



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

3 January 2018

Please ask for:  
Jane Fulton  
Committee Manager

Dear Member

### Full Council Meeting – 10 January 2018 – Bundle 2

Please find attached further papers to be considered at the Council Meeting on 10 January 2018:

#### Item 17 [Constitution Working Party – 12 December 2017]

Please find **attached** the Minutes from the meeting of the Constitution Working Party held on 12 December 2017. There are recommendations at:

- Minute 22 [Constitutional Amendments – Part 6 – Section 6 – Purchasing Procedure, Contracts and Disposal Rules] – the Officer's report and Appendices is attached.
- Minute 23 [Constitutional Amendments to Part 3, Responsibility for Functions – Terms of Reference of Committees, Sub-Committees and Panels] – the Officer's report and Appendices is attached.
- Minute 24 [Proposed Constitutional Amendment – Part 4 – Scheme of Delegation] – the Officer's report is attached.

#### Item 19 [Special Bognor Regis Regeneration Sub-Committee – 14 December 2017]

Please find **attached** the Minutes from the Special meeting of the Bognor Regis Regeneration Sub-Committee held on 14 December 2017. There are a range of recommendations at:

- Minute 17 [Hothampton Linear Park Regeneration Proposals] – the Officer's report is *attached. This includes several appendices one of which is a large Exempt Appendix.*

#### Item 21 [Environment & Leisure Working Group – 19 December 2017]

Please find **attached** the Minutes from the meeting of the Environment & Leisure Working Group held on 19 December 2017. There are no recommendations.

/Cont'd Over .....

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3 January 2018

**Item 25 [Consideration of the Council's Position as Landowner to any Planning Application or Appeal Received Relating to the Regeneration of the Regis Centre, Hothamton Car Parks and Other Sites]**

To consider the attached report.

**Item 26 [Community Governance Review – Felpham and Yapton]**

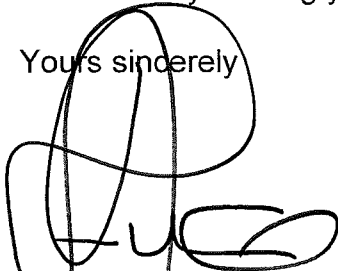
To consider the attached report.

**Item 27 [Community Governance Review – Barnham and Eastergate]**

To consider the attached report.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Fulton', written over a large, circular scribble.

**Jane Fulton**  
Committee Manger

Enclosures



CONSTITUTION WORKING PARTY

12 December 2017 at 4.29 pm

Present:- Councillors Mrs Bower (Chairman), Bence, R Bower, Haymes and Mrs Oakley.

Councillor Ambler was also present at the meeting.

[Note: Councillor Bower was absent from the meeting during consideration of the following items of business contained within Minute 24 (Part) to Minute 26].

20. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

21. MINUTES

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

22. CONSTITUTIONAL AMENDMENTS – PART 6 – SECTION 6 – PURCHASING PROCEDURE, CONTRACTS AND DISPOSALS RULES

The Working Party received a report from the Senior Legal Assistant seeking approval for a new set of Contract Standing Orders to replace the existing rules at Part 6, Section6, of the Constitution.

The Working Party's attention was drawn to Appendix 1 of the report which set out an updated set of Contract Standing Orders. This had been amended to simplify the language used; update current practices; and to remove those sections of the document which were no longer applicable.

It was explained to Members that Section C of the document (The Procurement Process) had been completely re-written setting out the requirement to advertise procurement procedures for different contract values; the use of supplier selection questionnaires; award criteria; contract award; and the requirement for a procurement report to be prepared for contracts with a value at or above the EU threshold.

At present, Contract Standing Orders set out different rules for purchases (i) below £10,000 (ii) £10,000 - £50,000; (iii) £50,000 – EU threshold and (iv) above EU threshold. Consideration had been given to altering the internal thresholds and the Working Party was advised that it had been concluded that not altering these would assist the Officers using Contract Standing Orders and would tie in with the requirements for advertising and use of new standards terms and conditions of contract. The internal thresholds would be kept under review and increased at a later time if considered necessary.

The Legal Services team and the Procurement Officer would ensure that all responsible Officers would be made aware of the changes to Contract Standing Orders with discussions taking place as to the most appropriate method of training to be provided.

In discussing the report, the Working Party worked through each page of the Contract Standing Order document and raised the following issues/concerns:

- Section 5 – Steps Prior to Purchase – a discussion took place about the role and responsibilities of the Cabinet Member in the procurement process and the invitation to tender process. The Senior Legal Assistant emphasised the importance of consultation with the Procurement Team ahead of the tender process to ensure that all requirements were understood.
- Discussion took place on the authority requirements for Individual Cabinet Member Decisions (ICMs) in relation to contract values. The table within this section caused some concern with some Members stating that there should be the need for an ICM in advance for a value of £50,001 to EU Threshold – currently no ICM was required in advance.

The Group Head of Council Advice & Monitoring Officer advised that if the Working Party chose to recommend introducing an ICM for this total value, then this would add three to four weeks onto the contract timetable. It was the view of some Members that this added timescale would not be a negative step. The requirements for an ICM in relation to contract values were then explained by the Senior Legal Assistant. Once it was clarified that there would be Member involvement through an ICM at post tender/pre-award stage for contracts over £50,000 to the EU threshold; and tenders above this would be approved by Cabinet, the Working Party confirmed their agreement to this section.

A request was made to have 'Individual Cabinet Member decisions (ICMs) added to the glossary of defined terms and to ensure that the word 'decision' was added after any reference to ICM throughout the document.

- Approved Contractors/Approved Suppliers List – a point was made that Members had no control over this part of the tendering process – the current process needed to be speeded up. It was explained that this was an area for the procurement team to look into. Members were reminded that the Council, Cabinet and Cabinet Members had the power to waive any requirement of Contract Standing Orders in specific instances.
- On the requirement to advertise, did the Council get charged to advertise with OJEU. The Senior Legal Assistant agreed to raise this query with the Procurement Officer and would report back to the Working Party.
- Glossary of Defined Terms – Non-commercial Considerations – paragraph (e) how did this tie up with equal opportunities – it was explained that this was a requirement in the current contract standing orders. The Senior Legal Assistant undertook to find out why this was a requirement and that she would report back to the Working Party.
- Section 23 – Duty of confidentiality owed to suppliers – it was queried whether the fourth line up should read ‘the procurement documents must rather than should? It was agreed that this query would be raised with the Procurement Team and reported back to the Working Party.
- Assessing past experience and financial standing – a query was raised in relation to 15.2 and the use of the word ‘not’ in the first line of this sentence. It was agreed that the Procurement Officer would provide an explanation and then determine if any change to this wording was needed.
- Opening Tenders – it was felt that Paragraphs 17.1 and 17.2 were contradictory. A wider debate took place over whether a Cabinet Member or their Deputy needed to be present when tenders were received or opened as this always used to happen. The use of the Council’s mandated e-tendering portal was explained. Despite this, the Working Party asked if it could be confirmed whether the law required a Councillor to be present at the opening of tenders and if some arrangement could be agreed in consultation with the relevant Cabinet Member and their Deputy. It was agreed this query would be raised with the Procurement Team and reported back to the Working Party.

Having made these observations, the Group Head of Council Advice & Monitoring Officer outlined the questions and queries that required a response from either Legal Services or the Procurement Officer. The responses would be sent to the Working Party before Christmas for comment allowing Officers time to review and determine if the report could be updated ahead of Full Council on 10 January 2018 or deferred for further consideration to the next meeting of the Working Party.

The Working Party

RECOMMEND TO FULL COUNCIL – That

(1) The proposed draft Contract Standing Orders are approved and replace the current Part 6, Section 6 of the Constitution; and

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

23. CONSTITUTIONAL AMENDMENTS TO PART 3, RESPONSIBILITY FOR FUNCTIONS – TERMS OF REFERENCE OF COMMITTEES, SUB-COMMITTEES AND PANELS

The Working Party received a report from the Group Head of Council Advice & Monitoring Officer updating Members on the outcome of the review of the Terms of Reference of Committees, Sub-Committees and Panels as it was proposed that a replacement section would be added to the Constitution.

It was reported that the Cabinet, all of the regularity Committees, and the Overview Select Committee had all individually reviewed their Terms of Reference and any changes were being reported through to Full Council for approval on 10 January 2018. All the revised Terms of Reference had been based on a new template which was in a table format as this aimed to make it easy for anyone reading the Constitution to find what they were looking for.

Attached to the report were a range of Appendices – these were:

- Appendix 1 – the contents list and new section on ‘General Principles’
- Appendix 2 – a revised section covering Sub-Committees, Working Groups and Working Parties and Panels
- Appendix 3 – a revised section covering Partnerships providing links to where the Terms of Reference could be viewed.

The Working Party was then circulated revised sections for Appendix 2 in which some minor amendments were required to the following paragraphs:

- 5.1 - the Bognor Regis Regeneration Sub-Committee
- 5.2 - the Littlehampton Regeneration Sub-Committee
- 9.1 - Chief Executive’s Appraisal Panel
- 9.2 - Chief Executive’s Remuneration Committee
- 9.3 - Chief Executive’s Recruitment & Selection Panel

The Working Party then

RECOMMEND TO FULL COUNCIL – That

(1) The proposed changes to the Constitution at Part 3 (Responsibility for Functions) as set out in the replacement text at Appendices 1, 2 and 3, as amended at the meeting and as attached to the minutes be approved; and

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

24. PROPOSED CONSTITUTIONAL AMENDMENT – PART 4 – SCHEME OF DELEGATION

The Working Party received a report from the Group Head of Council Advice & Monitoring Officer seeking approval to a revision to the Scheme of Delegation at Part 4 of the Constitution. This was firstly to correct an anomaly that had been identified relating to the authority to set/charge fees and charges; and secondly to clarify the arrangements for publishing officer decisions, as required by the Openness of Local Government Bodies Regulations 2014.

The Working Party

RECOMMEND TO FULL COUNCIL – That

(1) The Constitution be amended at Part 4 (Scheme of Delegation), Section 1, Paragraph 1.5, fourth bullet point to delete the words “*fees, charges or*” so this reads “any power to change concessions policies”;

(2) The Constitution be amended at Part 4 (Scheme of Delegation, Section 1, Paragraph 5.0 to add the following wording and renumber the remaining paragraphs:

**6.0 Written Record of the Decision**

6.1 For decisions made under Paragraph 5.2 above, the written record must, as soon as reasonably practicable after the decision is made, be available:

- a) For inspection at Council Offices during normal working hours; and
- b) To view online

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



25. UPDATE ON CONSTITUTIONAL AMENDMENTS TO PART 5 –  
RULES OF PROCEDURE

The Group Head of Council Advice & Monitoring Officer confirmed that the Working Party would receive a report on amendments to Part 5 of the Constitution – Rules of Procedure at its next meeting to be held on 13 February 2018.

(The meeting concluded at 17.52 pm)

# **ARUN DISTRICT COUNCIL**

## **REPORT TO THE CONSTITUTION WORKING PARTY ON 12 DECEMBER 2017**

<b>SUBJECT:</b>	<b>Proposed Constitutional Amendment – Part 6 Section 6 Purchasing, Procurement, Contracts and Disposals (Contract Standing Orders)</b>
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<b>REPORT AUTHOR:</b>	Sally Sugden – Senior Legal Assistant
<b>DATE:</b>	November 2017
<b>EXTN:</b>	01903 737742

### **EXECUTIVE SUMMARY:**

This report seeks approval for a new set of Contract Standing Orders to replace the current Part 6, Section 6, of the Constitution

### **RECOMMENDATIONS:**

It is recommended to Full Council that:

1. the proposed draft Contract Standing Orders are approved and replace the current Part 6 Section 6 of 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 As part of the review of the Constitution, it was identified that Part 6 Section 6 Purchasing, Procurement, Contracts and Disposals (referred to as Contract Standing Orders) was in need of review and updating to reflect current practice.
- 1.2 This work has been a joint project undertaken by Legal Services and Procurement.
- 1.3 The current set of Contract Standing Orders have been amended throughout to simplify the language used, update current practices and remove those sections of the document which were no longer applicable. The proposed draft Contract Standing Orders are annexed to this report at Appendix 1.
- 1.4 In addition, the procurement information available on the intranet is being updated and standard contract terms and conditions are being finalised which will be applicable to contracts up to specified values and will be available on the Council's website.
- 1.5 Section C of the document (The Procurement Process) has been completely re-written and now sets out (inter alia) the requirement to advertise, procurement procedures for

different contract values, use of supplier selection questionnaires, award criteria, contract award and the requirement for a procurement report to be prepared for contracts with a value at or above the EU threshold (EU thresholds applicable from 1 January 2016 are £164,176 for supplies/services and £4,104,394 for works)

- 1.6 At present Contract Standing Orders set out different rules for purchases (i) below £10,000 (ii) £10,000 - £50,000 (iii) £50,000 – EU threshold (iv) above EU threshold. Consideration has been given to altering the internal thresholds. It has been concluded that not altering these internal contract value thresholds will assist the officers using Contract Standing Orders and will tie in with the requirements for advertising and use of the new standard terms and conditions of contract. These internal thresholds can be kept under review and increased at a later date if considered necessary.
- 1.7 Legal Services and Procurement will ensure that all responsible officers will be made aware of the changes to Contract Standing Orders and discussions are taking place as to the most appropriate method of training.

## **2.0 PROPOSALS**

2.1 To approve the proposed draft Contract Standing Orders which will replace the current Part 6 Section 6 of the Constitution

2.2 The Working Party's support of this proposal is requested.

## **3.0 OPTIONS:**

1. To support the proposal.
2. To not support the proposal.
3. To propose alternative wording changes.

## **4.0 CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
<b>5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)</b>	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 Group Head of Council Advice & Monitoring Officer has been consulted on the 'Declarations of Interest' section to ensure no conflict with other Council rules and her suggestions have been incorporated into the draft.

**7.0 REASON FOR THE DECISION:**

To ensure the Constitution is amended to simplify current arrangements.

**8.0 BACKGROUND PAPERS:**

[Council's Constitution](#)

Draft Contract Standing Orders (attached to this report)





**SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS  
(CONTRACT STANDING ORDERS)**

Procurement decisions and processes are very important because the money involved is public money and the Council needs to ensure the provision of high quality services, supplies and works. Achieving Value for Money is essential.

The Council's reputation is equally important and the processes used must safeguard against any implication of dishonesty or corruption.

All staff are expected to comply with these Contract Standing Orders.

This Section is divided into the following sub-sections:

- A Introduction
- B Procurement Requirements
- C The Procurement Process
- D The Contract and other formalities
- E Post-Contract Requirements

<b><u>Glossary of Defined Terms</u></b>	
<b>Award Criteria</b>	The criteria by which the successful Quotation or Tender is to be selected (see further Standing Order 16).
<b>Contracting Decision</b>	Any of the following decisions: <ul style="list-style-type: none"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> <li>• award of contract</li> <li>• any decision to terminate a contract</li> </ul>
<b>Employees Code of Conduct</b>	The Employees Code of Conduct – available from Human Resources
<b>EU Procedure</b>	The procedure required to be followed by the EU as defined in Directive 2014/24/EU on public procurement when the Total Value exceeds the EU Threshold.
<b>EU Threshold</b>	The Total Value threshold above which the EU Public Procurement Directives must be applied. For details of the latest thresholds refer to the Procurement section on the Intranet.
<b>European Economic Area</b>	The members of the European Union and Norway, Iceland and Liechtenstein.
<b>Financial Regulations</b>	The Financial Procedure Rules at Part 6 Section 5 of the Constitution.
<b>Framework Agreement</b>	An agreement between one or more contracting authorities and one or more providers, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price.  If more than one provider is party to the agreement the price may be subject to mini-competition between all the providers at time of 'call-off'. Specific rules apply to Framework Agreements where the Total Value may exceed EU Thresholds.
<b><u>ICM decision</u></b>	<b><u>A decision taken by an Individual Cabinet Member</u></b>

<b>Glossary of Defined Terms</b>	
<b>Invitation to Tender</b>	The process and documents in the form required by Standing Orders by which a candidate is invited to bid.
<b>Non-Commercial Considerations</b>	<p>a) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</p> <p>b) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>c) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of the contractors in industrial disputes between other persons.</p> <p>d) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>e) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>f) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</p> <p>g) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p>
<b>OJEU</b>	Official Journal of the European Union
<b>Parent Company Guarantee</b>	A contract which binds the parent company of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead.
<b>Performance Bond</b>	An insurance policy. If the contractor does not do what it has promised to do under a contract with the Council, the Council can claim from the insurers the sum of money specified in the Bond (often 10% of the contract value). A Performance Bond is intended to protect the Council against a level of cost arising from the contractor's failure.
<b>Quotation</b>	All requests for Quotations must be obtained on a Most Economically Advantageous Tender (MEAT) basis whereby the 'whole life' costs are considered and purchases must not be made on a cost only basis – unless previously agreed in writing by the Council's Procurement Officer. You should consider specification details, availability of product/service, delivery aspects, after sales/warranty requirements and also include quality, environmental, social and health & safety aspects. These factors must be weighted in your award decision and given appropriate consideration.
<b>Relevant Contract</b>	Contracts to which these Standing Orders apply (see Standing Order 3).
<b>Responsible Officer</b>	The officer responsible for dealing with a particular purchase or disposal.
<b>Shortlist/ Shortlisting</b>	Where the candidates are selected to quote or bid, or to proceed to final evaluation.
<b>Tender</b>	A proposal submitted in response to an Invitation to Tender.
<b>Total Value</b>	<ul style="list-style-type: none"> <li>• The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal</li> <li>• Whether or not it comprises several lots or stages</li> <li>• To be paid or received by the Council</li> </ul>

## **Glossary of Defined Terms**

	<p>The Total Value shall be calculated as follows:</p> <ul style="list-style-type: none"><li>a) Where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period.</li><li>b) Where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions for the coming 12 months.</li><li>c) Where the contract is for an uncertain duration, by multiplying the monthly payments by 48.</li><li>d) For feasibility studies, the value of the scheme or contracts which may be awarded as a result.</li><li>e) For nominated suppliers and sub-contractors, the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.</li></ul>
<b>UK Public Contracts Regulations (PCR 2015)</b>	The Public Contracts Regulations 2015 or any subsequent updated versions which transpose the EU Procedures into UK Law.
<b>Value for Money</b>	The duty on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council.

## **A - Introduction**

### **1. Principles**

1.1 All purchasing, procurement, contract and disposal procedures must:

- achieve Value for Money for public money spent and highest return for disposals
- be consistent with the highest standards of integrity
- ensure fairness in allocating public contracts
- ensure fair and open competition, transparency of process and non-discrimination
- comply with all legal requirements (including specifically the EU Procedures and UK Public Contracts Regulations)
- ensure that Non-commercial Considerations do not influence any Contracting Decision
- support the Council's corporate and departmental strategies, aims and policies
- comply with the Council's Value for Money policy and procurement strategy (refer to the Procurement section on the Intranet)

1.2 Before taking any steps to purchase or procure supplies, services or works, consideration should be given to the following issues:

- whether the acquisition is absolutely necessary or could be met sustainably by adopting the 3 R's principle – reduce, reuse, recycle

- the use of alternative providers such as the voluntary and charity sectors, social enterprises and internal service providers
  - supporting local and/or small and medium sized enterprises (SME's)
- 1.3 Please seek advice from Procurement or Legal Services if you are unsure of how to proceed.
- 1.4 Increasing amounts of information are available on-line and specific note should be taken of procurement guidance on Arun's Internet and Intranet sites.

## **2. Officer Responsibilities**

- 2.1 The Responsible Officer must:
- 2.1.1 Comply with these Contract Standing Orders, the Council's Financial Procedure Rules, the Employees Code of Conduct and with all UK and European Union binding legal requirements
  - 2.1.2 Be authorised by their Group Head to procure within specific authorisation levels
  - 2.1.3 Keep the records required by Standing Order 27
  - 2.1.4 Ensure that Tender procedures are conducted in accordance with procedures set out in any Invitation to Tender
  - 2.1.5 Ensure that agents, consultants, and contractual partners acting on the Council's behalf also fully comply with these Contract Standing Orders
  - 2.1.6 Take all necessary legal, financial and professional advice before making any commitment on behalf of the Council
  - 2.1.7 Comply in all respects with these Contract Standing Orders. They are minimum requirements. Procurement will advise if a more detailed procedure is appropriate for particular contracts
  - 2.1.8 Ensure the safekeeping of all original contracts and related files, where the Total Value exceeds £50,000
- 2.2 Group Heads must:
- 2.2.1 Ensure that their staff understand and comply with Contract Standing Orders
  - 2.2.2 Keep a record of all contracts
  - 2.2.3 Ensure that sealed contracts (those where the Total Value exceeds £50,000) are passed to Legal Services for secure storage.

### **3. Relevant Contracts**

- 3.1 All Relevant Contracts must comply with these Contract Standing Orders.
- 3.2 A Relevant Contract is any arrangement, including the setting up of Framework Agreements, irrespective of Total Value made by, or on behalf of, the Council for the carrying out of work or for supplies or services. These include (but are not limited to) arrangements for:
- the supply or disposal of goods
  - hire, rental or lease of goods or equipment
  - execution of works
  - the supply of services, including those related to the recruitment of staff and financial and consultancy services
- 3.3 Relevant Contracts do not include contracts relating to:
- the employment of staff
  - the engagement of Counsel
  - the acquisition, disposal or transfer of land (for which Financial Regulations shall apply).
  - the provision by Council in-house services

## **B – Procurement Requirements**

### **4. Competition Requirements**

- 4.1 The Responsible Officer must calculate the Total Value of the Relevant Contract.
- 4.2 Where the Total Value of the Relevant Contract is in the first column below, the competition procedure in the second column must be followed.

<b>Estimated Contract Value</b>	<b>Number of Tenders to be invited</b>
Up to £10,000	Ensure Value for Money by obtaining 2 quotes, one of which should be from a local contractor if possible
£10,001 to £50,000 (Contact Procurement)	Invite at least 3 contractors to submit quotations, one of which should be local, if possible.
£50,001 to EU Threshold (Contact Procurement)	Invite at least 4 contractors to tender following an advertisement on the Contracts Finder website or use of an appropriate framework agreement.
Above EU Threshold (Contact Procurement)	Formal EU Tender Process or use of an appropriate framework agreement



- 4.3 If there are insufficient suitably qualified contractors to meet the competition requirement, all those suitably qualified are to be invited to submit a Quotation or tender.
- 4.4 The Responsible Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to negate or minimise the application of these Contract Standing Orders or avoid compliance with EU Procedure.
- 4.5 Where the EU Procedure is applicable, the Responsible Officer shall consult the guidance on the EU public procurement rules (found in the Procurement section of the Intranet) and formally consult Procurement to agree the most appropriate procurement method.
- 4.6 Assets for disposal must be sent to public auction except where better value for money is likely to be obtained by inviting Quotations or Tenders. In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the Group Head of Corporate Support.
- 4.7 Providing services to external purchasers must be in compliance with the Local Authorities (Goods and Services) Act 1970.
- 4.8 Partnership arrangements are subject to all UK and EU procurement legislation and must follow these Contract Standing Orders.

## **5. Steps Prior to Purchase**

- 5.1 Before beginning a purchase, the Responsible Officer must:
- i. advise Procurement except where the estimated Total Value of the contract is less than £10,000
  - ii. ensure a budget exists. If no budget is in place a virement from the service area or a supplementary estimate request to Full Council will be required (see Part 6 Section 5 Regulation 3 of the Constitution)
  - iii. ensure that a contractual arrangement is not already in place
  - iv. ensure there is a need for the expenditure and its priority
  - v. define the objectives of the purchase
  - vi. assess the risks associated with the purchase and how to manage them
  - vii. consult Procurement where the estimated Total Value is likely to be over £50,000 for advice on what procurement method is most likely to achieve the purchasing objectives
  - viii. ensure that there is Member or delegated approval for all of the expenditure to be incurred before an order is placed or a contract is entered into
- 5.2 An Individual Cabinet Member (ICM) Report or Cabinet approval may be required when tendering, or before placing an order or entering into a contract depending on the Total Value. The table below sets out the authority requirements.

Estimated Total Value	Key requirements to be fulfilled
Less than £10,000	<ul style="list-style-type: none"> <li>• No requirement for ICM <u>decision</u></li> <li>• No requirement for consultation with Procurement</li> <li>• The Responsible Officer is to retain evidence of to show that Contract Standing Orders have been complied with</li> </ul>
£10,001-£50,000	<ul style="list-style-type: none"> <li>• No requirement for ICM <u>decision</u></li> <li>• Procurement to be consulted in advance to determine the most suitable criteria for evaluation and award of contract</li> <li>• The Responsible Officer is to retain evidence of contact with Procurement</li> <li>• The Responsible Officer is to retain evidence to show that Contract Standing Orders have been complied with</li> <li>• Officer, using their delegated powers, to put a written record signed with the contract papers with their name, date &amp; details of what they are committing the Council to, including the date for the first and last payment. A copy of the form to be given to the Council's Procurement Officer.</li> </ul>
£50,001-EU Threshold	<ul style="list-style-type: none"> <li>• No requirement for ICM <u>decision</u> in advance</li> <li>Procurement to be consulted in advance to advise on tender documentation and determine the most suitable criteria for evaluation and award of contract</li> <li>• Procurement Pro-forma to be completed by officer &amp; signed off by the Council's Procurement Officer agreeing approach &amp; methodology to be used</li> <li>• Procurement Pro-forma to be retained on contract file</li> <li>• ICM <u>decision approval</u> at post-tender/pre-award stage</li> </ul>
Above EU Threshold	<ul style="list-style-type: none"> <li>• No requirement for ICM in advance</li> <li>• Procurement to be consulted in advance to determine the method of procurement, advise on tender documentation, agree the procurement timetable and the most suitable criteria for evaluation and award of contract</li> <li>• Procurement Pro-forma to be completed by officer &amp; signed off by the Council's Procurement Officer agreeing approach &amp; methodology to be used</li> <li>• Procurement Pro-forma to be retained on contract file</li> <li>• Cabinet approval at post-tender/pre-award stage</li> </ul>

## **6. Waivers and Exemptions**

6.1. The Council, Cabinet and Cabinet Members have power to waive any requirement of Contract Standing Orders in specific instances.

- 6.2. It is not possible to waive Contract Standing Orders in their entirety.
- 6.3. There can be no waiver of the EU Procedure.
- 6.4. All applications for waivers of these Contract Standing Orders must be in writing on the Council's waiver form and state:
- i. the reason why a waiver is needed and
  - ii. the specific requirement of Contract Standing Orders that is to be waived including the paragraph number
- 6.5. The waiver form is found in the Internal Audit section of the Intranet.
- 6.6. Waivers must be signed by the Group Head, the Council's Procurement Officer, the relevant Cabinet Member and one of the following:
- the Group Head of Corporate Support, or
  - Financial Services Manager, or
  - Chief Internal Auditor
- prior to continuing with the purchase or award of the contract.
- 6.7. The Responsible Officer is required to send a copy of the signed waiver to Internal Audit and for the original to be placed with the contract
- 6.8. The following are examples of when a waiver might be appropriate. Where the works, supplies or services to be provided:
- are exclusively manufactured or provided by the supplier, or the supplies or services are sold only at a fixed price and no satisfactory alternative is available,
  - must be entrusted to the appropriate utility undertaking,
  - constitute an extension of an existing contract, where such extension is unauthorised,
  - are required so urgently as not to permit the invitation of Tenders,
  - consist of repairs to or the supply of parts for existing machinery or plant that can only be carried out by the supplier or manufacturer of that machinery, or under licence for a fixed price,
  - are to be part of a Tender invited on behalf of any consortium or similar body of which the Council is a member, or
  - for other reasons Procurement and Group Head of Corporate Support are satisfied that the seeking of written Quotations or Tenders would not achieve genuine competition.
- 6.9. These Standing Orders do not apply where Standing Orders relating to contracts of another Local Authority or Public Funded Body (e.g. NHS or Police), Government Department or Agency (e.g. OGC Buying Solutions, Constructionline), or public service purchasing consortium are adopted.
- 6.10. These Contract Standing Orders do not apply to calling off from a current Arun District Council Framework Agreement. However, where the Arun District Council Framework Agreement provides for mini competitions to be held, a waiver is to be obtained for any deviation from the terms of that Framework Agreement. The use of all other Framework Agreements open to Arun District Council as an identified authority requires a waiver.

## **C – The Procurement Process**

### **7. Summary of requirements as to advertising, use of procedures, award notices**

- 7.1. The Council must advertise contract opportunities and publish details of contracts awarded in accordance with the Public Contracts Regulations (PCR) 2015. The PCR 2015 require the Council to:
- (a) advertise all contracts at or above the EU Threshold on OJEU and Contracts Finder
  - (b) advertise all contracts of £10,000 on Contracts Finder, **where the Council has advertised them elsewhere.**

### **Procurements at or above the EU Thresholds**

#### **8. Requirement to advertise**

- 8.1. Contracts which exceed the EU thresholds set out in the PCR 2015 must be advertised on the OJEU by publishing a Contract Notice or, where advised, a Prior Information Notice (PIN) as a call for competition.
- 8.2. The Responsible Officer must take advice from Procurement before any document is published on OJEU.
- 8.3. All contracts which are advertised on OJEU must also be advertised on Contracts Finder within 24 hours of the time the Council becomes entitled to post it, that is after either:
- (a) it appears on OJEU;
  - (b) it has not appeared but 48 hours have elapsed from the time the EU Publications Office confirmed receipt of the notice to the Council.
- 8.4. All procurement documentation must be available from the time the Contract Notice is published on OJEU. Therefore, no advertisement should be placed until the procurement documentation is complete. The Responsible Officer must ensure the Contract Notice includes a specified location where interested parties can electronically access all procurement documentation.
- 8.5. The Council may use a Prior Information Notice (PIN) as a call for competition when using the restricted or competitive procedure with negotiation.
- 8.6. The Responsible Officer is responsible for ensuring all Contract Notices and publications on Contracts Finder are published in accordance with these rules.

#### **9. Procurement procedures**

- 9.1 For public contracts equal to or greater than the EU threshold, the Council shall:
- (a) advertise the contract on OJEU using one of the procurement routes mandated by the PCR 2015; or

(b) where appropriate and lawful, use an existing contract or Framework Agreement which was procured in compliance with the PCR 2015.

## **Contracts below the EU Thresholds**

### **10. Contracts valued between £50,000 and EU thresholds**

- 10.1 The Responsible Officer shall use one of the following procurement routes to award a contract valued between £50,000 and the appropriate EU threshold:
- (a) competitive procurement process advertised on Contracts Finder and the Council's own website; or
  - (b) use of contract or Framework Agreement procured by another contracting authority.
- 10.2 The Responsible Officer must devise a fair and transparent sourcing route based on sound commercial principles and designed to achieve Value for Money, taking advice from Procurement. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract or service shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the procurement file.

### **11. Contracts with a value between £10,000 and £50,000**

- 11.1 When awarding a contract valued between £10,000 and £50,000 the Responsible Officer must:
- (a) without advertising the opportunity, a minimum of three quotations from suppliers, where the Responsible Officer has sufficient knowledge of the market to be reasonably certain such an approach would elicit bids representing Value for Money, or
  - (b) competitive procurement process advertised on Contracts Finder and the Council's own website, or
  - (c) with the prior written approval of the relevant Executive Director, obtain a single tender or quote from reputable supplier where the Responsible Officer has sufficient knowledge of the market to be reasonably certain such an approach would elicit a quote representing Value for Money.

#### **Contracts with a value of less than £10,000**

### **12. Contracts with a value of less than £10,000**

- 12.1 The Responsible Officer must, in relation to any contract with a value of less than £10,000, demonstrate and record on the procurement file that the contract represents Value for Money. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the procurement file.



### **13. Use of Supplier Selection Questionnaires (SSQs)**

- 13.1. The Responsible Officer shall apply minimum standards of experience, reputation and economic standing to suppliers to test their suitability to bid for a Council contract. For contracts above EU thresholds suitability is usually tested by means of a SSQ.
- 13.2. All the methods and criteria used for assessing the suitability of suppliers shall be transparent, objective and non-discriminatory.
- 13.3. The Responsible Officer must use the Government's standard SSQ and adhere to its statutory guidance for all procurements of contracts above the relevant EU Threshold.
- 13.4. The Responsible Officer shall not use a SSQ for contracts with a value less than the current EU threshold.

### **14. Eligibility to bid**

- 14.1. Suppliers who fail to meet all of the Council's minimum standards of reputation, technical ability, experience or economic and financial standing as specified in the SSQ and accompanying documents shall be excluded from the procurement process.
- 14.2. Where the supplier is being excluded because one of the exclusion grounds in regulation 57 of the PCR 2015 applies but provides evidence in support of its reliability despite the existence of a relevant ground of exclusion, the Responsible Officer must consider that evidence and determine whether to exclude that supplier.
- 14.3. The Responsible Officer shall consult with the Council's Group Head of Corporate Support or his/her representative before reaching any decision under Standing Order 14.2.

### **15. Assessing past experience and financial standing**

- 15.1. The Responsible Officer shall ensure suppliers' past experience and technical ability are assessed, for all contracts.
- 15.2. When assessing the suppliers' financial standing, the Responsible Officer shall ~~not~~ require prospective tenderers to have an annual turnover of more than twice the estimated contract value, unless otherwise agreed with the Council's Monitoring Officer.
- 15.3. Only those suppliers who meet the Council's minimum requirements of economic and financial standing and technical and professional ability shall be ~~invited to participate in a tender process or~~ awarded ~~the~~ contract.
- 15.4. All assessment of supplier's financial standing must be conducted by the Council's Finance team (or such other service unit designated from time to time to undertake this activity).

## **16. Award criteria**

- 16.1. The Responsible Officer shall adopt award criteria which are fair, transparent, proportionate and appropriate to the subject matter of the contract
- 16.2. The Responsible Officer shall award the contract to the most economically advantageous tender, being the tender that represents best Value for Money applying the award criteria.
- 16.3. The Responsible Officer shall adopt evaluation methodologies that are robust, have been tested to ensure they are appropriate for the procurement in question, and transparent

## **Tendering Procedure**

### **17. Opening tenders**

- 17.1. All tenders ~~over £50,000 undertaken~~ must be conducted through the Council's mandated e-tendering portal except as permitted with the prior written approval of Procurement.
- 17.2. Tenders or requests for Quotations for contracts valued at less than £50,000 may be conducted outside the Council's e-tendering portal. Where the Responsible Officer invites tenders in hard copy, the Responsible Officer must ensure that all the tenders received are opened:
  - after the deadline for receipt of tenders has expired; and
  - at the same time by two members of staff: one from the directorate seeking the tenders and one on behalf of Procurement
- 17.3. after they are opened, the tenders must be listed in the tender register and the list must be signed by both persons who witnessed the opening of the tenders.

### **18. Clarification Procedures and Post Tender Discussions**

- 18.1. Providing clarification of an Invitation to Tender to potential or actual tenderers or seeking clarification of a Tender is permitted.
- 18.2. Post Tender discussions must only be conducted following consultation with the Group Head of Corporate Support or his nominated representative

### **19. Evaluation**

- 19.1. Quotations and Tenders must be evaluated by more than one Council officer unless the award criterion was lowest cost only.
- 19.2. The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer who should be requested to confirm or amend their tender accordingly.

### **20. Contract award**

- 20.1. All contracts shall be awarded in accordance with the criteria set out in the procurement documents.

20.2. For contracts with a value at or above the EU Thresholds, the Responsible Officer shall adhere to the contract award procedures set out in the PCR 2015 and observe a standstill period before entering into the contract. The standstill period will normally end at midnight at the end of the tenth day after the date the Council sends notice to the tenderers, electronically or by fax, that it has made an award decision.

## **21. Correction of errors and late tenders**

21.1. All tenders must comply with the conditions set out in the procurement documents. Tenderers should be advised that any failure to adhere to the specific rules applicable to the tender in question could result in their tender being rejected.

21.2. The Responsible Officer may reserve the right in the procurement documents to accept late submissions or documents forming part of the tender at the Council's discretion, for example, where:

- the delay was caused by a mistake or failure of the Council; or
- the document or submission in question clearly pre-dated the deadline for receipt of tenders and the decision not to exclude the tenderer would not unduly favour any or disadvantage the other candidates.

## **22 Disclosure, Transparency and Record Keeping**

### **22.1 Electronic availability of documents**

The Responsible Officer shall ensure that all procurement documents for contracts that are at or above the EU Thresholds are available online free of charge without restriction from the time the OJEU Notice is published

## **23. Duty of confidentiality owed to suppliers**

23.1 The Responsible Officer shall not disclose information which has been forwarded by a supplier and designated by that supplier as confidential or commercially sensitive, including technical or trade secrets and the confidential aspects of tenders, without express authorisation from the Group Head of Corporate Support or his/her nominated representative in consultation with the Group Head of Council Advice & Monitoring Officer who shall balance the duty of confidentiality owed to suppliers against the Council's obligations under Freedom of Information Act 2000 (as amended or re-enacted from time to time) and any other disclosure obligations. The procurement documents ~~should~~**must** inform interested parties of the Council's duties of disclosure and invite tenderers to designate information as confidential or commercially sensitive. However, the Council cannot guarantee that all information so designated will be withheld.

## **24. Publication of contract award notices in the Official Journal**

24.1 The Responsible Officer shall ensure that a Contract Award Notice is published on OJEU for all procurements subject to the PCR 2015 in accordance with those regulations.

## **25. Publication of Contract Award Notices on Contracts Finder**

- 25.1 The Responsible Officer shall ensure that a Contract Award Notice is published on Contracts Finder for all contracts with a value of £25,000 or more. This Standing Order 25 applies to all contracts including contracts let under Framework Agreements, whether or not that Framework Agreement was itself advertised on Contracts Finder or anywhere else.

## **26. Debriefing tenderers**

- 26.1 For contracts valued at or above the EU Threshold, the Responsible Officer shall ensure that all candidates and tenderers are offered debrief information during the procurement process, in accordance with regulation 55 of the PCR 2015, and at contract award, in accordance with regulation 86 of those regulations.

## **27. Procurement Report**

- 27.1. The Responsible Officer shall keep a copy of all procurement documents in accordance with the Council's document retention policy.
- 27.2. The Responsible Officer shall prepare a written report in relation to each procurement with a value at or above the relevant EU Threshold containing the following information (unless such information is contained in the Contract Award Notice):
- 27.2.1 the subject-matter and value of the contract, Framework Agreement or dynamic purchasing system;
  - 27.2.2 where applicable, the results of the qualitative selection and reduction of numbers under regulations 65 and 66, namely:
    - (a) the names of the selected candidates or tenderers and the reasons for their selection;
    - (b) the names of the rejected candidates or tenderers and the reasons for their rejection;
    - (c) the reasons for the rejection of tenders found to be abnormally low;
    - (d) the name of the successful tenderer and the reasons why its tender was selected and, where known, the share (if any) of the contract or Framework Agreement which the successful tenderer intends to subcontract to third parties, and the names of the main contractor's subcontractors (if any);
    - (e) for competitive procedures with negotiation and competitive dialogues, the circumstances as laid down in regulation 26 which justify the use of those procedures;
    - (f) for negotiated procedures without prior publication, the circumstances referred to in regulation 32 which justify the use of this procedure;
    - (g) where applicable, the reasons why the contracting authority has decided not to award a contract or Framework Agreement or to establish a dynamic purchasing system;

(h) where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders; and

(i) where applicable, conflicts of interests detected and subsequent measures taken.

27.3. The Responsible Officer shall maintain a procurement file containing sufficient information to justify decisions taken at all stages of the procurement such as documentation on:

- communications with suppliers and internal deliberations;
- preparation of the procurement documents;
- dialogue or negotiations, if any; and
- selection and award of the contract.

27.4. The Responsible Officer shall prepare a report containing such information as the Cabinet Office may request in respect of procurements at or above the relevant EU Threshold.

## **D - The Contract and Other Formalities**

### **28. Contract Documents**

28.1 All Relevant Contracts which exceed £50,000 in Total Value shall be in writing and executed as a deed by affixing the Council's seal.

