Panel may provide the Monitoring Officer with any lessons to be learnt from the Complaint and any actions the Panel wish to suggest the Council to consider.
- 6.8 The Monitoring Officer shall publish the decision on the Council's website and that decision shall remain on the website for up to a period of 12 months unless the Standards Committee has requested a longer timeframe.
- 6.9 The Monitoring Officer shall place a report before the next meeting of the Standards Committee, for the Committee to ask questions about the decision of the Panel and discuss:

- any lessons learnt identified by the Panel
- any actions the Panel has suggested the Council consider

and make any recommendations it feels are appropriate for Full Council to consider.

In order to avoid unnecessary printing of paper, generally the report will only include a summary of the Panel's decision and Councillors are requested to bring the full copy of the decision they have been sent, with them to the meeting of the Standards Committee and Full Council.

## 7 DECISION

7.1 The Panel can reach a finding of:

- (i) no breach of the Code of Conduct
- (ii) the Complaint relates to an offence under Section 34 Localism Act 2011 [Offences] and the Panel will refer the Complaint and all evidence the Council is aware of to the Police. Such offences arise from failure, without reasonable excuse, to disclose a Pecuniary Interest or participation in the debate and/or votes on a matter in which the Subject Member has a Pecuniary Interest and has not been granted a dispensation.
- (iii) a breach of the Code of Conduct that Arun District Council, or the relevant Town or Parish Council, is responsible for dealing with

- (iv) to take no action on the Complaint because, even though a breach of the Code of Conduct has occurred, the Panel is of the view that it would not serve the public interest to pursue the consideration of the Complaint
  - (v) to take no action on the Complaint because, the Subject Member is no longer a Councillor or co-opted Councillor of the Local Authority and the Panel is of the view that it would not serve the public interest to pursue the consideration of the Complaint (if the Councillor has resigned during the course of the investigation, the complaint would have been rejected at the initial assessment stage)
- 7.2 The Panel shall specify the period that its decision shall remain on Arun District Council's website, which shall be no longer than 12 months, unless the Standards Committee has carried out a further review and requested a longer timeframe.
- 7.3 Where the Panel is dealing with a Complaint against a Parish or Town Councillor or co-opted Councillor, and reaches a finding that the Subject Member has breached the Code of Conduct adopted by the Parish or Town Council, the Panel shall write to the Chairman and Clerk of that Parish or Town Council and inform them of its finding and request that the Parish or Town Council considers what action to take in relation to the Subject Member.
- 7.4 In order to assist the Parish or Town Council, the Panel may identify what action it would have taken had the Subject Member been an Arun District Councillor in breach of Arun District Council's Code of Conduct.
- 7.5 It is noted that, although Arun District Council is the 'relevant authority' and it may have regard to the Subject Member's failure when deciding what action to take, in practical terms Arun District Council cannot enforce that such action is taken and therefore it is for the Parish or Town Council to make a decision about what action to take and how to achieve compliance.
- 7.6 Arun District Council suggests to the Parish or Town Councils within its district that those Councils seek individual undertakings from each of their Councillors; that the Councillor agrees to abide by their responsibilities under the Localism Act 2011, the Parish or Town Council Code of Conduct and to comply with any consequential request made to the Member by the Parish or Town Council.

## 8 RIGHT OF REVIEW

- 8.1 If either you or the Subject Member considers the decision of the Panel was not fair, or proportionate, they can appeal by asking for a Review within 20 working days from the date of the covering letter sent to them with the Decision Notice, stating why they consider the Assessment Panel decision was not fair or proportionate.
- 8.2 The request must be in writing to the Monitoring Officer.



- 8.3 The Monitoring Officer will check the reasons given in the request for the Review and if those reasons are not clear the Monitoring Officer will contact the party requesting the Review and ask for clarification.
- 8.4 The Review will be referred to the Standards Committee for a decision via a report presented by the Monitoring Officer.
- 8.5 There are no further rights of appeal within the Council's Local Assessment Procedure.

## 9 PUBLICATION OF DECISION

- 9.1 As soon as reasonably practicable after the Panel have reached a decision, the Monitoring Officer will prepare a formal decision notice (in consultation with the Chairman of the Standards Committee) and send a copy to you, the Subject Member, and any Town or Parish Council concerned.
- 9.2 The Monitoring Officer will make the decision notice available for public inspection and report the decision to the next appropriate Standards Committee meeting.

## APPENDIX 1 – ASSESSMENT PANEL HEARING PROCEDURES

### Introductory Stage

1. Quorum of the Panel is three Elected Members, plus an Independent Person.
2. Hearings of the Panel will be held in closed session.
3. The Panel will elect a Chairman, who will be an Elected Member.
4. The Chairman will invite all attendees to introduce themselves.
5. The Chairman will explain the purpose of the Hearing and why it has been called.
6. The Monitoring Officer will outline the case and explain why they believe that the Subject Member has breached, or failed to follow, the Code of Conduct.

### Assessment Stage 1 – the complainant

7. The Monitoring Officer will call the complainant, any other witnesses, and Investigating Officer into the hearing.
8. The Chairman will introduce those present and summarise the complaint and the process followed thus far, and the procedure for the Panel Hearing.
9. The complainant will explain why they feel that the Subject Member has breached/failed to follow the Code of Conduct.
10. The Panel Members may ask questions of the Monitoring Officer, Investigating Officer, complainant and any other witnesses.
11. The complainant and Monitoring Officer will be asked to give closing remarks.
12. The complainant and any other witnesses will leave the hearing to allow the Panel to continue their assessment.

### Assessment Stage 2 – the Subject Member

13. The Monitoring Officer will call the Subject Member, any other witnesses, and the Investigatory Officer into the hearing.
14. The Chairman will introduce those present and summarise the complaint and the process followed thus far, and the procedure for the Panel Hearing.
15. The Subject Member will explain why they feel they have not breached/failed to follow the Code of Conduct.
16. The Monitoring Officer and Panel Members may ask questions of the Investigating Officer, Subject Member and their witnesses.

17. The Subject Member and Monitoring Officer will be asked to give closing remarks.
18. The Subject Member and any other witnesses will leave the hearing to allow the Panel to continue their assessment.

#### Decision Stage

19. The Independent Person will be invited to make comments.
20. The Panel will strive to reach a decision at that time, but may need further time to deliberate or seek further information.
21. If the Panel are able to conclude their deliberations on the day, the Chairman will call separately the complainant and then the Subject Member back into the room and announce the decision of the Panel.
22. If the Panel need further time to deliberate, they will agree a deadline and advise the complainant and the Subject Member of the decision in writing.
23. If the Panel decide that no breach has taken place, the hearing will close.
24. If the Panel decide that a breach has taken place, the Subject Member will be invited to comment on any mitigating circumstances.
25. The Monitoring Officer may comment on appropriate/suitable sanction.
26. The Independent Person will be invited to give further comment.
27. The Panel Members will consider an appropriate sanction.
28. The Chairman will advise separately the complainant and the Subject Member of the chosen sanction.
29. Panel Hearing closes.

#### *Notes:-*

- The Chairman has discretion to revise this procedure at a Hearing
- The Panel may proceed with the Hearing in the absence of the Subject Member and the complainant where no satisfactory explanation for their absence has been provided
- The Panel may adjourn the Hearing at any time

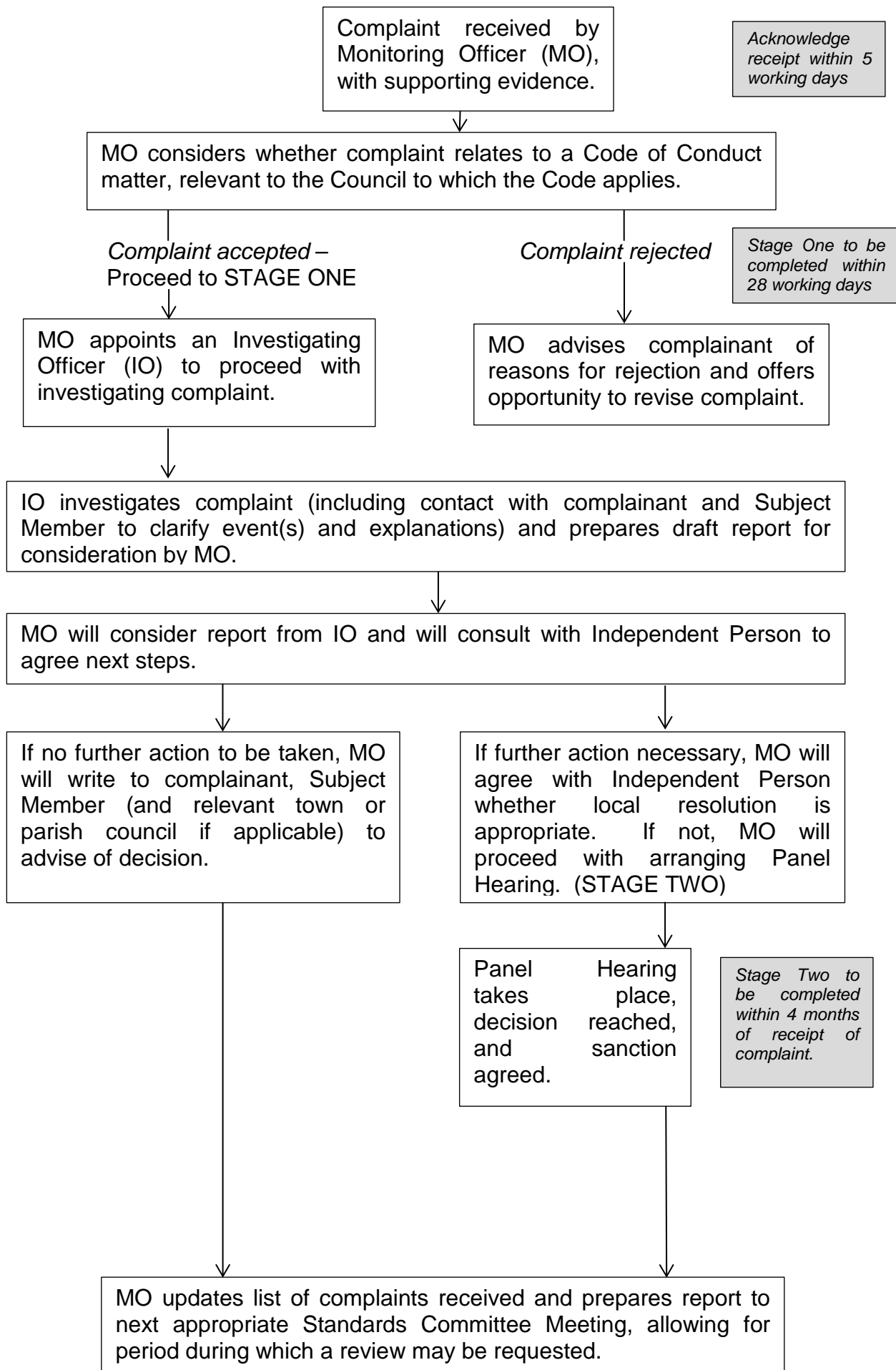
## APPENDIX 2 – AVAILABLE SANCTIONS

The Panel may choose one or more of the following sanctions (or make recommendation of a sanction to the Town or Parish Council that the Subject Member represents):-

1. Censure or reprimand the Subject Member
2. Publish the findings in respect of the Subject Member's conduct
3. Report the findings to Council for information
4. Recommend to the Subject Member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council
5. Instruct the Monitoring Officer to arrange training for the Subject Member
6. Remove the Subject Member from all outside appointments to which he/she has been appointed or nominated by the Council
7. Withdraw facilities provided to the Subject Member, such as computer, website and/or email and internet access for an agreed period
8. Exclude the Subject Member from the Council's offices or other premises for an agreed period
9. Restrict the Subject Member's access to the Council's Officers for an agreed period
10. Recommend suitable training, mediation/conciliation be given
11. Accept a written apology from the Subject Member
12. Remind the Subject Member of the undertaking signed at the point of their election, in relation to the Members Code of Conduct (to comply with the Localism Act 2011)
13. Remind the Subject Member of the need to declare their pecuniary interests via the Register of Interests form – to be updated at regular intervals when requested or when circumstances alter – and at the beginning of any committee meeting where that interest relates to an Agenda item

The Panel has no power to suspend or disqualify the Subject Member.

