

**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 10 JANUARY 2018 AT 6.00 P.M.**

Present:- Councillors Gammon (Vice-Chairman in the Chair), Cooper (Vice-Chairman), Ambler, Ballard, T Bence, Mrs Bence, Blampied, Mrs Bower, R Bower, Brooks, Mrs Brown, L Brown, Buckland, Cates, Chapman, Charles, Clayden, Dendle, Dillon, Dingemans, Edwards, Haymes, Hitchins, Hughes, Mrs Madeley, Mrs Neno, Northeast, Mrs Oakley, Oliver-Redgate, Oppler, Mrs Porter, Purchase, Reynolds, Miss Rhodes, Smith, Tyler, Warren, Wheal, Wells and Wensley.

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated – Councillors Ambler, Wells, Dendle, Mrs Neno and Tyler - Minute 367 (Part) to Minute 378].

345. WELCOME

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

346. VICE-CHAIRMAN

The Chairman outlined that as an Apology for Absence had been received from the Chairman of the Council, Councillor Mrs Pendleton, he would be chairing the meeting for this evening. Because of this and in line with Council Procedure Rule 2.1.1 of the Constitution, allowing a person to be elected as Chairman or Vice-Chairman, if either were not present, he stated that he would be proposing that in the absence of the Chairman of the Council, that Councillor Cooper be elected Vice-Chairman for this meeting.

The Chairman then proposed and this was seconded by Councillor Mrs Brown, that

The Council

RESOLVED

That in line with Council Procedure Rule 2.1.1 that Councillor Cooper be elected Vice-Chairman for the meeting.

Full Council – 10.01.18

347. COUNCILLOR DOUGAL MACONACHIE

The Chairman announced that it was with great sadness that he had to report the death of Councillor Dougal Maconachie who sadly passed away on 21 December 2017.

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

Councillor Mrs Brown, as Leader of the Council, agreed that Mr Maconachie left an unquestionable legacy behind him having served as a Councillor for over 10 years representing the Barnham and Marine Wards. Councillor Purchase, as Leader of the Liberal Democrat Group, and Councillor Brooks, as Leader of the Independent Group, echoed the statements made.

The Council then stood in silence to his memory.

348. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bicknell, Elkins, English, Mrs Hall, Mrs Harrison-Horn, Patel, Mrs Pendleton, Mrs Rapnik, Mrs Stainton, Dr Walsh and Wotherspoon and from all of the Council's Honorary Aldermen, Mrs Goad, MBE, Mrs Morrish, Mrs Olliver, Mrs Stinchcombe and Squires.

349. DECLARATIONS OF INTEREST

The Chief Executive declared a Pecuniary and Personal Interest in Agenda Item 14 (Chief Executive's (CEO) Remuneration Committee – 5 December 2017) in relation to Minutes 304 (Chief Executive's Remuneration for 2017/2018) as this item would be discussing his salary. The Chief Executive confirmed that he would leave the Council Chamber for consideration of this matter.

The Chief Executive then explained that at Item 25, as this report was seeking support to not enter into any commitment or agreement as landowner with any third party for the regeneration of the Regis Centre and Hothamton car park sites and other sites in Bognor Regis, and as the report referred to a planning application that was currently the subject of an appeal, Members needed to consider making a declaration that they would consider this item with an open mind if they had made any previous statement to support or oppose this application at Full Council or the Development Control Committee or elsewhere. To assist with this, the Monitoring Officer had produced a standard declaration which was:

“I wish to make this meeting aware that I may have made public statements in the past at Full Council or the Development Control Committee or elsewhere in relation to planning applications made by third parties for the regeneration of the Regis Centre, Hothamton car parks and other sites. These were my views that I held at that time. However, I have an open mind regarding item 25 on the agenda for Full Council today and I will listen and consider all the relevant issues and interests presented, and I confirm that I will reach my decision on merit and not bias.

For the record I ask that this declaration be recorded in the Minutes of this meeting.”

The following Councillors then agreed to this declaration these being Councillors Bower, Hitchins, Mrs Oakley, Wells, Brooks, Oliver-Redgate, Mrs Bence, Dillon, Mrs Bower, Ambler, Cates, Miss Rhodes, Charles and Haymes.