28.2 All Relevant Contracts, irrespective of value, shall clearly specify:

- the works, supplies or services to be provided (description, quantity and quality)
- the price to be paid, with a statement of any discounts or other deductions
- the time, or times, within which the contract is to be performed
- the Council's terms and conditions (in accordance with 28.3 and 28.4 below)

28.3 The Council's official purchase order (created by either E5 or QL) identifies the Council's terms and conditions which are applicable to all Relevant Contracts with a Total Value up to £50,000.

28.4 Where the Total Value of a Relevant Contract exceeds £50,000, the purchase order terms and conditions will be superseded by either:

- the Council's standard terms and conditions (long form)
- terms and conditions issued by a relevant professional body or organisation e.g. the Joint Contracts Tribunal
- bespoke terms and conditions drafted by Legal Services
- the supplier's terms and conditions (which must be reviewed by Legal Services prior to placing an order/entering into the contract)

28.5 Every Relevant Contract over £50,000 must also include:

- that the supplier may not assign or sub-contract without prior written consent

- that the Council reserves the right to determine whether the terms of the engagement of the supplier are on employed or self-employed terms for tax purposes
- any insurance requirements
- health and safety requirements
- ombudsman requirements
- data protection (if relevant) and Freedom of Information requirements
- that consultants must comply with the Council's Contract Standing Orders (where consultants are used to let contracts)
- a right of access to relevant documentation and records of the supplier for monitoring and audit purposes if relevant.
- the Council's right to require removal of a supplier employee
- a clause relating to the prevention of bribery– see Standing Order 31
- compliance with legislation regarding equality, diversity, discrimination and safeguarding (if relevant).

28.6 The formal advice of the Group Head of Corporate Support or his nominated representative must be sought for the following circumstances:

- where leasing arrangements are involved
- (the views of Group Head of Corporate Support should also be sought)
- where it is proposed to use a supplier's own terms
- where a third party or sub-contractor is to be employed by the supplier to fulfil the contract

## **29. Contract formalities**

29.1. Agreements shall be completed as follows (subject to delegated financial limits):

<b>Total Value</b>	<b>Form of Contract</b>	
Up to £50,000	Purchase order to be raised by an officer with signing authority of at least £50,000	<ul style="list-style-type: none"> <li>• The contract is formed by the purchase order, the terms and conditions referred to in the purchase order and any specification</li> </ul>
Above £50,000	Written contract to be executed as a deed by sealing. This is done by Legal Services	<ul style="list-style-type: none"> <li>• Purchase order to be raised</li> <li>• The written contract is to be prepared by Legal Services.</li> </ul>

29.2. Purchase orders must be raised and written contracts entered into before the supplies or services are provided or works begin, except in exceptional circumstances, and then only with the written consent of the Group Head of Corporate Support.

29.3. Sealing - The fixing of the Council's seal is to be witnessed by an authorised officer on behalf of the Group Head of Corporate Support.

Every seal will be consecutively numbered and recorded in the Council's seal register which will also be signed by the authorised officer witnessing the seal. The seal must not be affixed without the authority of Full Council, Cabinet, a Cabinet Member,

Group Head acting under delegated powers or officer to whom powers have been delegated in accordance with the Constitution.

A contract must be sealed where:

- the Total Value is expected to exceed £50,000, (this may not apply to Framework Agreements), or
- the Council may wish to enforce the contract for more than six years after its end, or
- the price paid or received under the contract is a nominal price and does not reflect the value of the supplies, services or works, or
- there is any doubt about the authority of the person signing for the other contracting party

### **30. Performance Bonds and Parent Company Guarantees**

30.1 The Responsible Officer must consult the Group Head of Corporate Support:

30.1.1. about whether a Parent Company Guarantee is necessary when a tenderer is a subsidiary of a parent company, and:

- the Total Value of a Relevant Contract exceeds £250,000 or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the tenderer

30.1.2. about whether a Performance Bond is needed:

- where the Total Value of a Relevant Contract exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the tenderer.

### **31. Prevention of Bribery**

31.1 The Responsible Officer must take into account the requirements of the Bribery Act 2010 which introduces the general offences of offering or receiving bribes, a specific offence of bribing a foreign official and the new corporate offence of failing to prevent bribery.

31.2 The Responsible Officer must comply with the Employees Code of Conduct and the Council's anti-fraud and corruption strategy and must not invite or accept any gift or reward in respect of the award or performance of any contract.

Where an Officer is offered gifts or hospitality this must be declared on the Council's Gifts and Hospitality register which is maintained by the respective Directors' personal assistants and must comply with the clear guidance to Officers on accepting Gifts or Hospitality.

It will be for the Officer concerned to prove that anything received was not received corruptly.

High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in this Contract Standing Order 31.

- 31.3 All written Council contracts must include a Prevention of Bribery clause. The Council's standard terms and conditions include such a clause.

Care should be taken to ensure that an appropriate clause is included in contracts issued by professional bodies or organisations and in supplier's terms and conditions before these are accepted. Advice must be sought from Legal Services if in doubt.

## **32. Declaration of Interests**

- 32.1 If it comes to the knowledge of a Member or an employee of the Council that a contract in which he or she has a Pecuniary Interest (as defined in the Code of Conduct) has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Group Head of Council Advice & Monitoring Officer. The Group Head of Council Advice & Monitoring Officer shall report such declarations to the appropriate meeting of Cabinet/Council for recording in the decision notice/minutes.
- 32.2 The Group Head of Council Advice & Monitoring Officer shall maintain a record of all declarations of interests notified by Members and officers.
- 32.3 The Group Head of Council Advice & Monitoring Officer shall ensure that the attention of all Members is drawn to the Members' Code of Conduct.

## **E – Post-Contract Requirements**

### **33. Contract Monitoring and Evaluation**

- 33.1 During the term of all Relevant Contracts the Responsible Officer must monitor the following areas:
- performance
  - compliance with the specification and terms and conditions
  - cost
  - any Value for Money requirements
  - user satisfaction and risk management
- 33.2 Where the Total Value of the Relevant Contract exceeds £50,000 the Responsible Officer must make a written report evaluating the extent to which the purchasing need and the contract objectives (as determined in accordance with Standing order 5.1) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

### **34. Contract Extension**

- 34.1 A Contract term cannot be extended unless there is an express provision to allow an extension.



- 34.2 Where no express provision for an extension has been allowed for in the original contract, in extenuating circumstances, approval to extend a contract term may be given after consultation by the Responsible Officer with Procurement and the Group Head of Corporate Support or Chief Internal Auditor. A waiver and ICM report must be completed.
- 34.3 Contracts over the EU Threshold can only be extended in accordance with EU Rules. Advice should be sought from Procurement or Legal Services.



# **ARUN DISTRICT COUNCIL**

## **REPORT TO THE CONSTITUTION WORKING PARTY ON 12 DECEMBER 2017**

<b>SUBJECT:</b>	<b>Constitutional Amendments to Part 3, Responsibility for Functions - Terms of Reference of Committees, Sub-Committees and Panels</b>
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<b>REPORT AUTHOR:</b>	Liz Fitcher – Group Head of Council Advice & Monitoring Officer
<b>DATE:</b>	November 2017
<b>EXTN:</b>	01903 737610

### **EXECUTIVE SUMMARY:**

This report updates the Working Party on the outcome of the review of the Terms of Reference of Committees, Sub-Committees and Panels and proposes a replacement section to be added to the Constitution.

### **RECOMMENDATIONS:**

It is recommended to Full Council that:

1. the proposed changes to the Constitution at Part 3 (Responsibility for Functions) as set out in the replacement text at Appendices 1, 2 and 3 as attached to the minutes, be approved; 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 Working Party has been kept updated on the review of the remainder of Part 3, Responsibility for Functions covering 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 Cabinet and regulatory Committees have been individually reviewing their Terms of Reference and any changes are being reported directly to Full Council for approval. This report focusses on the review of Terms of Reference for Sub-Committees, Working Groups, Working Parties, Panels and Partnerships.

### **2.0 PROPOSALS**

- 2.1 Working to the new template previously considered by the Working Party, it is proposed that the existing table of contents, commentary, and wording at sections 5.0 to 12.0 at Part 3 are deleted and replaced with new tables, as set out in:

- Appendix 1 – contents list and new section on ‘General Principles’
- Appendix 2 – revised section covering Sub-Committees, Working Groups, Working Parties and Panels
- Appendix 3 – revised section covering Partnerships which provides links to where the terms of reference can be viewed

2.2 The main change to each of the Terms of Reference has been to put these into the new template, setting out the membership arrangements and clarifying functions and reporting lines more simply. Where change has been made, it is to reflect current practices or the new management structure. No changes to existing delegations are being proposed.

2.3 No change is proposed to the Terms of Reference of the Working Groups and the Joint Arun Area Committees as both are the subject of separate ongoing reviews.

2.4 However, two additional changes to those already agreed by Full Council on 8 November 2017 are proposed, as highlighted in Appendix 2. These relate to:

- paragraph 5.3 – Local Plan Sub-Committee : this wording is incorrect and should be deleted from the Sub-Committee’s Terms of Reference
- paragraph 8.3 – Enforcement Review Panel : an amendment to the wording is required to reflect the correct service titles within the Technical Services Group

2.5 Subject to approval of these changes, the proposal is that a new Part 3 is issued following Full Council on 10 January 2017 covering all the revised Terms of Reference.

2.6 Members’ views are welcomed on these proposals.

### 3.0 OPTIONS:

1. To support the amendments to Part 3 of the Constitution as proposed
2. To propose alternative amendments

### 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>• Lead Officers</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:**

To ensure the Constitution is amended to simplify current arrangements.

**8.0 BACKGROUND PAPERS:**

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



## **PART 3 - RESPONSIBILITY FOR FUNCTIONS**

*Replace existing contents list with the new list below*

**CONTENTS:**

- 1 General Principles**
- 2 Cabinet**
- 3 Cabinet Members**
- 4 Committees of Full Council**
  - 4.1 Audit and Governance**
  - 4.2 Development Control**
  - 4.3 Licensing**
  - 4.4 Overview Select**
  - 4.5 Standards**
- 5 Sub-Committees**
  - 5.1 Bognor Regis Regeneration**
  - 5.2 Littlehampton Regeneration**
  - 5.3 Local Plan**
  - 5.4 Community Infrastructure Levy (CIL)**
  - 5.5 Electoral Review**
  - 5.6 Licensing**
- 6 Working Groups**
- 7 Working Parties**
- 8 Panels**
  - 8.1 Assessment Panel**
  - 8.2 Dispensation Panel**
  - 8.3 Enforcement Review Panel**
  - 8.4 Housing Appeals Panel**
  - 8.5 Staff Consultation Panel**
  - 8.6 Staff Appeals Panel**
- 9 Chief Executive Committees and Panels**
  - 9.1 Chief Executive's Appraisal Panel**
  - 9.2 Chief Executive's Remuneration Committee**
  - 9.3 Chief Executive's Recruitment and Selection Panel**
- 10 Statutory Officers' Committees and Panels**
- 11 Joint Area Committees**
- 12 Partnerships**



*Replace existing section 1.0 with the new wording below:*

## **1.0 GENERAL PRINCIPLES**

- 1.1 The Council is required by the Local Government Act 2000 and regulations made under it to confirm how it has arranged for its functions to be carried out. This is explained in this part of the Constitution and also in Part 4, which sets out the Officer Scheme of Delegation.
- 1.2 Functions which are not the responsibility of Full Council, a Committee or Sub-Committee, a Joint Area Committee or officers will be exercised by the Cabinet.
- 1.3 The following sections explain the hierarchy of the Council's decision making process which is based on:
  - **Full Council** - exercising the functions set out in Article 4 of this Constitution
  - **Cabinet and Individual Cabinet Members** – exercising the executive functions as set out in sections 2 and 3 of this part of the Constitution
  - **Committees and Sub-Committees** – responsible for non-executive functions as set out in their terms of reference at sections 4 and 5 of this part of the Constitution
  - **Working Groups and Working Parties** – working to terms of reference set out in sections 6 and 7 of this part of the Constitution
  - **Panels** – working to terms of reference set out in section 8, 9 and 10 of this part of the Constitution
  - **Joint Arun Committees** – working to terms of reference set out in section 11 of this part of the Constitution
  - **Partnerships** – confirming the key partner organisations and who they will report into, as set out in section 12 of this part of the Constitution
  - **Officers** – working to the Officer Scheme of Delegation at Part 4 of this Constitution.
- 1.4 Full Council, the Cabinet, a Committee or Sub-Committee may delegate further functions or specific responsibilities to officers and when this occurs, it will be recorded in the minutes of the meeting; and the Officer Scheme of Delegation at Part 4 of this Constitution will be amended where required.

## 5.0 Sub-Committees

Committee/Panel and Membership	Functions	Delegations of Functions
<i>5.1 Replace existing section 5.1 with the table below to include the amendment shown shaded</i>		
<p><b>Bognor Regis Sub-Committee</b></p> <p>9 Members of the Council</p>	<ol style="list-style-type: none"> <li>1. To make recommendations to Full Council in relation to all major regeneration projects affecting the environs of the town.</li> <li>2. To make recommendations to Full Council on matters relating to land and property in the Council's ownership and on the matter of allocating resources so that projects can be completed to agreed timescales.</li> <li>3. To have delegated authority for decisions in terms of:               <ol style="list-style-type: none"> <li>i. recruitment and engagement of consultants</li> <li>ii. agreement to consult on certain stages of plans/proposals</li> <li>iii. monitoring of progress against agreed action plans and any necessary actions to address problems etc.</li> <li>iv. approving the drawing down of funds within the responsibilities of the Sub-Committee as listed in Part 6, Financial Procedure Rules.</li> </ol> </li> </ol> <p><b>Note</b> The Sub-Committee will not encroach on any of the responsibilities of the Development Control Committee, Licensing Committee or the Local Plan Sub-Committee.</p>	<p>See Part 4 – Officer Scheme of Delegation</p>
<i>5.2 Replace existing section 5.5 with the table below to include the amendment shown shaded</i>		
<p><b>Littlehampton Regeneration Sub-Committee</b></p> <p>9 Members of the Council</p>	<ol style="list-style-type: none"> <li>1. To make recommendations to Full Council in relation to all major regeneration projects affecting the environs of the town.</li> <li>2. To make recommendations to Full Council on matters relating to land and property in the Council's ownership and on the matter of allocating resources so that projects can be completed to agreed timescales.</li> <li>3. To have delegated authority for decisions in terms of:               <ol style="list-style-type: none"> <li>i. recruitment and engagement of consultants</li> <li>ii. agreement to consult on certain stages of plans/proposals</li> <li>iii. monitoring of progress against agreed action plans and any necessary actions to address problems etc.</li> </ol> </li> </ol>	<p>See Part 4 – Officer Scheme of Delegation</p>

	<p>iv. approving the drawing down of funds within the responsibilities of the Sub-Committee as listed in Part 6, Section 5 of the Constitution.</p> <p><b>Note</b> The Sub-Committee will not encroach on any of the responsibilities of the Development Control Committee, Licensing Committee or the Local Plan Sub-Committee.</p>	
<p>5.3 <i>Replace existing section 5.6 with the table below (further deletion needed to updated terms of reference agreed by Full Council on 8 November 2017 as shown crossed through)</i></p>		
<p><b>Local Plan Sub-Committee</b></p> <p>14 Members of the Council</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. To consider draft Planning Policy documents and review them.</li> <li>2. To authorise public consultation on draft Planning Policy documents and material produced for public consultation reports</li> <li>3. To consider responses from public consultation and amend reports accordingly</li> <li>4. To make recommendations to Full Council for approval of Planning Policy documents</li> <li>5. <del>Except so far as provided by Part 4, Section 2 Paragraph 4.0 (Director of Place), to make recommendations to Full Council in relation to the Council's functions for Neighbourhood Development Plans.</del></li> <li>6. The Sub-Committee has delegated authority for decisions in terms of: <ol style="list-style-type: none"> <li>i. Approving any expenditure within agreed budgets or public consultation</li> <li>ii. Agreement to consult on certain stages of plans/proposals</li> <li>iii. Agreement on Supplementary Planning Documents and background evidence base documents</li> <li>iv. Approving consultation responses</li> <li>v. Monitoring of progress against agreed action plans and any necessary actions to address problems pursuant to paragraph 1 above</li> </ol> </li> <li>7. 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 on planning policy matters.</li> </ol> <p><b>Note</b> The Sub-Committee will meet on an ad hoc basis</p>	<p>See Part 4 – Officer Scheme of Delegation</p>

5.4 <i>Replace existing section 5.2 with the table below</i>		
<p><b>Community Infrastructure Levy (CIL) Sub-Committee</b></p> <p>9 Members of the Council</p> <p>No Member can serve on this 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.</p>	<ol style="list-style-type: none"> <li>1. To consider and review the preparation of the CIL charging schedule and the CIL evidence base, including the Infrastructure Delivery Plan and Viability Assessment and report key findings to Full Council.</li> <li>2. To consider, oversee and review the preparations of the Regulation 123 list which includes those items to be funded by CIL and those items to be funded by Section 106 agreements.</li> <li>3. To make recommendations to Full Council for approval of, and public consultation on, the CIL Charging Schedule.</li> <li>4. To consider responses from public consultation.</li> <li>5. To make recommendations to Full Council for approval of the implementation and governance of the CIL charging schedule.</li> <li>6. The Sub-Committee can invite such other bodies as it requires in order to consider specific issues.</li> </ol> <p><b>Note</b> The Sub-Committee will meet on an ad hoc basis</p>	See Part 4 – Officer Scheme of Delegation
5.5 <i>Insert Electoral Review Sub-Committee once reviewed by Full Council on 10 January 2018</i>		
5.6 <i>Replace existing section 5.2 with the table below (as agreed by Full Council on 8 November 2017)</i>		
<p><b>Licensing Sub-Committee</b></p> <p>3 Members of the Council drawn from the Licensing Committee (it is not required to be politically balanced)</p>	<ol style="list-style-type: none"> <li>1. Subject to all the provisions applying to delegations, the Licensing Sub-Committee shall have all the Council's powers and duties for: <ol style="list-style-type: none"> <li>a. Deciding applications for all licenses, permissions and associated matters, under the Licensing Act 2003, Gambling Act 2005 and all functions of the licensing authority relating to Licensing Authorisation and Registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, where representations or objections have been received but which cannot be resolved by mediation or any other way permitted by law and where any decision has not been delegated to an officer by the Licensing Scheme of Delegations, statute or otherwise.</li> <li>b. Deciding applications for the variation, suspension or revocation of all such licenses, permissions and associated matters, under the legislation mentioned in</li> </ol> </li> </ol>	See Part 4 – Officer Scheme of Delegation

	<p>the paragraph above save those which can be resolved by mediation or any other way permitted by law or by delegation to an officer by the Licensing Scheme of Delegations, statute or otherwise.</p> <p><b>Note</b> The Sub-Committee reports to the Licensing Committee. It will meet as and when convened by the Licensing Team Manager or other officer acting on his or her behalf.</p>	
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## 6.0 Working Groups

Working Groups in operation at December 2017 are:

Name of the Working Group	Reporting to
Housing and Customer Services	Full Council
Environment and Leisure	Full Council

Committee/Panel and Membership	Functions	Delegations of Functions
<i>6.1 Replace existing section 6.0 with the table below</i>		
<p><b>Working Groups</b></p> <p>Not less than 6 Members of the Council made up of volunteers (Cabinet Members shall not sit on a Working Group)</p> <p>Quorum - one third of the whole number of Members on the Working Group</p>	<p>1. Full Council has established Working Groups who will:</p> <ol style="list-style-type: none"> <li>i. Review their individual terms of reference annually and recommend any changes for approval to Full Council.</li> <li>ii. Undertake work as and when requested by Full Council, Cabinet and the Overview Select Committee and any work decided upon by the majority of the members on the Working Group.</li> <li>iii. Draw up a work programme on an annual basis and recommend this for approval to Full Council.</li> <li>iv. Make recommendations on the outcomes of their work to Cabinet, the Overview Select Committee and Full Council.</li> <li>v. Meet in public unless the majority of the members present at the meeting vote for the matter under consideration to be dealt with in exempt business in accordance with the Access to Information Rules at Part 6 of the Constitution.</li> <li>vi. Work to the Meeting Procedure Rules set out in Part 5, Section 2 of this Constitution.</li> </ol> <p><b>Note</b> Working Groups are not required to be politically balanced and will not have a maximum number of Members</p>	<p>See Part 4 – Officer Scheme of Delegation</p>

## 7.0 Working Parties

Working Parties in operation at December 2017 are:

Name of the Working Party	Reporting to
Arun Leisure Centre Dual Use Officer Group	Overview Select Committee
Constitution Working Party	Full Council
Members IT Working Party	Full Council

Committee/Panel and Membership	Functions		Delegations of Functions
<i>7.1 Replace existing section 7.0 with the table below</i>			
<p><b>Working Parties</b></p> <p>Membership will vary dependent on the terms of reference of the Working Party</p> <p>Quorum – one third of the of the whole number of Members on the Working Party</p>	<ol style="list-style-type: none"> <li>1. The Council, Cabinet, Overview Select Committee and Audit and Governance Committee may establish Working Parties with responsibility for specific functions or tasks based on the following terms:               <ol style="list-style-type: none"> <li>a. An agreed terms of reference, or if that is not practical the scope of the function/task to be undertaken</li> <li>b. The size of the membership of the Working Party</li> <li>c. How membership will be agreed, either nominated at the time the Working Party is established or through nomination by the Group Leaders</li> <li>d. Proposals for the allocation of seats if vacancies occur, or whether to leave seats vacant</li> <li>e. The timescale for the work to be undertaken</li> </ol> </li> <li>2. Working Parties will then:               <ol style="list-style-type: none"> <li>a. Review their terms of reference and recommend any changes for approval to their parent body (Full Council, Cabinet, Overview Select Committee or Audit and Governance Committee).</li> <li>b. Make recommendations and report back to their parent body on the outcomes of their work.</li> <li>c. Meet in private, unless the Working Party agrees that a future meeting should be held in public and proper notice is given in accordance with the requirements of the Meeting Procedure Rules</li> </ol> </li> </ol>		See Part 4 – Officer Scheme of Delegation

	at Part 5, Section 2 of this Constitution.		
	<b>Note</b> Once established, the Chairman and Vice-Chairman of the Working Party will be appointed at the Annual Council meeting each year in accordance with Article 2.0 of this Constitution		



## 8.0 Panels

Committee/Panel and Membership	Functions	Delegations of Functions
8.1 <i>Replace existing section 8.1 with the table below (as agreed by Full Council on 8 November 2017)</i>		
<b>Assessment Panel</b>  3 Members of the Standards Committee  1 Independent Person  Quorum - 3 members	<ol style="list-style-type: none"> <li>1. To meet as and when convened by the Group Head of Council Advice &amp; 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.</li> <li>2. To conduct hearings, take decisions and determine sanctions in accordance with the Local Assessment Procedure.</li> <li>3. To report the outcome of their assessments to the Standards Committee.</li> </ol>	See Part 4 – Officer Scheme of Delegation
8.2 <i>Replace existing section 8.2 with the table below (as agreed by Full Council on 8 November 2017)</i>		
<b>Dispensation Panel</b>  3 Members of the Standards Committee  Quorum - 3 members	<ol style="list-style-type: none"> <li>1. To meet as and when convened by the Group Head of Council Advice &amp; 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.</li> <li>2. To grant a dispensation on the following criteria:               <ol style="list-style-type: none"> <li>a. 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>b. 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>c. the granting of the dispensation is in the interests of people living in the Arun District; or</li> <li>d. without the dispensation, each individual Cabinet Member would be prohibited from participating in the business; or</li> <li>e. it is otherwise appropriate to grant a dispensation.</li> </ol> </li> <li>3. To determine the period for the dispensation to be granted.</li> <li>4. To report the outcome of any dispensations granted to the Standards Committee.</li> </ol>	See Part 4 – Officer Scheme of Delegation

<p>8.3 <i>Replace existing section 8.3 with the table below (further amendment needed to updated terms of reference agreed by Full Council on 8 November 2017 as shown in bold)</i></p>		
<p><b>Enforcement Review Panel</b></p> <p>Membership of the Enforcement Review Panel shall be in accordance with the Council's Enforcement Policy for <b>Environmental Health (including Private Sector Housing) and Cleansing</b>, as may be amended from time to time.</p>	<ol style="list-style-type: none"> <li>1. To receive and consider reports of cases where formal legal action is considered to be an appropriate course of action in accordance with the Council's Enforcement Policy for <b>Environmental Health (including Private Sector Housing) and Cleansing</b>, as may be amended. To consider what, if any, action is appropriate and to provide authority for any such action</li> <li>2. To refer such decisions to the Licensing Committee for approval where the Enforcement Review Panel considers such referral to be appropriate in the circumstances of the case.</li> </ol>	<p>See Part 4 – Licensing Scheme of Delegation</p>
<p>8.4 <i>Replace existing section 8.4 with the table below</i></p>		
<p><b>Housing Appeals Panel</b></p> <p>9 Members of the Council</p> <p>The Group Head of Residential Services or the Housing Services Manager has authority to call hearings of the Panel as and when required and shall select, in rotation, 3 Members to sit at a hearing of the Panel</p>	<ol style="list-style-type: none"> <li>1. <b>Housing Register Applications</b> - to act as the Council's final level of appeal to determine appeals against delegated decisions made by officers of the Council on Housing Register Application matters in accordance with the Council's existing policies and procedures.</li> <li>2. <b>Housing and Transfer Applications and Allocations</b> – to approve immediate re-housing in special or urgent cases where an appeal in respect of an officer decision is made.</li> <li>3. <b>Shared Ownership Properties</b> – in consultation with the Cabinet Member for Residential Services to review and determine: <ol style="list-style-type: none"> <li>a. Revaluations</li> <li>b. Cases of hardship</li> <li>c. Whether the properties should be sold based on current market value</li> </ol> </li> <li>4. <b>Introductory Tenancies and Demoted Tenancies</b> – acting as a Review Panel in consultation with the Cabinet Member for Residential Services to undertake reviews of decisions to end or extend Introductory Tenancies and Demoted Tenancies.</li> <li>5. <b>Introductory Tenancies</b> – the Chairman of the Panel in consultation with the Cabinet Member for Residential Services and Director of Services to grant additional rights over and above those laid down in statute to introductory tenants.</li> </ol>	<p>See Part 4 – Officer Scheme of Delegation</p>

	6. No Member shall take any part in the proceedings of a Housing Appeals Panel where he/she has taken any part in the decision, which is under appeal.	
<i>8.5 Replace existing section 8.5 with the table below</i>		
<p><b>Staff Consultation Panel</b></p> <p><i>Council representatives</i> Cabinet Member for Corporate Support and one other Member nominated by the Leader of the Council</p> <p><i>Staff representatives</i> Two members of the Unison Branch Executive</p> <p><i>Management representatives</i> Chief Executive and Human Resources Manager</p>	<p><b>Objectives</b></p> <p>1. To facilitate consultation between the Council and its employees and to maintain and improve relations between both sides. It is not an executive body but may make recommendations, where appropriate, to Full Council.</p> <p><b>Role</b></p> <p>2. To establish a regular method of negotiation and consultation between the Council and its staff in order to provide for the health, safety and welfare of staff and ensure an effective working environment.</p> <p>3. To introduce changes to Human Resources Policy into the decision making system for formal adoption by the Council.</p> <p>4. To examine problems arising from the operation of agreed procedures and conditions and assisting in the prevention of misunderstanding.</p> <p>5. To ensure that employee representatives are well informed about the current and proposed strategy and activities of the Council and their proposals for the future and to address any issues relating to staff that arise from this.</p> <p>6. To address any other staff related issues which it is agreed by all Panel members fit within the objectives of the Panel</p> <p>7. To receive Reports/Minutes from the Staff Safety Panel to be noted or action agreed.</p> <p>8. No matter about an individual shall be within the scope of the Panel.</p> <p><b>Attendance at meetings and quorum</b></p> <p>9. For a meeting to be quorate all of the members must be present, however, any of the Members are able to be substituted if necessary by an appropriate Elected Member, Unison Member or Manager. Substitutes will have the same powers as appointees.</p> <p>10. A full quorum is only required if a decision is to be referred to Full Council, otherwise a meeting may proceed if only one Elected Member, one Unison representative and one Manager are present. In these circumstances a decision may be deferred to a future meeting.</p>	See Part 4 – Officer Scheme of Delegation

11. Some decisions may be agreed outside of the formal meeting if e-mail consultation has taken place. Decisions made in this way will be recorded at the next formal meeting.
12. The Safety Coordinator and his/or her representative will attend meetings of the Panel to provide advice and guidance if required, as well as present reports for discussion.
13. It may be appropriate for parties other than those set out in the Constitution to attend formal meetings for specific agenda items. This to be agreed in advance by all Panel members.

**Regulations**

14. A Chairman will be appointed by the Panel at its first meeting in each Council year.
15. If a vote is required, members of the Panel who are entitled to vote will be the Council's elected representatives and the Unison representatives.
16. Meetings of the Panel will be held approximately every quarter, but with additional meetings arranged if necessary to discuss significant issues and ensure good communication. Meetings will be held in closed session in view of the confidential nature of the business to be discussed.
17. The agenda shall be agreed in advance of the meeting and sent to each member of the Panel at least five working days before any meeting. This is a minimum timescale and in the interests of encouraging clarity and constructive debate at the meeting, members of the Panel are encouraged to provide items for consideration in writing and with more notice than five days if items are complicated or controversial.
18. As a general rule, matters brought before the Panel will have been formally raised with the appropriate Director previously.
19. No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction.
20. Minutes will be agreed by members of the Panel in attendance, prior to being published on the staff Intranet.
21. It is anticipated that from time to time there will be a need to make recommendations to Full Council where significant and/or wide ranging policy changes or new policies are proposed, or where there is a failure to reach agreement between the Employer and Unison. This will normally be by way of an officer report

8.6 <i>Replace existing section 8.6 with the table below</i>		
<p><b>Staff Appeals Panel</b></p> <p>8 Members of the Council</p> <p>The Group Head of Corporate Support or his/her nominated representative has authority to call hearings of the Panel as and when required and shall select, in rotation, 3 Members to sit at a hearing of the Panel</p>	<ol style="list-style-type: none"> <li>1. To act as the final level of appeal to determine appeals against decisions of the Council on employment matters, including those under the Disciplinary Procedure and the Grievance Procedure and to authorise the terms to settle any employment related dispute with the Council including: <ul style="list-style-type: none"> <li>• any final financial settlement up to a limit of £10,000 for an individual claim to a compensatory payment. All financial claims relating to a regrading claim require a decision of Full Council where a supplementary estimate is needed</li> <li>• the non-financial terms for a confidentiality agreement or compromise agreement to settle a matter</li> <li>• making a recommendation to Full Council in all other cases</li> <li>• authorising the serving of relevant legal and other Notices by the Council arising out of any matter referred to an Employment Tribunal.</li> </ul> </li> <li>2. To operate within the Council's existing policies and procedures for hearing and determining Disciplinary and Grievance matters. In respect of all other matters coming before the Staff Appeals Panel, the procedure shall be determined by the Group Head of Corporate Support or his/her nominated representative.</li> <li>3. No Member shall take any part in the proceedings of a Staff Appeals Panel where he/she has taken any part in the decision, which is under appeal.</li> </ol>	<p>See Part 4 – Officer Scheme of Delegation</p>

## 9.0 Chief Executive Committees and Panels

Committee/Panel and Membership	Functions	Delegations of Functions
9.1 <i>Replace existing paragraph 8.7.1 with the table below to include the amendments shown shaded</i>		
<p><b>Chief Executive's Appraisal Panel</b></p> <p>The Leader of the Council, Deputy Leader of the Council and Leader of the Opposition (or majority opposition group)</p> <p><i>The appointed Members of the Appraisal Panel shall not also be appointed to the Chief Executive's Remuneration Committee</i></p> <p>Quorum – two Members</p>	<p><b>Purpose</b></p> <ol style="list-style-type: none"> <li>1. To annually review the performance of the Chief Executive against <b>previously</b> agreed objectives and timescales as agreed as part of his/her contract of employment.</li> <li>2. To have as its Proper Officer the Group Head of Corporate Support.</li> <li>3. To meet in private. No one other than the Chief Executive, Members of the Panel or <b>relevant third party</b> will attend the meeting without the agreement of all members of the Panel, the Chief Executive or alternatively, without the agreement of Full Council.</li> <li>4. To refer any appeal about any action or outcome arising out of the work of the Appraisal Panel to the Staff Appeals Panel.</li> <li>5. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.</li> </ol> <p><b>Terms of Reference</b></p> <ol style="list-style-type: none"> <li>6. To measure the performance of the Chief Executive against what is expected of him/her in the post <b>from previously identified targets.</b></li> <li>7. To measure achievement and identify any continuing development needs which if met would maintain a high level of performance.</li> <li>8. <b>To report to the Chief Executive's Remuneration Committee on the outcome of the appraisal.</b></li> </ol> <p><b>Role</b></p> <ol style="list-style-type: none"> <li>9. To set clear objectives, which are relevant and challenging but achievable for the Chief Executive. These objectives to be agreed with the post holder.</li> <li>10. To review the Chief Executive's performance against agreed objectives and timescales that were set for the preceding year or period.</li> <li>11. To discuss any continuing development needs for the Chief Executive which if met would maintain a high level of performance and/or meet anticipated future requirements in the context of the Council's changing priorities.</li> </ol>	None

	<p>12. To ensure that the process for the Appraisal follows the JNC Model Conditions or other best practice as agreed from time to time.</p> <p>13. To openly discuss the working relationship between leading Members and the Chief Executive and to adjust working approaches if necessary.</p> <p>14. To report to the other Chief Executive's Committees and Panels as appropriate and/or necessary concerned with the role of Chief Executive on any positive or negative matters.</p> <p><b>Casting Vote</b></p> <p>15. The Leader of the Council shall have a second and casting vote. In the absence of the Leader of the Council, the Deputy Leader of the Council shall have a second and casting vote.</p>	
<p>9.2 Replace existing section 8.7.2 with the table below</p>		
<p><b>Chief Executive's Remuneration Committee</b></p> <p>5 Members of the Council</p> <p><i>The appointed Members of the Remuneration Committee shall not also be appointed to the Appraisal Panel</i></p> <p>Quorum – three Members</p>	<p><b>Purpose</b></p> <ol style="list-style-type: none"> <li>1. To consider the remuneration to be paid for the post of Chief Executive that takes into account the report of the Chief Executive's Recruitment and Selection Panel or the Chief Executive's Appraisal Panel and make recommendations to Full Council.</li> <li>2. To have as its Proper Officer the Group Head of Corporate Support or his/her representative.</li> <li>3. To refer any appeal about any action or outcome arising out of the work of the Remuneration Committee to the Staff Appeals Panel.</li> <li>4. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.</li> </ol> <p><b>Terms of Reference</b></p> <ol style="list-style-type: none"> <li>5. To look at all elements of the remuneration package, which are not set nationally (e.g. pensions) or by overall Council Policy, including fixed salary, variable pay elements and any additional benefits.</li> <li>6. To ensure that such decisions are taken in a transparent manner and made available publicly in a suitable format.</li> </ol> <p><b>Role</b></p> <ol style="list-style-type: none"> <li>7. To undertake periodic reviews of the pay and remuneration of the Chief Executive.</li> </ol>	<p>None</p>

	<p>8. To meet at least annually.</p> <p>9. To receive from time to time, a report relating to relevant pay data from the Group Head of Corporate Support or his/her representative in relation to pay and remuneration schemes for Chief Executives.</p>	
<p>9.3 <i>Replace existing 8.7.2 with the table below</i></p>		
<p><b>Chief Executive's Recruitment and Selection Panel</b></p> <p>5 Members of the Council comprising the Leader of the Council, Cabinet Member for Corporate Support and 3 other Members appointed by the Leader of the Council, in consultation with the other Group Leaders</p> <p>Quorum – three Members</p>	<p><b>Purpose</b></p> <ol style="list-style-type: none"> <li>1. To undertake all processes leading to the recruitment and selection of a new Chief Executive.</li> <li>2. To have as its Proper Officer the Group Head of Corporate Support or his/her representative.</li> <li>3. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.</li> </ol> <p><b>Terms of Reference</b></p> <ol style="list-style-type: none"> <li>4. To be familiar with current views as to the important elements of the job of Chief Executive and to come to a view as to the essential elements of the job description, job skills and key attributes. It is likely that the Committee would seek internal and external advice throughout the process.</li> <li>5. To report to the Chief Executive's Remuneration Committee on the outcome of the review of the remuneration package to be paid to a new Chief Executive.</li> <li>6. To undertake all work necessary to recruit and select a Chief Executive and make recommendations to Full Council to confirm the appointment as required by Article 4 in this Constitution.</li> </ol>	<p>None</p>



## 10.0 Statutory Officers' Committees and Panels

Committee/Panel and Membership	Functions	Delegations of Functions
10.1 <i>Replace existing section 8.8.1 with the table below</i>		
<p><b>Statutory Officers' Investigatory and Disciplinary Committee</b></p> <p>5 Members of the Council with the Chairman of the Committee to be a Cabinet Member nominated by the Leader of the Council</p> <p><i>The appointed Members of the Committee shall not also be appointed to the Chief Executive's Appraisal Panel</i></p> <p>Quorum – three Members</p>	<p><b>Purpose</b></p> <ol style="list-style-type: none"> <li>1. To deal with matters relating to the conduct and/or capability of the following statutory officers: <ul style="list-style-type: none"> <li>• Chief Executive;</li> <li>• Director of Place;</li> <li>• Director of Services;</li> <li>• Section 151 Officer; and</li> <li>• the Monitoring Officer.</li> </ul> </li> <li>2. To have as its Proper Officer the Human Resources Manager.</li> <li>3. To work to the Terms of Reference set out below</li> </ol> <p><b>Terms of Reference</b></p> <ol style="list-style-type: none"> <li>4. To consider allegations and take disciplinary action, as appropriate, relating to the conduct and/or capability of the statutory officers including: <ul style="list-style-type: none"> <li>• To screen potential disciplinary/dismissal issues to consider whether they require investigation and whether the relevant officer should be suspended. This includes informing the statutory officer concerned of the allegations, allowing him/her to respond and to consider whether further investigation is needed.</li> <li>• To organise the investigation, including if appropriate instructing the Human Resources Manager to appoint a Designated Independent Person (who should make recommendations on whether and what disciplinary action might be appropriate) and consider what disciplinary action it wishes to recommend, after hearing the views of the statutory officer concerned.</li> <li>• Where the recommendation of the Committee is for dismissal, to refer the matter to the Investigatory and Disciplinary Panel for its views.</li> </ul> </li> </ol>	<p>See Part 4 – Officer Scheme of Delegation</p>

	<ul style="list-style-type: none"> <li>• If, after taking the views of the Investigatory and Disciplinary Panel into account, the Committee's recommendation is for dismissal, the requirements of the Officer Employment Rules as set out in Part 6, Section 7 of this Constitution will be followed.</li> <li>• If, following this, dismissal is still considered appropriate, to recommend to Full Council that the statutory officer be dismissed as required by Article 4 in this Constitution.</li> <li>• Where the Committee decides that action short of dismissal, or no disciplinary action at all is appropriate, to inform the statutory officer concerned of that decision and any associated actions, without reference to the Investigatory and Disciplinary Panel or the Council.</li> </ul>	
<p>10.2 <i>Replace existing section 8.8.2 with the table below</i></p>		
<p><b>Statutory Officers' Investigatory and Disciplinary Panel</b></p> <p>3 Independent Persons from the Standards Committee or any other local authority</p> <p>Quorum – three Members</p>	<p><b>Purpose</b></p> <ol style="list-style-type: none"> <li>1. To meet as and when convened by the Human Resources Manager in order to carry out an independent review of the investigation and recommendations of the Statutory Officers' Investigatory and Disciplinary Committee where dismissal of one of the statutory officers is recommended.</li> <li>2. To report the results of its independent review to the Statutory Officers' Investigatory and Disciplinary Committee.</li> </ol>	<p>None</p>