### APPENDIX 3 - PROCEDURE FLOWCHART





**AGENDA ITEM NO. 7**

**ARUN DISTRICT COUNCIL**  
**REPORT TO STANDARDS COMMITTEE**  
**ON 19 OCTOBER 2017**

|                 |  |
|-----------------|--|
| <b>SUBJECT:</b> | <b>Review of the Terms of Reference for Standards Committee, Assessment Panel and Dispensation Panel</b> |
|-----------------|--|

|                       |   |
|-----------------------|---|
| <b>REPORT AUTHOR:</b> | Liz Fitcher – Group Head of Council Advice & Monitoring Officer |
| <b>DATE:</b>          | September 2017  |
| <b>EXTN:</b>          | 01903 737610  |

**EXECUTIVE SUMMARY:**

The Council's Constitution is undergoing a major review led by the Constitution Working Party. The section currently under review is Part 3, Responsibility for Functions, which sets out the terms of reference for Committees, Sub-Committees and Panels. This report seeks Members' views on re-drafted terms of reference for this Committee and its two Panels – the Assessment Panel and the Dispensation Panel.

**RECOMMENDATIONS:**

The Committee is asked to recommend to Full Council that:

1. the revised terms of reference for the Standards Committee, Assessment Panel and Dispensation Panel, as set out in Appendix 1 to the report, be approved and updated in Part 3, Responsibility for Functions in the Constitution; and
2. the Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

**1.0 BACKGROUND**

- 1.1 The Council has been receiving regular reports over the last eight months on the review of the Constitution being led by the Constitution Working Party. The current section under review is Part 3, Responsibility for Functions, which set outs the terms of reference of Committees, Sub-Committees and Panels. The aim has been for any revisions to create simplicity and ease of reading based on best practice used elsewhere.
- 1.2 The Chairman and Vice-Chairman of the Committee were consulted in the early stages of this review as requested by the Constitution Working Party.

**2.0 PROPOSALS**

- 2.1 This review has provided the opportunity to reflect on the current practices of the Standards Committee and its Panels, together with the outcomes of the reviews already discussed on the agenda of the Members Code of Conduct and Local Assessment Procedure. The proposals being put forward are based on these revised practices.
- 2.2 Appendix 1 sets out a revised Terms of Reference for the Standards Committee, Assessment Panel and Dispensation Panel based on the template agreed by the Constitution Working Party. As requested by this Working Party, it aims to simplify the existing arrangements yet still highlight the full functions of the Committee and its Panels.
- 2.3 The remaining appendices are extracts of the existing wording in the Constitution:
- (i) Appendix 2 – the former Article since revised by Council on 13 September 2017
  - (ii) Appendix 3 – the current Standards Committee
  - (iii) Appendix 4 – the current Assessment Panel
  - (iv) Appendix 5 – the current Dispensation Panel
- 2.4 In proposing a revision to the Terms of Reference for the Standards Committee, reference is now made to the Local Assessment Procedure and how this Committee will be responsible for monitoring its operation and recommending any further revisions to the Council. The draft also highlights whether its remit should include reviews requested under the Local Assessment Procedure – to be considered earlier on the agenda. No reference is made to the former function listed in Appendix 3 at paragraph 4.5.1.7 (Dispensations) as this function has been delegated to the Dispensation Panel for some years.
- 2.5 The proposals for the Assessment Panel are deliberately shorter. They refer to the Local Assessment Procedure which confirms arrangements for hearings, what decisions the Panel can take and the sanctions they can determine.
- 2.6 The final proposals for the Dispensation Panel are broadly based on current arrangements. The aim has been to simplify the wording.
- 2.7 The Committee's views are welcomed on these proposals.

**3.0 OPTIONS:**

1. To support the revised terms of reference.
2. To not support the revisions and propose alternative arrangements.

**4.0 CONSULTATION:**

| Has consultation been undertaken with:  | YES        | NO        |
|---|------------|-----------|
| Relevant Town/Parish Council  |            | ✓         |
| Relevant District Ward Councillors  |            | ✓         |
| Other groups/persons (please specify) <ul style="list-style-type: none"> <li>• Chairman and Vice-Chairman of the Standards Committee</li> </ul> | ✓          |           |
| <b>5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING</b>  | <b>YES</b> | <b>NO</b> |



| <b>COUNCIL POLICIES: (Explain in more detail below)</b>       |   |   |
|---|---|---|
| Financial   |   | ✓ |
| Legal   | ✓ |   |
| Human Rights/Equality Impact Assessment                       |   | ✓ |
| Community Safety including Section 17 of Crime & Disorder Act |   | ✓ |
| Sustainability  |   | ✓ |
| Asset Management/Property/Land                                |   | ✓ |
| Technology  |   | ✓ |
| Other (please explain)  |   | ✓ |

**6.0 IMPLICATIONS:**

None

**7.0 REASON FOR THE DECISION:**

The Council needs to ensure it has adequate and transparent governance arrangements in place for its Committees, Sub-Committees and Panels.

**8.0 BACKGROUND PAPERS:**

Council's Constitution <https://www.arun.gov.uk/constitution>

Proposed Changes to Part 3 – Responsibility for Functions  
 Replace existing section 4.5 with the table below

| <b>Committee/Panel and Membership</b>   | <b>Functions</b>   | <b>Delegations of Functions</b>                             |
|---|--|---|
| <p><b>Standards Committee</b></p> <p>9 Members of the Council (to include no more than one Cabinet member and shall not include the Leader or Deputy Leader)</p> <p>3 Independent Persons</p> <p>Quorum - 3 members</p> <p>No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Group Head of Council Advice &amp; Monitoring Officer, in consultation with the Cabinet Member for Corporate Support, has been undertaken.</p> | <ol style="list-style-type: none"> <li>1. To promote and maintain high standards of conduct by District Councillors, Town and Parish Councillors and co-opted Members.</li> <li>2. To advise the Council and Town and Parish Councils on the adoption or revision of the Members Code of Conduct.</li> <li>3. To monitor the operation of the Local Assessment Procedure and recommend any revisions to the Council.</li> <li>4. Where not covered by the Local Assessment Procedure, to determine the action to be taken on any failure of a District Councillor, Town or Parish Councillor or co-opted Member to comply with the relevant authority's Code of Conduct following a report from the Group Head of Council Advice &amp; Monitoring Officer.</li> <li>5. To determine any review made under the Local Assessment Procedure following a report from the Group Head of Council Advice &amp; Monitoring Officer.</li> <li>6. To advise and support the Group Head of Council Advice &amp; Monitoring Officer in the delivery of training on the Members Code of Conduct to District Councillors, Town and Parish Councillors and co-opted Members.</li> <li>7. To consider membership and recruitment of Independent Persons to the Committee and make recommendations for appointments to Full Council.</li> <li>8. All other functions relating to standards of conduct of District Councillors, Town and Parish Councillors and co-opted Members under the Localism Act 2011 or Regulations made under it.</li> </ol> <p><b>Role of Independent Persons</b></p> <ol style="list-style-type: none"> <li>a) They will have a consultative role when the Standards Committee or Assessment Panel makes decisions on complaints made against councillors.</li> <li>b) They will be invited to meetings of the Standards Committee and may remain in meetings for all items to be considered unless they have a conflict of interest. Where they do, the Chairman and Vice-Chairman will have authority to decide if they may take part in the debate or request that they leave the meeting.</li> <li>c) They will not be entitled to vote at meetings or chair meetings.</li> </ol> | <p>See Part 3 – Assessment Panel and Dispensation Panel</p> |

## Proposed Changes to Part 3 – Responsibility for Functions

*Replace existing section 4.5 with the table below*

| <b>Committee/Panel and Membership</b>   | <b>Functions</b>  | <b>Delegations of Functions</b> |
|---|---|---------------------------------|
| <b>Assessment Panel</b><br><br>3 Members of the Standards Committee<br><br>1 Independent Person<br><br>Quorum - 3 members | 1. To meet as and when convened by the Group Head of Council Advice & Monitoring Officer to assess written complaints made against a Councillor or co-opted Member of Arun District Council or a Town and Parish Council within the Arun District in respect of an alleged breach of the relevant authority's Code of Conduct.<br><br>2. To conduct hearings, take decisions and determine sanctions in accordance with the Local Assessment Procedure. | None                            |

| <b>Committee/Panel and Membership</b>   | <b>Functions</b>  | <b>Delegations of Functions</b> |
|---|---|---------------------------------|
| <b>Dispensation Panel</b><br><br>3 Members of the Standards Committee<br><br>Quorum - 3 members | 1. To meet as and when convened by the Group Head of Council Advice & Monitoring Officer to consider applications from members of the Council for a dispensation to allow them to participate in the consideration, discussion or voting upon business before the Council where they have a pecuniary interest under the Members Code of Conduct.<br><br>2. To grant a dispensation on the following criteria: <ol style="list-style-type: none"> <li>without the dispensation, the proportion of the Council who would be prohibited from participating would impede the Council's transaction of that business; or</li> <li>without the dispensation, the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote; or</li> <li>the granting of the dispensation is in the interests of people living in the Arun District; or</li> <li>without the dispensation, each individual Cabinet Member would be prohibited from participating in the business; or</li> <li>it is otherwise appropriate to grant a dispensation.</li> </ol> 3. To determine the period for the dispensation to be granted. | None                            |



BOGNOR REGIS REGENERATION SUBCOMMITTEE

23 October 2017 at 6.00 pm

Present: - Councillors Hitchins (Chairman), Mrs Madeley (Vice-Chairman), Bence, Bower, Mrs Brown, Charles, Dillon and Wells.

[Note: Councillor Charles was absent from the meeting during consideration of the matters referred to in Minute 13.]

Councillor Oppler was also present at the meeting.

8. APOLOGY

An apology for absence had been received from Councillor Maconachie.

9. DECLARATIONS OF INTEREST

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

Reasons

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

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

Councillor Wells declared a personal interest in the event of any discussion on the Town Centre BID (Business Improvement Development) as a town centre trader.

Councillors Bower, Dillon, Hitchins and Wells declared a personal interest in Agenda Item 5, Sainsbury's Bognor Regis Section 106 Funding, should any reference be made to relevant planning applications as they were members of the Development Control Committee. Councillor Charles also declared a personal interest in the same item as the Cabinet Member for Planning.

10. MINUTES

The Minutes of the meeting held on 26 June 2017 were approved by the Subcommittee as a correct record and signed by the Chairman.

*(Prior to consideration of the following item Councillors Bower, Charles, Dillon, Hitchins and Wells had declared a personal interest and remained in the meeting and took part in the debate.*

*During the course of discussion, Councillor Wells declared a further personal interest as a member of the Bognor Regis Pier Trust which had identified funding to put towards work in the town.)*

11. SAINSBURY'S BOGNOR REGIS SECTION 106 FUNDING IMPACT

The Subcommittee received this report which provided an update on the projects undertaken as a result of Section 106 funding from the Sainsbury's store built on the derelict LEC factory site in 2012.

On taking Members through the delivery of initiatives outlined in the report with respect to Transport Initiatives and the Town Centre, the Senior Regeneration Officer advised on the difference the funding had made to the Town Centre and was particularly pleased to highlight the match funding that had been generated – an additional £2m to deliver the public realm improvements in the town. Southern Rail and Network Rail were involved in the arrangements to improve Station Square and this had directly resulted in a £2m refurbishment project at the railway station; these works were due to be completed in January 2018.

The Business Support Manager advised that the three paragraphs in the report did not fully reflect the excitement she felt at what had been achieved. Businesses had greatly benefited from the business grants that had been awarded, which in turn had attracted match funding of £69,000 and that had led to a successful bid by the Council to the West Sussex Strategic Infrastructure Fund for additional funding for a countywide LEAP (Local Enterprise & Apprenticeship Platform) Scheme. £71,000 had been awarded, together with match funding of over £139,000 and, in total, 75 businesses had benefited from the grants.

The apprenticeship funding had also been very successful, with 12 apprenticeships being supported in Bognor Regis, together with a further 8 across the District as part of the countywide LEAP Scheme.

Finally, the Business Support Manager paid tribute to the University of Chichester for the tremendously successful business support programme they were providing.

In discussing the matter, all Members applauded the work that had been undertaken and was continuing to be done to support businesses and apprenticeships. It was highlighted how beneficial Section 106 contributions could be when used in the right way and how that, in turn, could lead to additional funding being accessed. Acknowledgement was expressed for the contribution LEC had made to the regeneration of Bognor Regis.

A question was asked as to whether provision had been made for on-going maintenance of the public realm works and a response given that the County Council would be taking over the lamp posts as part of its PFI contract, together with some of the street furniture, with the remaining street furniture being dealt with by Arun. The decoration of the Esplanade hoardings on the seafront site was being led by the Town Council.

A question was also asked about additional sources of external funding such as the LEP and others and a response given at the meeting.

The Chairman thanked all those involved for their efforts and the Subcommittee then noted the report.

## 12. TOWN CENTRE MANAGEMENT PRESENTATION

The Subcommittee received a report from the Town Centre Manager, Mr Toyubur Rahman, which focussed primarily on the BID (Business Improvement District) Scheme. He advised Members that there were 24 empty shops at the present time out of a total of 262, a percentage of 9.2 compared with a 14% high in 2012, with an average footfall of 9,800 per day being recorded.