350. QUESTION TIME

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

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

The Leader of the Council, Councillor Mrs Brown, was asked the following question about current proposals for the Hothamton site:

(1) The questioner stated that these proposals appeared to be more to do with redevelopment rather than regeneration, replacing an existing garden with a smaller garden and an existing car park with a smaller car park in order to squeeze in one or two blocks of flats. The Leader of the Council was asked to explain what she perceived to be the main differences between redevelopment and regeneration.

The Leader of the Council, Councillor Mrs Brown, in responding referred to the Council’s recent consultation on the proposals for the new park and parking areas at Hothamton which had seen overwhelming support from the public. She explained that the Council was looking to make significant investment in this part of the Town.

The Chairman then invited supplementary questions.

The questioner asked a supplementary questions which was that the Leader of the Council had mentioned consultation within her response. Could she confirm if flats had been included?

In responding to the supplementary question asked, the Leader of the Council confirmed that the consultation had been about the Linear Park.

The Chairman then called Public Question Time to an end.

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

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

351. MINUTES

The Minutes of the Council Meeting held on 8 November 2017 were approved by the Council as a correct record and signed by the Chairman, subject to the following amendment to Minute 274 [Local Plan Sub-Committee – 30 October 2017 – Minute 17 (Arun Local Plan – Action Plan and Main Modifications) – second paragraph down where it stated Councillor Bence as the Cabinet Member for Technical Services, this needed to read Cabinet Member for Residential.

This amendment was approved.

352. CHAIRMAN'S COMMUNICATIONS

The Chairman alerted Members to the list of engagements and events that had been attended since the last Full Council Meeting held on 8 November 2017 – these had been emailed to Councillors recently.

The Chairman then announced that he wished to have noted the congratulations of Arun District Council to East Preston resident, Professor Clive Behagg, the Vice-Chancellor of the University of Chichester as he had received an OBE for services to Higher Education and Economic Regeneration in the recent New Year's Honours List.

The Chairman then outlined that the Council's staff were this month supporting the Littlehampton and Bognor Regis Foodbanks as their chosen charity, so rather than raising a monetary contribution staff were being encouraged to bring in an item for the foodbank. The Chairman invited Members to do the same to offer their support. He explained that there were no specific food product shortages at present, so all donations were welcome.

The Chief Executive confirmed that he had an item to announce on behalf of Councillor Mrs Pendleton. This was to congratulate Councillor Gammon on receiving a national award at the British Healthcare Trade Association ceremony in London on 30 November 2017. As a Trustee of Littlehampton Shopmobility, Councillor Gammon had been presented with the award by Baroness Tanni Grey-Thompson in recognition of outstanding contribution for the work that went into the development of what was now, the National Mobility Register. It was stated that more information could be found in the news stories on the Arun District Council Website, but on behalf of the Council, huge congratulations were extended to Councillor Gammon.

353. URGENT MATTERS

There were no items for this meeting.

354. STATUTE MATTERS

There were no items for this meeting.

355. MATTERS FROM THE LAST MEETING

There were no matters for this meeting.

356. ANY OTHER MATTERS

There were no matters for this meeting.

357. DEVELOPMENT CONTROL COMMITTEE – 15 NOVEMBER 2017

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 15 November 2017.

358. LOCAL PLAN SUB-COMMITTEE – 20 NOVEMBER 2017

The Chairman, Councillor Bower, presented the Minutes from the Local Plan Sub-Committee held on 20 November 2017.

Councillor Bower presented the first two recommendations at Minute 25 [Brownfield Land Register (Part 1)] which he duly proposed. The recommendations were seconded by Councillor Charles.

The Council

RESOLVED – That

- (1) The Brownfield Land Register (Part 1) be noted; and
- (2) Officers work towards the production of the Brownfield Land Register (Part 2), including the carrying out of consultation and publicity requirements, as well as other procedures in line with the Brownfield Land Register Regulation 2017.

Councillor Bower then presented the final recommendation at Minute 26 [Electric Vehicle Infrastructure Study] and outlined that this was an additional study that supported the Local Plan. Councillor Bower stated that there were considerable moves nationally towards developing infrastructure for electric vehicles especially with regard to new development and so the Council needed to ensure that it was prepared to deal with the introduction of such work. Councillor Bower then formally proposed the recommendation which was then seconded by Councillor Charles.