## 11.0 Joint Area Committees

Joint Area Committees in operation at December 2017 are:

Name of the Committee	Reporting to
Joint Eastern Arun Area Committee	Cabinet
Joint Western Arun Area Committee	Cabinet

Committee/Panel and Membership	Functions	Delegations of Functions
11.1 <i>Replace existing section 9.0 with the table below</i>		
<p><b>Joint Arun Area Committee</b></p> <p>Membership is confirmed at Article 10 of this Constitution</p>	<p><b>Delegation of functions to Joint Area Committees</b></p> <ol style="list-style-type: none"> <li>1. The functions delegated to the Joint Eastern Arun Area Committee and the Joint Western Arun Area Committee are set below and these include reference to those functions which are the responsibility of the Cabinet and which are not: <ul style="list-style-type: none"> <li>• relevant budgets and</li> <li>• limitations upon delegation.</li> </ul> </li> <li>2. The County Council's delegation to the Joint Arun Area Committees can be viewed from <a href="http://www2.westsussex.gov.uk/ds/constitution/part3.pdf">http://www2.westsussex.gov.uk/ds/constitution/part3.pdf</a></li> <li>3. The District Council has agreed to delegate the following functions to the Joint Area Committees: <ol style="list-style-type: none"> <li>i. The promotion of the environmental, social &amp; economic well-being of the rural area.</li> <li>ii. To advise on matters relating to farming and other rural activities, including the impact of Council services on such activities.</li> <li>iii. To develop and maintain partnerships within the two areas.</li> <li>iv. The implementation and management of new facilities in the form of play areas, public seats, concessions, kick-about areas, car parks, toilets, bus shelters, litter and recycling facilities, street nameplates, drains and sewers.</li> <li>v. The disposal of facilities of the kind referred to in the Paragraph above in accordance with Council policies.</li> <li>vi. Recommend to the Cabinet/Council the provision of new facilities</li> <li>vii. The granting of the temporary use of Council facilities.</li> </ol> </li> </ol>	<p>See Part 4 – Officer Scheme of Delegation</p>

	<p><b>Voting Rights of members of the Joint Area Committees</b></p> <ol style="list-style-type: none"><li>4. The District Council has agreed to extend indefinitely, or until the Council determines otherwise three tier voting on the Joint Western Arun Area Committee and the Joint Eastern Arun Area Committee, with respect to items relating to Arun District Council functions as listed in paragraph 9.4 above.</li><li>5. Voting rights on those matters are given to members of the District Council, County Council, and Parish and Town Councils appointed by their respective Councils onto the Committee.</li><li>6. All Members may vote on items/matters where a recommendation is being made by the Area Committee to the District Council and on resolutions where:<ul style="list-style-type: none"><li>• the item is for information purposes only;</li><li>• the item relates to the election of key members of the Committee or confirmation of the Minutes of the Area Committee; or</li><li>• when the Committee is acting in a purely advisory capacity. This applies to all three Joint Area Committees.</li></ul></li></ol>	
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## 12.0 PARTNERSHIPS

- 12.1 The Council is involved in a number of multi-agency partnerships where the nominated representative will be required to report back on the outcome of meetings attended and any recommended actions for consideration.
- 12.2 The nominated representative will generally be appointed by the Leader of the Council or the relevant Committee, unless the terms of reference of the partnership require otherwise.
- 12.3 The Council cannot impose the requirements of its own Constitution on partnerships. However, where the Council is acting as the accountable body, handling funds on behalf of a partnership, then compliance with the Financial Procedure Rules at Part 6 of this Constitution will be expected.
- 12.4 Partnerships in operation at December 2017 are:

Partnership	Representative	Reporting to	Terms of Reference can be found:
Sussex Police & Crime Panel	Cabinet Member for Neighbourhood Services	Overview Select Committee	<a href="https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/other-meetings/sussex-police-and-crime-panel/">https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/other-meetings/sussex-police-and-crime-panel/</a>
Health and Adult Social Care Select Committee	One Councillor nominated by the Overview Select Committee	Overview Select Committee	<a href="https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/select-scrutiny-committees/health-and-adult-social-care-select-committee/">https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/select-scrutiny-committees/health-and-adult-social-care-select-committee/</a>
West Sussex Joint Scrutiny Steering Group	Chairman of the Overview Select Committee	Overview Select Committee	<a href="https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-">https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-</a>

			<a href="https://www.arun.gov.uk/awhp/making/select-scrutiny-committees/joint-scrutiny-steering-group/#/#overview">making/select-scrutiny-committees/joint-scrutiny-steering-group/#/#overview</a>
Arun Wellbeing and Health Partnership	Two Councillors appointed by the Leader of the Council	Cabinet	<a href="https://www.arun.gov.uk/awhp">https://www.arun.gov.uk/awhp</a>
Safer Arun Partnership	Cabinet Member for Community Wellbeing plus one other Councillor appointed by the Leader of the Council	Cabinet via the Environment & Leisure Working Group who monitor the partnership on behalf of the Overview Select Committee	<a href="http://www.saferarun.co.uk/">http://www.saferarun.co.uk/</a>
Coast to Capital Local Enterprise Partnership Joint Committee	Leader of the Council	Full Council	<a href="http://www.coast2capital.org.uk/">http://www.coast2capital.org.uk/</a>
West Sussex & Greater Brighton Strategic Planning Board	Cabinet Member for Planning	Group Head of Planning	<a href="https://coastalwestsussex.org.uk/about-us/cws-strategic-planning-board/">https://coastalwestsussex.org.uk/about-us/cws-strategic-planning-board/</a>

# **ARUN DISTRICT COUNCIL**

## **REPORT TO THE CONSTITUTION WORKING PARTY ON 12 DECEMBER 2017**

<b>SUBJECT:</b>	<b>Proposed Constitutional Amendment – Part 4, Scheme of Delegation</b>
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<b>REPORT AUTHOR:</b>	Liz Fitcher – Group Head of Council Advice & Monitoring Officer
<b>DATE:</b>	November 2017
<b>EXTN:</b>	01903 737610

### **EXECUTIVE SUMMARY:**

This report seeks approval to a revision to the Scheme of Delegation at Part 4 of the Constitution to correct firstly an anomaly that has been identified relating to the authority to set/change fees and charges; and secondly to clarify the arrangements for publishing officer decisions, as required by the Openness of Local Government Bodies Regulations 2014.

### **RECOMMENDATIONS:**

It is recommended to Full Council that:

1. the Constitution be amended at Part 4 (Scheme of Delegation), Section 1, paragraph 1.5, fourth bullet point to delete the words “*fees, charges or*” so this reads “any power to change concessions policies”;
2. the Constitution be amended at Part 4 (Scheme of Delegation, Section 1, paragraph 5.0 to add the following wording and renumber the remaining paragraphs:

#### **6.0 Written Record of the Decision**

- 6.1 For decisions made under paragraph 5.2 above, the written record must, as soon as reasonably practicable after the decision is made, be available:
  - a) for inspection at Council Offices during normal working hours; and
  - b) to view online at: *(link to be added)*
3. the Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

### **1.0 BACKGROUND**

- 1.1 A new Scheme of Delegation was agreed by Full Council on 8 March 2017 to reflect the new management structure. A number of consequential amendments have since been made as authorised by Full Council. Recently, two further areas have been identified which require a review that falls outside of the Group Head of Council Advice &

Monitoring Officer's delegated authority.

- 1.2 The first area identified is an anomaly relating to who has been delegated authority to set/change fees and charges. The current position is that Section 1 covering the General Principles of the Scheme of Delegation in Part 4 of the Constitution confirms at paragraph 1.5 what is not delegated to officers, specifically, at the fourth bullet point "*any power to change fees, charges or concession policies*". Whilst at paragraph 1.7 the Scheme sets out the general powers that officers will have including "*powers and duties under all legislation, byelaws and common law provisions*". Further, at Section 2, paragraph 1.1 it refers to officers undertaking "*all statutory obligations, duties, functions and powers within his or her area of responsibility*". These paragraphs cover the powers delegated to officers to set fees and charges and the reference in paragraph 1.5 to "fees and charges" not being delegated to officers contradicts the other two delegations.
- 1.3 Custom and practice carried forward from the previous Scheme of Delegation has been for officers to have delegated authority to set and change fees and charges, unless legislation requires this to be a Council decision.
- 1.4 The second area identified relates to publishing written records of decisions. When the revised Officer Scheme of Delegation was approved by Full Council earlier this year, the 'General Principles' at Section 1 explained at paragraph 5.0 the criteria for recording officer decisions and what record would be produced and retained. This was in line with the requirements of the Openness of Local Government Bodies Regulations 2014. Unfortunately, this update did not include the additional requirements for publishing these decisions and therefore this omission is now being drawn to the Working Party's attention so it can be rectified.

## **2.0 PROPOSALS**

- 2.1 The first proposal is a minor change to Section 1 of the Scheme of Delegation to correct the anomaly and reflect custom and practice. At paragraph 1.5, fourth bullet point, it is proposed to remove the words "*fees, charges or*" so this reads:
  - any power to change concessions policies
- 2.2 This will allow the setting and changes of fees and charges to be covered under the general delegations to officers under Section 1, paragraph 1.7 and Section 2, paragraph 1.1 and ensure that where the legislation refers to a resolution being made by the authority in fee setting, then this would remain a Council decision. Officers taking any such decisions under their delegated authority would be required to maintain a record of this decision in accordance with Section 1, paragraph 5.1.
- 2.3 The second proposal is an addition at Section 1 to introduce the statutory requirements for publishing officer decisions. This would bring in a new section under paragraph 5.2 to confirm:

### **6.0 Written Record of the Decision**

- 6.1 For decisions made under paragraph 5.2 above, the written record must, as soon as reasonably practicable after the decision is made, be available:



- a) for inspection at Council Offices during normal working hours; and
- b) to view online at: *(link to be added)*

2.4 The intention is to introduce a new webpage on the Council's website to publish these decisions similar to that already in place for individual Cabinet Member decisions.

2.5 The Working Party's support is requested to these proposals.

**3.0 OPTIONS:**

1. To support the proposals.
2. To not support the proposals.
3. To propose alternative wording changes.

**4.0 CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓

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:**

To ensure the Constitution is amended to address this anomaly and the requirements of the Openness of Local Government Bodies Regulations 2014.

**8.0 BACKGROUND PAPERS:**

[Council's Constitution](#)

## SPECIAL BOGNOR REGIS REGENERATION SUBCOMMITTEE

14 December 2017 2017 at 6.00 pm

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

Councillor Brooks was also present at the meeting.

### 14. APOLOGY

An apology for absence had been received from Councillor Maconachie.

### 15. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

- Councillors Bower, Charles, Dillon, Hitchins and Wells declared a personal interest in Agenda Item 5, as Members of the Development Control Committee in the event of any discussion relating to planning applications on the site and they reserved their right.

### 16. MINUTES

The Minutes of the meeting held on 23 October 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 and vote.)*

### 17. HOTHAMTON LINEAR PARK REGENERATION PROPOSALS

The Chairman welcomed to the meeting Simon Davis, Urban Delivery, and Rob Beswick, BD Landscapes, who were in attendance to give a presentation on the design proposals for the Hothamton Car Park site as part of the Council's 'Garden by the Sea' regeneration scheme and to answer Members' questions.

Mr Beswick gave a presentation which expanded on the design report included in the agenda and Members were advised that RIBA Stage 2 had now been achieved. He went on to say that the team had been very aware of the historical context of the area and had worked in a collaborative way with local people using the area to come up with a simplified design to create a flexible space that could be used for a variety of community events and

markets, etc. The play area was felt to be quirky to reflect the old hangar that used to be located at one end of the site.

The Chairman thanked Mr Beswick for his presentation and then, prior to consideration of the matter, reminded Members that the main report on the proposals was to be considered under open business, whilst Appendices C and D referred to in the report were commercially sensitive and contained exempt information as defined under paragraph 3 of the Local Government Act 1972, as amended. He was particularly keen to ensure that discussion on the proposals remained in the public domain to maintain transparency and urged Members not to stray into the detail of Appendices C and D as the meeting would then have to move into exempt business to exclude members of the public. It would then move back into open business to take the vote.

The Group Head of Economy then presented the detail of the report. Two options had been put forward for consideration with Option 1 being more extensive but coming in at an estimated cost of £4.29m. Option 2 provided fewer water-based uses within the design and was therefore less expensive at £3.53m. Members therefore had to come to a view about their support for such a level of investment in the scheme.

It had been made clear from the financial assessment that overall financial viability was significantly improved where the Council led on the delivery of the park and then sold the residential plots with the benefit of the park in place. This would help to achieve the mix of uses and quality of design and materials and limit the risk of any reduction in quality that might arise out of a value engineering exercise that a developer might seek to implement in order to create a viable project and maximise its developer profit. A Council led approach would also enable the retention of car park income and of the commercial income from concessions, etc, to finance the future management and maintenance costs for the park.

It was pointed out that such an approach would involve financial risks and a full business case would need to be prepared before any borrowing could be secured. The Council also had a good track record for obtaining external funding and every effort would be made to obtain such funding for this scheme. Option 2 was recommended for support.

The report outlined development costs; concept design specifications; potential and anticipated income streams for the Council; delivery options; and the next steps.

The Chairman thanked the Group Head of Economy for her informative report and the Subcommittee then agreed that the discussion would be held in line with the recommendations.

Members participated in a full debate on the merits of Option 1 and Option 2, with the majority supporting Option 2 as the best way forward. Issues were raised as follows:-

- Electric car charging points – it was confirmed that all cabling had been extended within the scheme so that all spaces could have charging points when required in the future. The events area would have electrics and built-in anchor points for structures such as marquees.
- Sufficient car parking spaces were deemed critical for the town centre and as many as possible must be maintained. A query was also raised about the direction of parking and its relationship to the surrounding highway.
- Lessons needed to be learned from experience gained delivering the town centre public realm, particularly around pedestrianisation for sight impaired people and those in wheelchairs.
- Concern was voiced regarding the width of the park and the impact that might have on community events, markets, etc.
- Anti social behaviour had to be addressed
- Strong linkage between the park and Waterloo Square would be a benefit

Members supported recommendation 2 for the Council to build the park and secure a developer to build out the plots for the whole site; however, in the event that no agreement could be reached with the NHS, then to still proceed but with the Health Centre site excluded.

A Member comment was made that there should be no flats built at the site and there should be more provision made for entertainment for residents of the town and the surrounding area; however, there was no Council funding for such uses.

Although recommendation 3 was supported, a concern was raised that the planning application for the scheme would be submitted for consideration by the Development Control Committee without first coming back for consideration by the Subcommittee as it was felt that there could be many changes to the concept on the table at the present time. However, the overwhelming view was that there should be no further delay in moving the regeneration of the town forward.

With regard to recommendation 7, a request was made that the Chairman of the Subcommittee keep Members informed of any significant changes and amendments to the scheme designs.

Comment was made at recommendation 8 that there was a level of concern from residents with regard to the future provision of health services in the town should negotiations around the Health Centre allow development of this site. Clearly, the Health Trust / CCG would make this decision based on clinical need and the availability of adequate local provision

The remaining recommendations were supported without discussion.

## The Subcommittee

### RECOMMEND TO FULL COUNCIL – That

(1) Park Option 2 (with fewer water-based uses within the design) be the preferred option;

(2) the Council progress with the development and implementation of Park Option 2a – *Council Builds Park and Secures Developer to Build Out Plots – Whole Site*. However, if discussions with the Community Health partnerships regarding the future use of the Health Centre cannot be quickly or satisfactorily concluded, Park Option 2b – *Council Builds Park & Secures Developer to Build Out Plots – Health Centre Excluded* – is substituted;

(3) authority be given to the Director of Place, in consultation with the Leader of the Council, to submit a planning application for the proposed new park and associated parking;

(4) budget provision for the project costs to reach planning application stage (up to £300k) be included in the budget for 2018/19. Also, funding be allocated for a three year period for a Project Officer role to progress the delivery of the key regeneration sites in Bognor Regis;

(5) authority be delegated to the Director of Place to commission any reports, studies or professional advice required to progress the delivery of the new park;

(6) the Council be encouraged to bid for, receive and use external grant funding that may fund (in part or whole) the delivery of the new park and parking;

(7) authority be delegated to the Director of Place, on consultation with the Leader of the Council and the Chairman of the Bognor Regis Regeneration Subcommittee, to make minor changes and amendments to the scheme designs, based on professional advice, as necessary and as the project evolves, subject to receiving the necessary planning approvals;

(8) authority be delegated to the Director of Place, in consultation with the Leader of the Council that, should negotiations with the National Heal Services progress and subject to the completion of a satisfactory business case, a bid be made to purchase the Health Centre site and, if accepted, to proceed with the purchase ; and

(9) authority be delegated to the Director of Place, in consultation with the Leader of the Council, to market the development site at Hothampton when the park has been

developed to a key stage, or market conditions are deemed appropriate.

(The meeting concluded at 7.16 p.m.)

# ARUN DISTRICT COUNCIL

## BOGNOR REGIS REGENERATION SUB COMMITTEE 14 DECEMBER 2017

### PART A : REPORT

**SUBJECT: HOTHAMTON LINEAR PARK REGENERATION PROPOSALS**

**REPORT AUTHOR:** Denise Vine      **DATE:** November 2017      **EXTN:** 37846

#### EXECUTIVE SUMMARY:

This report presents the design proposals for the Hothamton Car Park site which forms part of the Council's 'Garden By The Sea' regeneration scheme. It will review the viability of the proposals and suggests next steps for the overall development including residential/commercial elements.

#### RECOMMENDATIONS:

It is recommended to Full Council that:

1. Park Option 2 – with fewer water-based uses within the design, is preferred.
2. The Council progresses with the development and implementation of Park Option 2a – *Council Builds Park and Secures Developer to Build Out Plots – Whole Site*. However, if discussions with the Community Health Partnerships regarding the future use of the Health Centre cannot be quickly or satisfactorily concluded, Park Option 2b – *Council Builds Park & Secures Developer to Build Out Plots – Health Centre Excluded* - is substituted.
3. Authority is given to the Director of Place, in consultation with the Leader of the Council, to submit a planning application for the proposed new park and associated parking.
4. To support that budget provision for the project costs to reach planning application stage (up to £300k) be included in the budget for 2018/19. Also, funding is allocated, for a three year period, for a Project Officer role to progress the delivery of the key regeneration sites in Bognor Regis.
5. Authority is given to the Director of Place to commission any reports, studies or professional advice required to progress the delivery of the new park.
6. The Council is encouraged to bid for, receive and use external grant funding that

may fund (in part or whole) the delivery of the new park and parking.

7. Authority is given to the Director of Place, in consultation with the Leader of the Council and Chairman of the Bognor Regis Regeneration Sub-Committee, to make minor changes and amendments to the scheme designs, based on professional advice, as necessary and as the project evolves, subject to receiving the necessary planning approvals.
8. Authority is given to the Director of Place, in consultation with the Leader of the Council that, should negotiations with the National Health Service progress, and subject to the completion of a satisfactory business case, to bid to purchase the Health Centre site and, if accepted, proceed with the purchase.
9. Authority is given to the Director of Place, in consultation with the Leader of the Council, to market the development site at Hothamton when the park has been developed to a key stage, or market conditions are deemed appropriate.

## BACKGROUND

- 1.0 At the March 2017 Full Council Meeting, Members approved the recommendation to support the 'Gardens by the Sea / Winter Gardens' concept as described in the 2017 Bognor Regis Masterplan Options Report. This report set out the proposed next steps to take the Regis Centre & Hothamton projects forward.
- 1.1 The Masterplan proposals for the Hothamton car park site offered two options. Option 1 (New Linear Park) proposed the establishment of a significant piece of new public realm incorporating replacement parking spaces, some retail and other outdoor uses. There would be residential development on the western side of the site and some retail on the ground floor.
- 1.2 Option 1 in the 27<sup>th</sup> February 2017 Bognor Regis Regeneration Sub Committee report was supported as the preferred Masterplan option and officers were instructed to progress this proposal after taking into consideration the potential funding and delivery vehicle approaches that might support it, ready to market the site.
- 1.3 In furtherance to the supplementary estimate agreed and resolution made at the Council meeting on 20 July 2016 (Minute 145), the Director of Place was authorised, in consultation with the Leader of the Council, and subject to the Council's Procurement Standing Orders, to draw down and authorise expenditure, for the commissioning of any of the necessary reports and professional advice required to progress the implementation of the 2017 Masterplan options



## INTRODUCTION

- 2.0 In July 2017 consultants Urban Delivery and the Consultant Team comprising Arup, BD Landscape, Kay Elliott Architects, Petersham Group and Trident were appointed to progress the delivery of the Hothamton site. This work would enable the Council to decide whether it would either deliver the proposed Linear Park and new surface parking, or whether it would seek a developer partner to deliver the whole Hothamton project.
- 2.1 This commission builds on the feasibility work previously undertaken in late autumn 2016 and the subsequent public consultation that took place in early 2017.
- 2.2 The elements of the work commissioned are set out below.
- i. Detailed Design for the Linear Park and Surface Parking
  - ii. Stakeholder Consultation
  - iii. Project Cost Estimates
  - iv. Project Management and Coordination
  - v. Land Control Advice
  - vi. Traffic Analysis
  - vii. Revised scheme layout for the whole Hothamton site
  - viii. Revised Financial Viability for the whole Hothamton site
  - ix. Confirmation of delivery vehicle(s)/approach for the Hothamton site
  - x. Soft Market Testing (still to be completed once Council position is known)
  - xi. Reporting

## DETAILED DESIGN FOR THE LINEAR PARK AND SURFACE PARKING

- 3.0 This report should be read in conjunction with the design report - Appendix A and Appendix B which includes background reports and material generated by the consultant team.
- 3.1 The brief to the design team was to create a new urban park with around 200 flexible car parking spaces and replacing the existing park and surface car parking. The new park was envisaged as an extended continental market square with soft landscaping and tree lined boulevard, creating a space that would be an attraction to visitors and residents throughout the year. The new park would bring animation, variety and seasonal change to this part of Bognor Regis. Improving the linkage between the town centre and seafront was also important.
- 3.2 The design team were required to evolve the design of the park to a level close to RIBA Stage 2 / Landscape Institute Code C. A specific detail was to be provided on the uses that will help to animate the central spine of the park and test the various combinations of uses, including the proposed A3 units at each end of the park.

- 3.3 Relationships with site boundaries and an accurate assessment of where the western boundary should lie were also to be clarified. The work also considered road widths, parking arrangements, junctions and road layouts, It looked at surface treatments suitable for shared spaces and events. Flood zone constraints and local policy were also reviewed and a high level drainage SUDS strategy prepared to inform the form and function of the park. Issues such as the location of utilities and ground conditions were also reviewed to understand impacts on the park.
- 3.4 The design team produced three concept sketch designs to this brief which proposed different parking layouts, access and illustrative landscaping options.
- 3.5 **A public exhibition and consultation was held October 2017** to allow local residents and interested parties to view the initial design proposals. The Council wished to receive feedback from residents and community representatives so the designers could, wherever possible, incorporate this feedback into the developing proposals.
- 3.6 Section 3 of Appendix A explains the Consultation Process, the people that attended and feedback questions.
- 3.7 After taking into consideration the consultation feedback and making adjustments where possible, **Section 4 - Design Development, of Appendix A, provides an image of the emerging landscape masterplan (page 19) and the sketch view of the proposed new park (page 20).**
- 3.8 The park options appraised in the financial viability assessments are based on this landscape masterplan.

## FINANCIAL VIABILITY ASSESSMENTS AND SENSITIVITIES

- 4.0 The Financial Viability and Delivery Analysis report - Appendix D (this is an exempt report due to the confidential nature of the information provided and will be circulated separately to the members of the Sub Committee only) describes two potential design options for the new park, the possible delivery approaches and the detailed financial viability for each.
- 4.1 In preparing the viability assessments a series of assumptions & parameters underpinned the calculations and are fully described in the consultants main report - Appendix D (this is an exempt report due to the confidential nature of the information provided and will be circulated separately to the members of the Sub Committee only).
- 4.2 Each appraisal assumes the Council will retain the car park income and also income from the commercial floorspace and other income within the park and in the development blocks. These income streams are therefore excluded from the appraisals.

### **Park Option 1**

- 4.3 This provides for more water-based uses within the design and therefore is the most expensive option. The cost of developing the park including finance costs for the Council at 2.5%p.a. and professional fees (architects, engineers etc.) is £4,290,000.

### **Park Option 2**

- 4.4 This provides for fewer water-based uses within the design and therefore is the less expensive option. The cost of developing the park including finance costs for the Council at 2.5%p.a. and professional fees (architects, engineers etc.) is £3,530,000.
- 4.5 The report considers a range of delivery approaches and the financial viability of each. The details of each are summarised in the boxes in Appendix C (this is an exempt report due to the confidential nature of the information provided and will be circulated separately to the members of the Sub Committee only).

## **SUMMARY OF OPTIONS AND RECOMMENDATION**

- 5.0 It is clear from the financial assessment that overall financial viability is significantly improved where the Council leads on the delivery of the park and then sells the development plots with the benefit of the park in place.
- 5.1 Market and economic conditions will vary over time and it will be important to judge the timings of any sale of the development plots to maximise the value achieved.
- 5.2 Where the Council leads on the delivery of the park this will help to achieve the mix of uses and quality of design and materials and limit risk of any reduction in quality that may arise out of a value engineering exercise that a developer may seek to implement in order to create a viable project and maximise its developer profit.
- 5.3 The Council-led approach also provides for retention of car park income and capture of the commercial income to finance the future management and maintenance costs for the park. This finance will come under pressure to be diverted into helping achieve financially viable development under the developer-led approach.
- 5.4 If the council leads on the delivery of the new park there will be some financial risks. A full business case will need to be prepared before any borrowing can be secured. The time between the completion of the park and the other development is unknown so there is no certainty as to when income from the commercial units will be available. It is therefore recommended that Park Option(s) 2 – the less expensive option with fewer water-based activities - is supported.

- 5.5 It is recommended that the Council progress **Park Option 2a - Council Builds Park & Secures Developer to Build Out Plots – Whole Site.** However, if discussions with the National Health Service regarding the future use of the Health Centre cannot be satisfactorily concluded the **Park Option 2b – Council Builds Park & Secures Developer to Build Out Plots – Health Centre Land Excluded** is substituted.

## DEVELOPMENT COSTS

- 6.0 All costs described in the consultant's main report must be taken as a guide based on their current professional opinion and experience. These figures are likely to fluctuate over time. Uncertainties in the economy such as inflation, changes in interest rates and exchange rates will impact on the costings. It must therefore be understood that there is no absolute certainty in the figures given and that adjustments are likely to be made during the lifetime of the project.
- 6.1 For the Council to lead on the delivery of the new park (Option 2a), which is the less expensive option, will cost around £3,530,000. This may need to be partly or wholly funded with borrowing from the Public Works Loan Board. The scale of the loan will be determined by how much the Council can also secure from external grant funding, such as the Coastal Communities Fund or the Coast to Capital Local Enterprise Partnership Growth Fund, and what may be available from the Councils own capital resources.
- 6.2 Further funding will also be required to purchase the Health Centre.

## CONCEPT DESIGN SPECIFICATIONS

- 7.0 The concept designs developed for the park should not be regarded as the definitive and final design. As is normal with projects of this scale and type, during the later stages of delivery, and as constraints and issues arise, it may be likely for practical reasons that some features and specifications will need to be changed or adapted. Such decisions will be made by officers on the advice of the design team and in consultation with the Leader of the Council as Portfolio Holder for Economy.

## POTENTIAL AND ANTICIPATED INCOME STREAMS FOR COUNCIL

- 8.0 The report also considers the potential for the Council to capture income streams from the proposed development.
- 8.1 The viability assessments allow for the Council to retain car park income and to secure income from the commercial elements of the scheme. It is anticipated that the overall commercial income could be in the order of £80,000 per annum.
- 8.2 The Council Parks Team has indicated that the annual cost of managing the park would be in the order of £20,000 per annum. In addition, we have

assumed that a sinking fund corresponding to 1% of the construction cost should be set aside each year to allow for more significant maintenance and replacement of elements as they become worn out.

- 8.3 The Council car park income is currently £114,000 per annum. It is thought there is potential to enhance this income as the location will be significantly more attractive to park in when compared with the current facility. It should also be more attractive at night due to proposed much improved lighting.

## DELIVERY OPTIONS

- 9.0 The financial viability analysis provides a clear indication of the potential approach to delivery of the park in order to achieve the quality of design, materials and beneficial impact sought as a major new facility for the town.
- 9.1 The Council has the opportunity to determine the best approach to engaging with developers and potentially longer-term developer/investor partners and officers have had various discussions with advisors including external legal advisers, Trowers & Hamlins through this commission to consider the options.
- 9.2 Based on the Urban Delivery report appraisal officers will bring a separate report to a future sub-committee meeting, and prior to the site being marketed, with recommendations on the possible delivery options for the development of the site. This report will also consider if it is appropriate and feasible to bring forward a suite of sites to be offered as a development package.

## NEXT STEPS

- 10.0 If the Council wishes to progress Park Option 2a (or 2b) and deliver the park, the consultant's report provides a thorough assessment of the survey, design and cost of work required to secure a planning permission and the management work required to ensure the project is delivered successfully. Officers believe the Council has a number of skills in-house to help enable successful delivery of this project, based on recent experiences of the Littlehampton East Bank project, Bognor Regis London Road public realm, Hotham Café and Littlehampton Leisure Centre.
- 10.1 If the recommendations in this report are supported, external consultants would be procured to progress this element of the project and it is hoped work could start on this stage by April 2018.
- 10.2 The landscape architects would work closely with the Council and specialist officers to agree a full scope of works and the approach to preparing detailed designs and the required surveys. This will enable detailed quotes to be prepared. Currently the budget for professional fees allowed for within the financial viability assessment for the cheaper Option 2 is in the order of 10% of the construction cost which equates to c. £264,000.

Has consultation been undertaken with:	<b>YES</b>	
Public consultation – drop in event and online		
Relevant Town/Parish Council		NO
Relevant District Ward Councillors		NO
Other groups/persons (please specify)	<b>YES as explained above</b>	
<b>10. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial	YES	
Legal		NO
Human Rights/Equality Impact Assessment	N/A	
Community Safety including Section 17 of Crime & Disorder Act	N/A	
Sustainability		NO
Asset Management/Property/Land	YES	
Technology		NO
Safeguarding		NO
Other (please explain)		
<b>11. IMPLICATIONS:</b>  The Council will, by its decision(s), set in train works requiring financial commitments to be entered into, and legal agreements and advice to be obtained. As freehold owner of the site, the Council has an asset interest. There are also likely to be significant revenue costs to the council for an indeterminate period until the development has been completed.		

**12. REASON FOR THE DECISION:**

To seek Members' support for the progression of the 'Gardens by the Sea' proposals and the creation of the new park at Hothampton Car Park and thereby contribute towards the further regeneration of the town centre.

### **13. BACKGROUND PAPERS:**

#### **1 – Report to Full Council – 8 March 2017**

Agenda Item 20 (Minute 18) - The Regis Centre And Hothampton Car Parks Feasibility Studies Update. Link below

<http://www.arun.gov.uk/download.cfm?doc=docm93jjm4n10119.pdf&ver=10036>

#### **2 – Report to Full Council 20 July 2016**

Agenda Item 37 (Minute 145) – The Regeneration of the Regis Centre and Hothampton Car Park sites. Link below

<http://www1.arun.gov.uk/PublicViewer/Tempfiles/9639ed078716495.pdf>

#### **3 - Report to Full Council 11 November 2015**

Agenda Item 27 – The regeneration of the Regis Centre and Hothampton Car Park Sites: Link below.

[http://www1.arun.gov.uk/PublicViewer/Authenticated/CommitteeMeetingAddl.aspx?MeetingId=408&meetingName=Full%20Council%20-%20\(2015-11-11\)%23](http://www1.arun.gov.uk/PublicViewer/Authenticated/CommitteeMeetingAddl.aspx?MeetingId=408&meetingName=Full%20Council%20-%20(2015-11-11)%23)





**Hothamton Linear Park, Bognor Regis**

**November 2017**

**BD 0181 SD 401**





**Hothampton Linear Park,  
Bognor Regis**

November 2017  
BD 0181 SD 401 Roo



**ARUP**



**Kay  
Elliott**



**Trident**

**urbandelivery**  
DELIVERY | VIABILITY | CAPACITY

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## Consultant Team

Kay Elliott

B|D Landscape Architects

Ove Arup & Partners Ltd

Trident Building Consultancy Ltd

Urban Delivery

Petersham Group Ltd



## Hothamton Linear Park, Bognor Regis

# 1.0 Analysis

## 1.1 Site Context

The site is located opposite the pier, closely linked to the seafront, via the Waterloo Square Bowling Greens. The area is approximately 8300m<sup>2</sup> (excluding development site) and is strategically located to connect the town to the seafront.

This Landscape Sketchbook summarises the landscape strategy and concept and establishes a set of design principles on which to further develop a landscape scheme.

The report includes:

- An analysis of the existing site, its history, environment and appearance
- A strategy exploring how proposals can improve the environment, establish design aspirations and respond appropriately to the brief
- A set of design principles/aims to guide further design
- Precedent images of developments that have successfully realised the aims of this scheme

### What is proposed?

Arun District Council (ADC) has been progressing its ambition to create a major new park for Bognor Regis at Hothamton, engaging a team of experienced consultants and designers and carrying out a well-attended public consultation exercise in October 2017.

Hothamton Park will be a new landscaped park in the centre of the town, incorporating around 200 flexible car parking spaces and replacing the existing park and surface car parking. Conceived as an extended continental market square with soft landscaping and a tree-lined boulevard, a location will be created that will be appealing to visitors and residents alike throughout the year.

It will include a range of new facilities and host a rolling events programme that together will help bring seasonal change, variety and animation to this part of Bognor Regis.

Linking the proposed new residential development on its eastern flank with the town centre to the west, and improving the linkage between the centre and the seafront, it will significantly improve both security and the environment.

**“Hothamton Park will be a place where people will be drawn to relax, exercise, reflect, play, shop, browse, eat or be entertained; offering something to suit all ages and every mood.”**



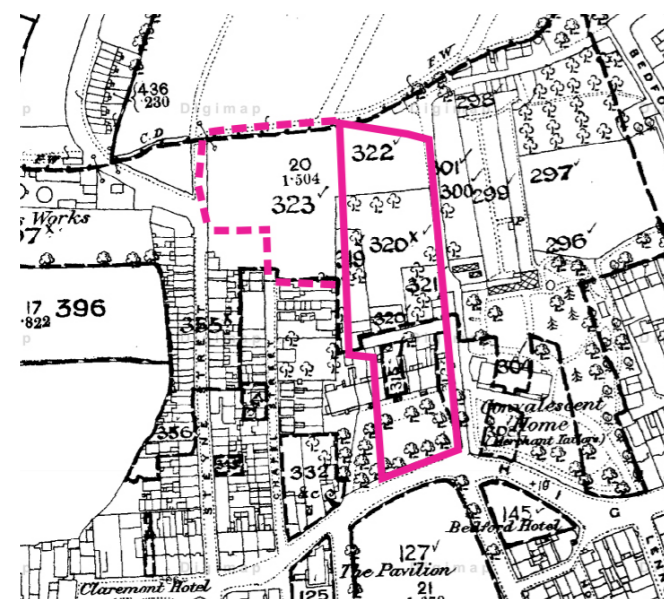


# Hothamton Linear Park, Bognor Regis

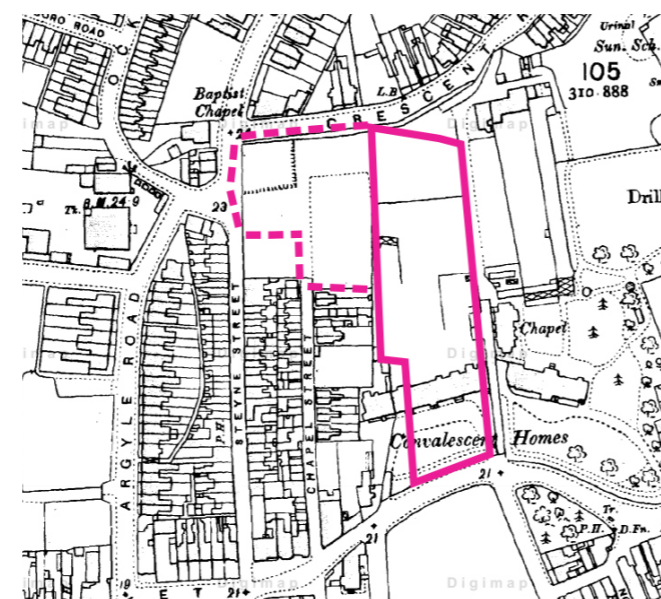
## 1.0 Analysis

### 1.2 Historical Context

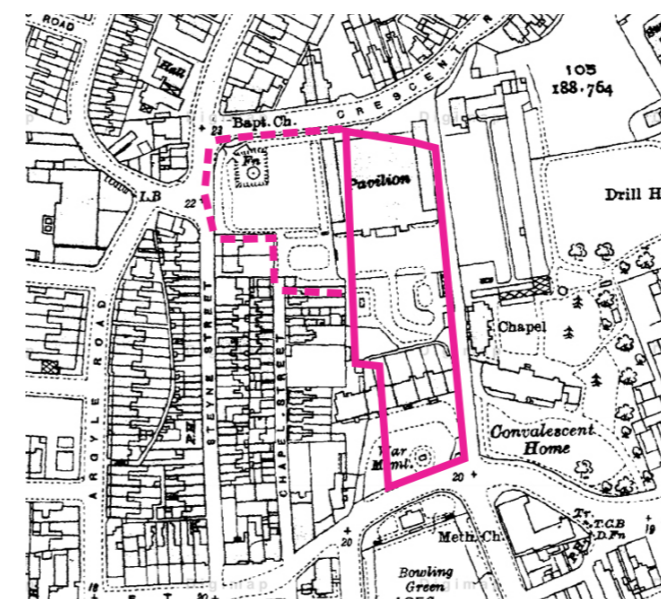
In the 19th century the site and surrounding landscape still consists of large areas of agricultural land with pockets of residential developments along the sea front which became more fragmented inland. The lower area of the site was known as 'Waterloo Square' and the Merchant Taylor's Convalescent Home was located on the site.



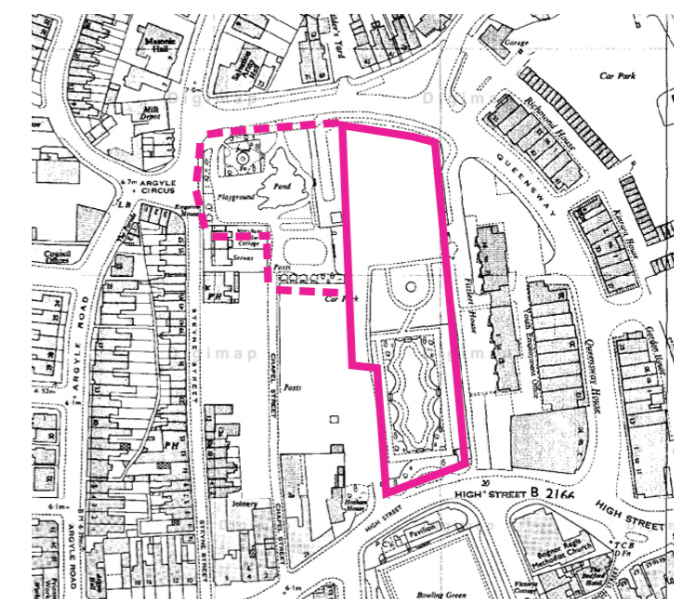
From 1870 to 1910 there is little change to the site itself, although, it has become surrounded by residential development as the town thrives during the heyday of the early 1900's seaside holiday boom.



In the early 1920's a historic WW1 aircraft hangar was erected at the Northern end of the site and could seat 3,500 with a ballroom for 1,500. The addition of the Princess Elizabeth Boating Pool provided a popular play area until the late 1970's. In the 1950's the Pavilion was demolished after it was partially destroyed in a fire.