In turning to the BID, he was pleased to inform the Subcommittee that the vote in the summer had been successful with a 60% turnout – 179 votes were recorded and 143 were in favour, with around 80% support both in terms of votes cast and percentage of rateable value. Comparing these results with other BID ballots, the turnout was much higher – it had been only about 40% - and the level of support for the BID was also exceptionally high. He considered it a tremendous result for the town centre and paid tribute to the support received from businesses, Arun District Council, the Town Council and the University of Chichester, all of which was very much appreciated. The really hard work had now commenced to ensure the scheme would go live on 1 April 2018.

The primary aims of the BID would be to promote:-

- A well known town centre through branding and marketing
- A welcoming town centre, i.e. clean and safe
- An active town centre at night by stimulating the night time economy
- Better parking and actively promoting the two hour parking scheme

Members welcomed the initiative and thanked the Town Centre Manager for his efforts. It was exciting news and showed that businesses had confidence in the town. Comment was also made that the purchase of the Arcade by the District Council had illustrated its commitment to the town and it was felt that that purchase alone would generate more shops coming to Bognor Regis, which in turn would improve the shopping offer.

The Chairman thanked the Town Centre Manager for his positive presentation and looked forward to the scheme going live in April 2018.

### 13. POSITION STATEMENT

In receiving and noting the Position Statement, the Subcommittee was advised and made comment on the following:-

**Enterprise Bognor Regis** – A suggestion was made that, with the development envisaged for the town, some thought should be given to a Park & Ride Scheme to assist with the potential shortfall in parking provision that might arise. It was explained that financial viability was a key consideration to progressing such a proposal. It was put forward that Members contact the Transport & Highways Committee with any concerns about future parking in the town as that was the best forum to have such discussion.

**Seafront Regeneration** – detailed discussion took place with respect to the planning application that had been deferred for public toilets on the Promenade following concerns raised by Members of the Development Control Committee and the public. An assurance was given by the Group Head of Economy that the application was being adjusted, where feasible, to address the concerns raised.

**Transport & Car Parking** – It was reported that a suggestion had been made to JWAAC Highways & Transport that the next Bognor Regis Highways project should be the junction near the railway station and Picturedrome. This attractive corner of the town was dominated by the traffic and the junction, and a roundabout with wider pavements and narrower road would slow traffic, make it more pedestrian friendly and enhance the ambiance of the area. This would be an agenda item for its next meeting. A request was made that West Sussex County Council look at the problem of the bus stop at the junction of Station Road and Longford Road as part of its future highways work around the station as severe problems were caused by the buses not being able to pull in.

**Placebranding & Promotion** – It was agreed that the online perception survey being conducted should involve different age ranges.

(The meeting concluded at 7.21 p.m.)



LOCAL PLAN SUBCOMMITTEE

30 October 2017 at 6.00 p.m.

Present : Councillors Bower (Chairman), Charles (Vice-Chairman), Mrs Bence, Bicknell, Mrs Brown, Chapman, Elkins, Haymes and Mrs Stainton.

[Note: Councillor Bicknell was absent from the meeting during consideration of the matters referred to in Minutes 13 to 15.]

Councillors Ambler and Bence were also in attendance at the meeting.

13. Apologies for Absence

Apologies for absence had been received from Councillors Cooper, Mrs Hall and Oppler.

14. Declarations of Interest

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

Reasons

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

There were no declarations of interest made.

15. Minutes

The Minutes of the meeting held on 31 August 2017 were approved by the Subcommittee and signed by the Chairman as a correct record.

16. Arun Local Plan – Action Plan and Main Modifications

The Group Head of Planning introduced this item by paying tribute to the officers for their contribution in representing the Council at the Local Plan Examination held between 18-25 September 2017, which went very well.

During the Examination a number of issues were raised either by the Inspector or those attending the sessions and an Actions Log was maintained to ensure that all the matters were addressed either during the Examination or after it. The additional papers circulated to Members prior to the meeting included the Actions Log, with the Council's responses now included, together with a full schedule of further Main Modifications that amalgamated the Inspector's suggestions pre-examination and those that had subsequently arisen through the Examination. (Members would be taken through the document following the introduction).

Since closing of the Examination, the Inspector had also written to the Council setting out some of his Interim Findings. These were summarised at paragraph 1.9 of the report. The Group Head of Planning was pleased to advise that the Inspector had already concluded that the Council had complied with the Duty to Co-operate and had met the consultation requirements. He also made more comments on specific matters such as strategic gaps, employment allocations, infrastructure and a few of the proposed housing allocations.

Officers had now instructed some additional work on matters such as employment and landscape and were awaiting further comments from the County Council on infrastructure. As some of these matters could potentially result in fairly significant changes to some policies, a special meeting of the Subcommittee had been arranged for 20 November 2017 to agree the Council's response. The meeting previously scheduled for 7 December 2017 had therefore been cancelled.

In terms of going forward, Members heard that the Council needed to provide a response by the end of October to the modifications that had come about following the Examination and then needed to submit a further response on his interim findings by 22 November. Officers would then have a full schedule of additional Main Modifications that further evidence base work could consider, if necessary. Once that was done, there would be a further round of consultation. The consultation would be undertaken on these further modifications only and would run for a minimum of 6 weeks. By the end of February 2018, the Council would collate any representations submitted through the consultation and in March 2018 the Inspector would publish his final report.

The Group Head of Planning advised that, due to a further meeting now being timetabled for 20 November 2017, recommendations 3, 4 and 5 contained in the report should be more appropriately considered at that meeting. Recommendations 1 and 2 were requested to be determined as follows:-

(1) Resolve to agree the responses provided within the Actions Log, along with the draft schedule of further Main Modifications for submission to the Local Plan Inspector to review; and

(2) Recommend to Full Council that authority be delegated to the Local Plan Subcommittee to agree the response to the Inspector's interim Findings Note at its meeting on 20 November 2017, including any further Main Modifications that arise as a result.

The Principal Conservation Officer then referred Members to the document that had been circulated prior to the meeting (available on the Council's website) which detailed the Interim Findings of the Inspector and provided an explanatory note on the daily action sheet and the Main Modifications. He advised that not all of the modifications were being presented at this meeting – further modifications would be considered by the Subcommittee once the Inspector's Interim Findings Note had been actioned.

The Chairman then took the Subcommittee through the tables to provide Members with an opportunity to make comment.

A number of comments were made and responded to by officers. With regard to MM49 it was agreed that the additional text should have the words "as appropriate" at the end of that sentence. It would therefore read:-

"There may be circumstances where the public benefit from the proposed development outweighs any proposed harm. In such circumstances, the proposal will need to be justified by the applicant **as appropriate.**"

In turning to the report, under paragraph 1.9, comment was made that the Angmering/Worthing and the Felpham/Bognor Regis gaps should not be removed and were justified.

The Subcommittee then

RESOLVED - That

(1) the responses provided within the Actions Log and as amended at the meeting, along with the draft schedule of further Main Modifications for submission to the Local Plan Inspector to review, be agreed; and

RECOMMEND TO FULL COUNCIL

That authority be delegated to the Local Plan Subcommittee to agree the response to the Inspector's interim Findings Note at its meeting on 20 November 2017, including any further Main Modifications that arise as a result.

17. Planning for the Right Homes in the Right Places: Consultation Response

The Group Head of Planning advised that on 14 September 2017, the Government published a consultation document entitled; Planning for the right homes in the right places. This set out a number of proposed changes to planning, as summarised in paragraph 1.3 of the report. These followed on from the Housing White Paper in February 2017.

A supplementary document had been circulated to Members prior to the meeting (which had also been uploaded to the Council's website), and this set out the Council's proposed draft response to the consultation for submission to the DCLG (Department of Communities and Local Government).

The Government first mooted the proposal for a standard approach to assessing local housing need in the Housing White Paper. It argued that such an approach would be simpler, quicker and more transparent and would speed up the time taken to prepare Local Plans.

It was felt that standardised assessment models could bring value by reducing uncertainty and increasing data transparency. However, any standardised approach to assessing housing requirements needed to genuinely reflect local conditions, capture the complexities of different housing markets and not set national housing targets on Councils and local communities. The proposed methodology started with 10 years' worth of household projections and then used a multiplier which was greater for less affordable areas.

The Group Head of Planning advised that, for Arun, the proposed standard methodology would mean that the baseline housing requirement would increase by 30 to 1,199 per annum. Other authorities in West Sussex such as Worthing and Horsham would have similar increases but areas such as Brighton, Crawley and Lewes would see a decrease in numbers.

The consultation placed more emphasis on statements of common ground with neighbouring authorities. It was proposed that all local planning authorities should produce a statement of common ground setting out cross-boundary matters, including the housing need for the area, distribution and proposals for meeting any shortfalls and record where agreement had, and had not, been reached. This would provide evidence as to how a local planning authority had met the duty to co-operate with a view to enabling examination of Local Plans to progress more quickly.

The Government was proposing a formula based approach, apportioning housing need figures in local authority areas to neighbourhoods by percentage of population (as a starting point).

The consultation confirmed that it would bring forward regulations at the earliest opportunity to enable local authorities to increase planning

application fees by 20 per cent, to honour the commitment in the Housing White Paper. Furthermore, views were also being sought on additional criteria that local authorities could be required to meet to allow them to increase fees by a further 20 per cent. The Housing White Paper suggested that this could be applied to those authorities who were delivering the homes their communities needed.

In considering the response tabled, the following comments were made

**Question 1(a)** – For consistency the answer should read “No”. 3<sup>rd</sup> paragraph, last sentence, should refer to infrastructure as well as environmental constraints.

**Question 8** – need to involve infrastructure providers within the Local Strategic Statement.

**Question 18(b)** – Not sure response answers the question. It was agreed to amend the response to read “Yes. The proposed criteria are outside the control of the local planning authority. The local planning authority is in control of keeping an up to date Local Plan and ensuring that sufficient planning permissions are granted and these are more appropriate criteria.”

Following consideration, the Subcommittee

#### RECOMMEND TO FULL COUNCIL

The response to the questions raised through the “Planning for the Right Homes in the Right Places” consultation, subject to the amendments made, be submitted as the Council’s response before 9 November 2017

#### 18. Follow Up to Clarify Position of the Council after the Decision of Local Plan Subcommittee on 6 December 2016

The Group Head of Planning reminded the Subcommittee that in December 2016, it considered a report to increase housing land supply in the short term. One of the resolutions was to invite planning applications on sites identified as ‘deliverable’ within the HELAA. This decision was on the basis that applications were to be submitted ‘until the Local Plan is adopted’.

What that report did not do was make it clear about whether that decision related to submissions made or applications determined up to the point when the Local Plan was adopted. The report on the table clarified that it related to applications submitted up to the point where the Local Plan was adopted and to make it clear that the resolution would remain a consideration to those applications that were undetermined at that time.

In considering the matter, a number of questions were asked, which the Group Head of Planning responded to at the meeting.

The Subcommittee then

RECOMMEND TO FULL COUNCIL

That the decision taken by Full Council in January 2017 in respect of inviting planning applications on 'deliverable' HELAA sites will relate to applications submitted until the Local Plan is adopted.

19. Recommendation from the West Sussex & Greater Brighton Strategic Planning Board

Arun had been a member of the Strategic Planning Board for a number of years and the Subcommittee was advised by way of this report that the Board had recently met to discuss a way forward for Strategic Planning through the Local Strategic Statement 3. The papers attached to the report set out what had been discussed and the recommendations of the Board.

Following consideration, the Subcommittee

RECOMMEND TO FULL COUNCIL

That the following decision made by the West Sussex & Greater Brighton Strategic Planning Board be approved:-

1. The Board agrees to robustly and creatively explore options for meeting the unmet needs across the Board area, starting by leaving 'no stone unturned' within the respective administrative boundary for the period up to 2030 and for these options to inform Local Plan reviews
2. The Board agrees to prepare a Local Strategic Statement 3 covering the period 2030 to 2050 with an appropriate level of stakeholder participation to ensure that all those with an interest in LSS3 have an opportunity to engage in the development of the strategy
3. The Board agrees to commission work to provide an evidence base for the preparation of a Local Strategic Statement 3 which covers the following,
  - A baseline of current growth proposals and an understanding of any shortfall in housing, employment and infrastructure provision;
  - A common methodology for determining the 'no stone unturned' approach to identifying possible locations to meet any unmet need.
  - The capacity of the Board area to absorb further growth in this period;
  - The likely required level of growth between 2030 and 2050;

- The strategic options available to deliver additional growth;
- The investment necessary (in infrastructure) to ensure the successful delivery of appropriate growth.

4. The Board agrees to continue with the current governance arrangements and provide Leaders/Chairman and Chief Executives with a quarterly report.

5. The Board supports the appointment of an 'Advisor' to the Board from April 2018 for a three-year period subject to funding being agreed and for a constituent member to be the employing body.

6. The Board agrees to request each full member of the Board to contribute the sum of £15,000 per annum for three years to support the cost of employing the Board's Advisor and to fund the commissioning of technical work unless cost is met by the West Sussex Business Rate Pool.