In discussing the recommendation, the Vehicle Infrastructure Study was welcomed as it was felt to be vital for the Council to be ready to deal with the need to be able to accommodate the future expansion of electronic vehicles and the need to be able to provide adequate charging points throughout the District. It was hoped that the Council could address, at a future Council meeting, consideration to enhancing the number of rapid charges points on its own land.

The Council

RESOLVED

That the Arun District Council Vehicle Infrastructure Study be a Council evidence document supporting the Local Plan and to be subsequently used by Officers when determining planning applications.

359. OVERVIEW SELECT COMMITTEE – 21 NOVEMBER 2017

The Chairman, Councillor Dingemans, presented the Minutes from the meeting of the Overview Select Committee held on 21 November 2017.

Councillor Dingemans alerted Members to a series of recommendations at Minute 295 (Leisure & Cultural Strategy – Year 4 Review) which he duly proposed. The recommendations were seconded by Councillor Edwards.

In discussing the recommendations some comments were made in relation to Project 2C [To Deliver major enhancement of seafront and green space adjoining the seafront] in which Councillor Oppler expanded upon the observations that he had made at the meeting in relation to the West Park café, Aldwick.

The Council

RESOLVED – That

- (1) the progress towards achieving the priorities set out in the Leisure and Cultural Strategy are noted and further progress reports are provided in years 8 and 12;
- (2) the proposal to refurbish the swimming pool changing rooms and increase the studio capacity at the Arun Leisure Centre be supported;
- (3) work is undertaken to review the future requirements for a leisure centre in the west of the District; and
- (4) the Council endorses the work of the Arundel Lido Trust to improve the facilities for the benefit of the Town and wider communities of Arun.

(During the course of the discussion on this Minute, Councillor Smith declared a Personal Interest as he was an employee of Freedom Leisure.)

Councillor Dingemans then referred Members to two recommendations at Minute 297 [Review of Terms of Reference for the Overview Select Committee] which he duly proposed. The recommendations were then seconded by Councillor Edwards.

The Council

RESOLVED – That

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

Councillor Oppler then made a Statement in accordance with Council Procedure Rule 11.2 in relation to Minute 296 [Filming and Photographic Policy – Scope] in that he hoped that in developing this Policy the Council would take the opportunity to review its approach to the recording of all Full Council meetings. Councillor Oppler outlined that as the Council had invested in installing the appropriate technology within the Council Chamber, then it was time to put this equipment to good use and in line with the approach adopted by many other Councils who regularly recorded and archived their meetings.

360. ELECTORAL REVIEW SUB-COMMITTEE – 28 NOVEMBER 2017

The Chairman, Councillor Gammon, presented the Minutes from the Electoral Review Sub-Committee held on 28 November 2017.

Councillor Gammon then referred Members to the first of a series of recommendations at Minute 5 [Community Governance Review] and in proposing the recommendations confirmed that he wished to withdraw Recommendation 2 as a separate Officer report setting out the terms of reference for the review; the method of how the review would be carried out and the timetable would be considered later on in the meeting at Item 26. Councillor Chapman then seconded the recommendation.

The Council

RESOLVED

That a community Governance Review to look at the request from Felpham Parish Council to consider altering the Felpham/Yapton Parish Boundary is undertaken

Councillor Gammon then alerted Members to two recommendations at Minute 6 [Community Governance Review – Barnham and Eastergate] and in proposing the recommendations confirmed that he wished to withdraw Recommendation 2 as a separate Officer report setting out the terms of reference for the review; the method of how the review would be carried out and the timetable would be considered later on in the meeting at Item 27. Councillor Chapman then seconded the recommendation.

The Council

RESOLVED

That a Community Governance Review to look at the request from Barnham & Eastergate Parish Councils to combine the two Parish Councils is undertaken

Councillor Gammon then referred Members to the next two recommendations at Minute 7 [Review of the Terms of Reference for the Electoral Review Sub-Committee] which he duly proposed. These recommendations were then seconded by Councillor Chapman.

The Council

RESOLVED – That

(1) the revised terms of reference for the Electoral Review Sub-Committee, as set out in Appendix 1 to the report, be approved and updated in Part 3, Responsibility for Functions in the Constitution; and

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

Councillor Gammon then presented the last set of recommendations at Minute 9 [Review of the West Sussex County Council Election on 4 May 2017 and Parliamentary Election held on 8 June 2017] which he duly proposed. The recommendations were then seconded by Councillor Chapman. In seconding the recommendations, Councillor Chapman outlined that he wished to have placed on record his reiterated thanks for the work of the Elections and Democratic Services teams for managing both of these elections within a short time period.

