

**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 7 MARCH 2018 AT 6.00 P.M.**

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

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated – Councillors Northeast – Minute 475 (Part) to Minute 482; and Councillor Buckland – for the vote on Minute 480.]

454. WELCOME

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

455. REPORT OF RETURNING OFFICER

The Chief Executive, in his role as Returning Officer, asked the Council to note the result of the by-election held for the Marine Ward on 22 February 2018. Matt Stanley, representing the Liberal Democrats, was elected and it was confirmed that he had completed his statutory declaration to the Chief Executive ahead of this meeting.

In accordance with Council Procedure Rule 23, the allocation of Committees, Sub-Committees and Working Parties and Panel seats had been reviewed and the Group Leaders would be confirming their appointments to any vacancies shortly.

The Chairman, on behalf of all Councillors, then formally welcomed Councillor Stanley to the Council.

456. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Ballard, Buckland, Blampied, Chapman, Edwards, Mrs Neno, Patel, Mrs Rapnik and Wensley and from all of the Council's Honorary Aldermen, Mrs Goad, MBE, Mrs Morrish, Mrs Olliver, Mrs Stinchcombe and Squires.

457. DECLARATIONS OF INTEREST

Councillor English declared a Personal Interest in Agenda Item 19 (Standards Committee – 22 February 2011 – Minute 449 [Assessment Panel Decision – Allegation against Felpham Parish Councillors] as he was a Member of Felpham Parish Council).

458. QUESTION TIME

(a) Questions from the public

The Chairman confirmed that no questions had been submitted from members of the public in advance of the meeting in accordance with the rules of the Council's Constitution.

(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.

459. MINUTES

The Minutes of the Special Council Meeting held on 21 February 2018, which had been circulated at the meeting, were approved by the Council as a correct record and signed by the Chairman.

460. CHAIRMAN'S COMMUNICATIONS

The Chairman alerted Members to the list of engagements and events that had been attended since the Special Meeting of the Council held on 21 February 2018 – these had been emailed to Councillors recently.

The Chairman then announced that she wished to have noted congratulations to the Council's Land Charges team as they had received another Customer Excellence Award.

461. URGENT MATTERS

There were no items for this meeting.

462. STATUTE MATTERS

(i) Appointment of Vice-Chairman of the Council for the Municipal Year 2018/19

In accordance with Article 4 of the Constitution, the Council was requested to appoint a Vice-Chairman and Chairman Elect for the municipal year 2018/19.

One candidate, Councillor Pat Dillon, had had his name nominated for the role. Following a statement made from the Leader of the Council, in support of her respective candidate, a ballot was conducted in accordance with Council Procedure Rule 16.4. The result of the ballot was declared by the Chief Executive, who announced that Councillor Pat Dillon had been selected for the appointment of Vice-Chairman of the Council for 2018/19 and Chairman Elect of the Council for 2019/20.

463. MATTERS FROM THE LAST MEETING

There were no matters for this meeting.

464. ANY OTHER MATTERS

There were no matters for this meeting.

465. DEVELOPMENT CONTROL COMMITTEE – 17 JANUARY 2018

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 17 January 2018.

466. SPECIAL OVERVIEW SELECT COMMITTEE – 23 JANUARY 2018

The Chairman, Councillor Dingemans, presented the Minutes from the Special Meeting of the Overview Select Committee held on 23 January 2018.

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467. OVERVIEW SELECT COMMITTEE – 31 JANUARY 2018

The Chairman, Councillor Dingemans, presented the Minutes from the meeting of the Overview Select Committee held on 31 January 2018.

468. LITTLEHAMPTON REGENERATION SUB-COMMITTEE – 7 FEBRUARY 2018

The Chairman, Councillor Bicknell, presented the Minutes from the meeting of the Littlehampton Regeneration Sub-Committee held on 7 February 2018.

469. CABINET – 12 FEBRUARY 2018

The Chairman, Councillor Mrs Brown, presented the Minutes from the Cabinet Meeting held on 12 February 2018.