7. The Board reviews the Terms of Reference to ensure that they remain fit for purpose having regard to the proposed changes.

8. Representative of the Board engage with representative of the Gatwick Diamond Strategic Planning Board to co-ordinate work programmes.

9. The Board agrees the responses to the recommendations to the report prepared by Catriona Riddell Associates as set out in background paper.

20. Local Plan Subcommittee Terms of Reference

The Group Head of Planning presented this report which made some very minor changes to the Terms of Reference for the Subcommittee. Essentially these replaced the specific reference to Local Plan documents with reference to Planning Policy documents. This would broaden the Terms of Reference and would include consideration of documents such as Supplementary Planning Documents in future years.

The Subcommittee

RECOMMEND TO FULL COUNCIL

That the amended Terms of Reference for the Local Plan Subcommittee, attached at appendix 1 to the report, be agreed.

(The meeting concluded at 7.20 pm)





ARUN DISTRICT COUNCIL

LOCAL PLAN SUB-COMMITTEE – 30 OCTOBER 2017

---

Subject : Arun Local Plan - Action Plan and Main Modifications

Report by : Martyn White, Principal Planning Officer

Report date : 16 October, 2017

EXECUTIVE SUMMARY

The Local Plan Examination Hearings were held between 18 and 28 September 2017, and have been formally closed by the Inspector. Through the examination a number of matters were raised that the Inspector has asked the Council to consider. These matters have been incorporated into ADCED72 where a daily log of issues has been collated. A formal response to all of these issues will be added to this agenda prior to the meeting. This completed Actions Log, along the relevant Main Modifications, will be sent to the Inspector on 31 October 2017.

The Council has also received Interim Findings from the Inspector (IDED42) following the examination hearing sessions. The purpose of the note is twofold: firstly to provide preliminary findings on some key issues, and secondly to provide his views on the further Main Modifications that are likely to make the Local Plan sound following the hearing sessions.

Once the Inspector has confirmed that the proposed additional Main Modifications (MMs) are acceptable, the Council will be required to 'test' these modifications through an addendum to the Sustainability Appraisal (SA). Once this has been completed, the Council will be able to consult on these additional modifications.

The results of the consultation will be passed to the Inspector to inform his final assessment of the Plan.

RECOMMENDATION

It is recommended that:

- 1) Local Plan Sub-Committee agree to the responses provided within the Actions Log for submission to the Local Plan Inspector;
- 2) The Director of Place be authorised to prepare a detailed schedule of further Main Modifications and necessary documentation for submission to the Local Plan Inspector;

- 3) Following receipt of the Inspectors letter, the Director of Place be authorised to publish the schedule of further proposed Main Modifications and necessary documentation for publication and a 6-week representation period in accordance with the Inspectors guidance;
- 4) Following this 6-week representation period, that the representations to these further proposed modifications be submitted to the Planning Inspector for review before a final report is sent to the Council;
- 5) That the Director of Place be authorised to produce and submit any supplementary information and documentation to the Planning Inspector as required.

## 1.0 BACKGROUND

- 1.1 The Local Plan examination hearings took place for the weeks commencing 18 and 25 September 2017, and concluded on Thursday 28<sup>th</sup> September when the Inspector formally closed the examination.
- 1.2 The last hearing session (no. 14) was dedicated to the next stages in the preparation/examination of the Local Plan. During the discussion it was agreed that there are a number of steps to be followed prior to the adoption of the Local Plan. This report provides an update on the preparation of the Local Plan, including the Inspectors interim findings, information related to additional Main Modification (MMs) and an additional period of consultation.

### Actions Arising Through the Examination Hearings

- 1.3 Through the examination a number of matters were raised that the Inspector has asked the Council to consider. These were confirmed at the end of each hearing session and presented in an 'Actions Log' which has been uploaded to the examination website (document ADCED72).
- 1.4 The matters range in nature from uploading additional documents to the examination web page through to considering the preparation of further modifications to the Local Plan.
- 1.5 Officers are working to provide a formal response to each of these as part of the Actions Log and this will result in either further Modifications to the Plan, an explanation as to why we don't propose any action, or confirm that an action/task has been completed.
- 1.6 The completed Log will be provided to Members prior to the meeting and will be sent to the Inspector along with an accompanying updated list of additional Main Modifications following this committee meeting.

### Inspector's Interim Findings Following Hearing Sessions

- 1.7 The Council has received Interim Findings from the Inspector following the examination hearing sessions (IDED42). The purpose of the note is twofold:

firstly to provide preliminary findings on some key issues, and secondly to provide his views on the further Main Modifications that are likely to make the Local Plan sound following the hearing sessions.

- 1.8 In addition, the note seeks clarification/further information from the Council on some matters following the hearings, particularly in relation to documentation that was submitted just before or during the hearings.
- 1.9 The Inspectors conclusions regarding soundness and procedural compliance will be set out in the final report. However, as part of the interim report, the Inspector provides brief explanations of his findings, having regard to the criteria for soundness. The key issues raised include:
- The Inspector is satisfied that the Council has engaged constructively and complied with the Duty to Cooperate;
  - He also considers that the Council has met the requirements in the regulations with respect to consultation (relating to the publication of the modified plan, seeking and considering representations and submitting documents to the Secretary of State);
  - The Council should consider if the Angmering / Worthing and the Felpham / Bognor Regis gaps are justified;
  - The size of the employment allocation at Angmering (site 7) has been questioned, and a reduced size suggested;
  - The supply from non-strategic housing sites should be reviewed, with a commitment to begin working on the Development Plan Document soon after the adoption of the Local plan;
  - The capacity of the Yapton allocation (SD7) should be amended to state 'at least 500 dwellings';
  - Further information related to the Angmering North Allocation (SD9) has been requested to justify its soundness in terms of landscape impact;
  - The County Council is requested to provide further information related to the provision of education associated with the strategic allocations;
  - The Inspector suggests that the best approach related to Infrastructure provision would be to include within the Local Plan, a commitment to progress a CIL Charging Schedule immediately after the adoption of the LP (assuming that CIL is retained in some form at national level).
- 1.10 Officers are currently reviewing the information provided by the Inspector and are preparing a formal response to each issue raised. This will require officers to prepare further modifications to the Plan, which will need to be the subject of Sustainability Appraisal and consultation.

#### Further Modifications to the Local Plan

- 1.11 The Council is in the process of preparing further Modifications to the Plan. The list of Modifications will include those:
- prepared following the end of the Main Modifications consultation (May 2017);

- main modifications that arose before the examination as a result of the Inspectors initial questions to the Council in August 2017 (ADCED49),
  - that arose as a result of the Matters and Issues statements;
  - that arose as a result of the examination hearings themselves (ADCED72),
  - that arise in response to the Inspectors Interim Findings (IDED42)
- 1.12 It is worth noting that the Inspector is only concerned with those changes to the Plan's policies and supporting text that are required to make the document 'sound'. These changes are termed 'Main Modifications'. It is not the Inspector's role to recommend other changes which would generally improve the Plan. However, it should be noted that a number of Minor Modifications have been prepared by the Council which are considered relevant. These are referred to as Additional Modifications, but do not affect the soundness of the Plan. As a consequence, they are of no interest to the Inspector. However, for completeness the Council will ensure that these are passed to the Inspector as well.
- 1.13 Following receipt of these modifications from the Council, the Inspector will then have the opportunity to review them. He will then respond confirming if he approves of them. In addition, he will inform the Council if there are any substantial issues that he would like to see addressed that would require further work or testing.
- 1.14 Once the Inspector has confirmed that the proposed additional Main Modifications are acceptable, the Council will be required to 'test' these modifications through an addendum to the Sustainability Appraisal (SA). Once this has been completed, the Council will be able to consult on these modifications.

#### Consultation

- 1.15 The additional period of consultation (referred to above) enables the Inspector to understand the views of all interested parties' on these proposed Main Modifications before he reaches his final conclusions on the Plan.
- 1.16 It is stressed that the consultation will only relate to the further main modifications (see para 1.11 above), and no other element of the Plan, as these have previously been consulted upon.
- 1.17 The Committee is asked to approve the publication of the schedule of further proposed Main Modifications for public consultation following receipt of the Inspectors letter. The consultation period will be a minimum of 6 weeks and commence in December 2017/January 2018.
- 1.18 At the end of the consultation, all of the responses received will be collated, summarised and passed on to the Inspector, for review. Following this, the Council will be sent a final report from the Inspector setting out his final conclusions on the soundness of the Plan, along with any recommendations.

### Timetable

1.19 The timetable for the remainder of the examination is anticipated as follows (based on the Inspectors availability to work on the Local Plan):

- October 2017 – The schedule of MMs are provided to Inspector.
- November 2017 – The Inspector provides comments on the schedule and the Council provides a response to the post hearing note.
- End of November 2017 – The Council finalise the Schedule of MMs taking into account the Inspector's comments and any issues raised in the Interim Findings note.
- December 2017 – The Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) are updated as necessary to take into account the Proposed MMs.
- December 2017/January/February 2018 – Publicity/consultation is undertaken on the MMs alongside the updated SA/HRA for a 6 week period.
- February 2018 – The Council considers representations on the MMs and passes them on to the Inspector for consideration.
- March 2018 – The Inspector finalises his report. The report will be subject to QA and a LPA fact check.

### Adoption

1.20 When the Inspectors final report is received by the Council (assuming that it is favorable), a fully revised version of the Local Plan will be prepared incorporating his recommended Main Modifications (and Additional Modifications). It is likely that there will be some further minor adjustments to the Plan (such as formatting and typographical changes) when the final version of the document is prepared prior to adoption. The final version of the Local plan will be presented to this committee with the request that it be recommended to Full Council for adoption.

## 2.0 RELEVANT DOCUMENTS

- Local Plan Examination Action Log:  
[ADCED72 Action Log updated 27.9.17.pdf \[pdf\] 72KB](#)
- IDED42: Inspector's Interim Findings Following Hearing Sessions

## 3.0 BACKGROUND DOCUMENTS

Background documents are located on the Local plan examination web page:  
<https://www.arun.gov.uk/local-plan-examination>

**Contact:** Martyn White  
Telephone ext.: 37785  
E-mail: [Martyn.White@arun.gov.uk](mailto:Martyn.White@arun.gov.uk)



ARUN DISTRICT COUNCIL

LOCAL PLAN SUB-COMMITTEE – 30 OCTOBER 2017

---

Subject : Planning for the right homes in the right places: consultation response

Report by : Neil Crowther

Report date: 16 October 2017

---

EXECUTIVE SUMMARY

On 14 September 2017, the Government published 'Planning for the right homes in the right places'. This report provides the Council's response to the matters raised in this consultation.

RECOMMENDATIONS

Members are requested to recommend to Full Council that;

The response to the questions raised through this consultation (to be attached) be submitted as the response from Arun District Council before 9 November 2017.

1.0 INTRODUCTION

- 1.1 On 14 September 2017, the Government published a consultation document entitled 'Planning for the right homes in the right places: consultation proposals'. The consultation comprises 19 questions to respond to by 9 November 2017. Officers are currently working on preparing a response to these questions and this will be circulated to members of the Committee and published prior to the meeting.
- 1.2 The consultation follows the publication of the housing White Paper published in February 2017 and precedes a proposal to revise the National Planning Policy Framework in Spring 2018.
- 1.3 The consultation paper set sets out a number of additional proposals to 'reform the planning system to increase the supply of new homes and increase local authority capacity to manage growth'. Proposals include:
- a standard method for calculating local authorities' housing need

- how neighbourhood planning groups can have greater certainty on the level of housing need to plan for
  - a statement of common ground to improve how local authorities work together to meet housing and other needs across boundaries
  - making the use of viability assessments simpler, quicker and more transparent
  - increased planning application fees in those areas where local planning authorities are delivering the homes their communities need
- 1.4 The document defines a standard methodology for determining housing requirements and includes a suggested assessment of housing need for every authority over the period 2016 to 2026. It is stated to be based on three key principles, to be: simple, based on publicly available data; and realistic. The standardised methodology uses the latest household projections as the demographic baseline should be the annual average household growth over a 10 year period. It is proposed that an adjustment is made to take account of market signals, where appropriate, based on affordability (the latest information on workplace-based median house price to median earnings ratios). A calculation is proposed, which determines a level of uplift, that seeks to ensure more homes are delivered in the locations where affordability is worst.
- 1.5 The consultation is accompanied by a ‘Housing need consultation data table’ that sets out the housing need for each local planning authority using the proposed standard method, how many homes every place in the country is currently planning for, and, where available, how many homes they believe they need. For Arun, this shows a significant increase in housing needs from the current 919 dwellings/year to 1,199 dwellings/year.
- 1.6 Overall, as a result of the proposals contained within the consultation, Arun would be faced with a 30% increase in objectively assessed housing need. The increase over West Sussex would be 4%. To put this in context, when preparing the next Local Plan, if it were for a 20 year period, sites for an additional 5,600 dwellings would be required.
- 1.7 The Housing White Paper also proposed that after 31st March 2018, the new method for calculating the local housing need would apply as a baseline for assessing five year housing land supply.
- 1.8 The consultation paper also includes the following proposals;

|                                      |   |
|--------------------------------------|---|
| <b>Statement of common ground</b>    | The government proposes to require a statement of common ground alongside local plan preparation, coinciding with key stages of the plan’s progress. All local authorities will need to prepare such a statement within twelve months of the publication of the revised NPPF. |
| <b>Planning for a mix of housing</b> | Local authorities should plan for different types and tenures of housing needs. The total housing need figure should, therefore,  |



|  |  |
|--|--|
| <b>needs</b>   | be disaggregated into different types and tenures through the local plan process. This will specifically include the need to plan for housing for older people.  |
| <b>Neighbourhood planning</b>                          | Requiring local planning authorities to provide neighbourhood planning groups with a housing figure on which their neighbourhood plan should be based.   |
| <b>Proposed assessment to viability</b>                | Local plans will be required to more robustly assess viability at a plan level and should set out the types and thresholds of affordable housing contributions, the infrastructure needed to deliver the plan and expectations for how these will be funded and the contributions that developers will be expected to make. Such assumptions will be tested at examination to ensure that plans are deliverable and viable.<br>Government will also update planning guidance to help make viability assessments simpler, quicker and more transparent. |
| <b>Planning fees</b>                                   | Reiterates the government's intention to introduce the necessary regulations to increase planning application fees by 20% at the earliest possible opportunity.  |
| <b>Revisiting responses to the Housing White Paper</b> | With particular reference to 5 year land supply and housing delivery test.   |

- 1.9 A proposed response to the questions posed within the consultation document will be finalised by officers and circulated/published prior to the meeting.