From the 1930's to 1960's the convalescent homes and the dwellings to the West of the site were demolished to make way for the sunken park we see today. In the 1980's the boating lake was filled in due to a lack of use and rubbish dumping.



1880's ..... 1970's ..... 90 Years of Development

A historic photo depicting the Pavilion Gardens in their former glory - connecting to the seafront via the bowling greens. The park terminates at the grand Pavilion building, which would have drawn visitors and residents to the site.



The Pavilion building was built in part from a seaplane aircraft hangar purchased by the council after the First World War and created a booked end at the termination of the park. Adjacent the Pavilion Building was a restaurant and dining area, popular with visitors and local residents.



The original lily pond and fountain were formed in the mid 1930's after the demolition of the adjacent terraced houses. This was a popular area, however, by the 1960's the fountain was dry due to a lack of maintenance and damage.



The sunken gardens we see today were built in the mid 20th century and reference the Victorian formal parkland character of the nearby Hotham Park; they remain virtually unchanged since then.

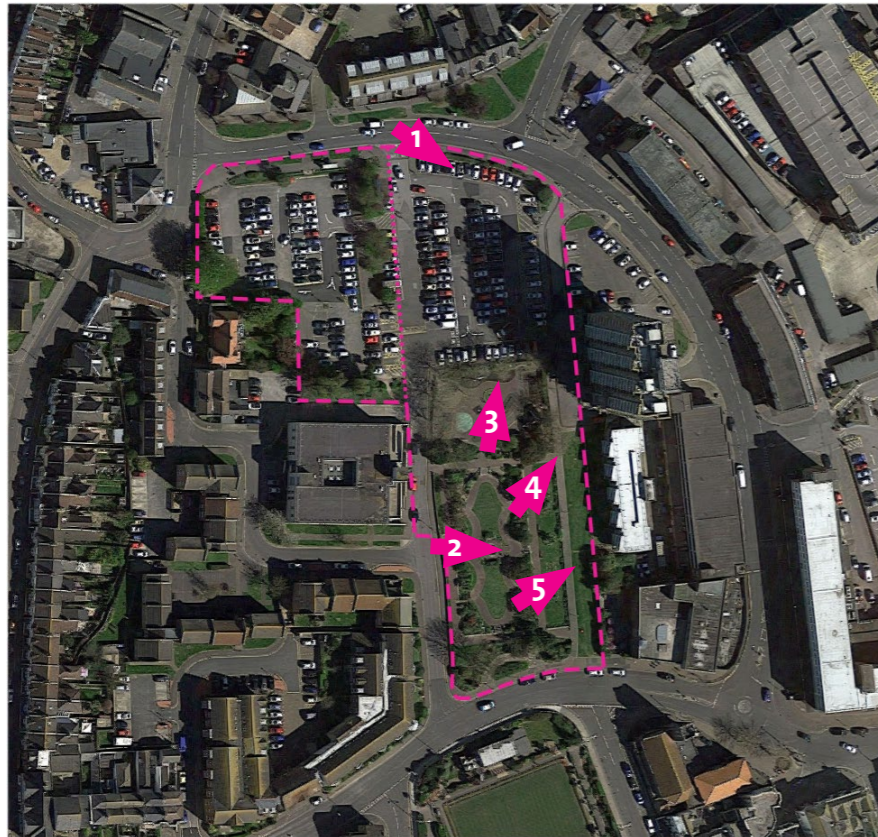


The Pavilion Gardens ..... A dated landscape ..... Hothamton Park



# 1.0 Analysis

## 1.3 Site Environment



Looking East, towards Fitzleet House, the high-rise residential tower block dominates the view from this point also. There is limited vegetation here to screen the view.



The focal point of the sunken gardens is a poor quality, undersized tree, surrounded by formal planting and seating - this area often suffers from anti-social behaviour, which discourages visitors from visiting and using the park.



A well-used play area with relatively new equipment, however, the surrounding landscape and hard materials are poorly maintained with a patch-work of materials and areas void of vegetation.



Looking North-East the Fitzleet House high-rise residential tower block dominates the view and the trees along the Eastern boundary of the site are key in screening this - seek to retain where possible.



Contrasting with the formal character of the sunken gardens, there is an area of biodiverse wildflower planting along the Eastern boundary of the site, adjacent the sunken gardens.





# Hothampton Linear Park, Bognor Regis

## 1.0 Analysis

### 1.4 Existing Tree Framework

We have assessed the trees regarding visual amenity; the contribution they give to the landscape in terms of framing views, screening from overlooking buildings and their visual quality.

Please note this is not an arboricultural assessment - a full tree survey and arboricultural assessment to BS 5837: 2012 will be required prior to carrying out Detailed Design or any works to the site.

To the North of the site there are no notable trees or vegetation that, in our opinion, could contribute to the character of any landscape proposals - we recommend these be removed in order to facilitate the scheme.

To the centre of the site, to the extents of the playground is a buffer of semi-mature trees and poor quality vegetation. The mix is predominantly London Planes and Cherry trees of low-importance from a design approach. Currently the trees separate the two halves of the site and the low quality trees to the centre should be removed in line with the concept of a linear park.

Within the development site adjacent the park there are several large trees that are of interesting character and substantial size. These should not have an impact on the development of the park but should be noted for future development.

It is proposed to retain good quality, semi-mature trees where possible, but it may be necessary to remove several to accommodate the proposed vehicular access and parking. Trees which are of good visual quality and could contribute to the overall character of the landscape proposals are highlighted on

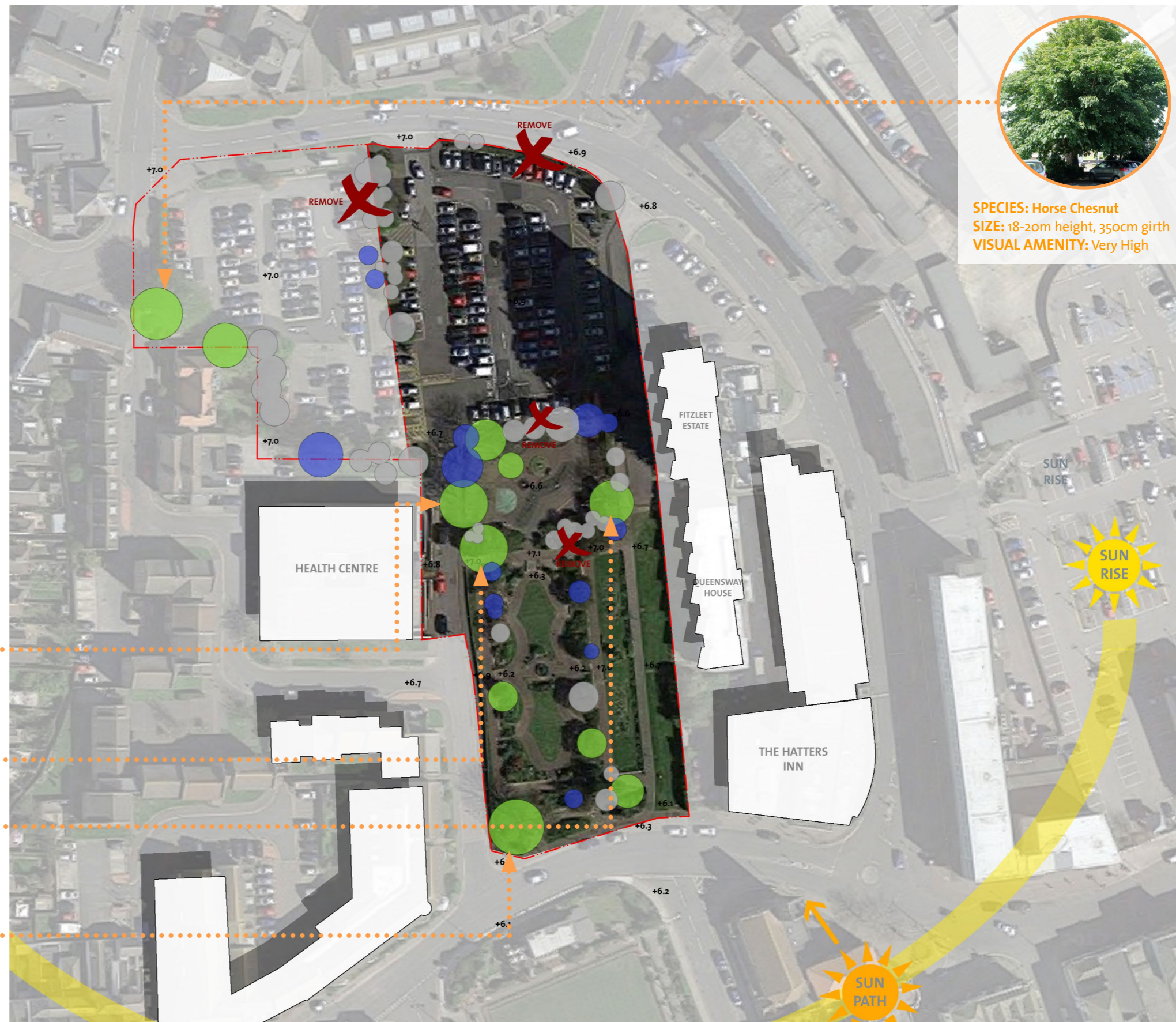
**SPECIES:** London Plane  
**SIZE:** 12-15m height, 150cm girth  
**VISUAL AMENITY:** High



**SPECIES:** Sycamore  
**SIZE:** 15m height, 150cm girth  
**VISUAL AMENITY:** High

**SPECIES:** London Plane  
**SIZE:** 10m height, 133cm girth  
**VISUAL AMENITY:** High

**SPECIES:** Sycamore  
**SIZE:** 15m height, 4 stems @ 120cm girth  
**VISUAL AMENITY:** High



**SPECIES:** Horse Chestnut  
**SIZE:** 18-20m height, 350cm girth  
**VISUAL AMENITY:** Very High



**CONSTRAINTS:**

- Parking requirements and configuration: large number of re-provided spaces required with access routes.
- Existing trees on site
- Anti-social behaviour and how to address this through the landscape.
- Surrounded by roads on all sides - how to improve connections with the surrounding routes and open spaces.

**OPPORTUNITIES:**

- Increase biodiversity and ecological value through a variety of habitat types.
- Green corridor through the site to connect different habitats
- Create a unified landscape through the use of a coherent material palette.
- 'The Linear Park!' Creating a strong visual link between the Northern and Southern ends of the site.
- Improve play area and integrating play into the landscape.
- Provide new uses and increase visitor numbers
- Improve character and sense of place.



An inconsistent, poorly maintained palette of materials contributes to a lack of sense and quality of space



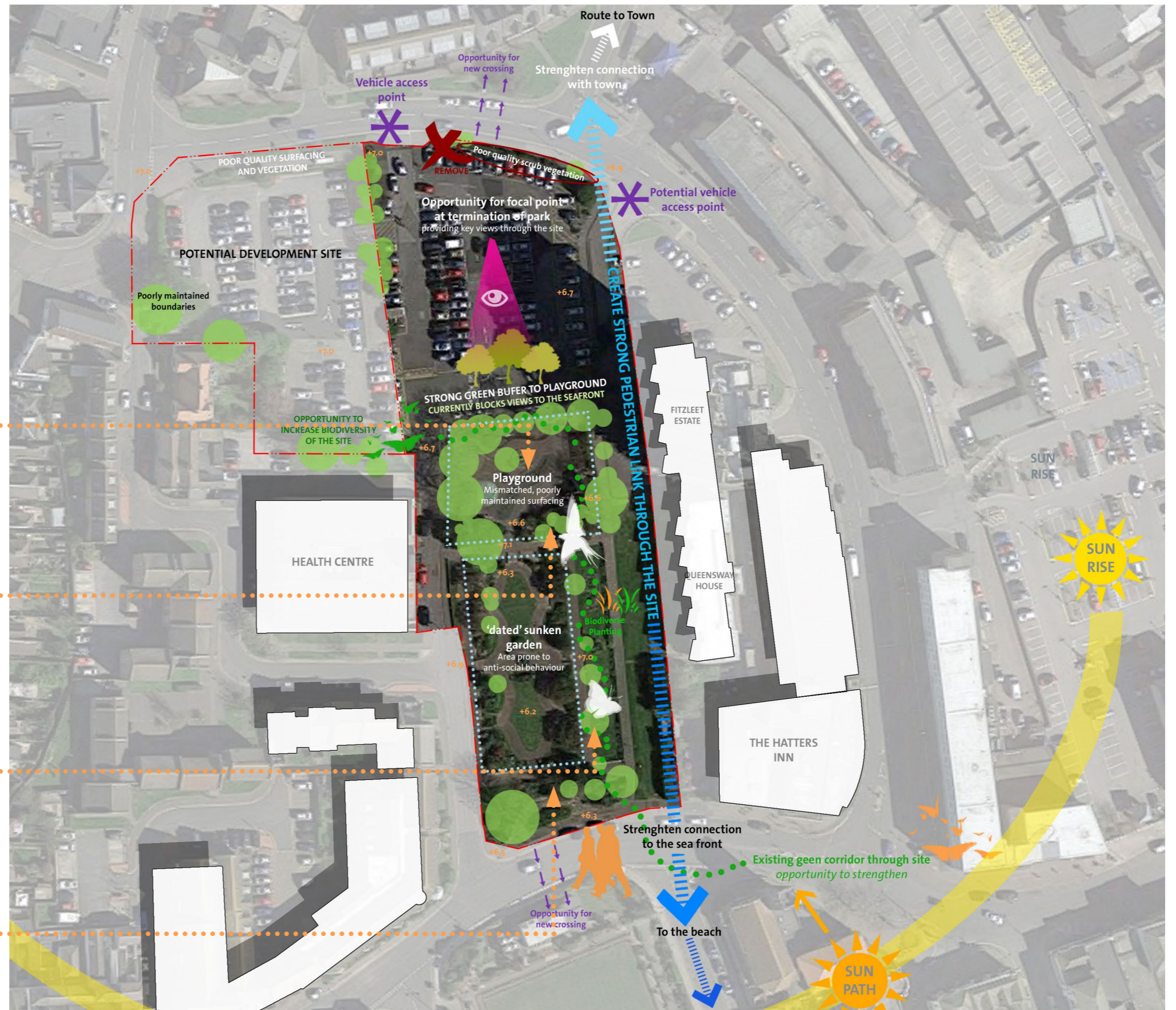
Lack of maintenance and over-use of these areas has resulted in a loss of planting



Biodiverse, naturalistic wildflower planting contrasts with the formality of the garden



The sunken gardens are dated and lack a distinctive character or purpose and suffer from anti-social issues: "drunken gardens"





# 2.0 Sketch Design

## 2.1 Concept - A Linear Park

### POSSIBLE USES

There are some features which will be a draw for specific demographics, such as water play features and outdoor gyms. However, we feel the most important possible uses of the landscape are less prescribed; walking, family picnics, sunbathing, reading a book. We need to design a landscape in which all these activities can take place, whilst still providing the facilities which will draw visitors to the park in the first place.

### PREFERENCE - HIGH

- Market square and flexible space
- Boules Court as part of a flexible, multi-use space
- Children's water play feature, ideally located towards the Southern end of the site to draw people through from town and link to the seafront.
- Naturalistic/playable spaces, integrated within the landscape (not necessarily confined to one area)
- Performance/open market area – either located towards North of the site or linking the 'green oasis' and water play towards the seafront: can we visually link with the seafront to bring people in from the beach?
- Informal seating and relaxation areas.
- Semi-mature tree planting to mitigate the loss of trees removed and to enhance the character of the parking boulevards.

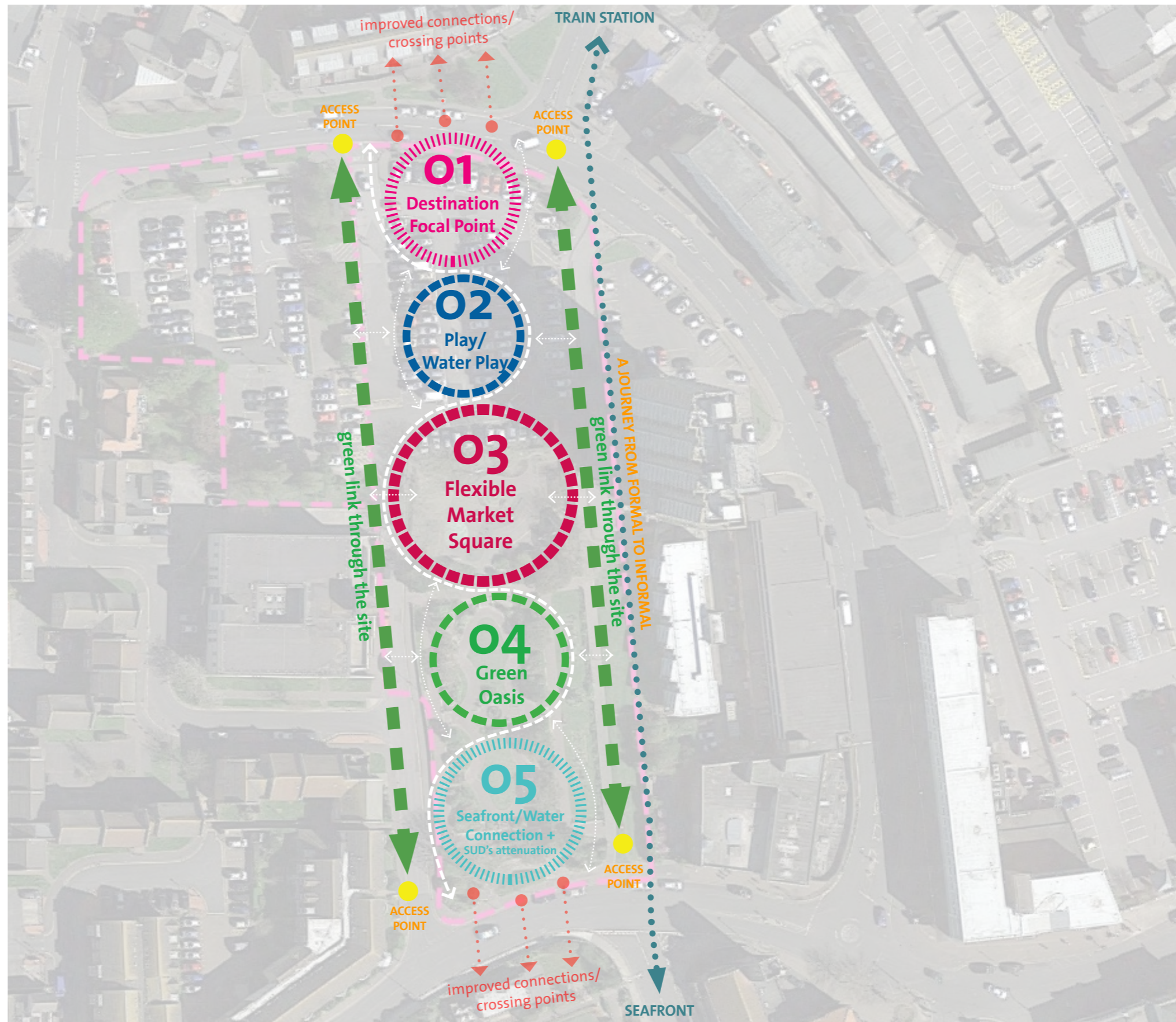
### PREFERENCE - MEDIUM

- Formal children's play area: i.e with fixed equipment. We think it is more important to create a playable landscape as a whole and provide something unique to the site/area.
- Formal square/open area adjacent the restaurant/cafe area - could be used for community garden parties.
- Informal picnic/dining area.
- Gym/outdoor activity area; how could the landscape be used for fitness without the standard fixed equipment. Could there be areas used for group exercise: yoga classes, running, bootcamps?
- Playing with landform to create a dynamic landscape that could also be used as amphitheatre style seating, a modern interpretation of the sunken garden.

### PREFERENCE - LOW

- Wildlife garden with 'bug hotels', bird boxes and sensory, biodiverse planting.
- Community kitchen garden with productive planting.

We are looking to avoid the use of formal planting and layout of the existing sunken gardens. There are issues with anti-social behaviour, which is not helped by the vegetation barrier to the park boundaries, and sunken area which block sight lines.





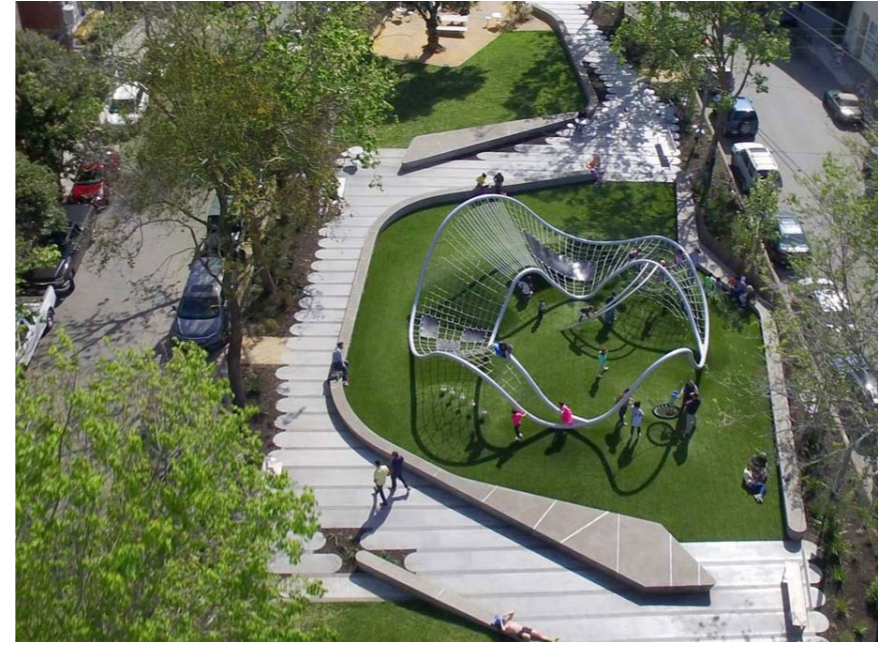
Hothamton Linear Park, Bognor Regis  
2.0 Sketch Design  
2.1 Concept - A Linear Park



**01** Destination Focal Point



**02** Imaginative Play



**03** Flexible Square



**04** Green Oasis



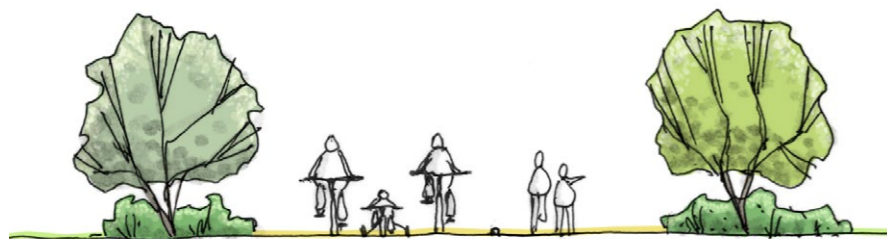
**05** Seafront/Water Connection + SUD's attenuation



**06** Boulevards/safe streets







GREENWAYS THROUGH THE LINEAR PARK



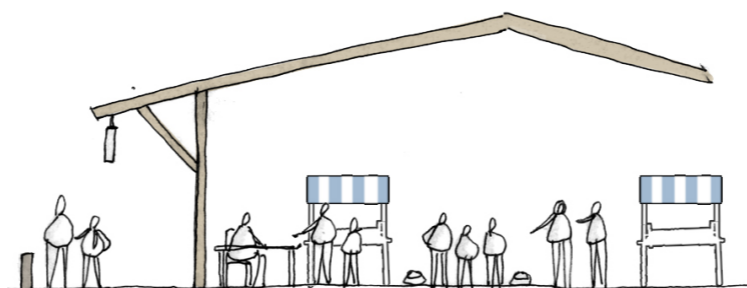
POTENTIAL FOR A PRODUCTIVE LANDSCAPE



A CONNECTIVE PIECE OF GREEN INFRASTRUCTURE



A FLEXIBLE COMMUNITY RESOURCE



MULTI-FUNCTIONAL EVENT SPACE



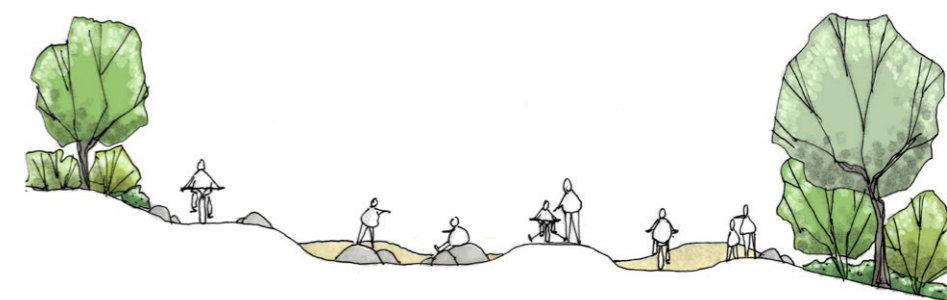
GREEN OASIS AND DEFENSIBLE SPACE



COMMUNITY ORCHARDS



INCIDENTAL NATURE PLAY THROUGHOUT PARK



PLAY INTEGRATED IN THE PARK



## 2.0 Sketch Design

### 2.3 Illustrative Landscape Masterplan Option 01

Approximately 180 parking spaces with disabled parking bays located next to pedestrian crossovers and distributed across the site. Numbers subject to design development and highways input.



#### Option 01

1. Planted attenuation basin with decked walkway
2. Colourful landform mounds for imaginative play
3. Natural play area incorporating timber from trees felled on site
4. Central market square with seating to the edges - flexible for a variety of uses
5. Demarcated crossing points
6. Water play plaza that can be used as an overflow market space for events
7. Linear rain garden as buffer to parking bays
8. Aerodrome themed play space drawing on the history of the site
9. Pavilion with cafe spillout space
10. Covered performance area/acoustic shelter
11. Amphitheatre style tiered grass lawn
12. Electric car charging points - design to be flexible to allow for future expansion



attenuation basin with biodiverse planting



a playable landscape with colourful landforms



flexible market square/boules court



linear park with series of linked character areas



## 2.0 Sketch Design

### 2.4 Illustrative Landscape Masterplan Option 02:

Approximately 200 parking spaces with disabled parking bays located next to pedestrian crossovers and distributed across the site. Numbers subject to design development and highways input.



green oasis with natural forms



Large timber seating/play elements



flexible market square with opportunities for community events



shallow water pool with boulders with connecting water rill

#### Option 01

1. Planted attenuation basin with decked viewing platform
2. Raised grass and planting areas
3. Natural play area incorporating timber from trees felled on site and mounds
4. Central market square with seating to the edges - flexible for a variety of uses
5. Natural play area with water mist/fountain feature and giant boulders
6. Pavillion cafe spill out space surrounded by vibrant planting
7. Pavillion/cafe
8. Acoustic shelter /shade structure
9. Water rill collecting surface water terminating at attenuation basin
10. Raised table pedestrian crossing points
11. Electric car charging points - design to be flexible to allow for future expansion



## 2.0 Sketch Design

### 2.5 Illustrative Landscape Masterplan Option 03

Approximately 155 parking spaces with disabled parking bays located next to pedestrian crossovers and distributed across the site. Numbers subject to design development and highways input.



flexible deck space over attenuation basin



wide pathways with seating, tree planting + electric charging points



tree lined flexible market space



performance space with raised decks, lawns and seating areas

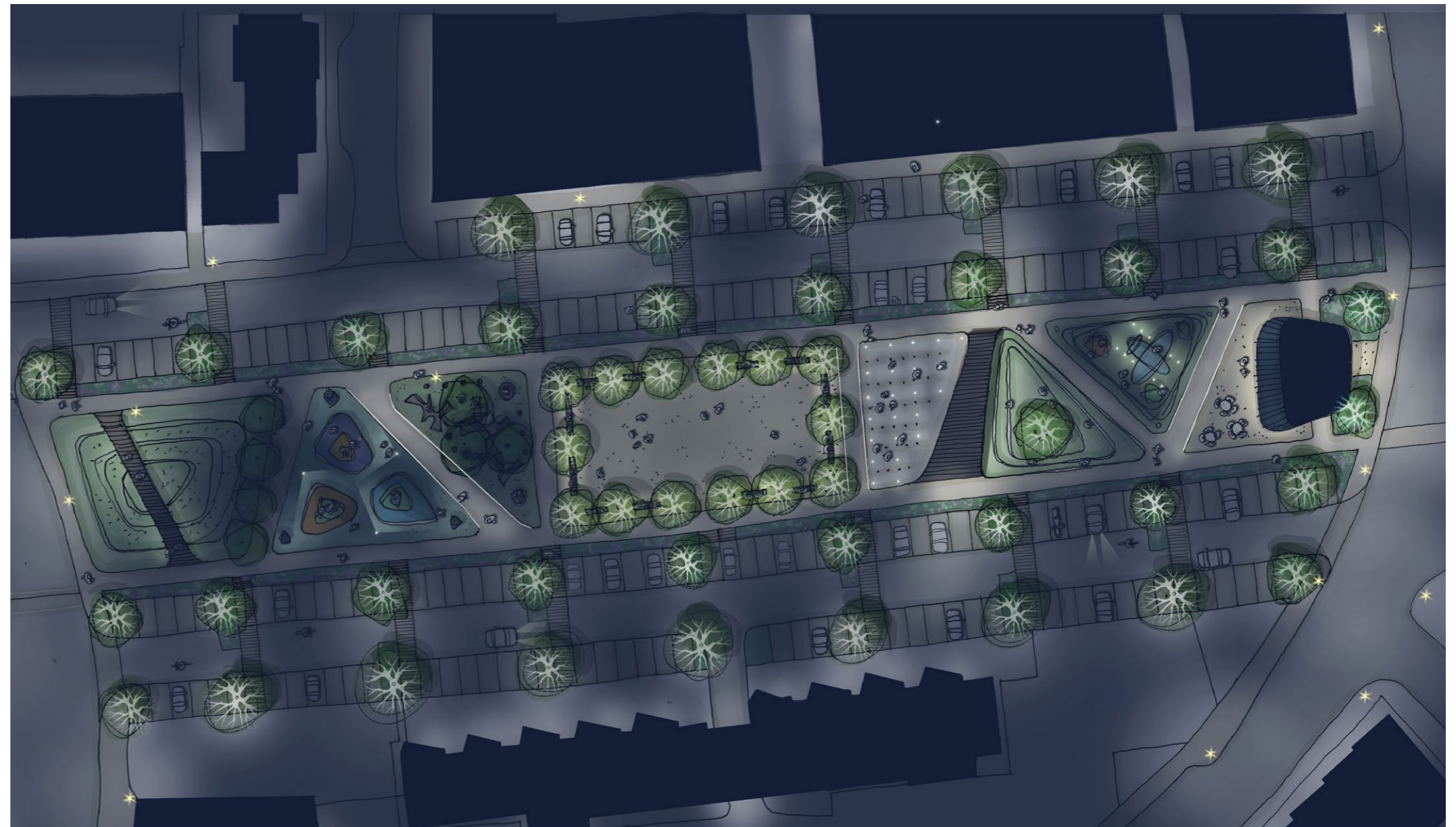
#### Option 01

1. Planted attenuation basin with decked platform
2. Natural play area incorporating timber from trees felled on site and mounds
3. Water mist/fountain with giant stepping stones
4. Central market square with seating to the edges - flexible for a variety of uses
5. Large sculptural play element referencing the sites past uses
6. Raised lawns with seating edge
7. Pavillion/cafe with outdoor seating area
8. Boulevard pathways with seating, tree planting + electric car charging points
9. 45° parking spaces with one way traffic and pedestrian crossing points
10. Covered performance area/acoustic shelter
11. Electric car charging points - design to be flexible to allow for future expansion



### Lighting Key

- Existing Lighting Columns**  
 Generally to be retained; in order to facilitate the proposed design a number may need to be relocated. Further topographical information is required.
- Tree Canopy Lighting**  
 Angled in-ground luminaire uplighting to tree canopies  
 Requirements:
  - Suitable for outdoor use
  - Adjustable angles
  - Suitable for footfall
  - Suitable for vehicular run over to market square
  - Minimum 1/tree, 3n/feature tree
- Architectural Lighting**  
 Feature lighting to café to be to architect's detail and specification.
- Architectural Lighting**  
 Feature lighting to performance structure to architect's detail and specification.
- Landing Strip Spotlights**  
 LED spotlights to give impression of runway to play equipment.  
 Requirements:
  - Suitable for outdoor use
  - Adjustable Angles
  - Suitable for footfall
  - Flush with surface
- Water Feature Spotlights**  
 LED spotlights to give impression of runway to play equipment.  
 Requirements:
  - Suitable for submersion in water
  - Suitable for footfall and vehicular run over
  - Flush with surface
  - Colour changing
- Bench Lighting**  
 LED strip underlighting to benches  
 Requirements:
  - Suitable for outdoor use
  - Recessed/integrated with seating
- Linear Lighting**  
 LED linear lighting units  
 Requirements:
  - Suitable for outdoor use
  - Suitable for footfall
  - Flush
- Lighting to Mounds**  
 Floodlights to illuminate the mounds  
 Requirements:
  - Suitable for outdoor use
  - Suitable for footfall
  - Angled
  - Colour changing preferable
  - May be in-ground or above
- Lighting to Timber Walkway**  
 Feature lighting to illuminate the timber walkway and planting below. This may be integrated as downlighting within the handrail or the underside of the deck.  
 Requirements:
  - Suitable for outdoor use



tree and planting uplighting



directional lighting to pathways



feature lighting to structures



feature lighting to seating areas



# Hothamton Linear Park, Bognor Regis

## 3.0 The Consultation Process

### 3.1 Public Consultation



The aim of the Public Exhibition was to allow local residents and interested parties to view the initial design proposals prepared for the new Linear Park at Hothamton and to ask questions of the Project Team, which included Urban Delivery, Kay Elliott, BD Landscape Architects, and the Petersham Group.

More importantly, the client, Arun Council, attended and wanted to receive feedback from residents and community representatives so they could, wherever possible, incorporate this feedback into the developing proposals.

To encourage attendance at the exhibition, it was held at the Alexandra Theatre, Regis Centre.

This report covers all the comments gathered from responses received on the proposed development. It provides an overview of the aspects those local residents and other interested parties welcomed or raised as issues and/or concerns.

On 13 October, we received nearly 40% of written feedback forms at the event, with postal, e-mail and online forms being returned separately.



**Your chance to have your say...**

**A New Park or Bognor Regis - Hothamton**

Thank you for taking the time to read through our proposals. Now you have seen what ideas are being proposed, let us know what you think about them. It is important that as many people put down their comments as possible.

You can put the form in the ballot box or send it to the address below.

You can submit your views...

- By post / By hand within 7 days to The Economy Group, Arun District Council, Arun Civic Centre, Matravers Road, Littlehampton, BN17 5LQ.
- By email: [registration@arun.gov.uk](mailto:registration@arun.gov.uk)
- View the presentation on-line at [arun.gov.uk/new-hothamton-plans](http://arun.gov.uk/new-hothamton-plans)
- Via social media: Twitter: @arundistrict Facebook: facebook.com/arundistrictcouncil

**Your details**

Title \_\_\_\_\_ Initial \_\_\_\_\_

Surname \_\_\_\_\_

Postcode \_\_\_\_\_

Are you a:  Resident  Organisation representative

Councillor  Trader

Student  Other (please state)



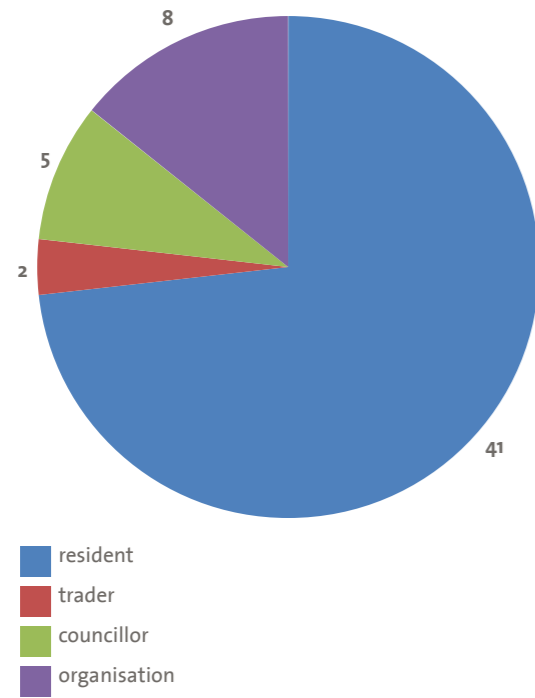


# 3.0 The Consultation Process

## 3.2 Feedback: Who Attended?

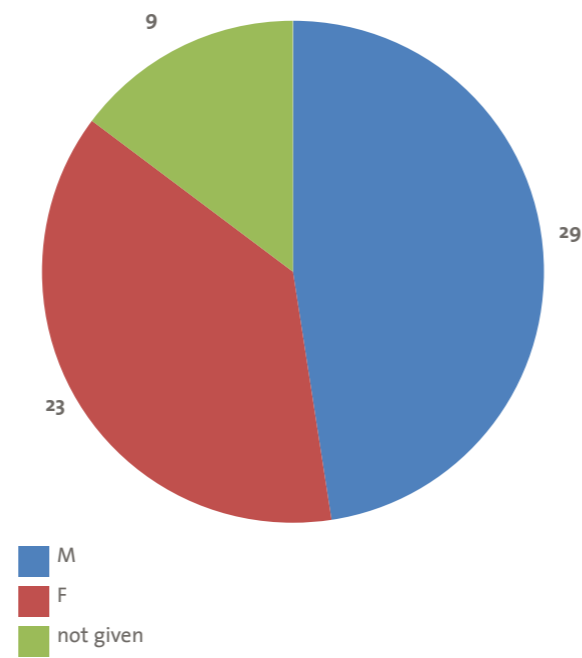
### Question: Attendance

Who attended?



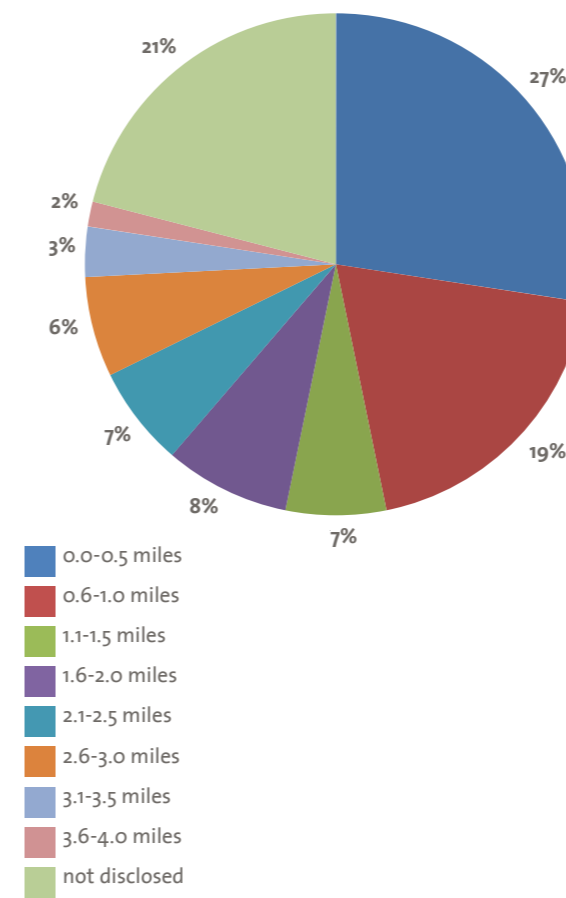
### Question: Gender

What gender?