Full Council – 10.01.18

The Council

RESOLVED – That

- (1) the report be noted; and
- (2) support be given to the Returning Officer to implement suggested improvement to the Elections process.

361. CHIEF EXECUTIVES REMUNERATION COMMITTEE – 5 DECEMBER 2017

(Prior to the consideration of this item, the Chief Executive re-declared his Personal and Pecuniary Interests made at the start of the meeting and left the Council Chamber.)

In the absence of the Chairman of the Committee (Councillor Wotherspoon), Councillor Hitchins presented the Minutes from the meeting of the Chief Executive's Remuneration Committee held on 5 December 2017.

Councillor Hitchins referred Members to a recommendation at Minute 304 [Chief Executive's Remuneration for 2017/18] and outlined that he was pleased to formally propose this recommendation as there had been cross-party support for it at the meeting. The recommendation was then seconded by Councillor Clayden.

In discussing the recommendation, Councillor Purchase confirmed that he proposed to make an amendment to read as follows – with additions shown in **bold** and deletions shown using ~~strikethrough~~:

- (1) Following the Chief Executive's Appraisal held on 13 November 2017, the level of performance related pay for 2017/2018 be ~~2.5%~~ **2%** with this being paid from 3 October 2017; and
- (2) **In line with other Council staff, subject to national pay negotiations.**

Councillor Purchase then formally proposed this amendment which was then seconded by Councillor Oppler.

Speaking to this amendment, Councillor Purchase confirmed that the proposal to award an overall 2% was not about the Chief Executive as an individual or his performance but that it was about applying fairness in terms of Arun staff who had not received more than a 1% pay increase for a number of years. It was Councillor Purchase's view that any award made to the Chief Executive's pay should in future be linked to the national settlement for local government staff.

Debate on this amendment saw many Councillors speaking against it. This was because the arrangements for considering performance related pay were based on previously set achievements as set by the Appraisal Panel in line with the Council's Constitution. The Remuneration Committee, in considering and debating the matter, saw the recommendation as being equitable and acceptable. The amendment could not be supported as no reason had been given that related to the performance or the achievements that had been set by the Appraisal Panel and therefore the amendment would have severe contractual implications for the Council. Members were reminded that the salary of the Chief Executive did not come under the national bargaining arrangements which covered Arun staff.

It was stated that there had been cross-party support at not just the Appraisal Panel but also at the Remuneration Committee and so some Members questioned why a totally different amendment was now being proposed.

Councillor Oppler, as seconder to this amendment, stated that Councillors had a perfect right to put forward what they thought was an appropriate alternative, the amendment of 2% would make it fair for all.

Those speaking in support of the amendment outlined that they had no political axe to grind but felt very strongly over the issue of fairness across all staff of the Council when it came to pay awards. It was suggested that the award made last year to the Chief Executive and the uplift provided in addition to the pay award had not gone down well with some members of staff. The view point was again made and the question was asked as to why the Chief Executive's remuneration could not be paid each year in line with staff pay awards.

The Director of Place then provided some advice outlining his role in relation to trying to ensure the decision proposed was clear and fully understood. With the amendment it was felt that there was a conflict between Recommendations 1 and 2 and so Councillor Purchase, as proposer to the amendment, was asked if he would consider withdrawing part of his amendment put forward.

Full Council – 10.01.18

In response, Councillor Purchase, agreed to withdraw Recommendation (2) of his amendment. This was then agreed by Councillor Oppler as seconder to the amendment.

The amendment now proposed read as below:

Following the Chief Executive's Appraisal held on 13 November 2017, the level of performance related pay for 2017/2018 be 2% with this being paid from 3 October 2017

A request was received that the voting on the amendment be recorded.

Those voting for the amendment were Councillors Brooks, Buckland, Northeast, Oppler, Purchase, Smith and Wells (7); and those voting against were Councillors Ambler, Ballard, Mrs Bence, T Bence, Blampied, Mrs Bower, R Bower, Mrs Brown, L Brown, Cates, Chapman, Charles, Clayden, Cooper, Dendle, Dillon, Dingemans, Edwards, Haymes, Hitchins, Hughes, Mrs Madeley, Mrs Neno, Mrs Oakley, Oliver-Redgate, Mrs Porter, Reynolds, Miss Rhodes, Tyler, Warren, Wheal and Wensley (32), Councillor Gammon abstained from voting.