**Background Papers:**

<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

**Contact:** Neil Crowther, Group Head of Planning. x 37839

**Question 1(a) Do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?**

As a general point, in the last few years, the objectively assessed housing needs of Arun District have drastically increased and our Policy Team have had to work incredibly hard to just try and keep up with the ever moving goal posts. Whilst it is welcomed that there will be a standard formula which will mean that excessive debates and scrutiny are avoided and more certainty in plan making is created, it is considered that the results of this approach for Arun are completely unrealistic and unachievable.

In recent years, housing delivery in Arun has averaged about 600 dpa. The highest figure was 890 in 2015/16. This delivery is not as a result of an inadequate number of planning permissions - there are currently about 3,500 dwellings approved and waiting to be built - requiring the delivery of 1,200 dpa in Arun is completely unrealistic as the development industry cannot and will not deliver at that rate, even if sufficient sites were allocated and permissions granted.

Whilst capping any proposed increase is sensible, the proposed 40% seems excessive. In reality, a 40% increase is a significant increase that is very unlikely to be able to be accommodated within the short term, especially in areas where there might be significant environmental constraints.

Whilst the proposed formula provides a nationally consistent, starting point for deciding future levels of housing provision it is important that the final scale and distribution of housing provision is considered and agreed by partners working at the level of the Housing Market Area (HMA). There also needs to be greater scope to reflect other 'local factors' such as significant growth in local employment levels, land availability, transport planning and minerals and waste which can be better assessed through collaborative working at a HMA level.

**Question 1(b) How can information on local housing need be made more transparent?**

This information should be published by the Government annually on a national basis, at the same date each year, in a similar format to the 'housing needs consultation data table' which was published alongside the Government's current consultation.

**Question 2**

**Do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?**

No. At the very least, councils should be able to "freeze" the basic OAN number once they have published the Regulation 19 pre-submission document for public representations, but ideally it should be earlier than this in the process, to allow a smoother preparation of the Regulation 19 document.

Councils should be able to rely upon an assessment of housing need for a period of three years from the date a 'pre-submission' plan is published. This will ensure that there is greater certainty for all involved in the plan-making process as to the number of homes that are required, in case of unexpected delays in the plan-making process later.

As proposed, Council's will constantly be playing 'catch up' with the published data until such time as they submit their Plan. In reality, this may have resulted in evidence needing to be updated (at significant cost and delay) earlier in the process.

**Question 3**

**Do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method?**

Yes. Arun District Council agrees with this proposal, which would make scrutiny of the Local Plan process more straightforward for stakeholders.

**Question 4**

**Do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors?**

Yes.

**Question 5(a)**

**Do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?**

Arun District Council disagrees with the proposal that after 31 March 2018 the new method for calculating the local housing need will apply as the baseline for assessing the five year housing land supply.

**Question 5 (b)**

**Do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five-year land supply and / or be measured for the purposes of the Housing Delivery Test, across the area as a whole?**

No comment

**Question 5 (c):**

**Do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five-year land supply and to be measured for the purposes of the housing delivery test?**

Not relevant to Arun District Council.

**Question 6:**

**Do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?**

The transitional approach is sensible.

**Question 7 (a):**

**Do you agree with the proposed administrative arrangements for preparing the statement of common ground?**

It is essential that statutory bodies such as drainage and health provision are required to work and invest at the same speed that the strategic planning is required progress. Additional powers should be provided to require these bodies to work alongside local

planning authorities on strategic planning. Without them, agreements on strategic issues is exceptionally difficult.

In the case of Arun, we fall within two different HMA's and requiring SOCG's with all of these authorities (some of which where there are very limited functional linkages) will be an additional burden.

**Question 7 (b):**

**How do you consider a statement of common ground should be implemented in areas where there is a mayor with strategic plan-making powers?**

Not relevant to Arun District Council.

**Question 7 (c):**

**Do you consider there to be a role for directly elected mayors without strategic plan-making powers in the production of the statement of common ground?**

Not relevant to Arun District Council.

**Question 8:**

**Do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?**

Yes. Authorities in West Sussex already have a document that would be broadly equivalent to the SOCG in the form of a Local Strategic Statement. Arun District Council would ask that there is some way of recognising the existence of documents where they are already in place.

The statement of common ground is intended to be "part of the evidence for an individual plan examination" and will "not be separately examined by the Planning Inspectorate". However, any statement of common ground will be subject to a high degree of scrutiny by a local plan inspector, who will use it both to make a judgement on whether the plan is sound. Given this anticipated high degree of scrutiny, further clarification of exactly what should be included in a statement of common ground and the level of detail expected would be welcomed.

**Question 9 a):**

**Do you agree with the proposal to amend the tests of soundness to include that:**  
**i) plans should be prepared based on a strategy informed by agreements over the wider area; and**  
**ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?**

Agree with this in principle, but it is unclear how the strategy will be agreed, and what consultation will be undertaken to inform this. Also concerned that delays agreeing the statement of common ground could delay the plan-making process.

**Question 9 b):**

**Do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?**

Yes.

**Question 10 a):**

**Do you have any suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?**

The guidance for preparing Strategic Housing Market Assessments (SHMAs), as well as the NPPF, should be amended to make clear the identification of housing needs for different groups.

**Question 10 b):**

**Do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?**

Yes

**Question 11 a):**

**Should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?**

In theory, this is a reasonable requirement. However, in Arun, we have recently tried going through a process where we have suggested future housing numbers to parish's/town's as part of the Local Plan strategy. This has resulted in a number practical issue;

- i. A fundamental concern from parish's and town's that the District Council is 'dictating' the requirements, which isn't part of Localism.
- ii. A general resistance to providing numbers that are not likely to be popular.
- iii. Some parish's/town's want to prepare Neighbourhood Plans and some do not.
- iv. The data in the HELAA showing deliverable sites does not automatically mirror the 'settlement strategy'; some large settlements have relatively few sites, some smaller settlements have a large number of sites.

In Arun, the previous version of the emerging Local Plan did set out specific numbers for Neighbourhood Plan groups to allocate in their Plans. However, this resulted in approximately 50% of this overall number being allocated and has also resulted in all of these now 'made' Plans being out of date as they were based on out of date housing requirements.

Neighbourhood plans are optional and prepared by volunteers and delivery of housing through this mechanism is uncertain and unpredictable. Neighbourhood plans should therefore only deliver locally identified needs rather than a proportion of the strategic needs of the area. Neighbourhood plans should deliver this housing growth as an addition to that established through the local plan process.

**Question 11 b):**

**Do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?**

No. Parts of the district are highly constrained, and as such it would not be possible for neighbourhood plans in these areas to meet their housing need, based on the 'apportionment' approach. This could lead to a shortfall in the provision of homes across the district. The only sensible approach in this case would be for housing numbers to be left entirely to the Local Plan to distribute, with Neighbourhood Plans indicating instead preferred locations of housing growth rather than exact numbers and locations of sites.

**Question 12:**

**Do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?**

This approach is essentially the same as existing. However, in order to make it work as effectively as possible, detailed longer-term engagement from utilities providers will need to take place; too often, near-complete certainty of costs can often only be provided 5-8 years ahead. This can make it difficult for Local Authorities to understand what some of the infrastructure costs might be, especially on larger sites.

**Question 13:**

**In reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?**

Nothing specific.

**Question 14:**

**Do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?**

Yes, in principle, although clearly the longer the time-gap between the Local Plan being adopted and sites coming forwards, the greater the chance of various costs and values changing in a way that might legitimately impact viability. Further, viability assessments at a district-wide level make a number of assumptions. These may not all be applicable to each and every site. Viability information should be required at the application stage only if the applicant claims that they cannot deliver key policy requirements.

Where the LPA needs to assess the contents of a viability report, perhaps through an independent expert (such as the District Valuation Service), legislation/guidance should make clear (after being altered, if necessary) that LPAs can legitimately recharge the costs to the applicant – in too many cases, developers have tried to argue that LPAs cannot lawfully recharge this cost to them.

**Question 15:**

**How can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process including in circumstances where a viability assessment may be required?**

Having a commitment to, and understanding, the full infrastructure costs at the time of preparing a Plan is essential. Too often an infrastructure provider will confirm that there is a solution but will not have this solution costed. It is therefore impossible to test viability accurately and comprehensively. We are currently in a position where infrastructure plans are for 20 years, whilst utilities business plans only cover the next 5 years and do not account for planning development unless it has permission.

**Question 16:**

**What factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?**

**Question 17 (a):**

**Do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can**

**easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?**

Yes, these could be set out in Authority Monitoring Reports, which must already be produced and published on councils' websites on an annual basis.

**Question 17 (b):**

**What factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?**

Each report should cover a single financial year only and contain information on all receipts and spending, plus the developments that they relate to.

**Question 17 (c):**

**How can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?**

Arun has tried to encourage developers for a long time now (with very limited success) to set up and manage dedicated web pages to specific developments that are being constructed. This would be updated weekly setting out what is taking place on the site (this will often mean that the local authority will not get a large volume of telephone calls asking what is happening) and what key milestones are for delivery.

We have also sought monitoring data from developers (and this is often required by s016 agreements) so that planning obligation delivery can be accurately managed but again this is rarely submitted.

Unfortunately, due to resource constraints, local authorities are often only able to react to situations as they arise rather than being able to resource a pre-active approach to managing on-site delivery.

**Question 18 a):**

**Do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?**

The answer is both yes and no. Planning authorities are not in control of the delivery of housing; they can ensure that there are enough sites with planning permission but they cannot ensure that housing is delivered. The criteria should be based around what a local authority is able to control. Those criteria would relate to keeping an up to date Local Plan and ensuring that sufficient planning permissions are granted.

Further, any additional fee income should be guaranteed for a specified number of years. If it is a one of income one year, but could be taken away the following year, it would be impossible for authorities to properly manage those resources to deliver improved resources to the customer.

**Question 18 b):**

**Do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?**

Keeping an up to date Local Plan and ensuring that sufficient planning permissions are granted.

**Question 18 c):**

**Should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?**

To individual authorities.

**Question 18 d):**

**Are there any additional issues we should consider in developing a framework for this additional fee increase?**

Nothing to add to points above.

**Question 19:**

**Having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?**

The fundamental issue delaying the delivery of housing sites was not addressed in Housing White Paper. In areas such as Arun District where there are only 5 – 8 house building companies delivering significant numbers of units, there is no way that these housebuilders will suddenly significantly increase supply as it is not in their interest to compete with themselves. They will therefore (and quite understandably) deliver at a rate that suits their market, which results in large sites taking many years to complete.



ARUN DISTRICT COUNCIL

LOCAL PLAN SUB-COMMITTEE – 30 OCTOBER 2017

---

Subject : Follow up report to clarify position of the Council after the decision of Local Plan Sub-Committee on 6 December 2016.