Councillor Mrs Brown then alerted Members to two recommendations at Minute 403 (New Corporate Plan and Service Delivery Plan Indicators – 2018/2022). Councillor Mrs Brown outlined that following the Local Government Association (LGA) Corporate Peer Review in March 2014, the Council had been considering how it would need to change to reflect the predicted shift in the population and business needs for the future, in the knowledge of the Council's reducing financial stability. The 2020 Vision programme had been established to provide the strategic direction required to help the Council become a more effective and sustainable one and in order to meet the future demands that would be placed upon it. Councillor Mrs Brown highlighted that the Council's three priorities of "Your Future; Your Council Services and If you and Your family Need Help" had been kept as these were still pertinent. Much work had been undertaken with Group Heads of Services and Cabinet Members to form the new Corporate Plan and Service Delivery Plan Indicators which would be used to measure how the Council was performing through the targets.

Finally, Councillor Mrs Brown confirmed that the proposals had been presented to a former meeting of the Overview Select Committee (21 November 2017) where they had been discussed in depth but no recommendations to change any performance indicator's wording or targets had been requested. The Overview Select Committee had made just one request which was that an annual review of the targets be undertaken by the Committee in case any needed to be altered based on the previous year's performance. Councillor Mrs Brown therefore formally proposed the recommendations which were then seconded by Councillor Dingemans.

The Council

RESOLVED – That

- (1) the current draft list, as amended by Cabinet, of 11 Corporate Plan indicators for the period 2018-2022 on the basis that all of the indicator targets are reviewed annually by Overview Select Committee and Cabinet, be approved; and
- (2) the current draft list of 23 SDP indicators for the period 2018-2022 on the basis that all of the indicator targets are reviewed annually by Overview Select Committee and Cabinet be approved.

Councillor Mrs Brown then alerted Members to the next recommendation at Minute 412 (Planning Appeal at Land West of Church Lane and South of Horsemere Green Lane, Climping) and she explained that an appeal had been submitted against the decision of the Council to refuse planning permission for 300 dwellings on land west of Church Lane and South of Horsemere Green Lane, Climping [planning application CM/1/17/OUT]. This application had been refused by the Development Control Committee on 9 August 2017 due to highway safety in relation to mitigating the impacts of the new development on the Oystercatcher and Comet Corner junctions on the A259. Councillor Mrs Brown outlined that the Applicant had appealed the decision to refuse the application and the Planning Inspectorate had decided that the appeal should be heard under the public inquiry procedure. In view of this, Councillor Mrs Brown in formally proposing the recommendation urged Members to support it. Councillor Charles then seconded the recommendation.

In considering the recommendation, some comments were made and concern expressed over the cost of defending this appeal. The supplementary estimate being requested [£40,000] for the costs associated with defending the appeal was money that could have been used elsewhere. At this was a strategic site outlined in the Council's draft Local Plan, there were some Councillors who could not understand why the Development Control Committee had voted against this application.

Further debate on this item saw some Councillors arguing that appeals such as this would not be happening if the Council had adopted its Local Plan when it had the chance. As a result of the Council's prevarication housing numbers had increased significantly and planning appeals were becoming more frequent.

The Council

RESOLVED

That the supplementary estimate of £40,000 for costs associated with defending the Appeal in respect of application CM/1/17/OUT, be approved. These include Counsel costs and costs of appointment of Planning Consultants and any specialist consultants to assist with defending an Appeal in respect of Planning Application CM/1/17/OUT. The supplementary estimate equates to a Band D Council Tax of £0.67.

Councillor Dr Walsh then made a Statement in accordance with Council Procedure Rule 11.2 in relation to Minute 415 (Environment & Leisure Working Group – 19 December 2017) and he referred to the statement that had been made by the Chief Executive in relation to Minute 26 (Strategic Vision for the Future of Public Convenience Services in Arun). This was because Cabinet had been in full support of all of the recommendations (1 to 19) but due to constitutional restrictions had been unable to agree Recommendation 20 which requested Cabinet to confirm a Policy of moving towards Unisex toilets. The statement made by the Chief Executive (within the Cabinet Minutes of 12 February 2018) confirmed that under the Council's Constitution, Part 4 – Officer Scheme of Delegation – Section 1 – this was not, in his opinion, a Cabinet decision, as this was an operational matter and not strategic and therefore this was for Officers to determine, assessing each case on its merits. The Cabinet had supported the Chief Executive's advice.