On putting the amendment to the vote it was declared LOST.

The Chairman then returned to the substantive recommendation and the Council

RESOLVED

That following the Chief Executive's Appraisal held on 13 November 2017, the level of performance related pay for 2017/2018 be 2.5% with this being paid from 3 October 2017.

(During the course of the discussion on this item, the following declarations of interest were made:

- *By Councillor Purchase as a Member of the Chief Executive's Appraisal Panel*
- *By Councillor Northeast as he was married to a member of the Council's staff).*

362. AUDIT & GOVERNANCE COMMITTEE – 7 DECEMBER 2017

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

Councillor Chapman referred Members to the first set of recommendations at Minute 309 (Review of the Terms of Reference for the Audit & Governance Committee) which he duly proposed. The recommendations were seconded by Councillor Mrs Oakley.

The Council

RESOLVED – That

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

Councillor Brooks then asked a question in relation to Council Procedure 11.2 in relation to Minute 310 [Draft Future Work Plan] in that the wording for the second resolution for that item seemed to be omitting some wording. Councillor Chapman confirmed that this needed to read “the heading – Local Property Company – be included as a standing agenda item at future meetings of the Committee”. This error would be corrected as the next meeting of the Committee.

Councillor Chapman then alerted Members to a series of recommendations at Minute 313 [Treasury Management – Quarter 2 Report for 2017/2018] which he duly proposed. These recommendations were seconded by Councillor Mrs Oakley.

The Council

RESOLVED - That

- (1) the actual prudential and treasury indicators for 2017/2018 contained in the report be approved;
- (2) the treasury management report for 2017/2018 be noted;

(3) the treasury activity for the quarter ended 30 September 2017, generating interest receipts of £169,920 (0.97%) for the quarter and £334,000 (1.04%) for the year to date be noted against a budget of £560,000 (1.02%) for the full year; and

(4) the interest earned to the end of October 2017 (YTD) of £394,000 (1.17%) be noted.

363. CABINET – 11 DECEMBER 2017

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 11 December 2017.

Councillor Mrs Brown alerted Members to the first set of recommendations at Minute 324 (Review of the Terms of Reference for Cabinet) and explained that this formed part of a major review led by the Constitution Working Party. There were two areas for Members to specifically note. The first were proposals to allow the Cabinet to consider urgent items which seemed sensible with the second proposing that the current allocation of functions to Cabinet Members be extended to include those functions listed at Paragraph 2.4 of the report as this would ensure the reader could see the full list of functions when they reviewed that section of the Constitution. Councillor Mrs Brown therefore proposed the recommendations and asked Members to support them. The recommendations were then seconded by Councillor Wensley.

The Council

RESOLVED – That

(1) the revised terms of reference for the Cabinet, as set out in Appendix 1 to the report, be approved and updated in Part 3, Responsibility for Functions in the Constitution;

(2) the following wording be added to each Cabinet Portfolio at Part 3, Responsibility for Functions, Section 3.0 (Cabinet Member Responsibilities):

- To consider reports from the Council's representatives on outside bodies and report any issues to the Cabinet as relevant,
- To represent the Council's views where relevant to outside bodies and at other relevant meetings, and
- To consider and award compensation in excess of £5000 in the event that a complaint investigation within his/her portfolio finds in a complainant's favour.

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

Councillor Mrs Brown then referred Members to two recommendations at Minute 327 [Vision 2020 Restructure – Request for a Supplementary Estimate] and she explained that since the new management structure had been in place, the new Group Heads had been reviewing their staffing structures. The report sought approval for a supplementary estimate of up to £350,000 for the restructuring costs associated with the latest restructuring which would prepare the Council for the cost of one-off redundancies, if necessary. Councillor Mrs Brown then proposed the recommendations which were duly seconded by Councillor Wensley.

The Council

RESOLVED – That

- (1) a supplementary estimate of up to £350,000 (which equates to a Band D equivalent Council Tax of £5.89) for the restructuring costs associated with the Council's 2020 Vision savings be approved; and
- (2) the progress made towards achieving the Council's 2020 Vision Savings target be noted.