Report by : Neil Crowther

Report date: 25 September 2017

---

EXECUTIVE SUMMARY

In December 2016, Local Plan Sub Committee (and subsequently Full Council in January 2017) resolved to invite planning applications on sites identified as 'deliverable' within the Housing & Economic Land Availability Assessment (HELAA). This report confirms that this decision will continue to be a material consideration in the determination of planning applications for any planning applications submitted up to the date of adoption of the Local Plan.

RECOMMENDATIONS

Members are requested to recommend to Full Council that;

The decision of Full Council in January 2017 in respect of inviting planning applications on 'deliverable' HELAA sites will relate to applications submitted 'until the Local Plan is adopted'.

1.0 INTRODUCTION

1.1 On 6 December Local Plan Sub-Committee resolved to invite planning applications on sites identified as 'deliverable' in the HELAA in an attempt to boost the supply of housing in the short term. This was in response to a shortage of housing supply and the need to take steps to boost the supply, especially in view of the forthcoming Local Plan examination. The full resolution was;

- 2) *Recommend to Full Council that, in order to secure a sound Plan at the time of the Local Plan examination and in order to boost the short term housing supply, the housing approach set out under Option 1 (a) and (b) within the report be agreed. This would invite planning applications in the following circumstances:-*

- i) *On sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery;*
- ii) *For the first phases of sites being investigated as potential strategic allocations, where these phases do not adversely affect the delivery of either the whole allocation or the emerging Local Plan and that any infrastructure requirements can be delivered proportionately without adversely affecting the delivery of infrastructure required for the potential allocation or emerging Local Plan as a whole.*

- 1.2 The above resolution was agreed by Full Council on 11 January 2017.
- 1.3 Since this time, there have been a large number of applications submitted on smaller scale (non-strategic) sites as well as numerous first phases (and more) on at least five proposed strategic sites. Undoubtedly this has had a positive impact on the submission of applications in order to boost the supply of housing in the District.
- 1.4 The purpose of this report is to clarify the Council's position in respect of this resolution now that the Local Plan is nearing adoption. Following adoption of the Local Plan, there will be an adequate supply of housing land and policies within the Local Plan (and Neighbourhood Plans) will be 'up to date' and benefit from full weight.
- 1.5 The resolution outlined in para 1.1 was time limited to 'until the Local Plan is adopted'. However, the officer report was not clear as to whether this related to the time of determination or submission. There is therefore a need to publically clarify this resolution.
- 1.6 There are a number of applications that have been submitted that are undertermined at this time that have been submitted following the decision of Full Council in January 2017. These have obviously been submitted in good faith as the Council has 'invited' them. That does not automatically mean that planning permission will be granted.
- 1.7 However, with the adoption of the Local Plan hopefully only months away now, it is reasonable to clarify that the decision of Full Council in January 2017 will relate to applications submitted 'until the Local Plan is adopted' as opposed to determined 'until the Local Plan is adopted'. Therefore, applicants for current planning applications will have some comfort that the resolution of Full Council will continue to be a material consideration after the status of the development plan changes and the maximum opportunity is taken to boost housing supply in the short term.

**Background Papers:** Local Plan Sub-Committee agenda papers 6 December 2017

**Contact:** Neil Crowther, Group Head of Planning. x 37839

ARUN DISTRICT COUNCIL

LOCAL PLAN SUB COMMITTEE – 30 OCTOBER 2017

---

Subject : Recommendations from the West Sussex & Greater Brighton Strategic Planning Board

Report by : Karl Roberts

Report date: 16 October 2017

---

EXECUTIVE SUMMARY:

The Strategic Planning Board has made a number of recommendations regarding how strategic planning matters should be addressed within the Board area in the future. This includes the production of a Local Strategic Statement 3 and the necessary resourcing to deliver the required outcomes.

RECOMMENDATIONS

Members are requested to recommend to Full Council the approval of the following decisions made by the West Sussex & Greater Brighton Strategic Planning Board

1. That the Board agrees to robustly and creatively explore options for meeting the unmet needs across the Board area, starting by leaving 'no stone unturned' within the respective administrative boundary for the period up to 2030 and for these options to inform Local Plan reviews
2. That the Board agrees to prepare a Local Strategic Statement 3 covering the period 2030 to 2050 with an appropriate level of stakeholder participation to ensure that all those with an interest in LSS3 have an opportunity to engage in the development of the strategy
3. That the Board agrees to commission work to provide an evidence base for the preparation of a Local Strategic Statement 3 which covers the following,
  - A baseline of current growth proposals and an understanding of any shortfall in housing, employment and infrastructure provision;
  - A common methodology for determining the 'no stone unturned' approach to identifying possible locations to meet any unmet need.
  - The capacity of the Board area to absorb further growth in this period;

- The likely required level of growth between 2030 and 2050;
  - The strategic options available to deliver additional growth;
  - The investment necessary (in infrastructure) to ensure the successful delivery of appropriate growth.
4. That the Board agrees to continue with the current governance arrangements and provide Leaders/Chairman and Chief Executives with a quarterly report.
  5. The Board supports the appointment of an 'Advisor' to the Board from April 2018 for a three-year period subject to funding being agreed and for a constituent member to be the employing body.
  6. That the Board agrees to request each full member of the Board to contribute the sum of £15,000 per annum for three years support the cost of employing the Board's Advisor and to fund the commissioning of technical work unless cost is met by the West Sussex Business Rate Pool.
  7. The Board reviews the Terms of Reference to ensure that they remain fit for purpose having regard to the proposed changes.
  8. Representative of the Board engage with representative of the Gatwick Diamond Strategic Planning Board to co-ordinate work programmes.
  9. That the Board agrees the responses to the recommendations to the report prepared by Catriona Riddell Associates as set out in background paper.

## 1.0 INTRODUCTION

- 1.1 The Council is a constituent member of the West Sussex & Greater Brighton Strategic Planning Board which was set up in 2012 to explore and address strategic planning issues. Since then the number of constituent authorities has increased so that the Board now includes all the authorities in West Sussex, Brighton & Hove City Council, Lewes DC, East Sussex CC and the South Downs NPA.
- 1.2 The Board met recently to discuss the way forward in strategic planning terms and considered the paper attached at Appendix A. The Board supported all the recommendations but since the Board is only an advisory Board all of the decisions are in fact recommendations to each of the constituent authorities.
- 1.3 The Sub-Committee is invited to confirm their support for the decisions of the Strategic Planning Board.

**Background Papers: Report to West Sussex & Greater Brighton Strategic Planning Board – 4 September 2017**

**Contact:** (Karl Roberts, Director of Place ext: 37760 )

## Appendix A

### WEST SUSSEX & GREATER BRIGHTON STRATEGIC PLANNING BOARD

#### Title: Future direction and role of the Strategic Planning Board

Paper prepared on behalf of the officer group supporting the Strategic Planning Board

**Purpose: The intention of this paper is to clarify the role and function of the Board in the delivery of strategic planning for the board area.**

1. At the last meeting of the Board, members considered a report produced by GL Hearn that reviewed the geographic extent of both the Housing Market Area and the Functional Economic Market Area. This report highlighted that there were three identifiable functional areas operating within the current Strategic Planning Board area, with some overlap between functional areas within the Board area but also stretching beyond it (see box below).
2. Therefore in high level planning terms it made sense that all the authorities covered by the 'Western' And 'Coastal' functional areas together with those authorities in the West Sussex part of the 'Inland' functional area come together to discuss the 'larger than local' issues with the objective of finding common solutions. However, it is also important to recognise that the 'Inland' functional area also includes authorities in Surrey and therefore the 'Gatwick Diamond Strategic Planning Board' will take the lead on work for this area. However, it is important that representatives of this Board engage extensively and proactively with representative of the Gatwick Diamond Strategic Planning Board to co-ordinate work programmes.

| West Sussex & Greater Brighton Strategic Planning Board     |   | Gatwick Diamond Strategic Planning Board                          |
|---|---|---|
| Western   | Coastal   | Inland  |
| Chichester<br>Part of Arun<br>Part of SDNPA<br>Part of WSCC | Arun<br>Worthing<br>Adur<br>Brighton & Hove<br>Lewes<br>Part of Mid Sussex<br>Part of Horsham<br>Part of SDNPA<br>Part of WSCC & ESCC | Horsham<br>Mid Sussex<br>Crawley<br>Part of WSCC<br>Part of SDNPA |
|   |   | Various Surrey Councils   |

3. To this end, Crawley Borough Council (CBC) has initially agreed to join the Board with the status of an as an observer similar to ESCC. It is hoped that in due course they become a full Board member.

4. Thus, having established that from a strategic planning perspective all of the relevant authorities are involved it is important that the Board (and the constituent authorities) determine firstly what the future role and function of the Board should be going forward and secondly how might this be successfully implemented.
5. Members may recall that last year the Board considered a discussion paper prepared by an external consultant on the future of strategic planning in the Board area. The decision at that time was to postpone consideration of the paper until the question of the geographical coverage of the Board had been addressed and the Housing White Paper had been released. With the first issue having now been resolved, and the White Paper having now been released, it is now considered time to reconsider the discussion paper.
6. The Housing White Paper expresses the Government's view that Local Plans will need to be kept up to date and to that end should be reviewed every 5 years. The paper also advises that the Government would like to see more and better joint working where planning issues go beyond individual authorities, building on the existing duty to co-operate. This comment would on face value seem to support the concept of strategic planning. However, instead the paper suggests that in future each local planning authority will be required to maintain a set of key strategic policies, with flexibility over whether these are in a plan produced by an individual authority, in a joint local plan produced by a group of authorities, or in a spatial development strategy produced by a combined authority.
7. It is noted that areas not subject to combined authority status will not have the ability to produce spatial development strategies. However, that might change once the responses to the paper are considered. What has been suggested is that in a strengthening of the Duty to Cooperate, authorities are required to produce a Statement of Common Ground setting out how authorities intend to work together to meet housing requirements that cut across authority boundaries. Producing such a document will be an opportunity for the constituent authorities of the Board to demonstrate their willingness to work collaboratively on strategic planning matters.
8. For the Board area, a combined authority approaches remain in development, for the Greater Brighton area<sup>1</sup>. The outcome for this initiative plus the supporting activity developing economic strategies, investment prospectuses, and infrastructure delivery programmes across the whole area will also inform the strategic planning of the Board area.
9. All of the above, plus the acquired learning from individual Local Plan examinations is providing a context for the Board to inform its consideration of how it wishes to develop in order to effectively meet the challenges ahead.
10. The purpose of the paper is therefore to consider how the authorities that make up the Board can positively tackle the need for improved cross boundary working to

---

<sup>1</sup> Work on a different combined authority approach for a large part of the Board area is currently suspended.

address the many ‘larger than local issues’ that we collectively face. It is important to stress that this is not just a question of housing supply and delivery, but also about delivering an improved economy and the required infrastructure to support all forms of growth, whilst at the same time protecting the environment.

11. The Board has championed the creation of a Local Strategic Statement (LSS) to set out our collective high level objectives and spatial priorities. The original award winning document has recently been updated to reflect not only the passage of time and changing priorities but also the growth in the Board membership (and thus area). However, LSS2 remains very much a document which brings together the respective work of individual areas. For example it does not set out any mechanisms for addressing the under provision of housing in certain areas when measured against the Objectively Assessed Needs of individual authorities. This is a significant risk for all the authorities in the Board area for either the soundness of the plans they are working on or any reviews which are undertaken.
12. The challenge for the future is to create an approach which allows all the authorities in the Board to work collectively on developing a new high level plan which will seek to address the ‘larger than local’ issues that are currently holding back the potential of the sub region. From this new strategic plan (referred to as LSS3) each individual authority would be able to prepare their own plans to not only address their own local issues but also set out how they intend to address the cross boundary issues set out in the LSS3.
13. It is recognised that some authorities may find the concept of working across the three Housing Market Areas a very challenging principle to accept because of a concern that they might be faced with taking on additional growth beyond their own needs. However, it is important that the authorities have a forum to enable them to work together collaboratively to address the high level pressures that we all face and to ensure that we can work together in a consensual manner. The LSS3 will facilitate this discussion to reassure authorities that every authority has done everything it can to meet their own housing needs within their own administrative area in the first instance. It will then enable discussions to take place, around joint evidence, to consider how the unmet need remaining within an authority can be met elsewhere.
14. Being part of the Board allows all the authorities to help shape the key decisions of the Board. The alternative is to withdraw or fragment into the separate HMA areas. However, such approaches also has risks, notably that the very notion of taking such an approach could be misinterpreted in respect of the authorities’ willingness to work together and the danger of losing influence over the future. Current Local Plan Examinations have highlighted the need for a mechanism to be in place to review and seek to deliver unmet housing need within the identified housing market areas across the area.
15. One of the many challenges in successfully achieving a collective approach to strategic planning this is that not all authorities are working to a common timeline

with some having had their plans adopted, whilst others are due to be examined in 2017 and 2018, whilst others have yet to reach that stage. For any collective approach to work it is vital that all accept that the Board needs to work with a dual focus. Firstly, all need to commit towards working on the joint commissioning of evidence to deliver the required outputs and more importantly joint solutions in the form of a new strategic plan (LSS3) and secondly, all need to assist, and recognise that individual authorities will need to progress the completion of their current plans or any reviews that have commenced. The alignment of plans to a common time horizon is an outcome which will take time to achieve and therefore the creation of LSS3 will inevitably be an evolutionary process.