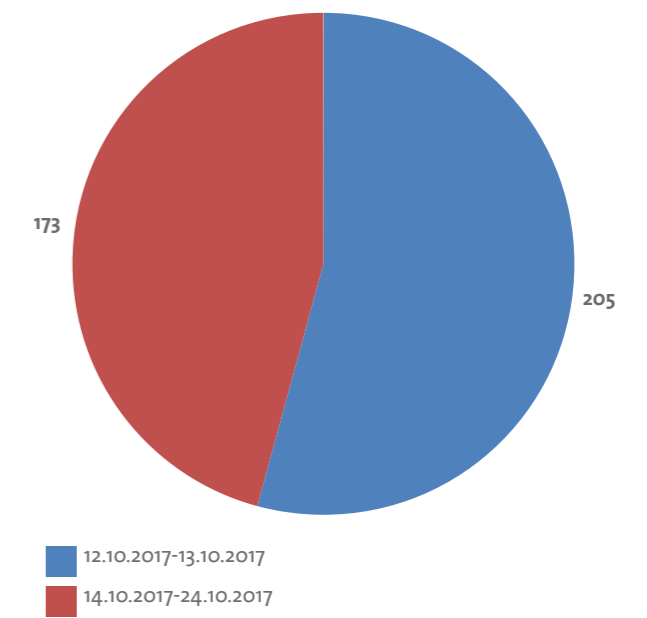
### Question: Distance travelled to exhibition

How far did attendees travel?



### Question: Website Visits

How many visits has the website received?



# Hothampton Linear Park, Bognor Regis

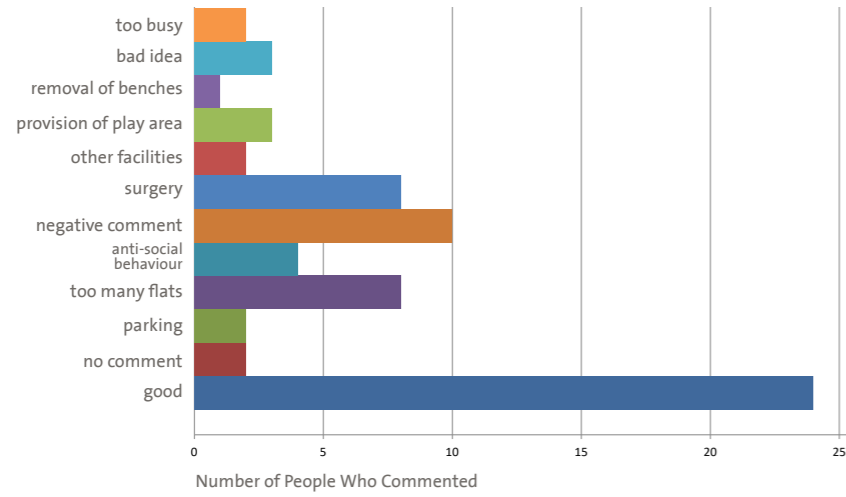
## 3.0 The Consultation Process

### 3.3 Feedback: The Questions



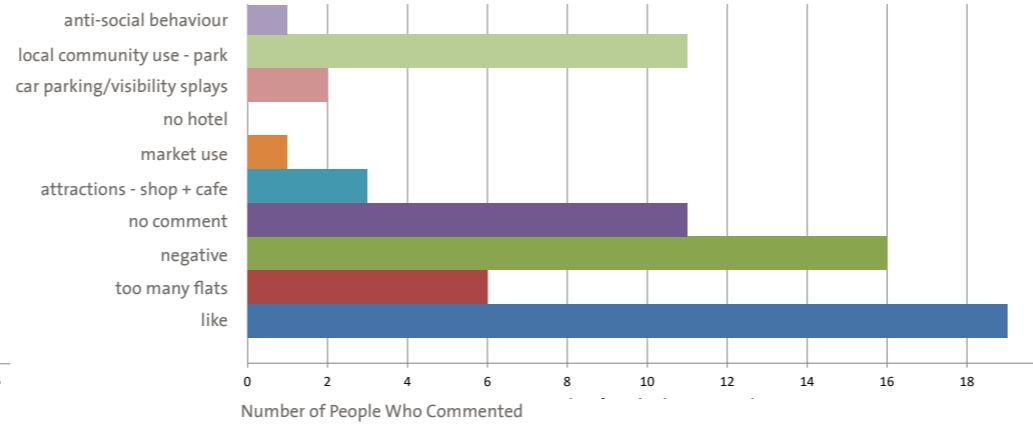
#### Question: 1. General Comments

General comments?



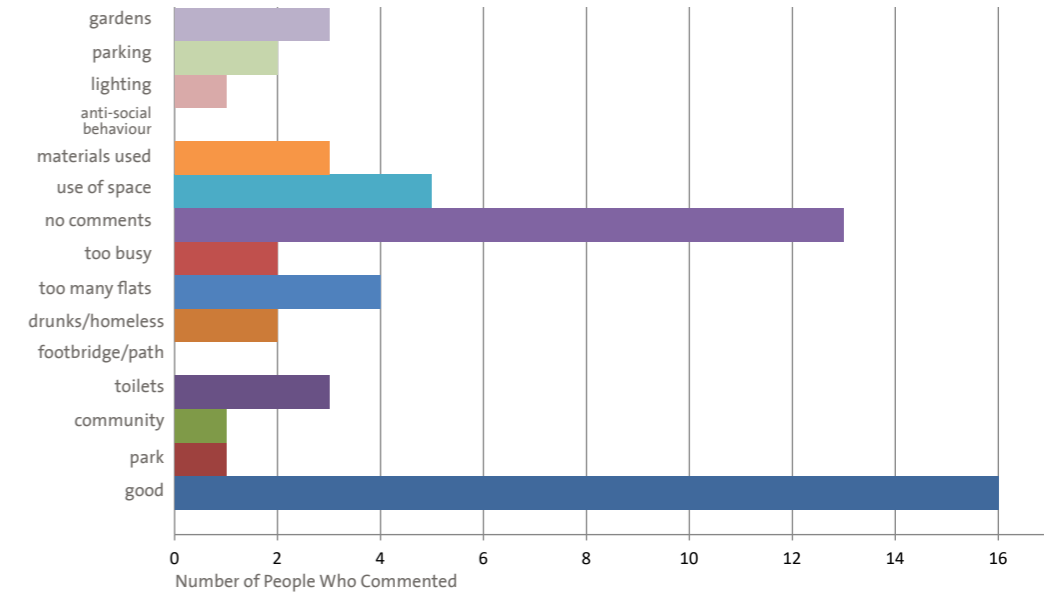
#### Question: 2. High Quality Public Space

The proposal is for a high quality, public park with a leisure and cultural focus. Is this something you would use and what are your views about this as a proposal?



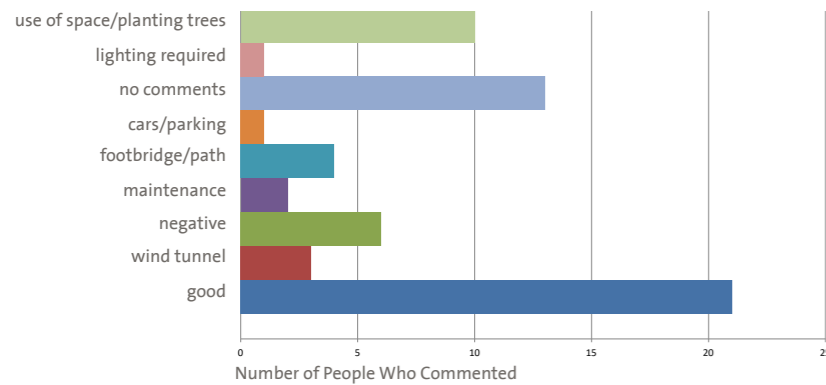
#### Question: 3. Layout, Use and Design

What are your thoughts on the uses and concepts for the new park?



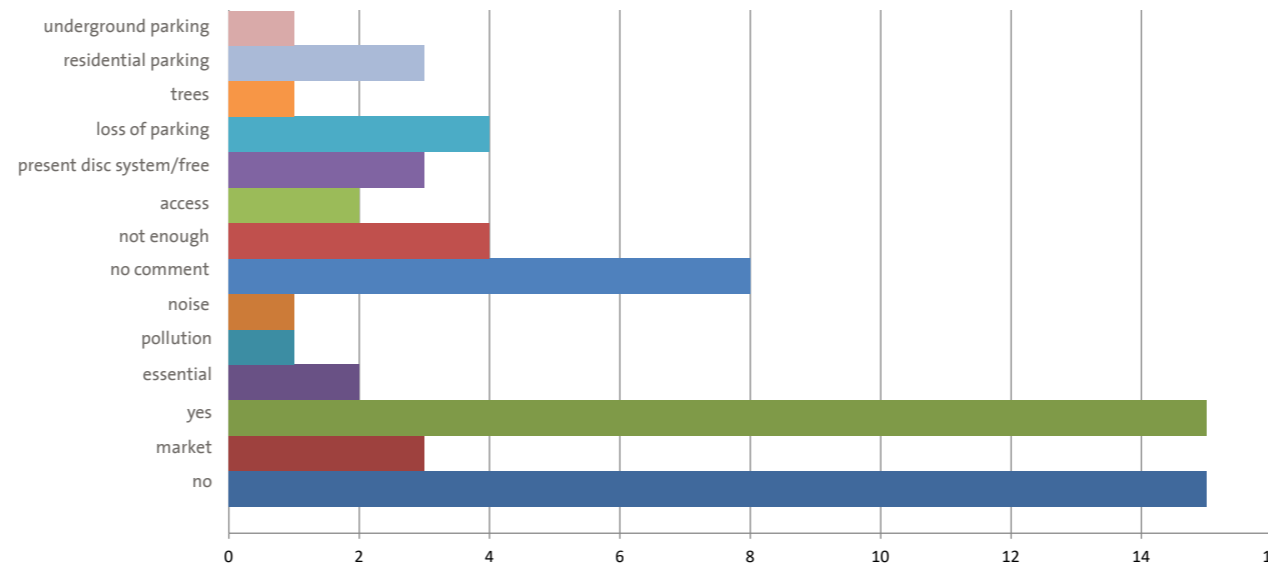
#### Question: 4. Open Space and Connections

What do you think of the proposals for the open spaces and improvements to the footpaths and access?



#### Question: 5. Open Space and Connections

What do you think of the plans to improve vehicle access and allow parking spaces to be used for different markets or events throughout the year?





Hothamton Linear Park, Bognor Regis

# 4.0 Design Development

## 4.1 Addressing Anti-Social Behaviour

Currently the Sunken Gardens are suffering from anti-social behaviour and littering, which cannot be improved through maintenance and management alone. As the ‘sunken’ gardens provide a hidden area, cut off from view from surrounding pathways, it has created a secluded area which facilitates poor behaviour. This issue was raised several times at the consultation event from residents living in the immediate vicinity and wider community. The below highlights the ways in which the landscape proposals aim to mitigate and design out these behaviours.

**“improvement of public realm can dramatically reduce anti-social behaviour on streets and other public spaces”**

*(Public Realm Strategy Part 3, Oadby and Wigston Borough Council)*

### Design Narrative

#### Material Palette

Paving materials, street furniture, lighting and other installations will be selected for robustness, durability and longevity. The aim is for a cohesive campus family of fixtures and fittings that is developed with the client and town management team to reduce vandalism and deter rough sleepers. Preference is given to stone paving and robust seating for the timeless design quality, vandal resistance and low maintenance requirement. Dark paving to roadways will reduce the appearance of wear and stains.

The materials palette can help to create a real sense of quality and distinctiveness for the site. This helps to strengthen the character of the site and encourages the public to feel a sense of ownership over the space.

*“Use of the correct materials, and appropriate public realm design within the Borough can help reduce crime, the fear of crime and create a greater sense of place.” (pg 13. Public Realm Strategy Part 3)*

The materials for Hothamton Park are mainly high quality natural stone to cafe terrace and water play, with robust, hard wearing resin bound gravel to pathways. The simplicity of the material palette within the park will create a sense of continuity between the different character areas.

*“Having clear and cohesive principles for the choice of materials, design, quality and location of street furniture, signage and planting, and their coordination with higher level strategies play an important role in raising the quality of the Borough’s streetscape.” (pg 11. Public Realm Strategy Part 3)*

#### Lighting

Lighting is an important aspect of the proposed public realm design and is used to aid way finding, illuminate key features, activate the space into the evening and give a distinct character to the site. Lighting is proposed adjacent all seating elements that could be used for sleeping on in order to deter this and prevent the wider public from being discouraged from using the space.

Lighting can be a deterrent to anti-social behaviour in the evening/night-time, and is fundamental in creating welcoming and safe routes through the site for the public, especially later at night. Sight-lines and natural surveillance are also an important factor and will be maintained as current – as there are no structures proposed, other than the café pavilion and performance shelter (which allows sight lines below).

This is supported by the CABI Space publication, ‘Decent Parks? Decent Behaviour?’, which looks at the regeneration of public spaces and parks suffering with anti-social behaviour related issues (among other things). In all of the case studies lighting is seen as one of the major factors in deterring anti-social behaviour and also encouraging the public to use the spaces later into the evening.

Maintaining site lines is also mentioned as discouraging anti-social behaviour such as drug dealing/use, which is one of the issues that was raised at the public consultation.





Hothampton Linear Park, Bognor Regis

# 4.0 Design Development

## 4.1 Addressing Anti-Social Behaviour

### Street Furniture

Seating is proposed in the form of robust stone and slatted timber with integrated lighting (see lighting above) at key locations throughout the park and concentrated around the central market square.

Although seating can be seen as a gathering place for groups which facilitate anti-social behaviour it has been shown,

*“Approaches that strip public spaces of all features vulnerable to vandalism or misuse actively discourage local distinctiveness and public amenity.” (pg14. The Social Value of Public Spaces. Joseph Roundtree Foundation).*

We are seeking to enhance the character of the space and improve public amenity, and seating will be a big part of this; to encourage visitors to the space to stay rather than pass through

### Natural Policing/Higher Footfall/Civic Pride

An enhanced and civilized environment generally makes people feel safer and behave in a more responsible and respectful way. In addition, a ‘zero tolerance policy’ adopted by the management team on vandalism will help engender a sense of Civic Pride. For instance, prompt repairs, litter pick up, and graffiti removal are signs of an involved and caring community.

The addition of the café pavilion to the North of the site and community pop-up square to the South will increase the potential for natural surveillance from the public, and also simultaneously increases footfall and visitors to the site. By filling in the sunken gardens and improving sight lines and removing dense vegetation will also improve the natural surveillance within the site and combining play with other functions will draw more of the community to the site. Which is proven to cause a reduction in the anti-social behaviour within public spaces;

*“The natural policing that occurred as a result of the higher level of activity has played a major part in discouraging crime and drug abuse there.” (pg 21. Decent parks? Decent Behaviour?, CABE)*

While it may not be possible to design out drug dealing, drinking etc, the increased public presence should help deter these activities.

### Maintenance

The ongoing maintenance of the public realm post completion is important in ensuring its’ success. Quick replacement/ removal of vandalised items, litter, graffiti etc improves the public’s perception of the space in in turn dictates what level of behaviour will be tolerated;

*“The presence of quantities of rubbish, dog dirt, graffiti, broken fences and equipment, non-functioning lighting and other signs of bad behaviour shows us that no one is doing anything to address the damage and abuse. This in turn gives a message to the perpetrators that in this space the bad behaviour is going to be tolerated, or at the very least, no one is likely to do much to stop it.” (pg5. Green Spaces, Safer Spaces: Anti-social behaviour in Green Spaces’ Newcastle City Council)*

*“The research on which this publication is based provides evidence that investing in the design and care of high quality public places is more effective in tackling anti-social behaviour than the blanket use of tough security measures” (pg 3. Decent parks? Decent Behaviour?, CABE)*





# Hothampton Linear Park, Bognor Regis

## 4.0 Design Development

### 4.2 Responding to the Feedback

Option 1 was developed as the preferred option - incorporating feedback from the consultation. Key themes identified from the public consultation are as follows:

#### Key Theme: Attenuation Basin

- The area of attenuation takes up too much space within the park
- It is not an appropriate use adjacent the road and takes up valuable usable space.

#### Outcome:

- Reduce the area of attenuation and make this into a seasonal attenuation basin. I.E. Dry majority of the year.
- Incorporate the adventure play area into this to make it more hardworking and multi-use; increasing the area given over to the 'green oasis'.
- Provide a flexible space to create a destination point at the Southern end of the park and draw people through the site. It will allow for pop-up stalls, temporary cafes and exhibitions for the use of the community (to be developed with local community groups). This will also increase the community presence within the park to discourage anti-social behaviour.

#### Key Theme: Simplified Design

- This end of the park is too fussy and needs more planting
- Too many activities and separate areas
- Too much emphasis on play

#### Outcome:

- Combined the seasonal attenuation and adventure play into one area - making a more multi-functional space.
- Combined the green oasis, play mounds and senior gym into one integrated area and increased the area of lawn and planting.

#### Key Theme: Increased Facilities

- We would like to see publicly accessible toilets
- The cafe should bring people to the park throughout the day
- Increased A3 usage to facilitate daytime cafe/evening dining

#### Outcome:

- The floor plan of the cafe has been enlarged.
- The cafe building will accommodate publicly accessible toilets.
- The cafe will have the capability to provide food/drinks into the evening.
- Provide additional space for temporary stalls to the South of the site.

#### Key Theme: Play, Children and Safety

- Concerns over children running into the road
- Concerns over the location of play
- Define edges of play to address safety

#### Outcome:

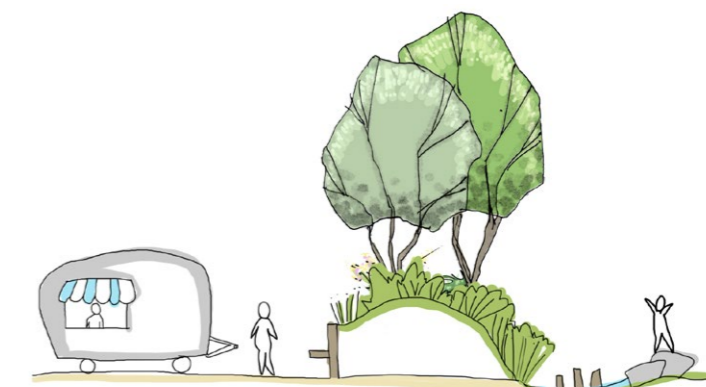
- The rain gardens already create a green barrier to the edge of the park with breaks for raised crossing points.
- The crossing points act as rumble strips to slow traffic
- Areas of planting reduce the roadway to one-way in places to slow traffic.
- The play has been combined with the 'green oasis' with planting to the edges to create a soft boundary to the site - there is no location where running out from the play area would take you directly into the roadway.
- During the design stage and prior to completion a RoSPA safety assessment will be carried out to ensure the play areas comply with British and European Standards.

#### Key Theme: Wind Tunnelling

- Concerns over an increase in the wind-tunnel effect
- The reduction in trees will increase wind tunnelling

#### Outcome:

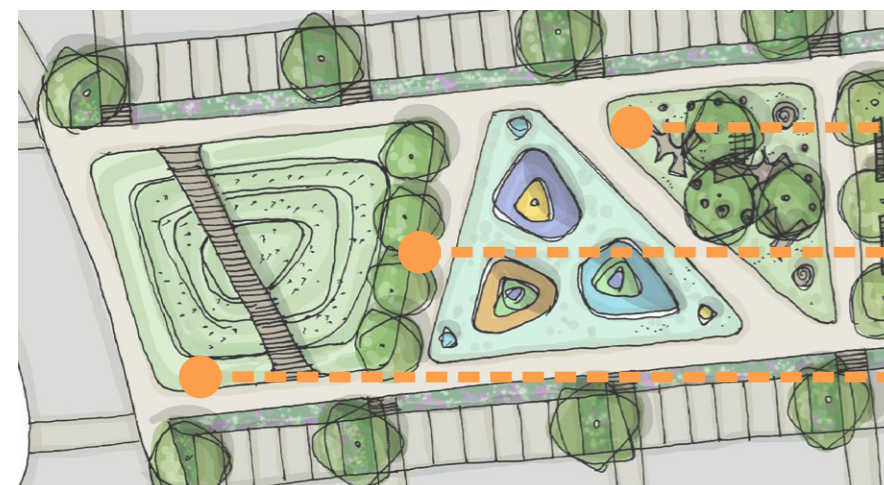
- There are several locations, located on "Emerging Landscape Masterplan - How the concept has developed" where landform will be combined with semi-mature tree planting and buffer vegetation to reduce the wind tunnel effect and create sheltered areas within the park (see below sections)
- Semi-mature tree avenues along both roadways
- Overall increase in the number of trees.



Sloped vegetation and green buffer mitigates wind tunnel effect adjacent community square and incorporates seating elements



Tiered planter with integrated amphitheatre seating steps and tree planting provide a wind buffer adjacent the water play.



Increased area of soft landscape and amenity lawn

Simplified design with play and SUDs integrated to increase usable space

Attenuation basin reduced and community square with pop-up facilities





Hothampton Linear Park, Bognor Regis  
**4.0 Design Development**

4.3 Emerging Landscape Masterplan



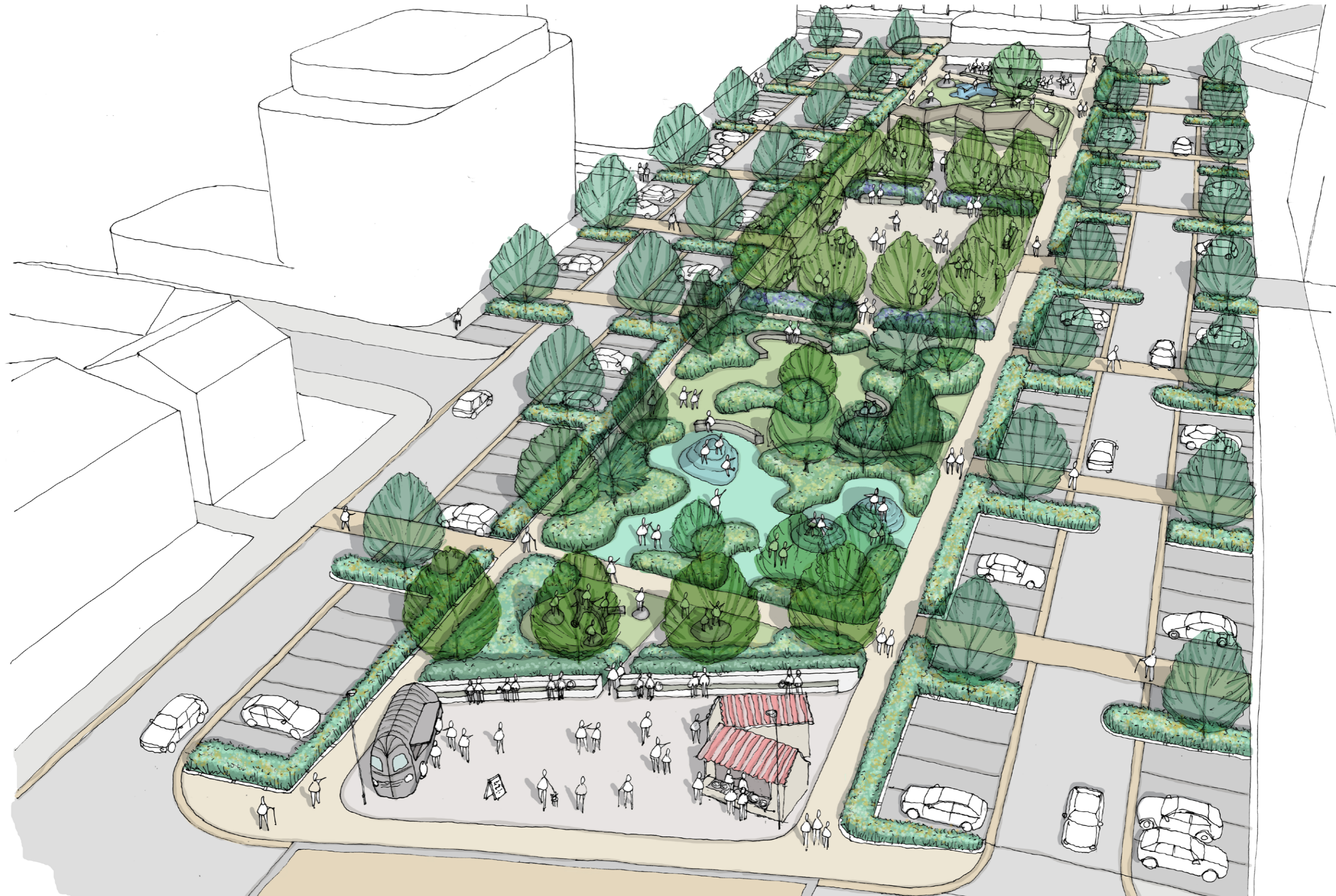
Key

-  Flexible pop-up stall/  
exhibition space for  
community use
-  Mounded bank with mature  
tree planting and green buffer  
to minimise wind tunnel  
effect
-  Seasonal attenuation area  
with integrated adventure  
play
-  Mounded landform for  
imaginative play
-  Integrated trim trail and play  
equipment a playground for  
all ages
-  Swathes of grasses, light  
canopy trees and integrated  
play
-  Amenity Lawn and robust  
seating elements
-  Flexible tree lined event  
square with seating to edges
-  Waterplay/fountains square  
which can be adapted for  
events
-  Event structure with tiered  
amphitheatre style seating
-  Flexible tree lined event  
square with seating to edges
-  Cafe terrace with fixed  
seating to edges and seating  
within
-  Raised 'tabletop' shared  
surface crossing points to  
slow traffic and ease access  
to town

This area has been designed to accommodate meanwhile and temporary uses. It has the potential for more formal structures and buildings in the future as demand grows and the character of the destination becomes established.



Hothampton Linear Park, Bognor Regis  
4.0 Design Development  
4.4 Sketch View



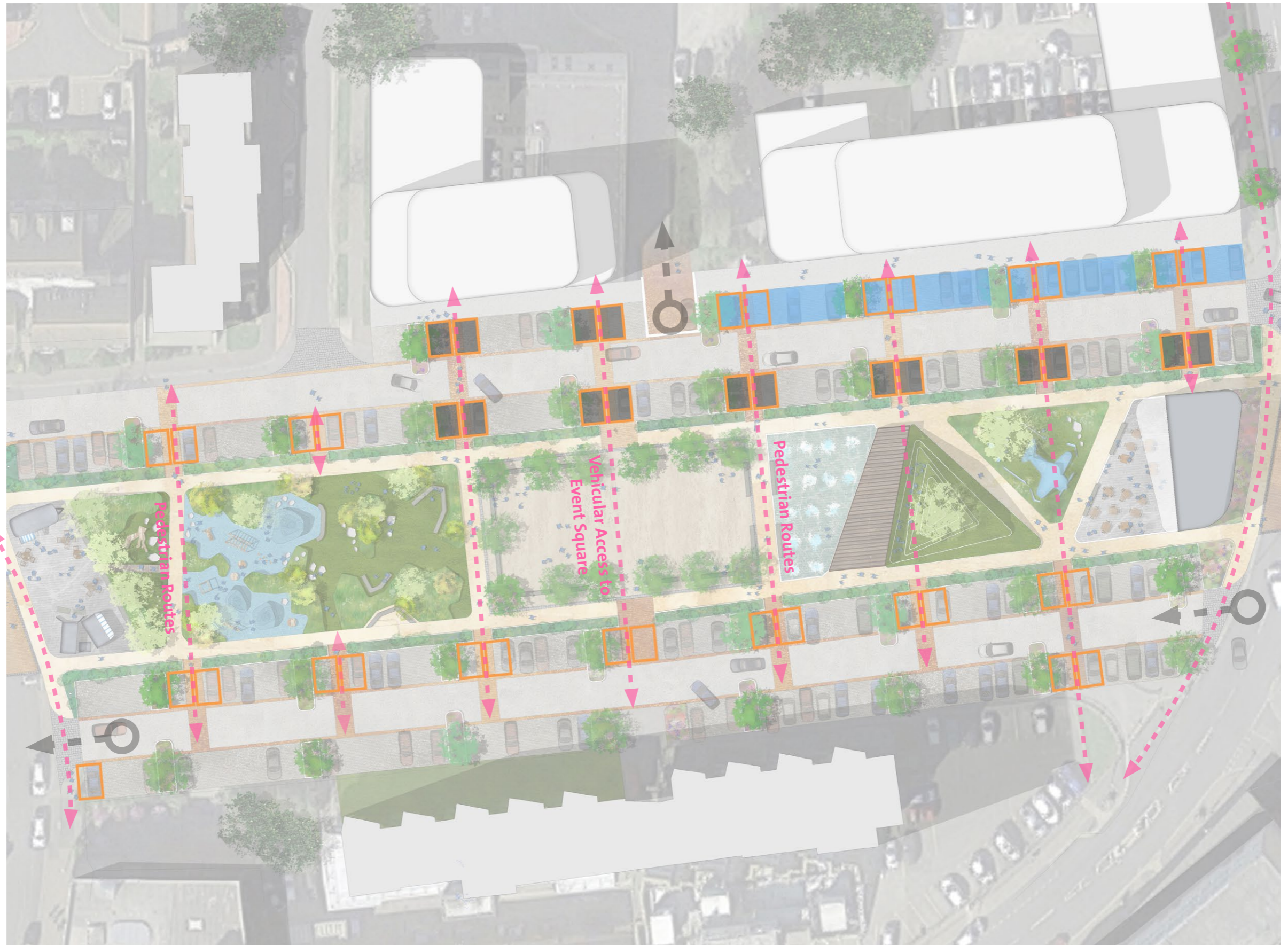


Hothampton Linear Park, Bognor Regis  
**4.0 Design Development**

**4.5 Emerging Landscape Masterplan - Parking and Access**

NOTE: Parking layout and number of bays are subject to detailed survey information, vehicular tracking/access and visibility splays to entrances - to be developed at the next stage

-  Oversize parking bays
-  Disabled parking bays
-  Potential for electric car charging bays
-  Standard parking bays
-  Extended soft landscape beds to slow traffic flow
-  Raised crossing points/speed bumps to slow traffic flow
-  Rumble strip thresholds to slow traffic flow
-  'Tabletop' raised crossing points
-  Rain gardens green buffer to parking bays



**Total: 180 spaces**  
**Breakdown of Provision**  
 Standard Bays: 135  
 Oversize Spaces: 30  
 Disabled Bays: 15



## The Proposals:

Arun District Council (ADC) has been progressing its ambition to create a major new park for Bognor Regis at Hothamton, engaging a team of experienced consultants and designers and carrying out a well-attended public consultation exercise in October 2017.

Hothamton Park will be a new landscaped park in the centre of the town, incorporating around 200 flexible car parking spaces and replacing the existing park and surface car parking.

Conceived as an extended continental market square with soft landscaping and a tree-lined boulevard, a location will be created that will be appealing to visitors and residents alike throughout the year. It will include a range of new facilities and host a rolling events programme that together will help bring seasonal change, variety and animation to this part of Bognor Regis.

Linking the proposed new residential development on its eastern flank with the town centre to the west, and improving the linkage between the centre and the seafront, it will significantly improve both security and the environment.

**Hothamton Park will be a place where people will be drawn to relax, exercise, reflect, play, shop, browse, eat or be entertained, offering something to suit all ages and every mood.**

## Key Criteria:

A series of key criteria have been agreed which together underpin the development of the new Hothamton Park master plan;

- It will have year-round appeal, but with seasonal flexibility
- It will be an actively managed space that can operate an interesting and attractive rolling year-round events programme
- It will recognise the need to attract and serve local residents and workers (including those from the new Hothamton residential developments), as well as day visitors and tourists
- It should offer reasons to visit for all age groups, (however, some elements may specifically appeal to particular groups)
- There should be a focus on the provision of facilities with low maintenance and low management requirement
- Solutions proposed should not require disproportionately large capital investments
- It should offer a similar amount of car parking to that currently offered at the location: these should be properly integrated into the soft landscaping
- The landscape design and the layout of facilities should allow for considerable flexibility of use to allow a wide range of different events and activities to take place there

- It should incorporate opportunities for the establishment of entry level small businesses, particularly catering and artisan businesses
- It should provide opportunities for ADC to generate income from the site (not just from car parking)
- It should provide reasons to visit morning, afternoon and evening: the park will be a safe, secure and popular space throughout the day. There should be no 'dead areas' in the design
- It must be fully accessible to all visitors
- The design must recognise the need to complement and not compete with the development of the new St. Regis Centre site and any other visitor/tourist 'honeypots' in Bognor Regis
- Hothamton will be a dynamic place with a carefully managed programme of events and activities that will grow and change with time so that it's always a place that people will want to visit and revisit

## Programme

A combination of landscaping, built facilities and a programme of events will together create a unique new destination in the centre of Bognor Regis. Key aspects of the programme will include:

### Relaxation

The park will provide a green lung in the town's centre providing public seating to encourage people to pause and relax,

### Refreshment

Hothamton will feature a great, informal catering offer (one or more permanent catering outlets), pitched at a level to encourage regular users and located so as to correspond to key features such as children's play areas. Facilities may include a rotunda-style café, as well as more informal street food stalls & carts.

The food and drink offer should be a reason to visit Hothamton, as well as offering a great service to the residents of the new residential developments. Getting this right will animate the site, add value to the housing and make it more desirable to prospective buyers.

### Markets

Core to the success of the location will be a dynamic rolling programme of regular street markets that offer constant novelty and reasons to patronise the site. These will take over the space occupied by street parking provision periodically. Events to include. farmers market, slow food market, craft fairs, Christmas markets and night time markets, according to season.

### Artisan Stalls

Whether part of specific markets or as more permanent facilities, these will offer opportunities for start-up vendors whose businesses may not yet be able to secure a permanent lease on a shop, for example.

### Music and Cultural Events

There will be provision of a permanent structure (a bandstand for our times) to host musical events & bands, with the flexibility to accommodate temporary 'open air' concerts & small performing arts displays. These may also provide for art and craft displays & exhibitions.

### Art

Permanent public art will be a feature of this park and of the other developments planned in Bognor Regis, offering space/facility provision for temporary exhibitions and displays (these might include 'empty plinths' to allow regular updates and 'Pop up galleries').

### Water Feature

This might be designed as, or integrated into a children's play feature. It could have the facility to be enhanced by light/music with programmable linked feature fountains.

### Recreation

Hothamton Park will add new and creative features to supplement existing facilities in Bognor Regis. These should be free to access, ideally with different features appealing to different age groups.

They could include boules or pétanque pitch/terrain (allowing development of a boules leagues), adventure golf, street chess, as well as 'senior gym' facilities, junior/children's gym facilities, a fitness trail and a jogging trail.

### Children's Play

Children's play facilities should ideally be located next to the café to allow the accompanying adults to sit alongside and watch the children play, maybe while relaxing over a cup of coffee.

This is an ideal way to build regular trade and encourage repeat visits year-round. Play area design should be for the very young to avoid creating a 'hang out' for teenagers!

### Water Feature

This might be designed as, or integrated into a children's play feature. It could have the facility to be enhanced by light/music with programmable linked feature fountains.

### Other Entertainment

ADC could provide a venue at Hothamton for licensed street entertainers of all types

### Horticultural

Featuring a colonnade of mature trees and innovative soft landscaping offering seasonal displays. A garden competition venue could be included (although the latter has been proposed for the Regis Centre site) Revenue

**Hothamton Linear Park, Bognor Regis**

**Appendices**

**BD 0181 SD 400**





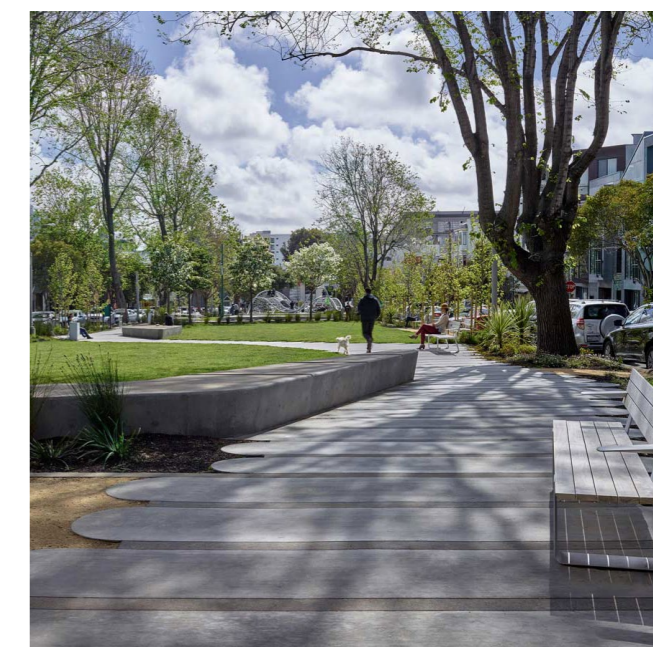
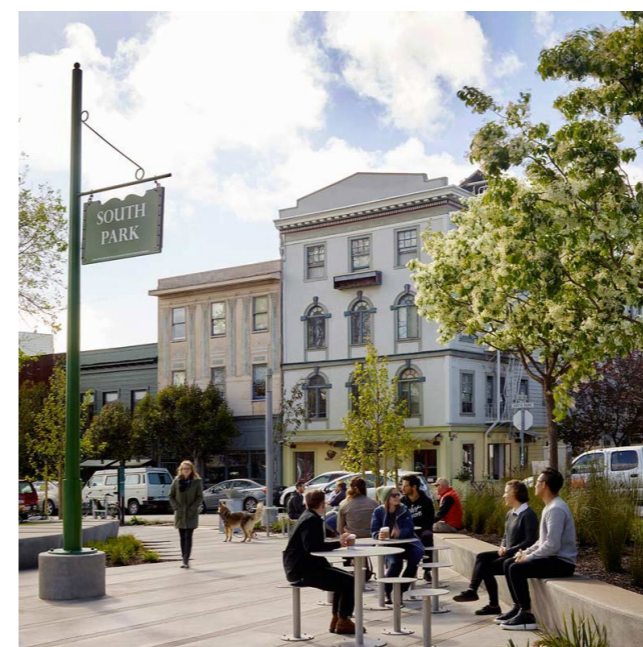
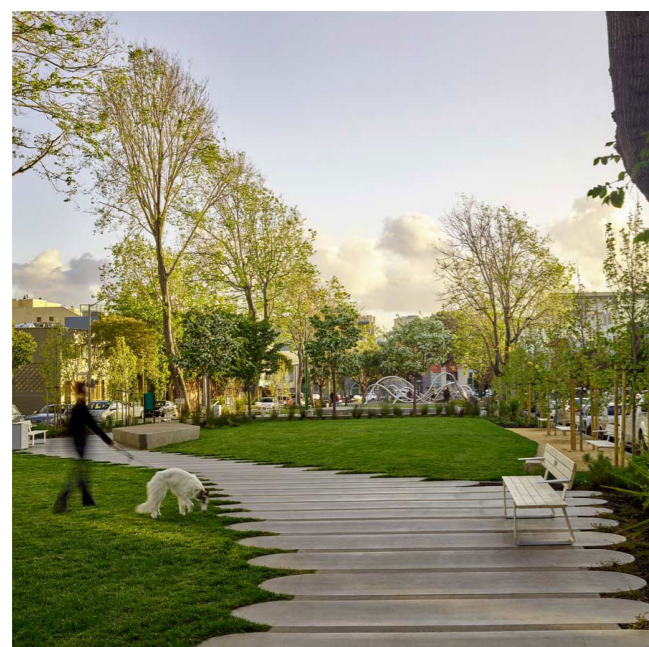
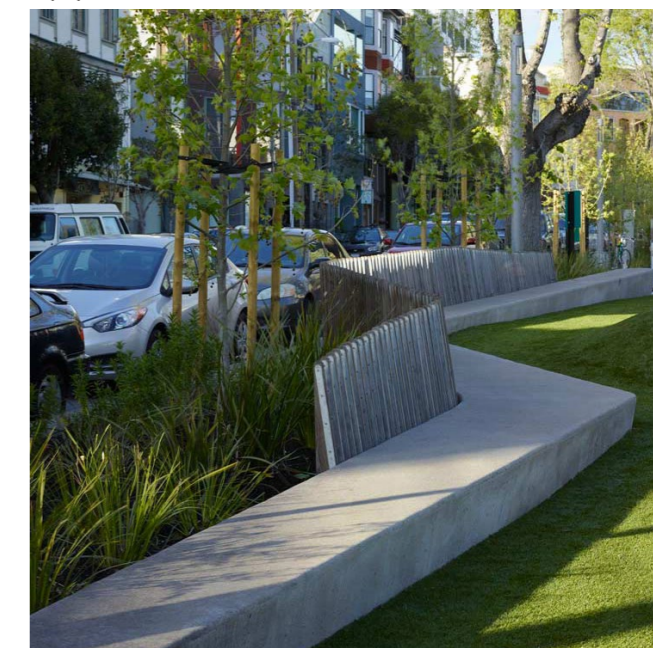
Hothamton Linear Park, Bognor Regis  
**Appendix A - Precedents**  
 A Linear Park



**South Park, San Francisco**

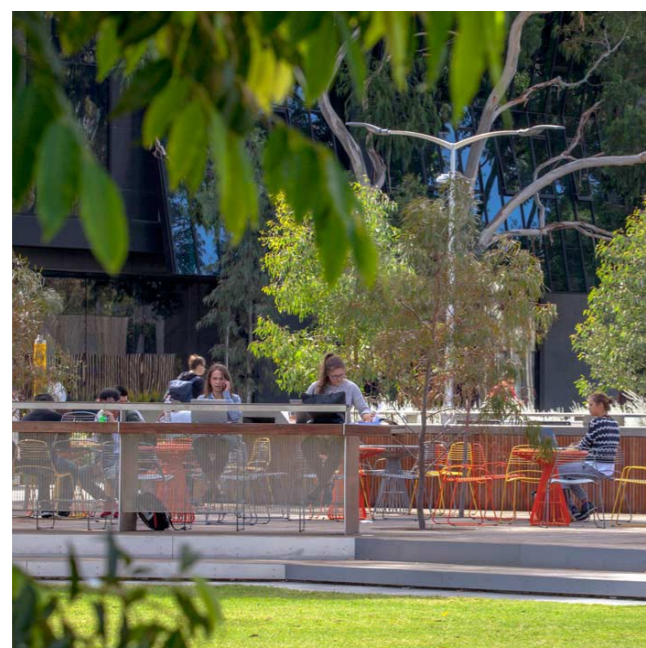
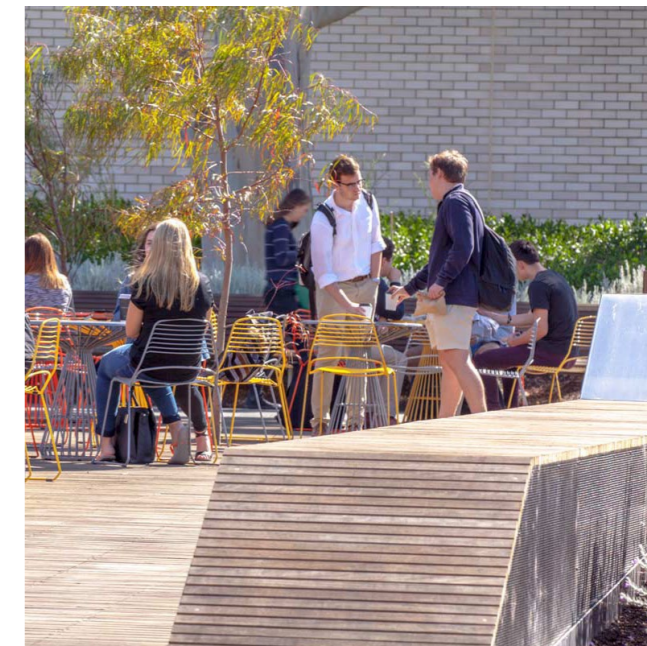
Landscape Architect: Fletcher Studio  
 Project location: San Francisco, CA  
 Design year: 2014-2016  
 Year Built: 2017

This linear park is surrounded by wide roads on all sides, with elements of play and playful street furniture throughout the landscape located along a winding route through. The park provides a flexible square and kiosk to one end with fixed seating to the edges and a dedicated play space with bespoke equipment.