Councillor Dr Walsh stated that he could not agree with the statement made as it was clear that this was a Policy decision and one that Members should make. Councillor Dr Walsh therefore made a strong plea that this matter be referred back to Cabinet for Cabinet Members to discuss, debate and vote upon, especially as this was what the Working Group had requested.

In response, Councillors English and Mrs Oakley made statements in accordance with Council Procedure Rule 11.2 on the same item speaking in support of what Councillor Dr Walsh had said.

Councillors Dendle and Hitchins then responded speaking in support of moving towards adopting Unisex toilets as it was important for the Council to keep up to date with social attitudes.

Councillor Haymes then made a Statement in accordance with Council Procedure Rule 11.2 on the same matter. He outlined that other local authorities in West Sussex had all moved to adopting unisex toilets. Unisex toilets were also located at West Beach, West Park and in the Mill Road car park at Arundel and no issues or complaints had been reported to the Council. The new café in Hotham Park also had unisex facilities and no issues of concern had been submitted.

A request was then made for the matter to be referred back to Cabinet. The Group Head of Council Advice & Monitoring Officer confirmed that although Members could make a statement or ask a question on any Minute, as this was not a debate on a Minute which had a recommendation to consider, then no proposal could be made.

The Chairman confirmed that whilst the relevant Cabinet Member had made a statement, she would not be using her discretion to allow this matter to turn into a debate.

The Cabinet Member for Technical Services, Councillor Haymes, concluded his Statement by making reference to unisex facilities operated by other local authorities, all without complaint. He confirmed that he had consulted with the British Toilet Associated Limited who had confirmed that single cubicles for use by all was the way going forward nationally and that Councils, schools, colleges and universities needed to keep up with current trends and that of individual diversity.

Councillors Miss Rhodes and Buckland confirmed their views that the move to unisex facilities was unacceptable; they questioned the need for them and that the public do not want them as they were open to abuse.

Councillor Dr Walsh requested to speak again by way of personal explanation, stating that nowhere was it listed in the Council's Constitution that the move to adopting unisex toilets was an operational matter rather than a Policy decision. He asked the Group Head of Council Advice & Monitoring Officer to explain the basis of this decision.

The Group Head of Council Advice & Monitoring Officer referred Members to the statement in the Cabinet Minute which explained that the Chief Executive had confirmed his authority as set out in Part 4, Section 1 of the Council's Scheme of Delegation.

470. CONSTITUTION WORKING PARTY – 13 FEBRUARY 2018

The Chairman, Councillor Mrs Bower, presented the Minutes from the meeting of the Constitution Working Party held on 13 February 2018, and she alerted Members to two recommendations at Minute 31 [Constitutional Amendments to Part 5, Rules of Procedure (Meetings)] which she duly proposed. The recommendations were then seconded by Councillor R Bower.

In discussing the recommendations, it was one Councillor's view that the procedure in place for the time allocated to Public Question Time at Council and Cabinet Meetings (Paragraph 11.3 of the proposed Council Procedure Rules) should be extended from fifteen to thirty minutes to encourage public engagement and in comparison with the procedures in place for other Councils.

Councillor Bower, as seconder to the recommendations, responded stating that the fifteen minutes allocated was more than sufficient to deal with the issues that got raised by the public.

The Council

RESOLVED – That

(1) the proposed changes to the Constitution at Part 5 [Rules of Procedure (Meetings)] as amended at the meeting and set out in the replacement text at Appendices 1, 2 and 3 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.

471. DEVELOPMENT CONTROL COMMITTEE – 14 FEBRUARY 2018

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 14 February 2018, which had been circulated separately to the agenda.

472. AUDIT & GOVERNANCE COMMITTEE – 22 FEBRUARY 2018

The Vice-Chairman, Councillor Mrs Oakley, presented the Minutes from the Meeting of the Audit & Governance Committee held on 22 February 2018, which had been circulated separately to the agenda.

Councillor Mrs Oakley alerted Members to a series of recommendations at Minute 440 [Treasury Management Strategy Statement & Annual Investment Strategy – 2018-19] which she duly proposed. The recommendations were then seconded by Councillor Cates.

The Council

RESOLVED – That

- (1) the Treasury Management Strategy for 2018/19 be approved;
- (2) the Annual Investment Strategy for 2018/19 be approved; and
- (3) the Prudential Indicators for 2018/19, 2019/20 and 2020/21 as contained in Appendix 1 and the body of the report, be approved.