16. The Government view is that all Local Plans should be reviewed every 5 years and therefore it is suggested that the conclusions drawn to support the preparation of a LSS3 also be also expressed in 5 year time horizons.
17. The diagram attached as Appendix 1 shows the intended lifetime of each of the current adopted or emerging plans. Some authorities have already commenced their reviews. Therefore, whilst it is recommended that the Board should focus the core of its work on the 20 year period beyond 2030 covering the period up to 2050 it must be recognised that there may be implications arising from the work which impacts upon the period up to 2030. This may be of assistance for any authorities with a shortfall in their OAN who are undertaking a review of their plan.
18. To illustrate how a LSS3 might help address larger than local issues between 2030 and 2050, consideration could be given for example to, in consultation with the NHS, the location of any expanded or new acute health provision, informed by decisions around the likely distribution of any housing growth for the period. Whilst, planning for health provision does happen at a local scale within individual areas there is currently no systematic approach to addressing the 'larger than local' issues such as acute hospital provision.
19. To inform the creation of a LSS3, work will need to be commissioned to understand and answer the following:
  - i. A baseline of current growth proposals and an understanding of any shortfall in housing, employment and infrastructure provision;
  - ii. The capacity of the Board area to absorb further growth in this period
  - iii. Undertake a rigorous assessment of every potential site within each authority to meet existing and future needs;
  - iv. The likely required level of growth between 2030 and 2050 having regard to any under provision of need up to 2030;
  - v. The strategic options available to deliver additional growth;
  - vi. The investment necessary (in infrastructure) to ensure the successful delivery of appropriate growth.
20. In undertaking the work to resolve points i – iv above this work could be undertaken separately within each of the identified Housing Market Areas. However, if this were



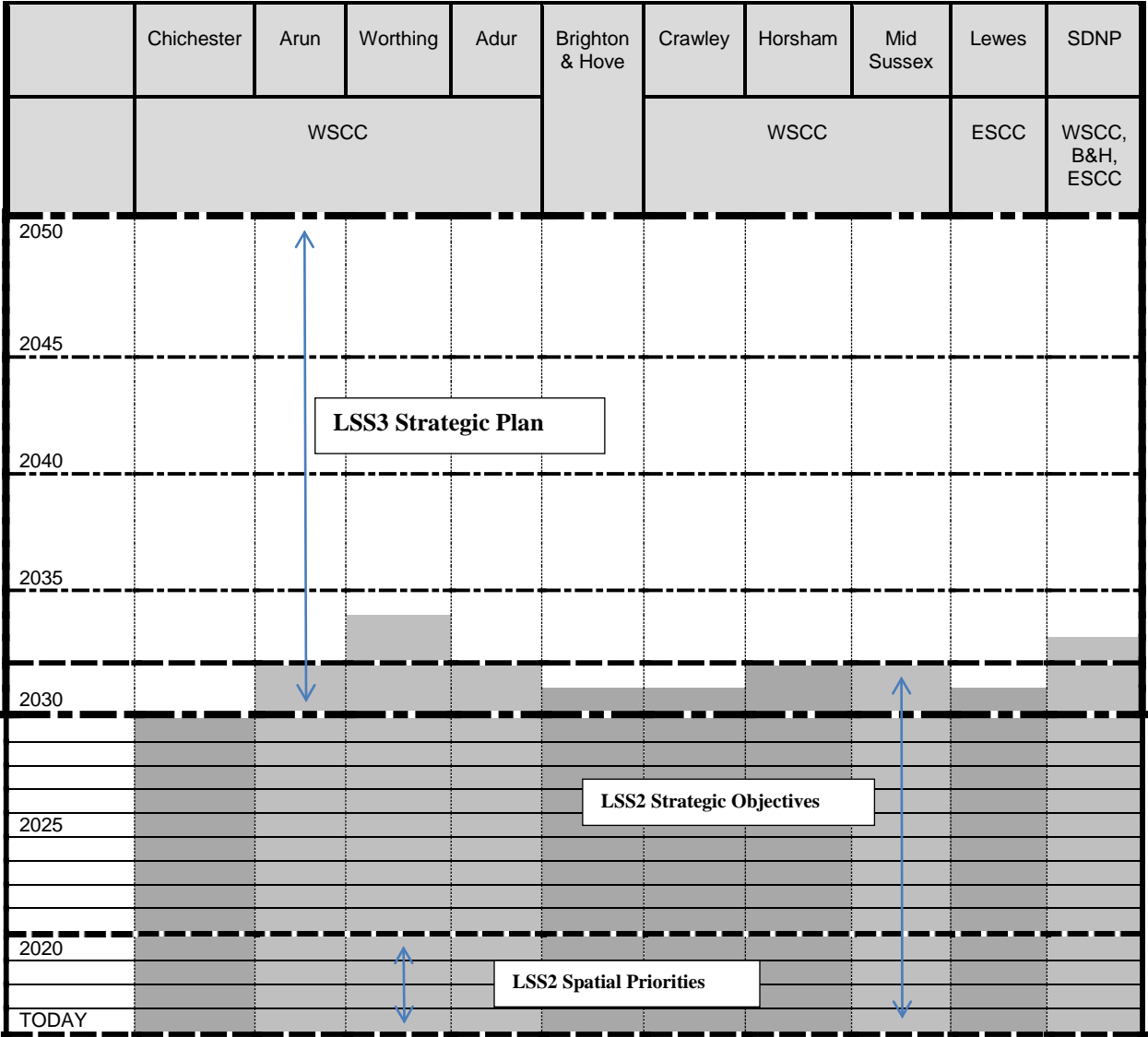
to be done it would only be a robust analysis if the work was undertaken using an agreed methodology and a consistent approach so that the overall conclusions could be used to inform a future LSS3 across the wider Board area. Inevitably there will be a tension where different authorities have reached different points in the Local Plan preparation cycle. Compromise will be needed from all parties for joint working to be effective. Those who are at an early stage will need to be prepared to take the initiative in developing and seeking agreement on the use of common methodologies for other to use.

21. If the principle of such an approach is agreed then the Board needs to determine what governance arrangements would best suit the intended approach and how the work of the Board will be funded.
22. With the continuing uncertainty regarding the Government's approach to strategic planning it is considered that the most appropriate way forward for the present is to maintain the 'status quo', with the Board making recommendations to the constituent authorities to consider. To assist the Leaders and Chairman of the SDNPA together with the Chief Executives of each authority to understand how these important strategic issues are being addressed by the Board it is also recommended that they receive a quarterly report from the Board.
23. At present the work of the Board is supported by officers from the constituent authorities and some funding has been provided by the same authorities to support individual commissions of work. However, officers are unable to sustain that level of support in the long term and dedicated support is needed to deliver the required outcomes. Furthermore, the current budget reserves are limited (approximately £55k) and could not fund any future work of significance. Therefore, the Board ideally needs to consider both the funding of an 'Advisor' and the resourcing of a fund to commission technical work as and when required.
24. If each constituent member was to commit to the sum of £15k per annum for an initial 3-year period, this would be sufficient to fund both the advisor (including on-costs) and commission an initial programme of technical work. This approach would also allow the administrative burden of running the Board to transfer from the Coastal West Sussex Partnership to the role of the Board's advisor.
25. It is recognised that Council budgets are under significant financial pressure at present. However, such costs could be funded from the recent approval given to each authority to increase their planning fees by 20% or in the case of the West Sussex Councils from the Business Rates Pool. In any event, the cost of committing to this approach cumulatively is likely to be less than that each authority would incur undertaking the same work individually.
26. It is important that the Board makes a firm recommendation on this matter at the meeting in order to inform the budget setting process for 2018/19. Any expenditure would not be incurred until April 2018.

## **Recommendations**

1. That the Board agrees to robustly and creatively explore options for meeting the unmet needs across the Board area, starting by leaving 'no stone unturned' within the respective administrative boundary for the period up to 2030 and for these options to inform Local Plan reviews
2. That the Board agrees to prepare a Local Strategic Statement 3 covering the period 2030 to 2050 with an appropriate level of stakeholder participation to ensure that all those with an interest in LSS3 have an opportunity to engage in the development of the strategy
3. That the Board agrees to commission work to provide an evidence base for the preparation of a Local Strategic Statement 3 which covers the following,
  - A baseline of current growth proposals and an understanding of any shortfall in housing, employment and infrastructure provision;
  - A common methodology for determining the 'no stone unturned' approach to identifying possible locations to meet any unmet need.
  - The capacity of the Board area to absorb further growth in this period;
  - The likely required level of growth between 2030 and 2050;
  - The strategic options available to deliver additional growth;
  - The investment necessary (in infrastructure) to ensure the successful delivery of appropriate growth.
4. That the Board agrees to continue with the current governance arrangements and provide Leaders/Chairman and Chief Executives with a quarterly report.
5. The Board supports the appointment of an 'Advisor' to the Board from April 2018 for a three-year period subject to funding being agreed and for a constituent member to be the employing body.
6. That the Board agrees to request each full member of the Board to contribute the sum of £15,000 per annum for three years support the cost of employing the Board's Advisor and to fund the commissioning of technical work.
7. The Board reviews the Terms of Reference to ensure that they remain fit for purpose having regard to the proposed changes.
8. Representative of the Board engage with representative of the Gatwick Diamond Strategic Planning Board to co-ordinate work programmes.
9. That the Board agrees the responses to the recommendations to the report prepared by Catriona Riddell Associates as set out in Appendix II below.

Appendix I



**Note:** Shading relates to current Local Plan timescales. Dark grey signifies the plan has been adopted, light grey signifies the anticipated end date.

## Appendix II

### **Catriona Riddell Associates Report Recommendations**

#### Recommendation 1

It is recommended that the status of LSS3 continues to be non-statutory but that mechanisms are put in place to ensure that there is a high level of confidence that the strategic priorities will be collectively developed, supported and delivered. The recommended mechanisms include:

- Strong governance and working arrangements to ensure that LSS3 has the highest level of commitment and ownership from local authorities, and that key partners have a much more integral role in its development and implementation.
- A robust strategic evidence base to develop the spatial options and ensure that LSS3 provides a framework capable of supporting local plans through their examination testing process.
- An appropriate level of stakeholder and public participation to ensure that all those with an interest in LSS3 have an opportunity to engage in the development of the strategy.

***The underlying sentiments behind this recommendation are noted. However, it is recommended that the work required and steps undertaken to produce a LSS3 should be based on the future possibility that the document might be a statutory document.***

#### Recommendation 2

There are two, potentially significant, factors in the form and content of LSS3 that remain unknown; the outcome of the Expert Panel's recommendations and of the devolution negotiations. It is therefore further recommended that a risk management assessment is embedded into the work of LSS3 to ensure that it can adapt to changing circumstances as it evolves.

***Agreed.***

#### Recommendation 3

A new governance structure is put in place to support work on LSS3 ensuring that there is clear corporate commitment and ownership to help build consensus around the long term spatial strategy and strategic priorities. This should be supported by strong officer working arrangements, including a project board comprising members of the Strategic Leadership from each authority and a project sponsor. A suggested structure is set out in the diagram below.

***The covering report recommends retaining the current governance arrangements pending clarity on the Government's position on Strategic Planning. However, to ensure that Leaders and Chief Executives are suitably informed about the work of the Board and its progress on addressing strategic planning issues it is***

***recommended that they receive a quarterly report. The board would welcome an opportunity for a representative of the Board to be able to make an annual presentation to both the West Sussex Leaders Group and the Greater Brighton Economic Board.***

Recommendation 4

A project manager and project assistant should be appointed as soon as possible either through an internal secondment(s) or through a competitive tender / external appointment process.

***At this time, it is proposed to only recommend the creation of a Board Advisor post from April 2018 for a 3-year period. In due course the Board can consider the need for possible secondments to support the work of the Board.***

Recommendation 5

A workshop for Leaders, Chief Executives and the SPB should be arranged as soon as practically possible (after the April 18th meeting) to outline the SPB's recommendations for taking forward work on LSS3 and agree the governance arrangements.

***At the time the report was initially considered in 2016 there didn't appear to be a significant desire to hold such a workshop. It is considered that this position hasn't changed.***

Recommendation 6

Local authority membership should be reviewed as part of the new governance and working arrangements to ensure all the relevant authorities are involved. Specifically, East Sussex County Council should be invited to participate in the LSS3 process.

***Agreed. Both East Sussex CC and Crawley BC currently have observer status.***

Recommendation 7

A budget is agreed to cover the full LSS3 expenses including evidence base and external support. This should be procured at the start of the process and reviewed every 6 months to ensure that adequate resources are available to cover the costs on a shared basis.