Hothamton Linear Park, Bognor Regis  
**Appendix B - Precedents**  
 A Flexible Park



**Northern Plaza, Monash University Clayton**

**Client:** Monash University  
**Location:** Wellington Rd, Clayton VIC 3800  
**Size:** 5000m2  
**Completion Date:** 2016

A distinctive park with a strong palette of materials that unifies the different character areas. There is a large central flexible green space that is used for recreation and film/sport viewing, with activity nodes located around the edges looking inwards.



# Hothampton Linear Park, Bognor Regis

## Appendix A - Precedents

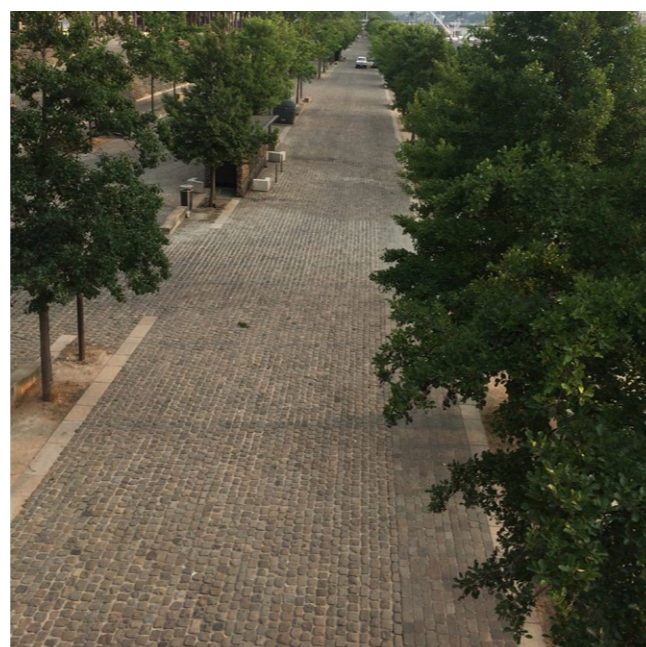
### Boulevards



#### Rhone River Banks, Lyon

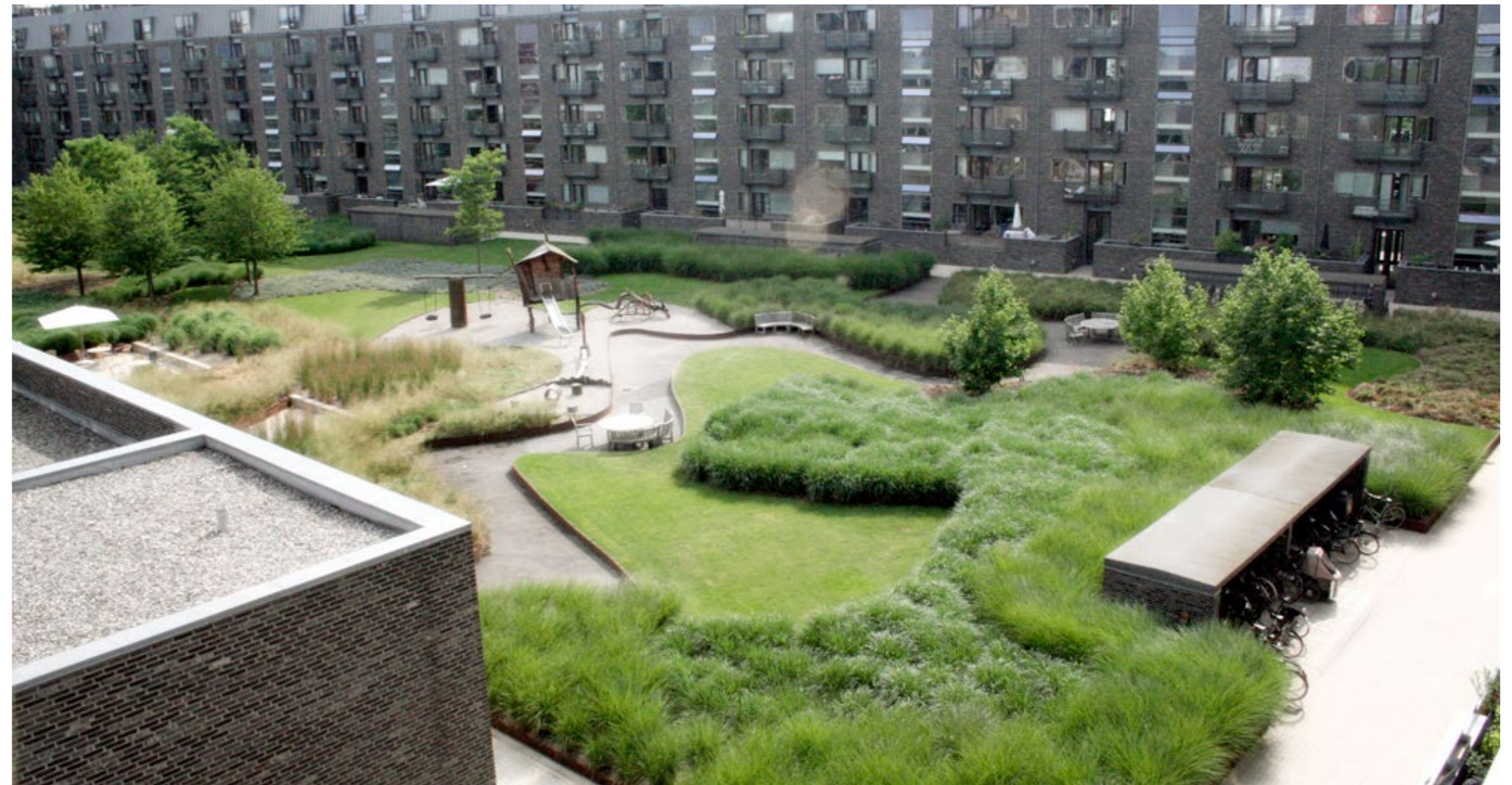
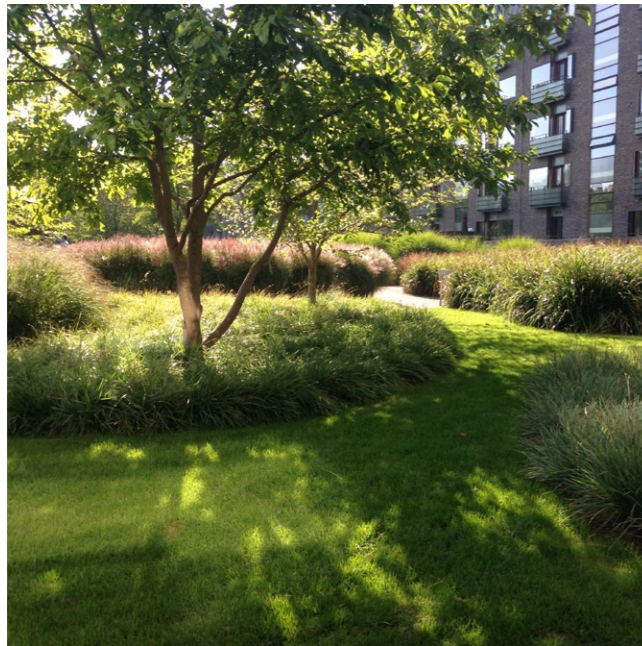
Architecture: JOURDA architectes (Françoise Jourda)  
 Location: Lyon, Rhône, France  
 Design: 2003-2005  
 Execution: 2005-2007  
 Area: 10ha

Located along a stretch of the River Rhone in Lyon the riverbanks have been reclaimed from the car parks that ran along the banks. Strong linear forms and avenues of tree planting create a simple and robust landscape that accommodates all users.





Hothampton Linear Park, Bognor Regis  
**Appendix A - Precedents**  
 A Green Oasis



**Charlotte Gardens**

Landscape Architecture: SLA  
 Location: Copenhagen, Denmark  
 Design phase: 2003 Construction: 2003-2004  
 Area: 1,3 ha.  
 Cost of construction: 1,1 mill. €

A green oasis within a residential courtyard; although the high-rise residential dwellings surround this space it does not feel overlooked - quite the opposite. The naturalistic, leafy planting provides structure, whilst semi-mature tree planting offers shelter and shade.



# Appendix B - Material Palettes

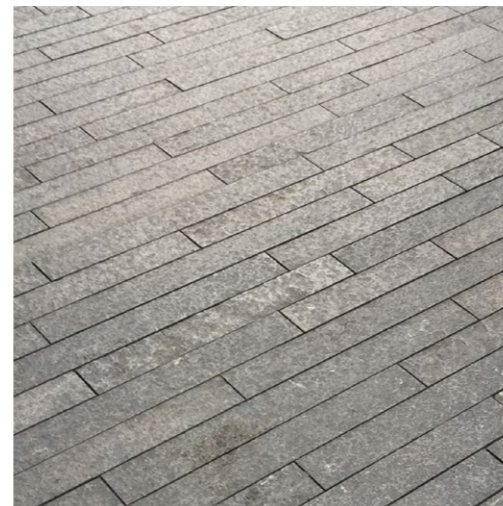
## Hard Landscape Surfaces



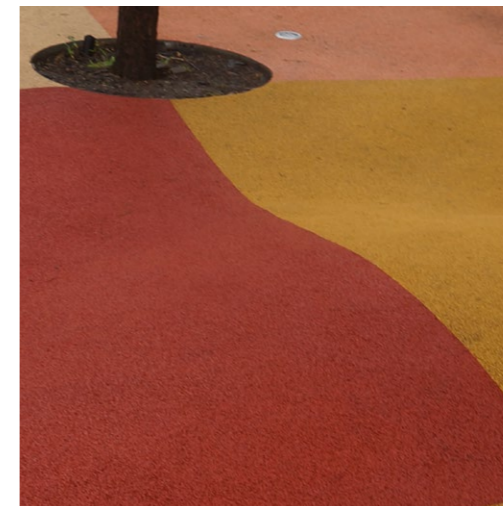
**Pedestrian Paving 1**  
**Pavements**  
 Resin Bound Gravel  
 Product Ref. Addastone  
 Size: 18mm surface depth  
 Supplier: Addagrip Ltf



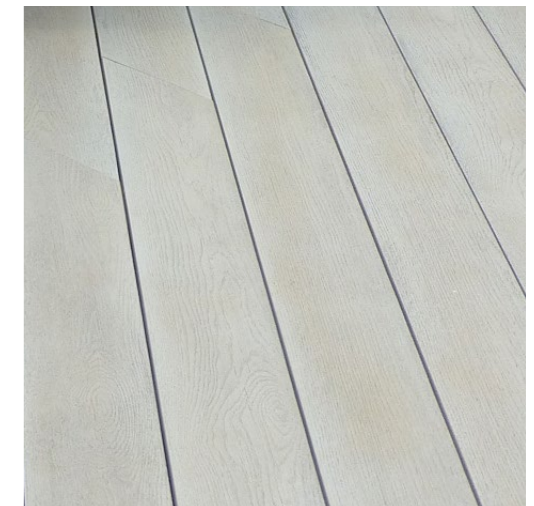
**Pedestrian Paving 2**  
**Market Square**  
 Self-binding gravel  
 Size: 65mm depth compacted to 50mm depth  
 Supplier: CED Ltd



**Pedestrian Paving 3**  
**Cafe Square/Water Play Square**  
 UK/European Stone  
 Size: 150mm width x 300mm length  
 50mm depth, suitable for pedestrian use to cafe square. 75mm depth, suitable for vehicular use to water play square.  
 Supplier: Hardscape



**Pedestrian Paving 4**  
**Play Areas**  
 Rubber Crumb  
 Size: 20mm depth surface course and 20mm depth base course \*depth of base course varies dependant on fall heights of equipment.  
 Supplier: Playtop Ltd



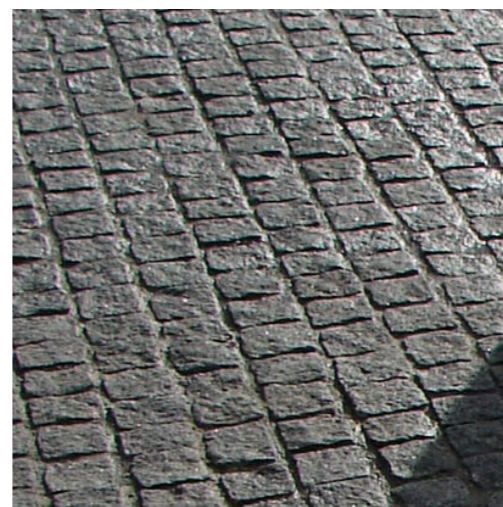
**Pedestrian Paving 5**  
**Timber Deck**  
 Composite timber deck  
 Product: Millboard enhanced grain  
 Size: 176mm width x 32mm depth boards  
 Supplier: Millboard



**Vehicular Paving 1**  
**Parking Bays**  
 UK Stone/Porphyry  
 Size: 100mm width x 200mm length x minimum 75mm depth  
 Alternative: High Quality Concrete  
 Supplier: Hardscape



**Vehicular Surfacing 2**  
**Coloured Asphalt to Roadway**  
 40mm depth Uticolour  
 Colour: Light Buff  
 Supplier: Tarmac LaFarge  
 Alternative: Tarmac with rolled chippings



**Vehicular Surfacing 3**  
**Rumble Strips to Road Thresholds**  
 UK/European Granite  
 Size: 100mm cubes  
 Colour: Kobra Green  
 Supplier: Hardscape



**Vehicular Surfacing 4**  
**Crossovers/Demarcation Bays**  
 UK/European Granite  
 Size: 100mm width x 200mm length x minimum 75mm depth  
 Colour: Mix of colours  
 Supplier: Hardscape



**Tactiles:**  
 Metal tactile studs to formal crossing points



# Appendix B - Material Palettes

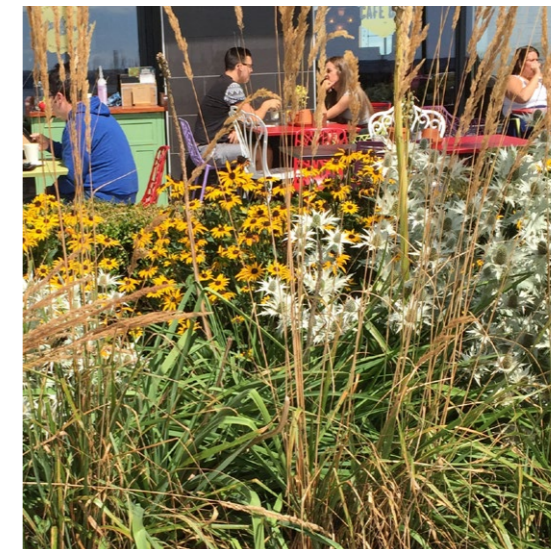
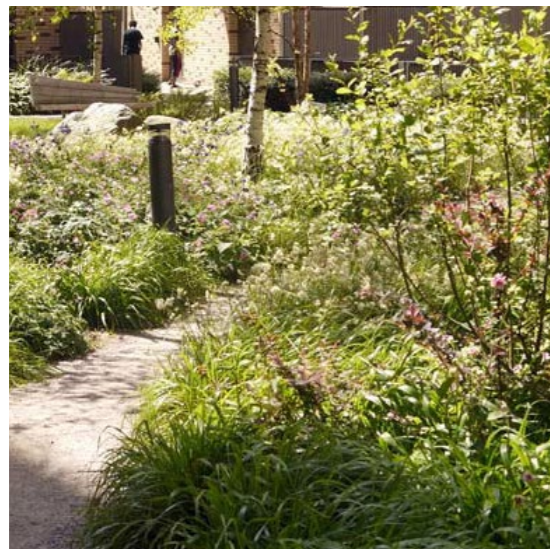
## Soft Landscape



### Rain Garden and Swale Planting Areas

Rain garden to include a mix of grasses and perennials that can tolerate dry and wet conditions, whilst adding seasonal colour.

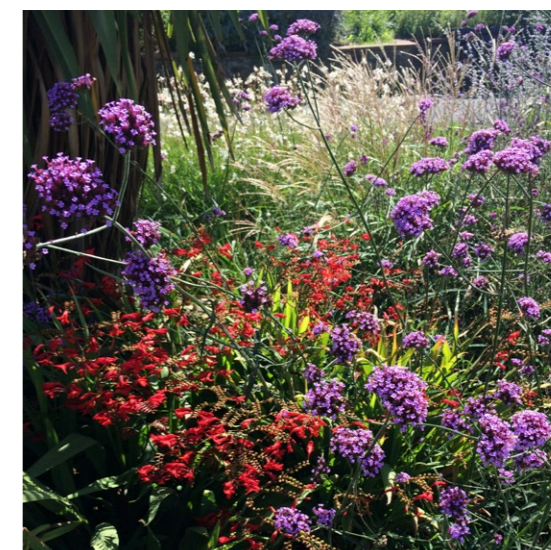
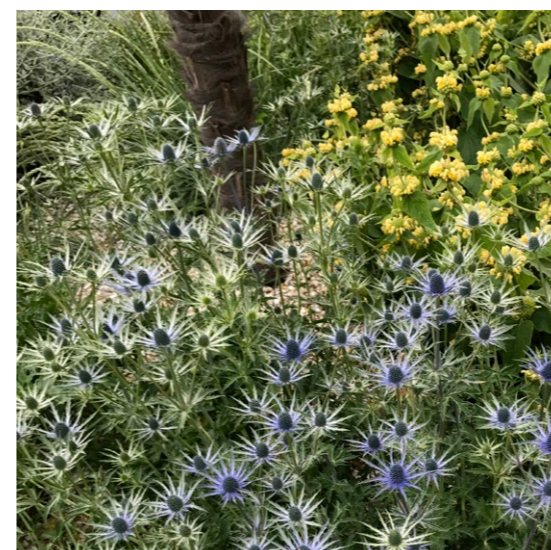
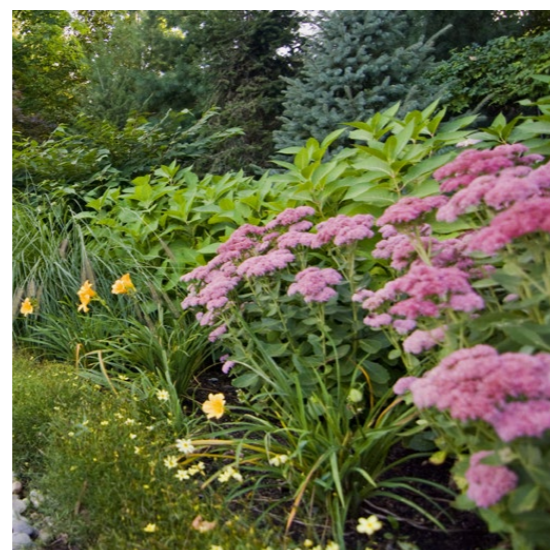
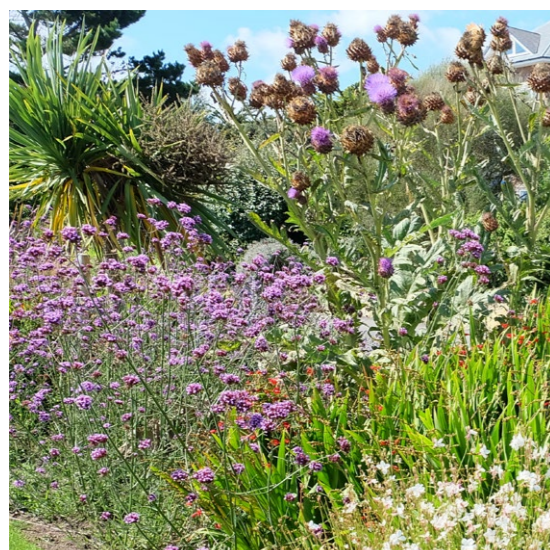
Swale planting to be mainly grasses, with a maximum height of 1.5m to reach the timber deck level, planted mix will become more tolerant of wet conditions towards the base of the basin.



### Naturalistic Planting

Planting to play areas and natural/woodland play to include a mix of robust grasses to add structure - that require minimal maintenance.

Suitable for full-sun to shade tolerant and woodland planting beneath the proposed trees.



### Ornamental Planting

Drawing on the character of the nearby green spaces and the location of the site the planting mix will be based on hardy, coastal species with vibrant colours and seed heads that will create visual interest throughout the year.

A mix of perennials, shrubs and grasses, 2-15L pot size.



# Hothampton Linear Park, Bognor Regis

## Appendix C - Management



### Caring for the New Park Landscape

The success of the new park will rely on an ongoing commitment and regime of maintenance and management for the healthy establishment of the new street trees and soft landscape areas. The management and maintenance of the landscape will be undertaken by Town's Management Team.

### Maintaining the Park

Allied to the design, environmental and capital cost considerations for the public realm proposals, a key objective is the need to address and balance the future maintenance and management implications as the development and associated public realm evolves, matures and changes over time.

An integrated approach to the park management should be adopted at an early stage of the detailed design process. Due consideration should be given to the financial and resource constraints to ensure an appropriate and robust management and maintenance structure is established to meet the aspirations of the client, residents and visitors to the park. The management plan and structure should be flexible to take account of how the spaces can evolve in terms of usage, water management and vegetation growth, as well as being responsive to economic changes.

### Materials

Paving materials, street furniture, lighting and other installations will be selected for robustness, durability and longevity. The aim is for a cohesive campus family of fixtures and fittings that is developed over time and set by the Masterplan team. Preference is given to stone paving and robust seating for the timeless design quality, vandal resistance and low maintenance requirement.

### Planting

Planting associated with the soft landscape pockets will respect the need for low maintenance and robustness. Semi-mature trees should be used for immediate visual benefit and impact, and to reduce the risk of damage to the trees/plants from vandalism.

### Monitoring of the Proposals

A Management Plan will be an essential document to provide a framework within which effective monitoring, management and maintenance can occur.

The purpose of the Management Plan would be to confirm the structure, principles and objectives of the long-term management. In addition the report would highlight key maintenance operations that would be necessary to ensure the long-term health and vigour of the landscape.

### On going Maintenance

The Management Plan will be used as a guideline document to help understand the maintenance requirements as well as provide a structure for change.

#### Soft Landscape Areas; Trees & Planted Zones

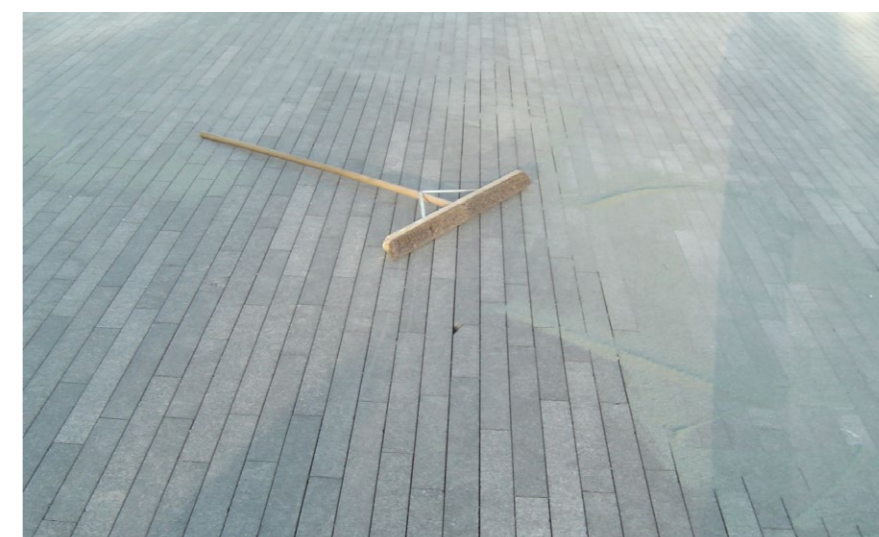
- The Soft Landscaped Ornamental and Grass Planting
- The Soft Landscaped Rain Gardens
- Sustainable Drainage System - Swales, Water Detention Areas
- Mowing regime for wildflower & manicured grassed areas
- Watering
- Weed control
- Pruning/feeding
- Plant replacements
- Litter
- Re-cultivation/mulch top-up
- Clipping hedges & cutting back grasses

#### Hard Landscape Areas

- The pedestrian network paving
- Access Routes
- Vehicular Route
- Cleaning
- Vandalism
- Settlement of paving
- Drainage maintenance
- Litter
- Replacing light fittings over time

### Crime prevention

An enhanced and civilized environment generally makes people feel safer and behave in a more responsible and respectful way. In addition a 'zero tolerance policy' adopted by the Town Management Team on vandalism will help engender a sense of Civic Pride. For instance, prompt repairs, litter pick up, and graffiti removal are signs of an involved and caring community.





# Appendix D

Arup - Civil Engineering Report



Arun District Council  
**Hothamton Linear Park**  
Civil Engineering Report

Issue 2 | 31 October 2017

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.







Job number

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**ARUP**

# Document Verification

# ARUP

<b>Job title</b>		Hothamton Linear Park		<b>Job number</b>	
<b>Document title</b>		Civil Engineering Report		<b>File reference</b>	
<b>Document ref</b>					
<b>Revision</b>	<b>Date</b>	<b>Filename</b>	Hothamton Civil Engineering Report.docx Report.docx		
Issue 1	11 Oct 2017	<b>Description</b>	First Issue		
			Prepared by	Checked by	Approved by
		Name	Sarah Niven Tennent	Jonathan Millard	Jonathan Millard
		Signature			
Issue 2	31 Oct 2017	<b>Filename</b>	Hothamton Civil Engineering Report.docx		
		<b>Description</b>	Updated Report		
			Prepared by	Checked by	Approved by
		Name	Sarah Niven Tennent	Jonathan Millard	Jonathan Millard
Signature					
<b>Issue Document Verification with Document</b>					<input checked="" type="checkbox"/>



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## Appendices

### Appendix A

Contour Plan

### Appendix B

Surface Water and SuDS Strategy

# 1 Executive Summary

---

This report provides concept level civil engineering advice for the linear park in Bognor Regis.

The existing site layout and site levels have been assessed using OS master mapping and a Photogrammetry survey.

Existing utilities have been identified through a desk top buried utilities survey by Envirocheck. A number of utilities may need diverting that currently pass through or close to the boundary of the site.

Flood risk to the existing site has been assessed using the Environment Agency flood maps available online. The site is considered to be at very low risk of flooding from rivers, seas and surface water. As the site is less than 1 Hectare in size, no flood risk assessment will be required at planning submission.

Both surface water and foul water public sewers exist within the site. It is envisaged that these will be able to remain in their current positions beneath the new park and roads. The new park will connect into these if required.

Current national and local policy requirements require the management of surface water through the inclusion of SuDS (Sustainable Drainage Systems). As the site is partially brownfield, policy will require the runoff from the brownfield areas to be reduced from the existing situation. This could require storing flows onsite and then discharging them at a controlled rate. This could vary from a greenfield runoff rate (2l/s/Ha) up to 50% of the existing runoff generated.

The suitability of SuDS been assessed and the site is appropriate for the inclusion of best practice SuDS which will deliver multiple benefits to

the site over and above that of traditional drainage systems, including reduced flood risk, better water quality management, pollution reduction, greater biodiversity, green space and amenity to the local population.

It is proposed to utilise SuDS that infiltrate to ground, reducing the runoff requiring connection to the public sewers. This is dependent on the site's specific ground conditions such as permeability and contamination.

## 2 Introduction

Arup has been appointed by Urban Delivery on behalf of Arun District Council to provide concept transport, spatial planning and engineering advice for a new linear park in Bognor Regis.

This report provides concept level civil engineering advice for the linear park based on the Landscape Architect (BD's) sketch book design (BD 0181 SD 400 R03) dated September 2015 and their updated masterplan (BD 0181 SD 805 R00) dated October 2017.

Key items addressed within the report are:

- Existing site levels
- Existing buried utilities
- Geology
- Flood Risk
- Drainage and SuDS

Arup has also produced a Transport Context and Opportunities Report.

### 2.1 Scheme Overview

The site is located opposite the pier in Bognor Regis, close to the seafront. Access to the site is from Queensway to the north and West Street to the south. The site location is shown in Figure 1 below.

The area is approximately 0.8 Ha.

It currently consists of a large carpark at the north end of the site, a playground in the centre and a sunken garden to the south.

The new linear park will combine outdoor amenity space including a small pavilion / cafe and parking provision for 180 cars. This matches the number of existing car parking spaces.

The park is intended to be the first phase of a two phase development. The second phase will redevelop the west portion of the car park as well as the Medical centre into a mixed use development.

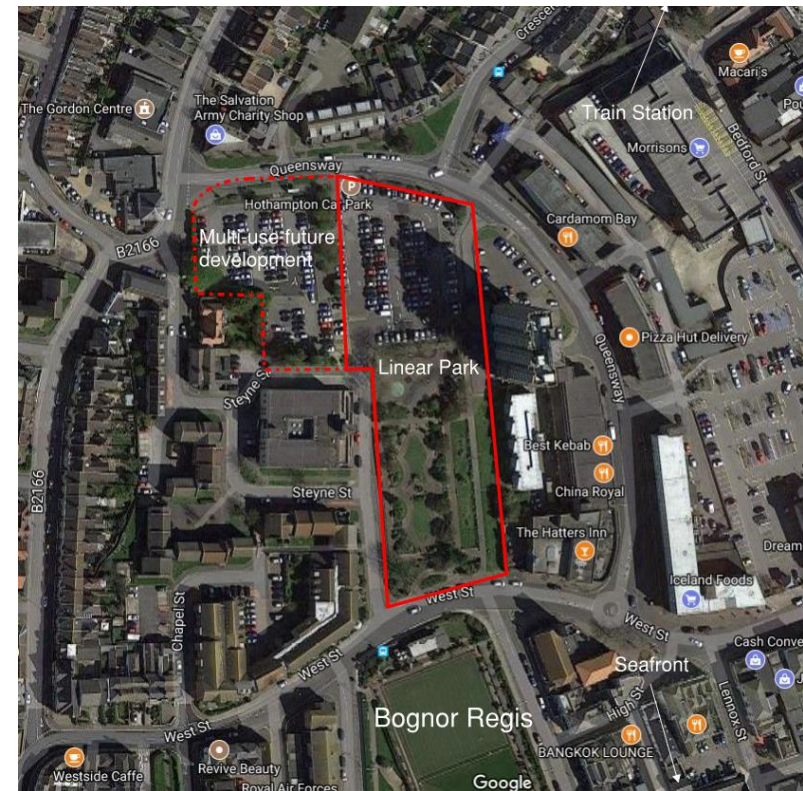


Figure 1: Site Location



## 3 Existing Site Review

### 3.1 Site Levels

A photogrammetry survey completed by City Vision Networks was provided by Kay Elliot (Architect).

Using the height data provided from the survey, contours have been generated across the site to give an indication of how levels vary across the site.

These have then been overlaid onto the OS Master Map to provide a base plan for the existing site, extract shown in Figure 2 below, and included in Appendix A.

This shows that the site gently falls from north to south from approximately 7.1m AOD to 6.3m AOD but has some localised depressions in the car park and playground at approximately 6.7m AOD and in the sunken garden at 6.2m AOD.

At this stage, no topographical survey has been commissioned. It should be noted that the photogrammetry survey and OS mapping are limited in terms of their accuracy:

- It is understood the photogrammetry survey is accurate to 300mm although it has not been possible to verify this. As such, small structures such as retaining walls are unlikely to have been captured; Likewise trees both within the gardens but also those bordering the site will not have been captured; and
- OS Master mapping is accurate to 1m.

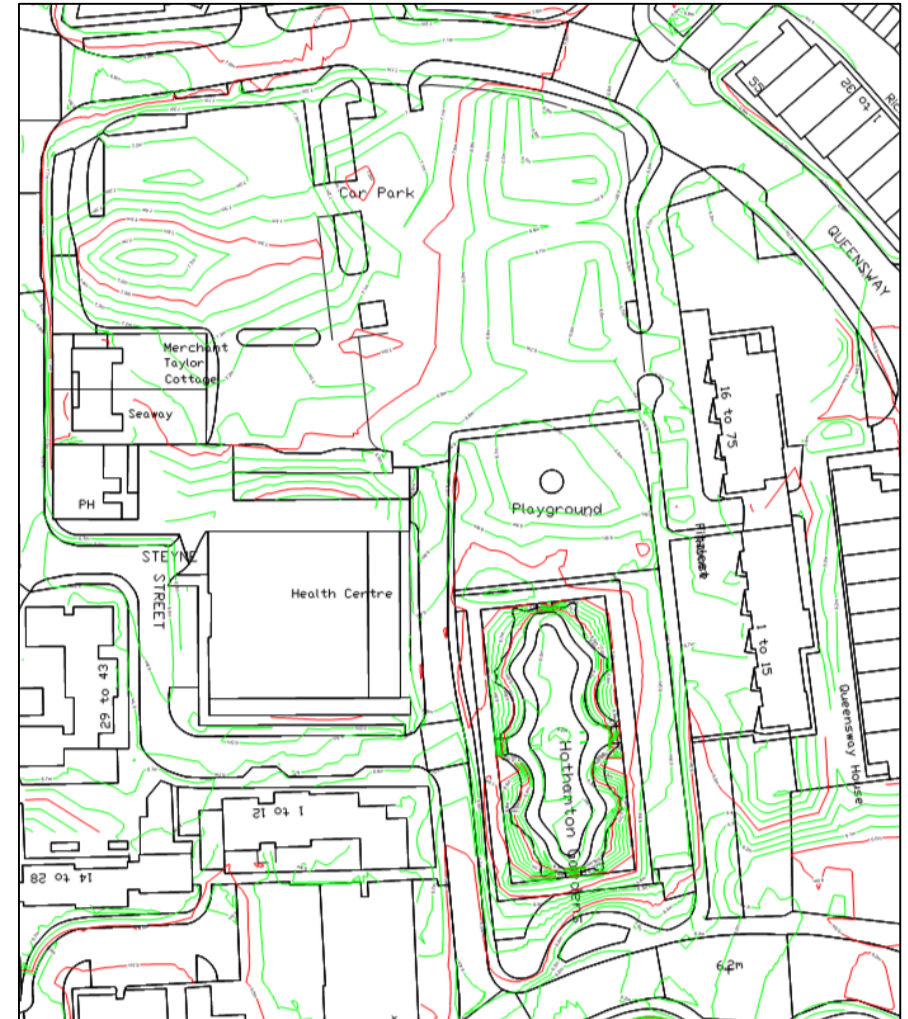


Figure 2: Contour extract from CD\_001

This shows that the site gently falls from north to south from approximately 7.1m AOD to 6.3m AOD but has some localised depressions in the car park and playground at approximately 6.7m AOD and in the sunken garden at 6.2m AOD.


### 3.2 Existing Buried Utilities and Potential Diversions

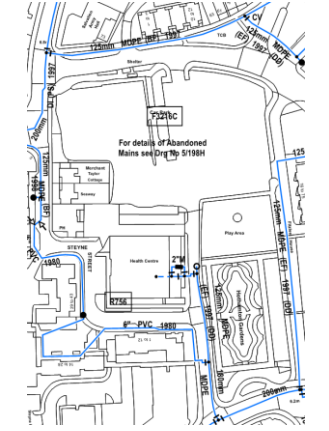


Utilities have been identified from an Envirocheck Utility Check.

Envirocheck’s raw pdf data and CAD information has been issued separately to this report.

A review of the information has been completed. Table 1 summarises the buried utilities identified within or adjacent to the site boundary and whether they are likely to need to be diverted.

Table 1: Buried Utilities Review

Utility Company	Asset Type	Summary / Comment	Extract
Openreach (BT)	Telecoms	No cables within site boundary.  Cables adjacent to site in Queensway and West Street.	