Councillor Mrs Brown then presented the last recommendation at Minute 333 [Overview Select Committee - 21 November 2107 – Feedback from the Council Tax Working Party] in which it was being proposed that the Council Tax Reduction Scheme for 2018 remained unchanged for a further year. Councillor Mrs Brown then proposed this recommendation which was seconded by Councillor Wensley.

The Council

RESOLVED

That the Council Tax Reduction Scheme for 2018 remains unchanged for a further year.

Councillor Dingemans then asked a question in accordance with Council Procedure Rule 11.2 in relation to Minute 331 [A29 Realignment] as to whether confirmation could be provided that the A29 realignment would be undertaken before the proposed 3,000 homes at Barnham/Eastergate and Westergate were constructed. Councillor Mrs Brown responded stating that she could not guarantee this but hoped that this would be the case and that this also depended upon how negotiations progressed.

Councillor Wells then made a Statement in accordance with Council Procedure Rule 11.2 in relation to Minute 326 [Budget Monitoring Report to 30 September 2017] and specifically in relation to the sixth bullet point regarding a minor virement from the Asset Management budget to fund the expenses associated with the purchase of the Bognor Regis arcade. He asked if it could be confirmed if this was a movement from across budgets or was this figure in addition to what had been confirmed at the last Full Council meeting. Councillor Mrs Brown confirmed that this was a minor movement from within the asset management budget for small amounts such as the stamp duty necessary for the purchase.

Councillor Wells asked if this figure was on top of the purchase price announced at the last meeting. Councillor Mrs Brown confirmed that yes it would be.

364. CONSTITUTION WORKING PARTY – 12 DECEMBER 2017

The Chairman, Councillor Mrs Bower, presented the Minutes from the meeting of the Constitution Working Party held on 12 December 2017 which had been circulated separately to the agenda.

Councillor Mrs Bower firstly alerted Members to recommendations at Minute 22 [Constitutional Amendments – Part 6 – Section 6 – Purchasing Procedure, Contracts and Disposal Rules.] In formally proposing the recommendations, Councillor Mrs Bower stated that several queries had been raised at the meeting by Members and a response to the queries raised had been answered by Officers and small amendments subsequently made to the draft Contract Standing Orders. Councillor Mrs Bower outlined that these had been shown as tracked changes within the documents provided in the second bundle of Council papers at pages 13 to 31.

Members were advised that if Full Council approved the draft Contract Standing Orders, it was necessary to make one further small change to clarify the eligibility of suppliers in Paragraph 15.2 so that this would read:

“When assessing the suppliers’ financial standing, the Responsible Officer shall require prospective tenderers to have an annual turnover of more than twice the estimated **annual** contract value, unless otherwise agreed with the Council’s Monitoring Officer”.

Councillor Wensley then seconded the recommendations to include this very slight change.

The Council

RESOLVED – 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.

Councillor Mrs Bower then alerted Members to the next set of recommendations at Minute 23 [Constitutional Amendments to Part 3, Responsibility for Functions – Terms of Reference of Committees, Sub-Committees and Panels] which she formally proposed. The recommendations were seconded by Councillor Wensley.

The Council

RESOLVED – That

- (1) The proposed changes to the Constitution at Part 3 (Responsibility for Functions) as set out in the replacement text at 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.

Councillor Mrs Bower then referred Members to the last set of recommendations at Minute 24 [Proposed Constitutional Amendment – Part 4 – Scheme of Delegation] which she formally proposed. The recommendations were then seconded by Councillor Wensley.

The Council

RESOLVED – 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.

365. DEVELOPMENT CONTROL COMMITTEE – 13 DECEMBER 2017

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 13 December 2017.

366. SPECIAL BOGNOR REGIS SUB-COMMITTEE – 19 DECEMBER 2017

The Chairman, Councillor Hitchins, presented the Minutes from the Special meeting of the Bognor Regis Regeneration Sub-Committee held on 19 December 2017, which had been circulated separately from the agenda.

Councillor Hitchins referred Members to nine recommendations at Minute 17 [Hothampton Linear Park Regeneration Proposals] and he reminded Members that should any discussion relate to the Exempt background papers provided to Members, then it would be necessary to move into Exempt business.

Councillor Hitchins outlined that a huge amount of work had been put into the design proposals for this scheme which was only at Stage 1 – which was to agree the principle of the Linear Park. It was acknowledged that project costs would up to £300k to reach the planning application stage but that this would be money well spent as this was a brilliant scheme that would be unique to Bognor Regis. He confirmed that the car parking around the linear park would include electric charging points as this was becoming more popular. Councillor Hitchins in proposing the recommendations urged Members to support them. The recommendations were then seconded by Councillor Mrs Madeley.