473. STANDARDS COMMITTEE – 22 FEBRUARY 2018

The Vice-Chairman for the meeting, Councillor Mrs Bence, presented the Minutes from the meeting of the Standards Committee held on 22 February 2018, which had been circulated separately to the agenda.

Councillor Mrs Bence referred Members to two recommendations at Minute 448 [Update to the Local Assessment Procedure – Police Protocol] which she duly proposed. The recommendations were then seconded by Councillor Dillon.

The Council

RESOLVED – That

- (1) the Police Protocol, as set out in Appendix 1, be approved and incorporated into the Local Assessment Procedure; and
- (2) the Group Head of Council Advice & Monitoring Officer be given authority to make the necessary consequential updates to the Local Assessment Procedure.

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474. LOCAL PLAN SUB-COMMITTEE – 26 FEBRUARY 2018

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Local Plan Sub-Committee held on 26 February 2018, which had been circulated separately to the agenda.

Councillor Bower referred Members to a recommendation at Minute 31 [Open Space, Playing Pitch and Built Sports Facilities Supplementary Planning Document] which he duly proposed. The recommendation was then seconded by Councillor Charles.

The Council

RESOLVED

That the interim position, as set out in the report, be formally agreed until the Open Space, Playing Pitchy and Built Sports Facilities Supplementary Document is adopted.

Councillor Bower then drew Members' attention to the final recommendation at Minute 33 [Authority Monitoring Report 2016/17] which he duly proposed. The recommendation was then seconded by Councillor Charles.

The Council

RESOLVED

That the Authority Monitoring Report 2016/17 be adopted.

475. HOUSING & CUSTOMER SERVICES WORKING GROUP – 4 JANUARY 2018

The Chairman, Councillor Hughes, presented the Minutes from the meeting of the Housing & Customer Services Working Group held on 4 January 2018.

476. ENVIRONMENT & LEISURE WORKING GROUP – 20 FEBRUARY 2018

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Environment & Leisure Working Group held on 20 February 2018, which had been circulated separately to the agenda.

477. MATTERS RELATING TO JOINT ARRANGEMENTS

There were no items for this meeting.

478. MOTIONS

No Motions had been submitted to this meeting.

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

Two questions had been received as set out below:

- (1) from Councillor Stanley to the Leader of the Council, Councillor Mrs Brown, regarding Regeneration in Bognor Regis and public concern; and
- (2) from Councillor Oppler to the Leader of the Council, Council Councillor Mrs Brown, regarding the Bandstand in Bognor Regis.

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

480. PAY POLICY STATEMENT 2018/19

(At the commencement of this item, the Chief Executive; the Director of Place; and the Member Communications Officer, left the meeting for its consideration as the Draft Pay Policy Statement set out issues that related to the remuneration of staff and particularly the Chief Executive and Chief Officers.)

The Leader of the Council, Councillor Mrs Brown, presented this report which had been circulated separately to the agenda. This report detailed the draft Pay Policy Statement for 2018/2019. Councillor Mrs Brown formally proposed that the Pay Policy Statement for 2018/19 be approved for publication onto the Council's web site by 1 April 2018. This was then seconded by Councillor Haymes

Before debating the item, the Chairman was asked why any Officers present had left the meeting for this item as he did not feel this was required. The Group Head of Council Advice & Monitoring Officer explained that the Officers had withdrawn from the meeting as this item referred to the remuneration of staff, particularly the Chief Executive and Directors. She confirmed that she and the Committee Manager had remained in the meeting to provide advice and to record the debate and the decision taken.

The Group Head of Council Advice & Monitoring Officer was asked if this Council's approach could be reviewed for the future and especially as this item was presented to the Council each year.

A question was then asked about the pay ratio in Paragraphs 10.1 and 10.2 of the report [relationship between remuneration of "Chief Officers" and "employees" who were not Chief Officers] and it was stated that it was difficult for Members to be able to put the information provided into context without the inclusion of comparisons with previous years, going back 2-3 years. The request was made that this information be provided in the future allowing Members to easily see an illustration in terms of whether the pay gap between senior officers and all other employees was widening or narrowing.