Portsmouth Water	Water pipelines	Pipelines identified along east and west perimeter of site.  Diversion or protection of pipelines during construction along west edge of sunken garden may be required.	
Scottish and Southern Electric	Electricity cables	Two LV cables identified crossing the site. Diversion of LV cables is likely to be required. HV cables identified in Queensway and West Street (not shown in extract). The HV cable to the south is very close to the edge of the site, any new features at this end of the park should be located to avoid the HV cable.  A below ground services survey will be required to prove the depth of the cable, works are likely to be required to safeguard the cable from any junction works.	<p>LV Extract 1:</p>  <p>LV Extract 2:</p> 

SGN	Gas pipelines	<p>Low pressure main identified on west side of site.</p> <p>Diversion or protection during construction may be required.</p>	
West Sussex County Council	Council Assets	<p>11 street lights (highlighted yellow) identified at perimeter of new park site.</p> <p>This would result in the existing car park having very little lighting so this map may not pick up all the street lights within the site.</p>	
Fulcrum Pipelines	Gas pipelines	<p>Fulcrum plans show assets behind Fitzleet House. Nothing is shown within the site boundary.</p>	Not Applicable

Southern Water	Sewers	<p>Assets confirmed within site boundary.</p> <p>Surface water connections run south on both the east and west side of the site.</p> <p>Foul water connection runs south along east edge of the site.</p> <p>Refer to existing drainage section for diversion and connection information.</p> <p>At this stage it is envisaged that the proposals can be developed to not significantly affect the primary routes.</p>	
Environment Agency	Various	<p>Unlikely for there to be any EA assets as the site is not in close proximity to any EA land, equipment or major watercourse.</p>	Not Applicable



### 3.3 Geology

The British Geological Society's Online Mapping provides an indication the ground conditions that may be encountered beneath the site. These are summarised in Table 2 below.

Table 2: BGS Mapping Summary

Mapping Layer	1:50 000 scale description
Superficial Deposits	River Terrace Deposits (undifferentiated) - Sand, Silt and Clay. Superficial Deposits formed up to 3 million years ago in the Quaternary Period. Local environment previously dominated by rivers (U).
Bedrock Geology	London Clay Formation - Clay, Silt and Sand. Sedimentary Bedrock formed approximately 48 to 56 million years ago in the Palaeogene Period. Local environment previously dominated by deep seas.

Although not included on the BGS geological mapping, due to the site history and current land use it is considered very likely that made ground will be present on site.

Review of the geological mapping indicates the superficial deposits beneath the site is likely to be varied.

### 3.4 Highways

The current masterplan utilises an existing road, Steyne Street, which borders the south east edge of the site.

Steyne Street connects West Street (south of the site) with the B1266 (north west of the site), passing to the south of the medical centre. There is also a one-way road to the north of the medical centre although this is not designated as a highway.

This report assumes that Arun District Council will retain ownership of the linear park, car parking bays and car parking aisles. Steyne Street is an adopted West Sussex Council highway.

Because Steyne Street provides access to existing properties, formal consultation will be required between the West Sussex County Council, Arun District Council to agree any ownership changes.

It may be possible for West Sussex Council to dedicate a section of Steyne Street to Arun District Council or alternatively, a stopping up order could be applied for.

## 4 Flood Risk Review

Flood risk to the existing site has been assessed using the Environment Agency flood maps available online. A number of key sources have been considered including; fluvial (rivers and seas), pluvial (surface water and infrastructure sources).

### 4.1 Fluvial: Rivers and Seas

The EA produces floodplain maps for the UK, which show the areas at risk of fluvial and tidal flooding. The magnitudes of the flooding events considered are defined in terms of their return period. Generally, when determining the impact of any development within the floodplain of a fluvial reach, the design standard against which the EA will consider the feasibility of any scheme is typically the 1% annual probability flood (1 in 100 year return period flood) for sites within the floodplain, or the effects of a 1 in 100 year storm if outside the floodplain.

The EA flood zone maps identify undefended floodplain, giving the horizontal extent of low (Zone 1), medium (Zone 2) and high risk flood zones (Zones 3) depending on the severity of the flood event.

Figure 3 shows that site is located in Flood Zone 1 where the annual probability of the site being flooded by rivers or seas is less than 1 in 1000 i.e. there is less than 0.1% chance that the site will be flooded by rivers or seas in a given year.

Table 2 (Flood Risk Vulnerability Classification) of the NPPF Flood Risk and Coastal Change Planning Practice Guidance (PPG) defines the vulnerability to flooding associated with different types of development. The proposed linear park and multi-use development is

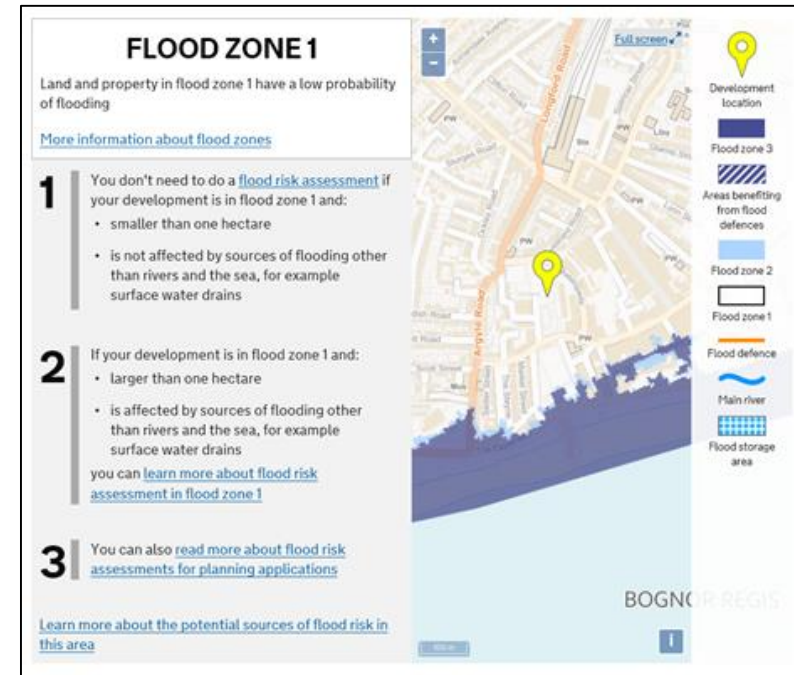


Figure 3: EA Flood Zone Map

classified as 'Less Vulnerable'. Table 3 (Flood Risk Vulnerability and Flood Zone Compatibility) of the NPPF Flood Risk and Coastal Change PPG, states that 'Less Vulnerable' uses are appropriate in Flood Zone 1.

No flood risk assessment will be required for the development as the site area is less than 1Ha.

## 4.2 Pluvial: Surface Water

The Environment Agency also produce maps which highlight the risk of flooding from surface water flows illustrating when the capacity of existing surface water drainage networks and channels are exceeded in extreme rainfall events.

No flooding risk is shown within the site boundary for high risk scenario which relates to a rainfall intensity with a greater chance than 1 in 30 (3.3%).

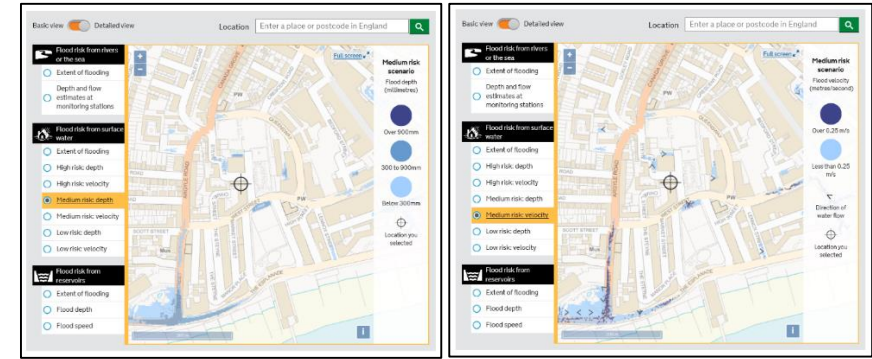


Figure 5: EA Pluvial Medium Risk Map

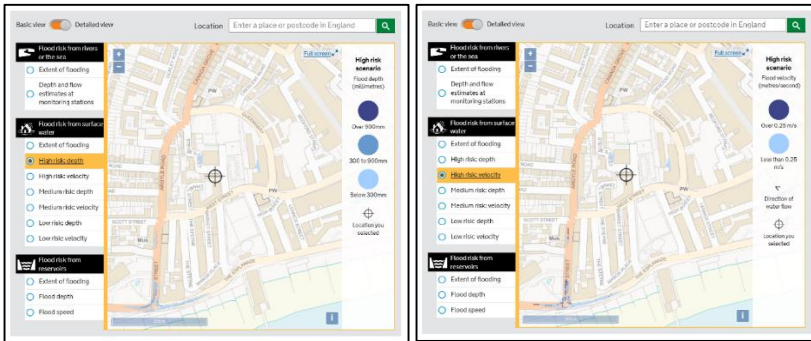


Figure 4: EA Pluvial High Risk Maps

No flooding is shown within the site boundary for medium risk scenario which relates to a rainfall intensity with between 1 in 30 (3.3%) and 1 in 100 (1%).

A very small amount of flooding within site boundary for low risk scenario which relates to a rainfall intensity with between 1 in 100 (1%) and 1 in 1000 (0.1%).

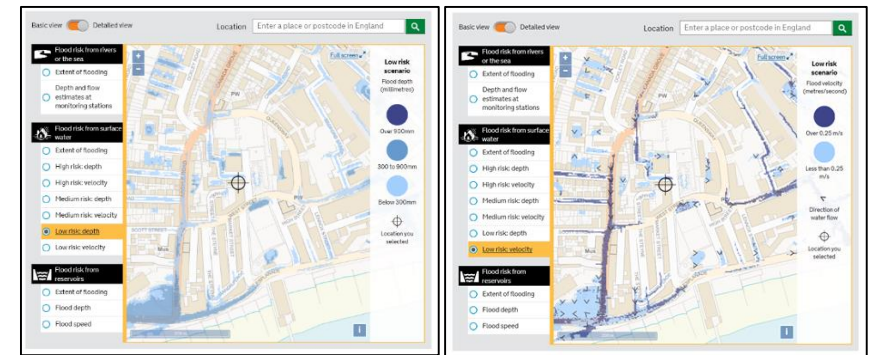


Figure 6: EA Pluvial Low Risk Map

Figure 6 shows shows a low risk storm event which is beyond the normal design parameters. Given the site specifics, and the proposals, the flooding shown is considered negligible.

Overall the site is considered to be at very low risk of surface water flooding.



## 5 Drainage Strategy

The following sections summarise the current understanding of:

- The existing drainage systems (surface water and foul) on the site
- Current policy informing the proposed foul and surface water drainage networks
- The predicted discharge constraints that will be imposed and the resulting attenuation requirements needed to limit the overall flows from the site to the surrounding sewers.
- High level descriptions of drainage options that may be included within the proposal to meet the discharge constraints.

### 5.1 Existing Drainage

Southern Water's asset record plan (Figure 7) shows the location of the surface water (light blue line work) and foul public drainage (brown line work).

### 5.2 Policy Requirements and Stakeholders

#### 5.2.1 Environment Agency

The Environment Agency (EA) are responsible for managing fluvial flood risk from main rivers, any issues associated with Groundwater and water course pollution.

The EA are consulted formally through a pre-application process.

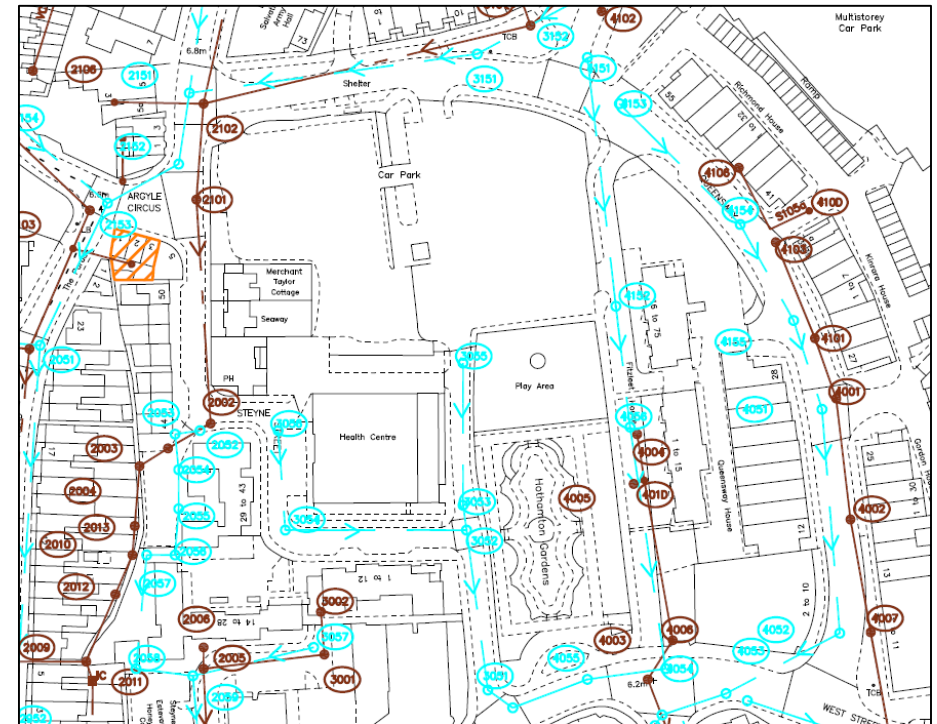


Figure 7: Southern Water Asset Record Plan

## 5.2.2 Lead Local Flood Authority

As Lead Local Flood Authority, Hampshire County Council are responsible for managing local flood risk, including from surface water, ground water and ordinary watercourses, and for preparing local flood risk management strategies.

The LLFA are also Statutory Consultees relating to drainage and flood risk on major planning applications to ensure SuDS are considered within the development. A major planning application relates to a development greater than 0.5Ha (our site is 0.8Ha)

The LLFA are consulted formally through a pre-application process.

## 5.2.3 Southern Water

Southern Water are to be consulted with regards to ascertaining if there are any discharge constraints or capacity limitations associated with the surrounding sewer network.

## 5.2.4 Policy

The drainage for the site will need to be designed in accordance with:

- The National Planning Policy Framework (NPPF)
- Specific policy set out by the relevant Local Planning Authority in their Local Plan (Arun District Council Local Plan 2011 – 2031 Publication Version October 2014 (Section 18, pages 291, 294))
- West Sussex LLFA Policy for the Management of Surface Water
- Strategic Flood Risk Assessment of West Sussex

The following design standards and best practice guidelines should be used to develop the drainage strategy:

- West Sussex LLFA Water. People. Places. A guide for master planning sustainable drainage into developments
- CIRIA C753: SuDS Design Manual
- Sewers for Adoption 7th Edition

## 5.3 Potential Discharge Constraints

At this stage, the key item to understand is what discharge restrictions may be imposed and if so what attenuation will be required on site.

West Sussex's LLFA Policy for the Management of Surface Water document contains 10 policy requirements. The relevant policy is number 3: Mimic Natural Flows and Drainage Flow Paths. This states that:

- *'In all cases, including on brownfield sites, runoff should where possible be restricted to the greenfield 1 in 1 year runoff rate during all events up to and including the 1 in 100 year rainfall event with climate change.'*
- *'If it is deemed that this is not achievable, evidence must be provided and developers should still seek to achieve no increase in runoff from greenfield sites and a 50% betterment of existing runoff rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).'*

Discharge restrictions may also be imposed by Southern Water.

The site, which is approximately 50% brownfield, may therefore need to attenuate flows as follows:

- Green areas such as the sunken garden are considered greenfield and their equivalent area will need to be restricted to greenfield post re-development.
- The car parking and other hardstanding is considered brownfield. Depending on what is deemed achievable, surface water discharge from these equivalent areas will need to be restricted to between greenfield and a 50% betterment on the existing discharge.

## 5.4 Surface Water Management

### 5.4.1 Sustainable Drainage Systems (SuDS)

It is suggested to manage surface water generated from the proposed site via the use sustainable drainage techniques. Rainfall falling onto the site will need to be controlled to minimise the offsite flows in accordance with the policy requirements and mitigate the potential for both on-site and downstream flood risk.

A key aspect of the SUDS philosophy is to balance the quantity and quality of storm water the system is capable of treating with amenity and biodiversity benefits using the management train. This is a system for employing multiple drainage techniques (both attenuation and conveyance) at various levels within the catchment hierarchy. The balance of prevention, source control, site control and regional control techniques ensures that water management is spread throughout the development.



Figure 8: SuDS Management Train

Where possible infiltration techniques should be utilised for the site.

### 5.4.2 SuDS Options Review

A table showing the various options for management of surface water using SuDS and their appropriateness to this project is provided in Table 3. A range of SuDS techniques have been considered in relation to opportunities within the developing site layout.

Table 3: SuDS Options

SuDS Technique	Suitable for Site?	Opportunity for Hothampton Linear Park
Blue Roof / Green Roof	✓	Appropriate – a sedum green roof could be incorporated on the pavilion
Tank/geo-cellular storage.	✓	Appropriate and could be incorporated, the use of green SuDS is preferred.
Oversized pipes.	✓	Appropriate and could be incorporated, the use of green SuDS is preferred.
Wet ponds/swales.	✓	Appropriate – could be incorporated however current masterplan does not identify sufficient space to incorporate.



Above ground storage (controlled flooding of certain areas).	✓	Appropriate – could be considered across the amenity space in the centre of the park. Levels design would need to be developed to suit.
Rain gardens / bio retention areas (use of rainwater as irrigation supply).	✓	Appropriate – use of rain gardens at intervals along access roads as well as linearly along the edge of the central park has been incorporated on masterplan.
Soakaways (direct infiltration into ground).	✓	Appropriate – mimicking parts of the existing site but subject to infiltration testing and groundwater levels. Based on high level desk top review of ground conditions, infiltration may not be possible but tests will confirm.
Filter drain with perforated pipe.	✓	Appropriate – provided it is included in landscape design scope to drain landscaped areas only.
Permeable/porous paving.	✓	Appropriate for all car parking bays. Omits need for petrol interceptor as treats flows naturally as flows permeate through the sub-base. Permeable paving will need to be discussed with Arun District Council as some Councils will not accept it.
Infiltration basins (direct infiltration into ground).	✓	Appropriate to drain landscaped areas only. Planted attenuation basin has been included in landscape masterplan to south of site.

### 5.4.3 SuDS Strategy

Based on the SuDS assessment, the site is appropriate for the inclusion of best practice SuDS, and they therefore where possible they will form a fundamental aspect of the proposed development.

It is therefore proposed to utilise the ‘greener’ infiltration techniques where possible, combined with offsite gravity connections to the existing public sewer depending on ground conditions such as permeability and whether the ground is contaminated.

Their inclusion will deliver multiple benefits to the site over and above that of traditional drainage systems, including reduced flood risk, better water quality management, pollution reduction, greater biodiversity, green space and amenity to the local population.

Appendix B shows the surface water drainage strategy in the context of the current masterplan.

In summary it includes:

- Permeable paving to the car parking bays, which may be acceptable for adoption by the highways authority. These will drain the adjacent roads. Gullies will need to be provided where falls can’t accommodate this. Permeable paving is a source control technique which will capture, store and treat runoff, removing the need for traditional infrastructure e.g. pipework, attenuation tanks and petrol interceptors.
- Rain Gardens will be incorporated at intervals along the roads, providing additional source control drainage for the roads as well as traffic calming. Again this method treats flows as they permeate through the drainage and provides additional biodiversity benefits over traditional road drainage. They will also be provided linearly along the edge of the park area The interface along the edge of the parking needs careful consideration; a kerb upstand is required along with water inlets into the planter. This partly depends if permeable paving is used for the parking bays.

- A green roof could be installed on the pavilion building which would slow the peak surface water runoff from the roof to help reduce downstream flooding. It would also provide additional biodiversity opportunities. The Architecture and building form will determine if this is possible.
- An attenuation basin will provide some additional storage capacity prior to the final outfall from the site. This could incorporate planting and a walkway, increasing the parks biodiversity and amenity. We suggest this basin is 'dry' which only fills during significant rain storms. The detail should be developed such that this area remains mostly dry and well drained, gentle slopes for easy maintenance, and features to ensure this space is for both amenity and functional.
- The multi-use 'market' area will be comprised of a permeable surfacing such as an unbound permeable aggregate or a permeable bound resin.

## **Appendix A**

### **Contour Plan**



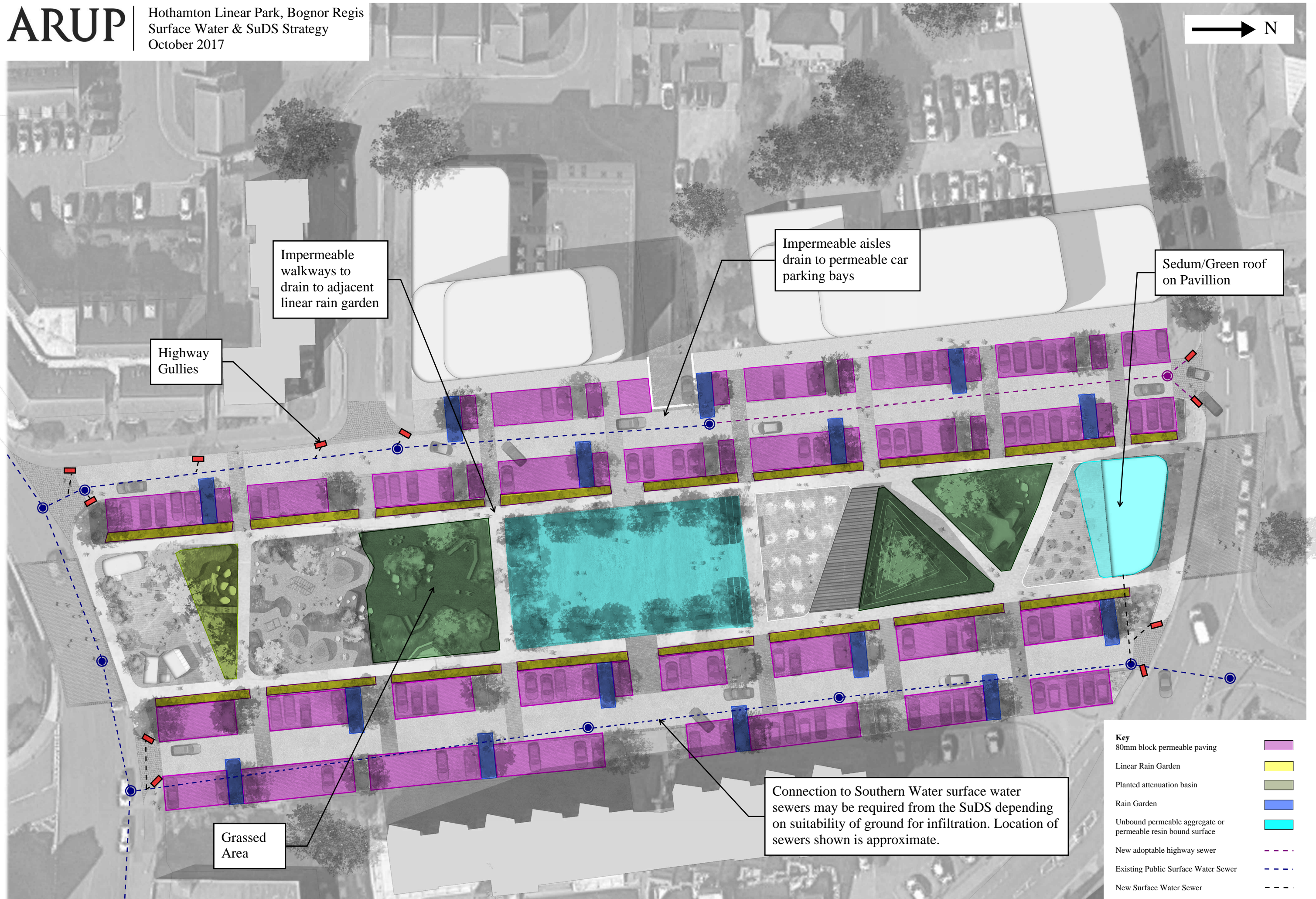




## **Appendix B**

### **Surface Water and SuDS Strategy**





Impermeable walkways to drain to adjacent linear rain garden

Impermeable aisles drain to permeable car parking bays

Sedum/Green roof on Pavillion

Highway Gullies

Connection to Southern Water surface water sewers may be required from the SuDS depending on suitability of ground for infiltration. Location of sewers shown is approximate.

Grassed Area

Key	
80mm block permeable paving	
Linear Rain Garden	
Planted attenuation basin	
Rain Garden	
Unbound permeable aggregate or permeable resin bound surface	
New adoptable highway sewer	
Existing Public Surface Water Sewer	
New Surface Water Sewer	



# Appendix E

## Arup - Transport Context and Opportunities

Arun District Council  
**Hothamton Linear Park**  
Transport Context and Opportunities  
Report

Issue 1 | 2 November 2017

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 258073

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**ARUP**

# Document Verification

# ARUP

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<b>Document title</b>		Transport Context and Opportunities Report		<b>File reference</b>	
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		Name	Philippa Ivens	Sarah Niven Tennent	Jonathan Millard
		Signature	<i>PIvens</i>	<i>SN Tennent</i>	<i>J Millard</i>
<b>Issue Document Verification with Document</b>					<input checked="" type="checkbox"/>



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Proposed Masterplan

### Appendix B

Highway Boundary Plan

### Appendix C

Transport Improvements Plan

# 1 Introduction

Arup has been appointed by Urban Delivery on behalf of Arun District Council to provide concept transport, spatial planning and engineering advice for a new linear park in Bognor Regis.

This report provides a summary of the transport context of the site and identifies opportunities to improve connectivity and facilities as part of the proposed scheme.

Arup has also produced a Civil Engineering Report.

## 1.1 Scheme Overview

The site is located north of the seafront in Bognor Regis, close to the pier. Access to the site is from Queensway to the north and West Street to the south. The site location is shown in Figure 1.

The site currently consists of a large car park at the north end of the site, a playground in the centre and a sunken garden to the south.

The new linear park will combine outdoor amenity space including a small pavilion / cafe and parking provision for 180 cars. The proposed masterplan, produced by BD Landscape Architects is included in Appendix A.

The park is intended to be the first phase of a two phase development. The second phase (dashed line on Figure 1) will redevelop the west portion of the car park as well as the Medical centre into a mixed use development.

Figure 1: Site Location



## 2 Existing Transport Provision

### 2.1 Pedestrians

There are no formal pedestrian crossing facilities on West Street or Queensway to encourage pedestrians to access the park, although there are footways on roads throughout the study area. Steyne Street and Queensway bound the existing car park on its western and northern sides, neither of which have formal crossing points that would be useful for access. One formal uncontrolled crossing near to the Queensway/Crescent Road junction is of benefit to car park users, with a refuge, dropped kerbs and tactile paving.

Roads near the site have footways on both sides and dropped kerbs at vehicle crossovers and road crossings. Few of the crossings have tactile paving. There is a formal controlled puffin crossing remote from the site on Queensway (shown on Figure 1). On approach to the car park from Steyne Street, there is evidence of a desire line where frequent footfall has worn the grass away, although a narrow footway is available offset from this desire line.

From a desktop review, there appears to be street lighting on all the roads in the study area although not within the park or car park themselves.

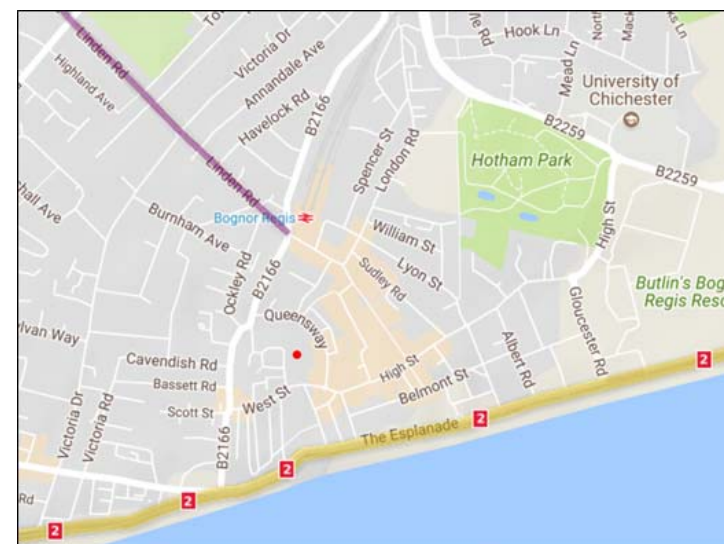
Wide junction bellmouths without refuge islands or formal crossing facilities provide unpleasant crossings especially for vulnerable road users at the Queensway/Canada Grove and Queensway/Crescent Rd junctions.

### 2.2 Cyclists

An off-road section of the National Cycle Network (NCN) Route 2 runs 200m south of the site east-west along the sea front. NCN2 is a long-distance cycle route that eventually aims to link Dover in Kent with St Austell in Cornwall via the south coast of England with traffic-free or dedicated infrastructure. The off-road section runs from the western boundary of The Beach Estate near Culver Road, past Outram Road, Butlins and the pier ending at The Waverley pub where cyclists must re-join the road.

A local cycle route runs from Bognor Regis railway station in a north-westerly direction along Linden Road and continues towards Chichester. The roads along this route tend to be cycle-friendly with speed restricted to 20mph, but limited dedicated cycle infrastructure.

Figure 2: Local Cycle Routes (extract from Sustrans online cycle map)



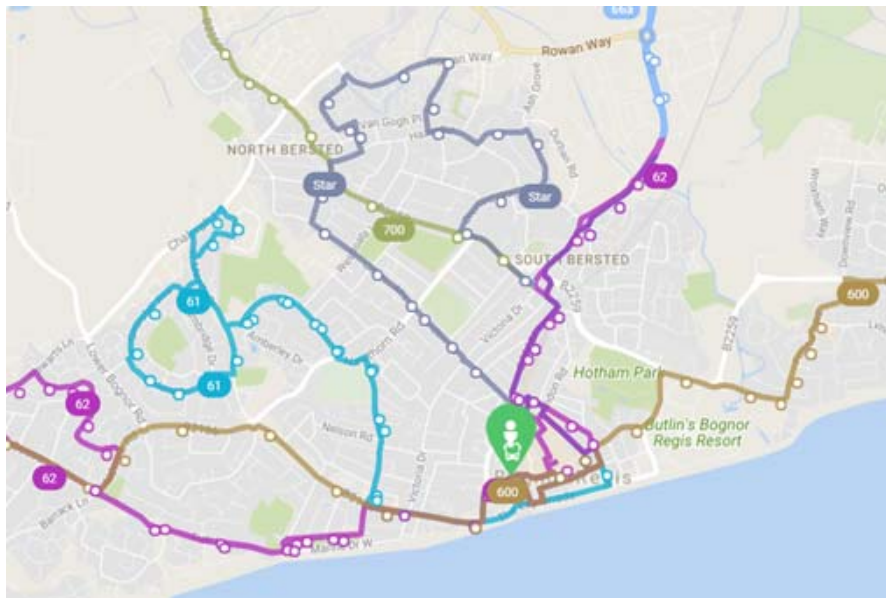


## 2.3 Bus

The bus stops on West Street and Queensway (shown on Figure 1) are well-served bus routes with numerous local and regional services to a variety of destinations as shown in Figure 3 (extracted from the Travelwest website), including Portsmouth, Chichester, North Bersted, Littlehampton and Aldwick. Further services are available at town centre stops and on High Street less than 200m away.

Nearby bus waiting facilities are basic with simple posts and flags denoting bus stops, although Queensway westbound has a three-panel bus shelter. None appear to have raised kerbs to help with alighting and disembarkation.

Figure 3: Bus Routes that serve Queensway or West Street



## 2.4 Rail

Bognor Regis railway station sits 400m north of site. The station and the trains serving it are operated by Southern Railway Company. The station is a terminus at the end of a short branch off the West Coastway Line, providing up to four trains per hour on weekdays to local destinations including Barnham, Arundel and Littlehampton.

## 2.5 Taxis

Waterloo Square taxi rank (shown on Figure 1) is located on West Street and appears to have space for approximately 8-10 taxis to wait. Signage suggests a Traffic Regulation Order protects the rank.

## 3 Parking

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The information in this section has been obtained from a desktop review of the documents available online to inform the development proposals.

### 3.1 Cycle Parking

There does not appear to be any cycle parking available in or near to Hothamton Park. As noted above in the context of cycle routes (section 2.2 refers), the park is located between NCN Route 2 along the seafront and the railway station, and could potentially provide an attractive stopping-off point for cyclists.

### 3.2 Off-Street Car Parking

The site includes a surface-operated pay and display public car park, known as Hothamton. This is a short-stay facility and is open from 8am-6pm, seven days a week. There are no barriers at either the car park access or egress so it is assumed that the car park can still be used after 6pm. Arun District Council's website advises that it has 201 pay and display bays, 14 disabled bays and one motorcycle bay. The charges are:

- £0.80 - up to 1 hour;
- £1.60 - up to 2 hours;
- £2.40 - up to 3 hours;
- £3.20 - up to 4 hours; and
- £7.00 - over 4 hours.

The *Bognor Regis Parking Strategy* (MVA on behalf of Arun District Council, 2012) indicates that, in the 12-month period April 2011-March 2012, ticket sales data recorded 146,000 visitors to the car park. The strategy report estimates the income from this site is approximately £200k per annum.

Ticket sales data indicate a high turnover of parking spaces with the majority of users buying short-stay tickets, often for only up to an hour. The Hothamton car park is busiest in the month of July. Surveys in August/September 2012 record a peak demand for 147 spaces, which is an occupancy of 68%.

The high turnover of this car park may reflect its location close to one of the strategic routes into the town centre. The main economic impact of the car park is indirect, by providing access to the town centre, particularly for retail purposes.

Parking levels will need to be carefully considered within the context of demand and supply in the central area of the town.

### 3.3 Disabled Car Parking

Blue badge holders can park all day in allocated disabled spaces. If these spaces are full, any other space in the pay and display car parks can be used free of charge provided:

- the vehicle is displaying a valid disabled person's badge;
- the registered disabled person is either driving the car or is a passenger; and
- the vehicle is parked within the markings of the bay.

Blue badge holders can also park in on-street limited waiting bays and in on-street pay and display bays all day providing the valid blue badge is correctly displayed.

### 3.4 Motorcycle and Electric Vehicle Parking

Parking for motorcycles is free when using the designated motorcycle bays within Arun District Council car parks. Motorcyclists using car park pay and display bays are expected to purchase a pay and display ticket and take the ticket with them. In limited waiting bays, motorcyclists must abide by the waiting restrictions.

There is no provision for electric vehicle (EV) charging within the existing car park. Zap Map (zap-map.com) reports only one EV charging point in Bognor Regis, located at the town council’s offices. With this in mind, there may be an opportunity to install EV charging points in any regenerated or improved car park.

### 3.5 Parking Design Standards

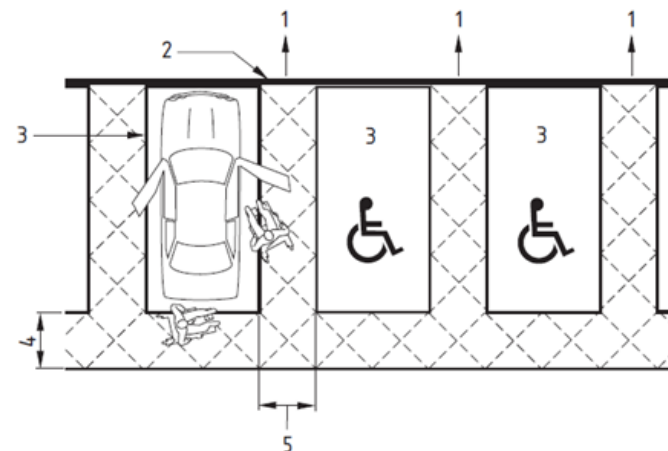
Arun District Council has adopted their Supplementary Planning Guidance for parking standards, which outlines levels of parking for developments. There are no standards for parks and no categories that would be applicable to Hothamton Park.

Arun District Council sets out design standards as follows:

- Disabled parking should provide a width of 3.6m with a minimum of 3.2m for wheelchair users and 3m width for ambulant disabled people with a minimum of 2.8m.

- Where adjacent spaces are reserved for disabled drivers, an access area 1.2m width may be marked on the ground to indicate that cars should be parked to either side.
- Car spaces shall be a size of 4.8m x 2.4m to accommodate a private car of average dimensions.

Figure 4: Access around designated off-street disabled parking spaces



- Key
- 1 Preferred access route avoiding travel behind parked cars
  - 2 Dropped kerb or level access
  - 3 Standard 2 400 mm x 4 800 mm designated parking space
  - 4 1 200 mm wide safety zone for boot access and cars with rear hoists, outside the traffic zone
  - 5 1 200 mm wide marked access zone between designated parking spaces



A sketch of disabled parking space dimensions based on Department for Transport good practice is included in Figure 4. Markings to demarcate bays are estimated at 200mm, usually white paint, although other types of demarcation, such as cobbles or in-laid brick, are commonly used in areas where a high-quality design is desired.

In considering the design standards shown in Figure 4, the 1.2m safety zone at the rear should be provided in addition to the aisle width. For perpendicular parking bays, the minimum aisle width is 6m (one-way) and this increases to 7.2m or 8.4m if disabled bays are provided on one or both sides.

## 4 Access and Egress

---

Under existing arrangements, access to Hothamton car park is from Queensway to the north, via a two-way priority junction. There is also an in-only access from Steyne Street to the south. Both accesses are shown on Figure 1.

The proposed masterplan, included in Appendix A, shows two two-way through routes running north to south, one on the west using Steyne Street and another on the east using the existing footpath and service road alignment behind Fitzleet House to provide vehicle and servicing access for the car park and park, referred to in this report as the eastern aisle and western aisle.

It appears that the service road to the rear of Fitzleet House is closed to traffic with removable bollards. Its status needs to be investigated. It is proposed that the service road is incorporated into the new park, providing the eastern aisle with a row of parking either side.

Consultation with the owner of Fitzleet House is would be required for the design of this section.

Any traffic emerging from the eastern aisle at the northern end would need to observe five separate traffic movements as well as pedestrians crossing the entrance.

This is because the junction between the service road, Queensway and Crescent Road is made up of a five separate roads in a staggered junction formation. In technical discussions, it has been suggested that the movement between the service road and Crescent Road may be particularly difficult, although the highway layout is far from unusual for a town centre environment.

The current design proposal adjusts the bellmouth of the service road to remove the kink as it joins Queensway, a proposal that requires careful thought as it introduces complexity for any traffic emerging from the road, requiring surveillance of multiple directions.

Whilst no speed data is available, the width, absence of pedestrian crossings and configuration of Queensway suggest that reasonably high speeds are possible (30mph+). Given the nature of local highway networks there would be a benefit in reducing speeds along Queensway, using surface treatments and the introduction of crossing points for pedestrians.

## 5 Transport Opportunities

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Hothamton Park is well located within the town and its proximity to bus stops and Bognor Regis railway station makes it easily accessible by public transport. However, the pedestrian environment overall is poor and new formal road crossings to encourage footfall through the park are recommended.

### 5.1 Pedestrian access

There are opportunities to improve the pedestrian environment to encourage pedestrian movements through the park and create an improved north-south route between the station and the seafront. Of particular consideration should be the provision of formal pedestrian crossing facilities on Queensway and West Street to the north and south of the park.

The proposed crossing type, as shown on the plan included in Appendix C, is a raised table pedestrian priority crossing. Sustrans<sup>1</sup> guidance states *'Raised tables can emphasise the presence of a junction, encourage driver attention and lead to drivers giving informal priority to pedestrians. Coloured surfacing can be used to highlight the raised plateau.'* By providing give way markings for vehicles, this makes the pedestrian priority clear.

In order to improve crossing facilities across West Street, it will likely be necessary to relocate or make design changes to the taxi rank. An

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<sup>1</sup> Sustrans Design Manual Chapter 7 Junctions and crossings: cycle friendly design (draft) February 2015

option is to relocate the taxi rank to Queensway, the location pending further consultation.

### 5.2 Junction improvements

The existing emergency access junction from Fitzleet Estate onto Queensway will be removed as part of the scheme. The access is controlled with bollard restrictions and it is not known how frequently it is used. Fitzleet Estate's main access is 70m south on Queensway.