The proposals were discussed and were widely supported and the work of the Sub-Committee was praised. It was acknowledged that many schemes had been looked at over the years but that the Linear Park proposals were finally a stepping stone to greater things. Members were disappointed that negative comments had been made over the loss of trees and car parking but it could be confirmed that the scheme would be replacing old trees with new trees and more parking. Elements of the scheme also addressed future needs and would provide electric charging points for electric vehicles.

Comments were then made in relation to the recommendations where it was proposed that delegated authority be given to the Director of Place in consultation with the Leader of the Council and the Chairman of the Bognor Regis Sub-Committee to make minor changes and amendments to the scheme of designs, as this would leave little opportunity for Councillors to make changes to this project. It was clear from the proposals that not all of the information was finalised and that there would be points that would need clarification in the future.

Further concern was then expressed over the fact that car parking spaces and green space would be taken away. Criticism was also made at the lack of investment from the Council in terms of maintaining the sunken gardens. Although volunteers had done an amazing job over the years to keep the gardens going, this was a responsibility of the Council. Safety issues over the junction opposite Crescent Road were also highlighted as concerns expressed by the local community.

Other comments made were that the proposals should be considered in line with the Regis Centre site to ensure that the much needed leisure facilities would be properly supported and in ensuring the future success of this area.

Councillor Hitchins, as proposer of the recommendations, responded to some of the points raised. He stated that it was essential to move on with the proposals so that the residents of Bognor Regis could see that the Council was finally doing something in moving forward the much promised regeneration. The papers provided were not formal plans but artist's impressions. A formal planning application would be submitted in due course to the Council's Development Control Committee and Members would have the opportunity to comment at that time. In terms of car parking, this amounted to a loss of only 17 spaces and there would be an increase in the area of green space provided.

The Council

RESOLVED – 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.

367. HOUSING & CUSTOMER SERVICES WORKING GROUP – 2 NOVEMBER 2017

The Chairman, Councillor Hughes, presented the Minutes from the meeting of the Housing & Customer Services Working Group held on 2 November 2017.

368. ENVIRONMENT & LEISURE WORKING GROUP – 19 DECEMBER 2017

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Environment & Leisure Working Group held on 19 December 2017, which had been circulated separately to the agenda.

Councillor Mrs Oakley then made a Statement in accordance with Council Procedure Rule in relation to Minute 26 [Strategic Vision for the Future of Public Convenience Services in Arun] and she spoke against proposals to provide unisex facilities which in her mind would potentially affect everyone who planned to visit the District.

Councillor Mrs Oakley stated that it was the direct responsibility of every elected Councillor to raise this issue. Although it was accepted that modern and clean facilities were needed, she could not understand the need to install unisex facilities and was concerned that there had not been any public consultation on these proposals. Councillor Mrs Oakley stated that she was raising this matter as she had been approached by a number of people who did not wish to see all unisex facilities and that there should be facilities available for the sole use of females. Councillor Mrs Oakley stated that she accepted that there would be a number of areas where unisex facilities would be inevitable due to sewage locations and that disabled facilities needed to be unisex due to carer assistance, however, she could not accept that the need to install unisex facilities had been based upon affordability and vandalism factors. Councillor Mrs Oakley asked for a proper consultation exercise to be undertaken to establish the views of electors, especially women and she asked Members to bear in mind the cost and consequences in revising these policies when they were eventually considered to be inappropriate.

The Leader of the Council, Councillor Mrs Brown responded stating that these were recommendations to be considered by Cabinet at its next meeting to be held on 12 February 2018.

369. MATTERS RELATING TO JOINT ARRANGEMENTS

There were no items for this meeting.

370. MOTIONS

No Motions had been submitted to this meeting.

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

There were no questions or statements submitted.

372. 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

The Leader of the Council, Councillor Mrs Brown, presented this report which recommended that it would not be appropriate for the Council to make any binding decisions regarding its position as landowner for these key sites, the Hothamton and Regis Centre car park sites, under its freehold ownership.

Councillor Mrs Brown then proposed the recommendation which was then seconded by Councillor Haymes.

The Council

RESOLVED

That the Council re-affirms 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.