Councillor Mrs Brown responded stating that if this question had been put to Officers in advance of the meeting then the figures requested could have been provided to the meeting.

The Council

RESOLVED – That

- (1) The Pay Policy Statement 2018/19 be approved for publication on the Arun website by 1 April 2018;
- (2) Delegated authority be given to the Group Head of Corporate Support to make changes to the Pay Policy Statement which might arise from new legislation concerning employee severance payments should this be introduced later this year.

481. COMMITTEE MEMBERSHIPS

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

- (1) Councillor Reynolds to fill the Conservative Vacancy on the Bognor Regis Regeneration Sub-Committee;
- (2) Councillor Northeast will no longer be a Member of the Local Plan Sub-Committee and will be replaced by Councillor Oppler [filling the vacant Independent seat];
- (3) Councillor Stanley to replace Councillor Mrs Stainton on the Local Plan Sub-Committee; and
- (4) Councillor Oliver-Redgate will no longer be a Member of the Development Control Site Inspection Panel.

Subject to approval at the next meeting

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482. REPRESENTATION ON OUTSIDE BODIES

Councillor Mrs Brown formally proposed that Councillor Clayden would replace Councillor Mrs Ayres as this Council's nominated representative on the Voluntary Action Arun & Chichester (VAAC). This was seconded by Councillor Bence.

The Council

RESOLVED

That Councillor Clayden will replace Councillor Mrs Ayres on the Voluntary Action Arun & Chichester (VAAC)

(The meeting concluded at 7.35 pm)

Subject to approval at the next meeting

COUNCIL MEETING – 7 MARCH 2018

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

Q1: Councillor Stanley to the Leader of the Council, Councillor Mrs Brown

Q1 Following the result of the Marine By-election and the strength of public opinion that was demonstrated against the Linear Park proposal during the campaign, I would like to ask the Leader what is planned to demonstrate that the community's concerns regarding the redevelopment of this site have been taken on board?

A1 A verbal response was provided by the Leader of the Council, Councillor Mrs Brown at the meeting as set out below:

I am sure that we would all agree that one or even two swallows don't make a summer and that the electorate determine who they should vote for on the basis of a whole range of issues, both local and national. By-elections nearly always have a very low turnout, which is a shame and therefore not a good indication of what the majority of people think and want.

You may not be aware that the Council undertook specific public consultation last year on its plans for the linear park and the overwhelming majority of those who responded supported the plans.

The details of the proposals and the consultation results were considered by Full Council as recently as January this year. The subsequent approval of the suggested approach to the parks delivery means that officers are now working on the procurement of the necessary reports and plans to enable the submission of a planning application. I would invite all Councillors to get behind this exciting scheme for the town.

Supp

Q You have referred to the overwhelming majority of people who supported the plans in the consultation. Can you please let me have the figures?

Supp

A I did attend the consultation but I do not have the figures to hand – they are minuted somewhere.

Q2 Councillor Oppler to the Leader of the Council, Councillor Mrs Brown

Q2 In the recent leaflet produced by the Conservative by-election candidate, the statement has been made that “there are no plans to move the Bandstand”.

Could the Leader clearly state that any such proposal will be immediately and permanently removed from the seafront strategy, and that the Council supports the bandstand’s continued presence on the seafront for another 70 years!

A2 A verbal response was provided by the Leader of the Council, Councillor Mrs Brown, at the meeting as set out below:

When we were looking at the seafront strategy and the concession area we agreed that we needed to retain the Bandstand and bring it back into use.

One of the suggestions made was to possibly move it to Waterloo Square, where it could be used in a less windy position.

However this idea was dismissed and we agreed that wanted to keep the bandstand where it was, as it is an important part of the Bognor Regis seafront.

So under our review of the concessions policy we are looking at making it a feature of the area. We have money allocated for the concession area and we will be looking at this later in the year.

There has never been a reason to 'save the bandstand' as it was never under threat.

Supp

Q I am delighted to receive this response but can you please confirm to me at which Committee meeting was the decision made on the bandstand as I would like to see the Minutes from this meeting. This is great news for the people of Bognor Regis in that the bandstand is saved!

Supp

A I agree with you in that this is good news and confirm that everything that was put into the Conservative By-Election campaign literature for the Marine By-Election was true.