### 5.3 Car parking provision

The car park is well used and the scheme seeks to maintain the number of spaces, with disabled and motorcycle parking provided to local standards.

There is no provision for electric vehicle (EV) charging within the existing car park and only one facility in Bognor Regis. There may be an opportunity to install EV charging points in any regenerated or improved car park, to set a precedent for cleaner emissions vehicles in the town.

### 5.4 Ownership

The current masterplan utilises an existing road, Steyne Street, which borders the southeast edge of the site.

Steyne Street connects West Street (south of the site) with the B1266 (northwest of the site), passing to the south of the medical centre. There



is also a one-way road to the north of the medical centre although this is not designated as a highway within the highway boundary plan provided by West Sussex County Council. The plan is included in Appendix B and highlights the extent of highway areas in red.

This report assumes that Arun District Council will retain ownership of the linear park, car parking bays and car parking aisles. Steyne Street is adopted West Sussex Council highway.

Because Steyne Street provides access to existing properties, formal consultation will be required between the West Sussex County Council, Arun District Council to agree any ownership changes.

It may be possible for West Sussex Council to dedicate a section of Steyne Street to Arun District Council or alternatively, a stopping up order could be applied for.

## **Appendix A**

### **Proposed Masterplan**



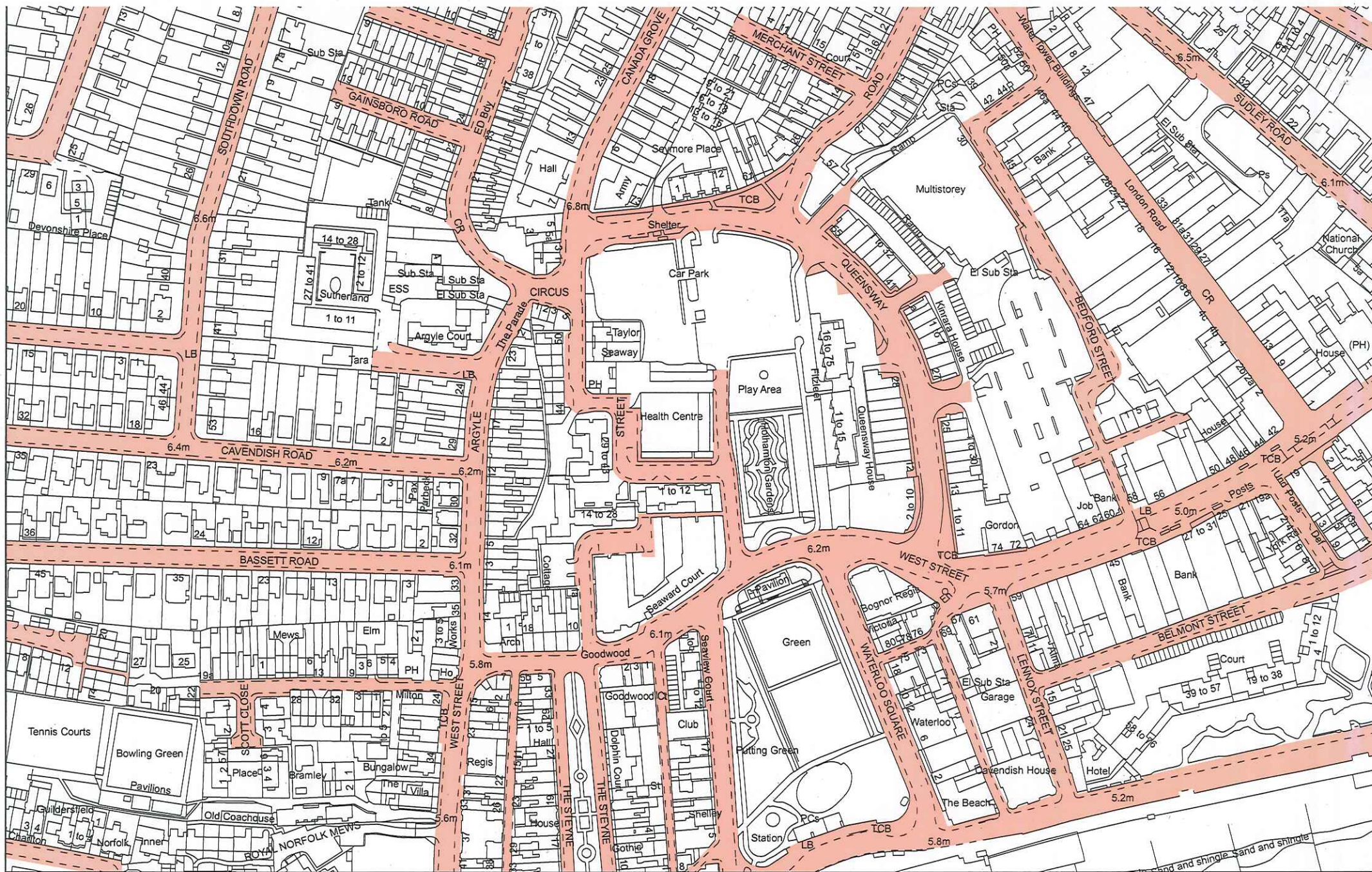




## **Appendix B**

### **Highway Boundary Plan**





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**Local Development**  
for Customers and Communities

## Highway Boundaries

Information about the status of a highway, and in some circumstances the extent of the highway, may be taken from a number of sources held by the County Council. Unless taken from a legal agreement the information should be regarded as guidance only.

Date: 24/09/2017

Scale: 1:2,500

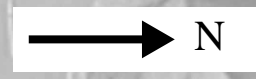




## **Appendix C**

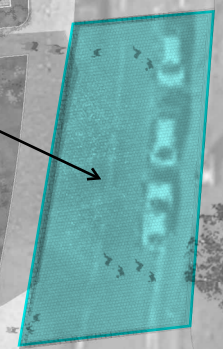
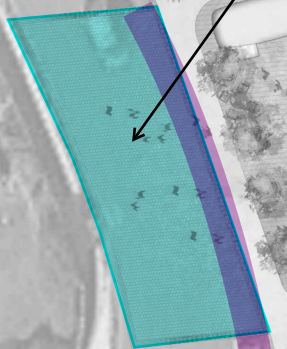
### **Transport Improvements Plan**





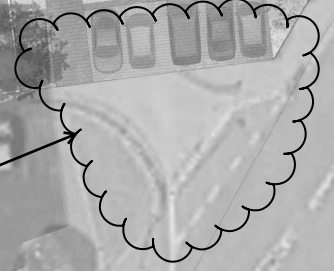
Proposed raised table pedestrian crossing for improved and level pedestrian access to the park.

Proposed raised table pedestrian crossing for improved and level pedestrian access to the park.



Existing taxi rank to be re-located to Queensway (location pending further consultation).

Existing junction removed.







- Size of membership – the practice at the moment was to rely on volunteers, which had led to unwieldy numbers of 22 last year and 19 this year. A more practical membership was felt to be a maximum of 15. However, if there was a move away from volunteers then, under current rules, there would be a requirement to have political balance as that would be the only way to allocate seats.
- Past feedback from Members had indicated that it was felt that the Working Groups needed a clearer purpose and role in the decision making structure – the way forward could be to make changes to allow them some delegated authority as a decision maker.

It was being suggested that both Working Group could become Subcommittees; be politically balanced with a membership size of no more than 10 to 15; and have a degree of clearly specified decision making powers.

The Subcommittee was advised that initial consultation had been undertaken with the Chairmen and Vice-Chairmen of the two Working Groups and the Group Leaders to gain support to this review being taken forward.

In the course of debate, views were put forward that the Working Groups should **not** be politically balanced and that the increased membership was due to the development of the Littlehampton Swimming Centre – that was well on course now and so interest would naturally diminish. It was felt that being able to invite interested parties and experts to attend Working Group meetings was essential to maintain; however, the Group Head of Council Advice & Monitoring Officer was able to advise that that would still be the case if it became a Subcommittee. Further comment was made that the decision making powers being suggested were “piffling” and there was a degree of scepticism expressed as to their value. The Group Head of Council Advice & Monitoring Officer referred Members to her report which confirmed the level of delegation that could be given to a Subcommittee if the proposals were taken forward.

The discussion highlighted that there was a divergence of opinion in that some Members supported change and others wished to maintain the status quo, albeit with a smaller membership. Officer advice was given that the Constitution was clear that there was a minimum number regarding membership of a Working Group but there was no maximum. Any change to introduce a maximum number would therefore be a decision for Full Council.

A proposal was put forward and duly seconded that there should be no change to the current arrangements, subject to the introduction of a membership of a minimum of 6 and a maximum of 15. The vote was tied and the Chairman used his casting vote to not support the proposal; it was therefore declared LOST.



The Group Head of Council Advice & Monitoring Officer advised the Working Group that it could now consider the proposition detailed in the report or an alternative suggestion. However, if no consensus could be reached she would report that back to the Constitutional Review Working Party, together with Members' views that the membership should be capped.

A proposal was then put forward that the move to becoming a Subcommittee should be rejected and that Members wished the Working Group to be maintained. Having been duly seconded, the Working Group

#### RECOMMEND TO THE CONSTITUTION WORKING PARTY

That the proposals to change the remit of the Working Groups be rejected and no change be made to current arrangements.

#### 26. STRATEGIC VISION FOR THE FUTURE OF PUBLIC CONVENIENCE SERVICES IN ARUN

*(Prior to consideration of this item, Councillors Buckland, Brooks, Dr Walsh, Warren, and Wells redeclared their personal interest and remained in the meeting and took part in the debate and vote.)*

The Greenspace & Cleansing Manager presented this report and advised that the Property & Estates Manager was also in attendance to answer Member questions as there was a cross over between Cleansing and Property & Estates.

Following the presentation, the Chairman thanked Mr Handson for another excellent and comprehensive report.

Members then participated in a detailed question and answer session with the relevant officers which covered a number of issues, in particular:-

- Confirmation was given that Bognor Regis Town Council would not be paying any contributions towards public conveniences in the town.
- No decision had yet been taken in respect of the future of the building at North Street, Wick but officers were aware of the anti-social behaviour taking place in the vicinity.
- The recently approved café to be built on the site opposite the Swimming Centre in Littlehampton would provide toilet facilities for members of the public even if not paying customers.
- Comment that signage was required indicating that toilets were available at the Norfolk Gardens Café would be taken up with ISS.
- The question was asked around when a policy decision had been made to move towards unisex facilities. The Property & Estates Manager advised that he was not aware of any such policy decision but rather it was a move in line with capital and industry practice. In order to provide the best facilities possible that were easier to maintain and were cost effective, unisex tended to be the

best option. Comment was made that a lot of people were unhappy with such provision and a further question was asked as to what public consultation had taken place on customer preference? The Chairman stated that no public consultation had been undertaken but that the public wanted clean, high quality facilities. The Property & Estates Manager also advised that affordability and vandalism were major factors that had to be taken account of. He highlighted that unisex facilities were already in operation in the District.

- Disappointment was expressed at the lack of interest in a community toilet scheme and it was felt that efforts should be made to sell the idea, a number of suggestions were put forward at the meeting for officers' consideration.
- Refurbishment of existing public conveniences was seen as a priority as some were in a pretty poor state.

In drawing the debate to a close, it was suggested that an additional recommendation be added to read:-

“Cabinet be asked to confirm or not a policy of moving to unisex toilets where possible.

Having been formally proposed and duly seconded, the additional recommendation was declared CARRIED.

The Working Group then

#### RECOMMEND TO CABINET – That

- 1) the proposal to investigate the potential for commercial development with retained public conveniences at Crown Yard remains, to be undertaken in due course by Property & Estates as part of their work plan;
- 2) the public conveniences at Ferring Village Green are retained, on the basis that the Parish Council are prepared to enter in to an agreement with Arun to support future capital refurbishment costs and continue with their current revenue contribution to Arun;
- 3) the Council aim to retain a public convenience facility at Ferring Rife, looking to achieve this through commercial partnership opportunity that will be explored by the Property & Estates Service and Ferring Parish Council in due course;
- 4) the Council withdraw the North St Wick public conveniences, but work in partnership to support the Wick Traders Assoc. over provision of a Community Toilet Scheme in close proximity;

- 5) the Council retain Avisford Park public conveniences, on the basis that the Parish Council are prepared to enter in to an agreement with Arun to support future capital refurbishment costs and are prepared to offer a reasonable increase their current annual contribution towards public conveniences;
- 6) the Council retain West Meads public conveniences, on the basis that Aldwick Parish Council are prepared to enter in to an agreement with Arun to support future capital refurbishment costs and are prepared to offer a reasonable increase in their current contribution towards public conveniences;
- 7) the Council withdraw the Snooks Corner public conveniences. This decision is made on the basis that the Culver Road facility will remain open all year round in future. The Council will also look to set up a Community Toilets Scheme arrangement with an interested business in close proximity and will explore commercial opportunities for Snooks Corner;
- 8) the Council retain Shrubbs Field public conveniences, on the basis that Middleton-on-Sea Parish Council are prepared to enter in to an agreement with Arun to support future capital refurbishment costs and are prepared to increase their current annual revenue contribution towards public conveniences;
- 9) pending the formal agreement of Freedom Leisure, for free public use of their public conveniences at the new Littlehampton Leisure Centre, that the Council withdraw the Mewsbrook Park public conveniences on opening of this facility;
- 10) the Council retain Waterloo Square public conveniences at present, pending exploration of a commercial development opportunity of this site with retained public conveniences, to be undertaken Property & Estates as part of their work plan;
- 11) the Council finalises a detailed condition survey of retained public conveniences within the next 12 months. This will allow effective budget planning from both ADC & Parishes who have agreed to support capital refurbishment costs moving forward;
- 12) the delivery of the strategic vision by committing future capital funding sufficient to deliver the phased capital programme be supported;
- 13) the current seasonal closure trial at Culver Road Felpham cease, on the basis of representation received from the public



and to ensure the site will be open once the proposed refurbishment works due this winter are completed;

- 14) the current seasonal closure trial at Sandy Road Pagham cease, on the basis of the representation received from the public and a reasonable maintenance contribution to be formally agreed with Pagham Parish Council;
- 15) the current trial seasonal closure at Norfolk Gardens continue due to the fact there is alternative provision continuing to be provided at the Norfolk Gardens Café;
- 16) the seasonal closure for Norfolk Gardens be lifted if the Council's contractor and café operator ISS Facility Services formally requests this;
- 17) the current trial seasonal closure at West Beach be continued;
- 18) the proposed opening of the remaining sites under trial seasonal closure be rescheduled from Easter 2018 rather than the 1<sup>st</sup> May 2018;
- 19) a further progress summary is provided to the Working Group in one year's time; and
- 20) Cabinet be asked to confirm or not a policy of moving to unisex toilets where possible.

## 26. LITTER AND DOG FOULING ENFORCEMENT TRIAL

*(During the course of consideration of this item, Councillor Dr Walsh declared a personal interest as a member of Littlehampton Town Council. He remained in the meeting and took part in the debate and vote.)*

The Group Head of Technical Services presented this report which set out the results of a review into the one year trial to undertake littering and dog fouling enforcement across the District which had commenced in May 2017. Members were reminded that East Hampshire District Council was the contractor and there was a zero cost to this Council.

The Working Group was advised that, in order to maintain viability and sustainability, the Fixed Penalty Notice (FPN) fine levels needed to be increased. It was being suggested that littering FPNs would be £80, discounted to £65; and dog control FPN fine level would be £100, discounted to £75. Officers were asking for flexibility to negotiate.

Members were extremely positive in their consideration of the report. A number of questions were asked and responded to by the Licensing Team Manager.

The Licensing Team Manager stated that the officers undertaking the enforcement activities were passionate about educating people so that there would be fewer repeat issues. They talked to people and listened to feedback and she commended them on their attitude. She was pleased to say that the scheme had exceeded her expectations.

Following some discussion and support for the scheme, the Working Group

RECOMMEND TO THE RELEVANT CABINET MEMBERS  
(for Technical Services, Community Wellbeing &  
Neighbourhood Services) - That

(1) the contract be extended for a further two years from 15 May 2018, subject to agreement of suitable terms and conditions;

(2) the contract be expanded in scope to allow the Street Scene Enforcement Officers to enforce Public Space Protection Orders, allowing them to enforce all dog controls and confiscate alcohol where appropriate and in accordance with guidance;

(3) the fixed penalty notice "fine" levels are adjusted to ensure scheme sustainability.

27. UPDATE ON LITTLEHAMPTON LEISURE CENTRE

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

28. COMPLIMENTS OF THE SEASON

The Chairman thanked officers and Members for their support and wished everyone the compliments of the season.

(The meeting concluded at 7.50 pm)

## **ARUN DISTRICT COUNCIL**

### **REPORT TO AND DECISION OF FULL COUNCIL ON 10 JANUARY 2018**

#### **PART A : REPORT**

**SUBJECT:** Consideration of the Council's position as landowner, to any planning application or appeal received relating to the regeneration of the Regis Centre, Hothamton car parks and other sites

**REPORT AUTHOR:** Karl Roberts – Director of Place **DATE:** 10 November 2017  
**EXTN:** 37760

#### **EXECUTIVE SUMMARY:**

The Council to re-affirm not making any commitment as landowner to enter into any binding legal agreements as part of any outstanding planning processes for the regeneration of the Regis Centre and Hothamton car park sites and other sites, under its freehold ownership.

#### **RECOMMENDATIONS:**

It is recommended that it would not be appropriate for the Council to make any binding decisions regarding its position as landowner for these key sites (Hothamton and Regis Centre) with any third parties unless those decisions are consistent with Minute 494 from Full Council dated 8 March 2017. This decision should be reviewed in 18 months' time.

#### **1. BACKGROUND:**

The purpose of this report is to update the Council's current stance regarding the possible redevelopment of the Hothamton and Regis Centre sites as landowner (not as Local Planning Authority). The full details of past decisions, public consultation and public ideas for redevelopment of both sites are all set out in reports to Full Council in 2015, 2016 and 2017.

Members will recall that at the 8 March 2017 meeting of Full Council that the following resolutions were agreed in respect of the preferred strategy for the redevelopment of the Council's key sites.

- (1) The Gardens by the Sea / Winter Gardens concept as described in the 2017 Bognor Regis Masterplan Options Report and the conclusions described in the 2017 Regis Centre & Hothamton Masterplans Market, Viability & Delivery Report, be supported;



- (2) Option 2 for the Regis Centre site (New Theatre Option) is the preferred Masterplan option. Officers may progress this proposal to develop a more thorough understanding of the opportunities and risks of implementing such a proposal, the appropriate scale and phasing, and the potential funding packages and delivery vehicle approaches that might support it. Option 1 (Refurbishment of Theatre) will remain as an alternative option should the scale of the funding package for Option 2 be unachievable;
- (3) Option 1 for the Hothampton Car Park site is the preferred Masterplan option and officers progress this proposal, taking into consideration the potential funding and delivery vehicle approaches that might support it, ready to market the site;
- (4) The Council supports the principle of including the area of the Esplanade between Clarence Road and Place St Maur within any new public realm scheme for the wider regeneration of the site;

Members will be fully aware that the potential redevelopment of these two key sites is of major public interest and all decisions taken by the Council regarding these matters are commented upon extensively in the media. The Council has completed extensive public consultation regarding regeneration and development in Bognor Regis. One aspect that can cause confusion externally is the Council's various different roles and how these can and can't interact.

Members will know that the Council's decisions, as Local Planning Authority, are focused on the relative planning merits of individual proposals and are framed by extensive legislation. Conversely, the Council's decisions as a landowner are governed by such matters as the Council strategies for a given area, or whether it owns assets in this area, procurement regulations, state aid rules and the need to secure 'best consideration' for public assets.

Where the Council is taking the lead on regeneration matters it is reasonable to expect the actions of the various parts of the Council to be aligned to ensure that not only are the corporate objectives met but also all of the relevant legal requirements. The normal outcome is usually an 'agreed' form of development which either the Council seeks to deliver itself or alternatively goes to the market to secure a third party interest to deliver the required outcomes. Difficulties can arise where third parties pursue a course of action aimed at securing planning permission for a specific set of outcomes involving public assets which do not have the agreement of the landowner (in this case the Council).

Members will be aware that a planning application was received for these regeneration sites in Bognor Regis and was subsequently refused planning permission by the council. The appellants have now lodged an appeal which will be dealt with by means of an informal hearing in 2018

In November 2016 Full Council resolved that the Council as landowner would not enter into any binding legal agreements until the feasibility work which was considered in 2017 had been undertaken. In light of the decisions taken in March 2017 by Full Council, as reported above, it is important that the Council updates its position, as landowner, in terms of the various Council owned sites that may be included in any third party

development proposals.

Members will be aware that should any third party decide to pursue the submission of a planning application to Arun with the objective of seeking consent, the applicant is required to serve notice on the landowner. If consent is then recommended for approval, the planning authority (or an appeal Inspector) may determine that some planning matters require the landowner, as well as the applicant, to enter into conditions and a s106 planning obligation. Planning obligations may require monetary contributions to be paid towards facilities provided by the District Council and County Council or other public bodies and secure the delivery of affordable housing, amongst other things. Should such an eventuality occur, then the Council, as landowner, needs to determine if it wishes to enter into any such agreements or not. Based on the current status of the approach/strategy that Full Council has endorsed, it would remain premature and, therefore, inappropriate for the Council, as landowner, to make a decision to agree any such approach, from any third party which was deemed to be inconsistent with the decisions reached under minute 494 in March 2017.

Members should note that officers of the Council, on behalf of the Council as Local Planning Authority, will need to work with the appellants' representatives to draft an acceptable s106 agreement. There remains no obligation on behalf of the Council as landowner to sign it.

**2. PROPOSAL(S):**

To determine the Council's position, as landowner, to enter into any binding legal agreements as part of any outstanding planning processes for the regeneration of the Regis Centre and Hothamton car park sites and other sites, under its freehold ownership.

**3. OPTIONS:**

- 1) Agree and confirm that it would not be appropriate for the Council to make any binding decisions regarding its position as landowner for these key sites in respect of any development proposals which are deemed inconsistent with the resolution approved under minute 494 of March 2017 (recommended).
- 2) To confirm its agreement to enter into a s106 agreement regarding these key sites (Not recommended)

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors	x	
Other groups/persons (please specify)		x

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES:	YES	NO

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

#### **6. IMPLICATIONS:**

Wide public consultation has already occurred for the redevelopment of these sites previously. As the Council moves to a final decision this will need to be assessed financially and legally and ensure any development is sustainable for the Council.

#### **7. REASON FOR THE DECISION:**

It is not considered appropriate for the Council to make any binding decisions regarding its position as landowner for these key sites in respect of any development proposals which are deemed inconsistent with the resolution approved under minute 307 of March 2017.

#### **8. BACKGROUND PAPERS:**

Full Council report 8 March 2017

<http://www1.arun.gov.uk/PublicViewer/Tempfiles/1bd440b4be92480.pdf>

Full Council report 9 November 2016

Agenda Item 25 – Consideration of the Council's position as landowner, to any planning application received relating to the regeneration of the Regis Centre, Hothampton car parks and other sites

<http://www1.arun.gov.uk/PublicViewer/Tempfiles/7f927319d9e643e.pdf>

Full Council report 11 November 2015

Agenda Item 27 – The regeneration of the Regis Centre and Hothampton Car Park Sites:  
Link below.

<http://www1.arun.gov.uk/PublicViewer/Tempfiles/633dffdbe9484f7.pdf>



## **ARUN DISTRICT COUNCIL**

### **REPORT TO AND DECISION OF FULL COUNCIL ON 10 JANUARY 2018**

#### **REPORT**

**SUBJECT: Community Governance Review Felpham and Yapton – Terms of Reference**

**REPORT AUTHOR:** Jackie Follis – Group Head of Policy **DATE:** 1 January 2018  
**EXTN:** 37580

#### **EXECUTIVE SUMMARY:**

At its meeting on 28 November 2017 the Electoral Review Sub-Committee agreed recommendations to Full Council that a Community Governance Review to look at the request from Felpham and Yapton Parish Councils to change their boundaries, be undertaken. If this recommendation (recommendation 1 from the Electoral Review Sub-Committee meeting on 28 November 2017) is approved the Council must consider the next stage of the work. Therefore there was a further recommendation that a report be made to Full Council with the terms of reference, including methodology and timetable, for the Review. This report therefore sets out the Terms of Reference for approval by Full Council, but also requests that delegated authority be given to the Group Head of Policy to vary these should practical circumstances require it.

#### **RECOMMENDATIONS:**

1. If recommendations 1 and 2 from the Electoral Review Sub-Committee meeting held on 28 November 2017 are agreed, to approve the Terms of Reference, as attached, for a Community Governance Review of the request to change the Parish boundaries of Felpham and Yapton Parish Councils; and
2. delegated authority be given to the Group Head of Policy to vary the Terms of Reference, as set out in this paper should it be necessary, in consultation with the Chairman of the Electoral Review Sub-Committee.

#### **1. BACKGROUND:**

- 1.1 The Electoral Review Sub-Committee received a report at its meeting on 28 November 2017 on the joint request from Felpham and Yapton Parish Councils to make a relatively minor change to their boundaries, which they believe will simplify future planning processes around the Blake's Mead development and the proposed school site.

- 1.2 The Sub-Committee agreed that they would recommend that the Review should take place and that Full Council be asked to approve the Terms of Reference for the Review. These are attached at Appendix 1
- 1.3 There is a further consideration as the Statutory timetable requires that as soon as approval is given to commence the review by Full Council, it should be concluded within a 12 month period. This will be particularly important to Arun at this stage as any review and subsequent formal processes must be completed well in advance of the District, Town and Parish Elections taking place in May 2019.
- 1.4 For the reason set out in 1.3 the timetable will need to be kept under continuous review and some elements of it may need to be varied quickly in order to meet the overall timetable. Underlying this however is the requirement set out in the relevant legislation and best practice guidance to ensure that a comprehensive and fair review is undertaken by Arun District Council.

## 2. PROPOSAL(S):

1. If recommendations 1 and 2 from the Electoral Review Sub-Committee meeting held on 28 November 2017 are agreed, to approve the Terms of Reference, as attached, for a Community Governance Review of the request to change the Parish boundaries of Felpham and Yapton Parish Councils; and
2. To give delegated Authority to the Group Head of Policy to vary the Terms of Reference, as set out in this paper should it be necessary, in consultation with the Chairman of the Electoral Review Sub-Committee.

## 3. OPTIONS:

- a) To agree the Terms of Reference
- b) To agree that the Group Head of Policy be given delegated authority to vary the Terms of Reference in consultation with the Chairman of the Electoral Review Sub-Committee
- c) Not to agree the Terms of Reference or delegated authority, with the risk that delaying the start of the Review may cause difficulty in achieving the required timetable prior to local elections in May 2019.

## 4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	

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

**6. IMPLICATIONS:**

The District Council is obliged to bear the cost of the Review. The Chief Executive has confirmed that a typical cost for such a review is in the region of £5-10k. He confirmed that The Council did have provisions within its budgets to accommodate such costs.

**7. REASON FOR THE DECISION:**

To respond to the request for a Community Governance Review and the potential benefits of a merger identified by Felpham and Yapton Parish Councils.

**8. BACKGROUND PAPERS:**

Electoral Review Sub-Committee Agenda and Minutes - 28 November 2017 - <https://www.arun.gov.uk/electoral-review-sub-committee>





## **ARUN DISTRICT COUNCIL**

### **Community Governance Review Felpham and Yapton Parish Councils 2018**

#### **TERMS OF REFERENCE**

#### **INTRODUCTION**

##### **Aims of the review**

At the request of Felpham Parish Council and Yapton Parish Council, Arun District Council has agreed to undertake a Community Governance Review pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007, to consider the following matter:

- Request from both Parish Councils to make a slight change to their shared boundary in order to move the land identified as a possible school site to serve the new Blake's Mead Development, from Yapton Parish Council to Felpham Parish Council. The reason for this request is that approximately 97% of the Blake's Mead Development falls within Felpham Parish. The areas of the development that include the proposed school site and senior football pitch and pavilion lie within Yapton Parish. The move of the land would facilitate the planning process.

In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972 and by the document "Guidance on Community Governance Reviews" issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Electoral Commission.

This guidance was published in April 2008 and it has been considered when drawing up the Terms of Reference.

##### **What is a Community Governance Review?**

A Community Governance Review is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of elections; council size, the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

The Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient.

In doing so the Community Governance Review is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

### **Why undertake a Community Governance Review?**

A Community Governance Review provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that recommendations made in a Community Governance Review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

### **Who will undertake the Community Governance Review?**

As the principal authority, the District Council is responsible for undertaking any Community Governance Review within its electoral area. The Council will approve the final recommendations before a Community Governance Order is made.

It is proposed that the review is carried out by the Electoral Services Sub-Committee who will make recommendations to Full Council. The Group Head of Policy will manage the process and an officer working group will be established to support the Sub-Committee. This will comprise officers from Policy, Democratic Services and Legal.

### **CONSULTATION**

In coming to its recommendations in the review, the Council will need to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.



The Council intends to consult with all interested parties in the area proposed for review.

- This will include Ward, District, County Councillors and MPs.
- There are no properties on the land identified for potential transfer, but a view will be taken on whether there are any neighbouring properties which should be consulted.
- Council Tax will be consulted on any current or potential financial implications.
- The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views.
- As required by Section 79(3) of the Local Government and Public Involvement in Health Act 2007, the District Council will notify West Sussex County Council that a review is to be undertaken, provide them with a copy of the terms of reference for the review and will consult them on the matters under review.

The Council will also be pleased to receive comments from any other person or body that wishes to make representations.

The Council intends to clearly publish all decisions taken in the review and the reasons for taking those decisions and will work towards the Government’s view in undertaking the review that “Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.”

In accordance with the Act, representations received in connection with the review will be taken into account, and steps will be taken to notify consultees of the outcome of the review by publishing them on the Council’s website, through general press releases, and by placing key documents on public deposit at Council Offices.

### **A timetable for the Community Governance Review**

A Community Governance Review must, by statute, be concluded within a twelve-month period from the day on which the District Council publishes its Terms of Reference.

A proposed time table is shown below:

Date	Actions
28/11/17	Electoral Review Sub-Committee questions representatives from both Councils on the detail of their request in order to make recommendations to Full Council on whether the Review should be undertaken
10 Jan 2018	Full Council agrees to go ahead with the Review and agrees Terms of Reference of the Community Governance Review
Jan 2018	Agree detailed consultation process and identify additional resources
Feb/March 2018	One month period of consultation seeking views of residents and other interested parties – to include collation/review of responses

April 2018	Electoral Review Sub-Committee receives report on the outcomes of the consultation (probable new date needed for meeting). Decides whether further consultation/questions to be answered needed before recommendation can be made to Full Council.
May/June 2018	If further consultation necessary or questions to be answered work undertaken
July 2018	Electoral Review Sub-Committee receives a final report (probable new date needed for meeting) and makes recommendations to Full Council on the outcomes of the review
12 Sept 2018	Full Council makes final decision on the review
Oct/Nov 2018	Council publishes the reorganisation Order and requests the Electoral Commission to approve any consequential changes.

## **REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT**

The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s)(where necessary) that show the effects of the order in detail, and the document(s) which set out the reason for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council's Offices and on the Council's website.

It is proposed that the Order will take effect for financial and administrative purposes on 1 April 2019.

The electoral arrangements will come into force at the next elections for parish councils which will be on Thursday 2 May 2019.

# **ARUN DISTRICT COUNCIL**

## **REPORT TO AND DECISION OF FULL COUNCIL ON 10 JANUARY 2018**

### **REPORT**

**SUBJECT: Community Governance Review Barnham and Eastergate – Terms of Reference**

**REPORT AUTHOR:** Jackie Follis – Group Head of Policy **DATE:** 1 January 2018  
**EXTN:** 37580

### **EXECUTIVE SUMMARY:**

At its meeting on 28 November 2017 the Electoral Review Sub-Committee made recommendations to Full Council that a Community Governance Review to look at the request from Barnham and Eastergate Parish Councils to combine the two Parish Councils, be undertaken. If this recommendation (recommendation 1 from the Electoral Review Sub-Committee meeting held on 28 November 2017) is approved the Council must consider the next stage of this work. Therefore there was a further recommendation that a report be made to Full Council with the terms of reference, including methodology and timetable, for the Review. This report therefore sets out the Terms of Reference for approval by Full Council, but also requests that delegated authority be given to the Group Head of Policy to vary these should practical circumstances require it.

### **RECOMMENDATIONS:**

1. If recommendations 1 and 2 from the Electoral Review Sub-Committee meeting held on 28<sup>th</sup> November 2017 are agreed, to approve the Terms of Reference, as attached, for a Community Governance Review of the request to combine Barnham and Eastergate Parish Councils; and
2. That delegated authority be given to the Group Head of Policy to vary the Terms of Reference, as set out in this paper should it be necessary, in consultation with the Chairman of the Electoral Review Sub-Committee.

### **1. BACKGROUND:**

- 1.1 The Electoral Review Sub-Committee received a report at its meeting on 28 November 2017 on the joint request from Barnham and Eastergate Parish Councils to merge the Parish Councils. There are a number of potential benefits set out by the Parish Councils from such a merger. These are: improvements to community engagement and local democracy; more effective and convenient delivery of local council services; and to resolve anomalies around post codes and parishes following the creation of new housing developments



- 1.2 The Sub-Committee agreed that they would recommend that the Review should take place and that Full Council be asked to approve the Terms of Reference for the Review. These are attached at appendix 1.
- 1.3 There is a further consideration as the Statutory timetable requires that as soon as approval is given to commence the review by Full Council, it should be concluded within a 12 month period. This will be particularly important to Arun at this stage as any review and subsequent formal processes must be completed well in advance of the District and Town and Parish Elections to be held in May 2019.
- 1.4 It was also concluded that the Review is likely to generate a lot of public interest and may well require two consultation exercises. The attached Terms of Reference details this. For this reason and that set out in 1.3 the timetable will need to be kept under continuous review and some elements of it may need to be varied quickly in order to meet the overall timetable. Underlying this however is the requirement set out in the relevant legislation and best practice guidance to ensure that a comprehensive and fair review is undertaken by Arun District Council.

**2. PROPOSAL(S):**

1. If recommendations 1 and 2 from the Electoral Review Sub-Committee meeting held on 28<sup>th</sup> November 2017 are agreed, to approve the Terms of Reference, as attached, for a Community Governance Review of the request to combine Barnham and Eastergate Parish Councils.
2. To give delegated Authority to the Group Head of Policy to vary the Terms of Reference, as set out in this paper should it be necessary, in consultation with the Chairman of the Electoral Review Sub-Committee.

**3. OPTIONS:**

- a) To agree the Terms of Reference
- b) To agree that the Group Head of Policy be given delegated authority to vary the Terms of Reference in consultation with the Chairman of the Electoral Review Sub-Committee
- c) Not to agree the Terms of Reference or delegated authority, with the risk that delaying the start of the Review may cause difficulty in achieving the required timetable prior to local elections in May 2019.

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial	x	

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

**6. IMPLICATIONS:**

The District Council is obliged to bear the cost of the Review. The Chief Executive has confirmed that a typical cost for such a review is in the region of £5-10k. He confirmed that The Council did have provisions within its budgets to accommodate such costs.

**7. REASON FOR THE DECISION:**

To respond to the request for a Community Governance Review and the potential benefits of a merger identified by Barnham and Eastergate Parish Councils.

**8. BACKGROUND PAPERS:**

Electoral Review Sub-Committee Agenda and Minutes - 28 November 2017 - <https://www.arun.gov.uk/electoral-review-sub-committee>





## **ARUN DISTRICT COUNCIL**

### **Community Governance Review Barnham and Eastergate Parish Councils 2018**

#### **TERMS OF REFERENCE**

#### **INTRODUCTION**

##### **Aims of the review**

At the request of Barnham Parish Council and Eastergate Parish Council, Arun District Council has agreed to undertake a Community Governance Review pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007, to consider the following matters:

- The request from both Parish Councils to merge Barnham and Eastergate Parish Councils to create a single Parish Council to be called Barnham and Eastergate Parish Council – without any other boundary changes.
- The potential improvements to community engagement and local democracy of improved clarity for local residents of Parish boundaries.
- The impact of a larger merged Parish size
- Issues around community assets, village halls and playing fields and how these are operated and financed
- Estimated changes to the average precept per dwelling for residents in each Parish, including complications around planned new build

In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972 and by the document “Guidance on Community Governance Reviews” issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Electoral Commission.

This guidance was published in April 2008 and it has been considered when drawing up the Terms of Reference.

##### **What is a Community Governance Review?**

A Community Governance Review is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of elections; council size, the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

The Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient.

In doing so the Community Governance Review is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

### **Why undertake a Community Governance Review?**

A Community Governance Review provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that recommendations made in a Community Governance Review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

### **Who will undertake the Community Governance Review?**

As the principal authority, the District Council is responsible for undertaking any Community Governance Review within its electoral area. The Council will approve the final recommendations before a Community Governance Order is made.

It is proposed that the review is carried out by the Electoral Services Sub-Committee who will make recommendations to Full Council. The Group Head of Policy will manage the process and an officer working group will be established to support the Sub-Committee. This will comprise officers from Policy, Democratic Services and Legal.

### **CONSULTATION**

In coming to its recommendations in the review, the Council will need to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council intends to consult with all interested parties in the area proposed for review.

- This will include Ward, District, County Councillors and MPs.
- A consultation letter will be sent to all properties/residents within Barnham and Eastergate Parish Councils.
- Council Tax will be consulted on any current or potential financial implications. It will not be possible to be precise at this stage, but residents must be given some indication of the nature and size of the potential change as part of the consultation process.
- Consultation will be undertaken with any local organisations who may have an interest (eg churches, clubs, schools, recipients of grants from Parish Councils etc – full list to be agreed)
- The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views.
- As required by Section 79(3) of the Local Government and Public Involvement in Health Act 2007, the District Council will notify West Sussex County Council that a review is to be undertaken, provide them with a copy of the terms of reference for the review and will consult them on the matters under review.

The Council will also be pleased to receive comments from any other person or body that wishes to make representations.

The Council intends to clearly publish all decisions taken in the review and the reasons for taking those decisions and will work towards the Government’s view in undertaking the review that “Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.”

In accordance with the Act, representations received in connection with the review will be taken into account, and steps will be taken to notify consultees of the outcome of the review by publishing them on the Council’s website, through general press releases, and by placing key documents on public deposit at Council Offices.

### **A timetable for the Community Governance Review**

A Community Governance Review must, by statute, be concluded within a twelve-month period from the day on which the District Council publishes its Terms of Reference.

A proposed time table is shown below:

Date	Actions
28/11/17	Electoral Review Sub-Committee questions representatives from both Councils on the detail of their request in order to make recommendations to Full Council on whether the Review should be undertaken



10 Jan 2018	Full Council agrees to go ahead with the Review and agrees Terms of Reference of the Community Governance Review
Jan 2018	Agree detailed consultation process and identify additional resources required
Jan/Feb 2018	Barnham and Eastergate Parish Councils will refer to the forthcoming consultation exercise in their newsletter, working with Arun District Council to ensure clarity for local residents on the key issues
Feb/March 2018	One month period of consultation seeking views of residents and other interested parties – to include collation/review of responses
April 2018	Electoral Review Sub-Committee receives report on the outcomes of the consultation (probable new date needed for meeting). Decides whether further consultation/questions to be answered needed before recommendation can be made to Full Council.
May/June 2018	If further consultation necessary or questions to be answered work undertaken
July 2018	Electoral Review Sub-Committee receives a final report (probable new date needed for meeting) and makes recommendations to Full Council on the outcomes of the review
12 Sept 2018	Full Council makes final decision on the review
Oct/Nov 2018	Council publishes the reorganisation Order and requests the Electoral Commission to approve any consequential changes.

## **REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT**

The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s)(where necessary) that show the effects of the order in detail, and the document(s) which set out the reason for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council's Offices and on the Council's website.

It is proposed that the Order will take effect for financial and administrative purposes on 1 April 2019.

The electoral arrangements will come into force at the next elections for parish councils which will be on Thursday 2 May 2019.