373. COMMUNITY GOVERNANCE REVIEW – FELPHAM AND YAPTON

The Leader of the Council, Councillor Mrs Brown, presented this report which followed on from the Electoral Review Sub-Committee items considered earlier in the agenda.

Councillor Mrs Brown stated that approval had been given that a Community Governance Review to look at the request from Felpham and Yapton Parish Councils to change their boundaries had been approved. The Council now needed to consider the next stage of this work which was to approve the Terms of Reference and the methodology and timetable for this review.

Councillor Mrs Brown then proposed the recommendations as outlined within the report and these were seconded by Councillor Wensley.

The Council

RESOLVED – That

- (1) the Terms of Reference for a community Governance Review of the request to change the Parish boundaries of Felpham and Yapton Parish Councils be approved; and
- (2) delegated authority be given to the Group Head of Policy to vary the Terms of Reference, as set out in the report, should it be necessary, in consultation with the Chairman of the Electoral Review Sub-Committee.

(During the course of the discussion on this item, Councillor Blampied declared a Personal Interest as a Member of Felpham Parish Council).

374. COMMUNITY GOVERNANCE REVIEW – BARNHAM AND EASTERGATE

The Leader of the Council, Councillor Mrs Brown, presented this report which followed on from the Electoral Review Sub-Committee items considered earlier in the agenda.

Councillor Mrs Brown stated that approval had been given that a Community Governance Review to look at the request from Barnham and Eastergate Parish Councils to combine the two Parish Councils be undertaken. The Council now needed to consider the next stage of this work which was to approve the Terms of Reference and the methodology and timetable for this review.

Councillor Mrs Brown then proposed the recommendations as outlined within the report and these were seconded by Councillor Wensley.

The Council

RESOLVED – That

- (1) the Terms of Reference for a community Governance Review of the request to change the Parish boundaries of Barnham and Eastergate Parish Councils be approved; and
- (2) delegated authority be given to the Group Head of Policy to vary the Terms of Reference, as set out in the report, should it be necessary, in consultation with the Chairman of the Electoral Review Sub-Committee

(During the course of the discussion on this item, Councillor Ballard declared a Personal Interest as he was Chairman of Barnham Parish Council).

375. COMMITTEE MEMBERSHIPS

The Leader of the Council, Councillor Mrs Brown, reported the following changes to Committee memberships:

- (1) Councillor Cates had filled the Conservative Vacancy on the Development Control Committee;
- (2) Councillor Charles had replaced Councillor Cates as a substitute on the Development Control Committee;
- (3) Councillor Tyler had become a substitute on the Development Control Committee;
- (4) Councillor Ambler had filled the Conservative Vacancy on the Local Plan Sub-Committee; and
- (5) Councillor Northeast had replaced Councillor Mrs Rapnik on the Local Plan Sub-Committee.

376. REPRESENTATION ON OUTSIDE BODIES

Councillor Mrs Brown formally proposed that Councillor Tyler would replace Councillor Clayden as this Council's nominated representative on the Look & Sea Heritage Trust. This was seconded by Councillor Wensley.

The Council

RESOLVED

That Councillor Tyler would replace Councillor Clayden as the Council's nominated representative on the Look & Sea Heritage Trust.

377. EXEMPT INFORMATION

The Council

RESOLVED

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

378. THE RETROSPECTIVE REPORTING OF URGENT DECISION BY THE CHIEF EXECUTIVE – JUDICIAL REVIEW OF PLANNING DECISION AL/83/OUT – LAND AT BARNSIDE, HOOK LANE, ALDINGBOURNE [Exempt – Paragraph 5 – Information in Respect of Which a Claim to Legal Professional Privilege could be Maintained in Legal Proceedings]

The Leader of the Council, Councillor Mrs Brown, presented this report which asked Members to note that on 6 December 2017, the Chief Executive had exercised his urgent authorisation to withdraw the Council's defence in legal proceedings in the High Court, based on legal advice. On 7 December 2017, the High Court quashed the planning decision and ordered the Council to pay costs of £20,000.

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

The Council

RESOLVED

To note that on 6 December 2017, the Chief Executive exercised his urgent authorisation to withdraw the Council's defence in legal proceedings in the High Court, based on legal advice.

On 7 December 2017 the High Court quashed the Planning decision, and ordered the Council to pay costs of £20,000.

(The meeting concluded at 8.45 pm)