***Agreed***

Recommendation 8

A full review of evidence should be undertaken at the start of the process to identify what is already available, where the gaps are and potential opportunities to work in partnership to develop new evidence.

***Agreed***

Recommendation 9

A project plan and timetable should be prepared as soon as possible following a decision on LSS3. This should reflect the urgent need to move forward with LSS3 but also

recognises the need to get all the right arrangements in place to ensure the process is owned and effective, and the need to have a robust evidence base in place.

***Agreed***

ARUN DISTRICT COUNCIL

LOCAL PLAN SUB-COMMITTEE – 30 OCTOBER 2017

---

Subject : Local Plan Sub-Committee Terms of Reference

Report by : Neil Crowther

Report date: 16 October 2017

---

EXECUTIVE SUMMARY

As part of the ongoing review of the Constitution, the next section that has been agreed with the Constitution Working Party will be reviewed is the Terms of Reference for Committees and Sub-Committees.

RECOMMENDATIONS

That Local Plan Sub-Committee recommend to Full Council that they agree to the amended terms of reference attached at Appendix 1.

1.0 INTRODUCTION

- 1.1 As part of a comprehensive review of the Council's Constitution, all of the Terms of Reference for Committees and Sub-Committees are being reviewed.
- 1.2 The attached amended Terms of Reference (Appendix 1) reflect the same functions of the committee and make reference to the relevant planning legislation. However, they are now simpler and concise and remove some of the unnecessary text.
- 1.3 The main change relates to specific reference to Planning Policy documents as opposed to only Local Plan documents. This will allow the sub-committee to consider other policy documents that will be required following the adoption of the Local Plan.
- 1.4 Your Committee is asked to agree the updated terms of reference to Local Plan Sub-Committee.

**Background Papers:**

**Contact:** Neil Crowther  
Group Head of Planning

## Appendix 1

### 5.6 Local Plan Sub-Committee

The Local Plan Sub-Committee reports to Full Council and meets when required and not on a fixed basis.

Membership consists of 14 members appointed by political group leaders on the basis of political balance.

5.6.1 The functions of the Local Plan Sub-Committee are:

- To consider draft ~~Local Plan~~ Planning Policy documents and review them
- To authorise public consultation on draft ~~Local Plan~~ Planning Policy documents and material produced for public consultation reports
- To consider responses from public consultation and amend reports accordingly
- To make recommendations to Full Council for approval of ~~Local Plan~~ Planning Policy documents
- Except so far as provided by Part 4 Section 2 Paragraph 5.0 (Director of Place) to make recommendations to Full Council in relation to the Council's functions for Neighbourhood Development Plans.

5.6.2 The Local Plan Sub-Committee has delegated authority for decisions in terms of:

- Approving any expenditure within agreed budgets or public consultation
- Agreement to consult on certain stages of plans/proposals
- Agreement on ~~such matters which do not fundamentally change the Council's adopted development plan policies (such as Housing and Employment Land Availability Assessment and Supplementary Planning Documents and other evidential documents)~~ Supplementary Planning Documents and background evidence base documents
- Approving consultation responses
- Monitoring of progress against agreed action plans and any necessary actions to address problems pursuant to Paragraph 5.6.1 above

5.6.3 The Sub-Committee can invite such other bodies as it requires in order to consider specific issues (e.g. a representative from the Environment Agency to talk about flooding issues) to attend and make presentations to the Sub- Committee on ~~local plan~~ planning policy matters.

5.6.4 No Member may serve on the Local Plan Sub-Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Cabinet Member for Planning has been undertaken.



ENVIRONMENT & LEISURE WORKING GROUP

24 October 2017 at 6.00 p.m.

Present: - Councillors Hitchins (Chairman), Warren (Vice-Chairman), Ambler, Mrs Bence, Bicknell, Brooks, Buckland, Cates, Dingemans, Oliver-Redgate and Dr Walsh.

Councillors Clayden (part), Bence (part) and Wotherspoon were present at the meeting.

14. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Maconachie, Mrs Neno, Purchase and Reynolds.

15. DECLARATIONS OF INTEREST

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

Reasons

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

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

Councillor Buckland declared a personal interest in any matters pertaining to Littlehampton Town Council and West Sussex County Council as he was a member of both bodies.

Councillor Dr Walsh declared a personal interest in Agenda Item 7, Events in Arun District, as Littlehampton Town Council arranged a host of events, of which he was a member.

Councillor Warren declared a personal interest in Agenda Item 6, Arun's Play Area Strategy and Item 7, Events in Arun District, as a member of Littlehampton Town Council.

Councillor Brooks declared a personal interest in Agenda Item 7, Events in Arun District, as a member of Bognor Regis Town Council.

16. MINUTES

The Minutes of the meeting held on 29 August 2017 were approved and signed by the Chairman as a correct record.

17. SAFER ARUN PARTNERSHIP (SAP) ANNUAL REVIEW 2016-17

*(Prior to consideration of this item, Councillor Buckland had declared a personal interest and remained in the meeting and took part in the debate.)*

The Community Safety Manager advised the meeting that, unfortunately, Chief Inspector Burtenshaw was not in attendance as he had given his apologies.

The Community Safety Manager informed the Working Group that the purpose of the report on the table was to provide an update of the work of the Safer Arun Partnership (SAP) and to give feedback of the work undertaken to date to tackle crime and disorder and anti-social behaviour in the District. She then went on to highlight particular aspects of the report she felt would be of particular interest to Members and concluded by stating that the Sussex Police and Crime Commissioner was currently undertaking a review of the community safety grant, the results of which would be published in November 2017, so funding for SAP for 2018/19 was still unclear at the present time.

Members heard that SAP had a good reputation, was well regarded as being effective and disciplined and was working well with Chichester District Council.

In opening up the debate, the Chairman thanked the Community Safety Manager for a comprehensive report and congratulated the team for the positive outcomes listed.

Members participated in a full discussion on the matter and a number of concerns were raised relating to:-

- The dramatic increase in violent crime – disappointment was expressed that Chief Inspector Burtenshaw was not present to answer questions on this matter. It was felt that, as the Police did not publish detailed figures across any part of Sussex, it was difficult to drill down

to see just what and where it was happening. It was acknowledged that the number of police personnel to cover the Arun and Chichester area was inadequate but that the Police must attend these meetings to inform Members of what the position was in terms of response times and tackling violent crime. It was suggested that a report be brought to the Working Group in the future regarding violent crime, together with comparisons with neighbouring areas. The Community Safety Manager advised that, at the Partnership meeting in December, violent crime was due to be discussed and she would share the outcome of that with the Working Group following that meeting.

- ASB and Street Communities in Littlehampton – local concern was highlighted that the problem had not gone away and the perception was that the street drinking and inappropriate behaviour was not being adequately tackled - that was the biggest single concern of the traders. It was felt it was an ongoing and worsening situation that needed to be addressed. The Community Safety Manager was well aware of the concerns and stressed that complaints still needed to be made as it was important to capture that information to be able to use it to obtain the tools to tackle disruptive behaviour and use viable enforcement where appropriate. Two criminal behaviour orders had been successfully applied for to address concerns relating to two street community individuals in Littlehampton town centre. She stated that she would go back to the key partners to highlight the concerns being expressed.
- ASB and Street Communities in Bognor Regis – Comment was made that Bognor Regis was experiencing the same problems as Littlehampton. The traders were appalled with the lack of improvement and it was felt that the Business Wardens were never around when needed. Members were advised that a meeting had been set up for Friday 3 November between Chief Inspector Burtenshaw, the Town Centre Manager and the Business Wardens to share the concerns raised. The Community Safety Manager informed the Working Group that there were interventions in place to help the rough sleepers and street drinkers off the streets but the challenge was that some of those individuals were deeply entrenched and were not willing to engage and take up the support offered.
- Rough sleeping – Members were advised that in November all housing authorities were being required to undertake a rough sleeping count – the Community Safety Manager would then be able to advise them later in the month of an accurate figure for rough sleepers in the District.

More general discussion took place on serious and organised crime; cuckooing; child sexual exploitation; and modern slavery. With regard to street drinking, the question was asked as to whether anything could be done to stop retailers selling single cans of alcohol to the perpetrators of street drinking and its consequential anti-social behaviour. A response was given that the Licensing Team was aware of the problem but they needed hard evidence to take action.

The Chairman drew an interesting debate to a close by thanking the Community Safety Manager for her detailed report. The Working Group then

RECOMMEND TO CABINET – That

(1) the work of the Safer Arun Partnership is endorsed and the importance of partnership working in contributing to reducing anti-social behaviour and addressing Street Community issues is recognised;

(2) the need for all Arun District Council services to contribute to delivering the Think Family programme through the flexible use of resource and close working with external partners and internal services be agreed;

(3) recognition be given to the work of the Safer Arun Partnership in contributing to the delivery of the Council's strategic priority "Supporting you if you need help"; and

(4) the Council's contribution to overall working of the Safer Arun Partnership (SAP) and achieving SAP's strategic priorities will be considered as part of the Council's Vision and restructuring process.

18. CHANGE TO THE ORDER OF THE AGENDA

At the request of the Chairman, the order of the agenda was changed to bring forward the item relating to Events in Arun District.

19. EVENTS IN ARUN DISTRICT

*(Prior to consideration of this item, Councillors Brooks, Buckland, Dr Walsh and Warren had declared a personal interest and remained in the meeting and took part in the debate).*

In introducing this report, the Marketing & Events Assistant informed the Working Group that there was a problem with the presentation she had prepared to show Members on screen and this was therefore circulated as a hard copy at the meeting.

The Working Group heard that the Council helped to facilitate events by supporting the organisers through the event application process; reviewing the events to ensure they were planned and managed safely on Council land; and offering guidance to events on private land through the Safety Advisory Group (SAG). The number of events held across the District had increased year upon year.

In opening up the debate, the Chairman stated that the number of events that were held across the District was phenomenal and he paid tribute to the army of volunteers that enabled them to take place.

Concerns were raised as to the lack of funding that Arun was able to contribute to the events in the District and the Marketing & Events Assistant advised that the Council assisted as much as possible by having a dedicated resource offering advice and assistance to organisers and thereby facilitating these events so they could be planned, organised and run successfully and safely.

A query was raised as to the attendance at the various events listed and the Marketing & Events Assistant confirmed that the figures were taken from the application forms before any event had taken place so there would be a variation, particularly if it was more successful than anticipated.

General discussion took place around promotion of specific venues in the District, e.g. Stage by the Sea and the East Bank performance area; public liability insurance; use of web site to promote events; and free Wifi. The Group Head of Neighbourhood Services undertook to look into the matter of assisting organisers with public liability insurance.

The Chairman thanked the Marketing & Events Assistant for her informative report.

## 20. ARUN'S PLAY AREA STRATEGY 2018-2028

*(Prior to consideration of this item, Councillor Warren had declared a personal interest and remained in the meeting and took part in the debate and vote.*

*During the course of consideration of this matter, Councillor Dr Walsh declared a personal interest as a Member of Littlehampton Town Council.)*

The Greenspace & Cleansing Contract & Development Manager presented this report which provided an update on the work that had been carried out in reviewing the Council's Play Strategy to align with its 2020 Vision; to provide a balanced budget; reduce costs; and improve the customer experience. A comprehensive consultation exercise had been undertaken and 357 responses had been received and that information, together with information relating to the recorded use of all of the Council's play areas over an 18 month period, had been collated to put together a strategy for the period 2018-2028. Members were advised that where play equipment was removed, that area would still remain as an open space to be utilised by the public.

Discussions would be undertaken with the Towns and Parishes and it was hoped that everyone would work together to fund the improvements required for priority areas.

The Greenspace & Cleansing Contract & Development Manager was congratulated for a comprehensive and well informed report which had responded to Members' concerns and brought together public consultation.

A number of questions were asked and responded to at the meeting relating to skate parks; gym equipment in parks; external funding; and vandalism in parks. A query was raised about the play area at Guildford Road, which was very well used and an officer response given that the comments made would be looked at as, although not considered a priority from the Council's perspective, it was clearly an area of interest and needed to be revisited.

Comment was also made that there must be more joined up thinking between developers and the Council to provide the right facilities for the new developments.

A query was raised as to whether any progress had been made with regard to sponsorship and it was agreed that the play area strategy action plan would be amended to include that sponsorship would be sought for key play areas to help support running costs.

The Chairman thanked the Greenspace & Cleansing Contract & Development Manager for his detailed report and the Working Group then

RECOMMEND TO CABINET

That Arun District Council adopts the 2018-2028 Play Area Strategy.

21. UPDATE ON LITTLEHAMPTON LEISURE CENTRE

The Working Group noted the update provided by the Principal Landscape Officer.

(The meeting concluded at 7.59 pm)