

**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 18 JULY 2018 AT 6.00 P.M.**

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

Honorary Alderman Squires was also in attendance at the meeting

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Mrs Pendleton, Minutes 97 to 107; Councillor Purchase, Minute 100 [part] to 107; Councillors L.Brown, Hughes, Miss Rhodes and Mrs Porter, Minutes 102 to 107; Tyler, Minutes 103 to 107; and Councillor Reynolds, Minutes 104 to 107.

79. WELCOME

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

80. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Edwards, Mrs Hall, Mrs Harrison-Horn, Mrs Neno, Northeast, Patel and Wells.

Apologies had also been received from Honorary Aldermen Mrs Goad, Mrs Stinchcombe, Mrs Olliver and Mrs Morrish.

81. DECLARATIONS OF INTEREST

The following declarations of interest made:-

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Councillor Dingemans declared a prejudicial interest in Agenda Item 22 [Motions] in view of his membership and current role as Deputy Chair of the South Downs National Park Authority. He stated that, as the Constitution allowed, he intended to ask a question under Agenda Item 4 [Members with pecuniary/prejudicial interests] and would be leaving the meeting when the motion was considered.

Councillor Haymes declared a personal interest in Agenda Item 9 [Electoral Review Subcommittee – 3 May 2018] as he was Chairman of Yapton Parish Council. He stated that he would remain in the meeting and take part in the vote.

With respect to exempt Agenda Item 30 [Disposal/Acquisition of Interest in Land at the Regis Centre, Bognor Regis] the following Councillors declared an interest as indicated:-

Councillor Dillon declared a prejudicial interest and stated that, “whilst my Register of Interests confirms my connection with Arun Arts as a personal interest, on this occasion I wish to declare a prejudicial interest in view of my active involvement with this organisation, which was referred to in the report. I will be leaving the meeting while the item is considered.”

Councillors Brooks, Mrs Daniells, Reynolds and Stanley declared a personal interest as Members of Bognor Regis Town Council. Councillor Brooks also stated that he had made some suggestions on some elements of the scheme in the early stages but not on the planning application.

Councillors Oppler and Stanley declared a personal interest in Agenda Item 24 [Adoption of the Local Plan 2011-2031] and stated “I wish to make this meeting aware that I may have made public statements with my views about the receipt of the Inspector’s report on the Arun Local Plan to be considered at item 24 on this agenda. These were views that I held at that time. However, I have an open mind regarding this item and I will listen and consider all the relevant issues and interests presented to the Council today and I confirm that I will reach my decision based on merit and not bias”.

Councillor Stanley declared a personal interest in Agenda Item 21 [Bognor Regis Regeneration Subcommittee – 25 June 2018] and stated that “I wish to make this meeting aware that I may have made public statements in meetings and in written submissions that I did not support the regeneration proposals for Bognor Regis, and more recently for the Hothampton site. These were my views at that time. However, I have an open mind regarding this matter and I will listen and consider all the relevant issues and interests presented at this meeting and I confirm that I will reach my decision based on merit and not bias.”

82. QUESTION TIME

The Chairman announced that no public questions had been submitted in line with Procedure Rule 11 of the Council's Constitution.

83. QUESTIONS FROM MEMBERS WITH PREJUDICIAL/PECUNIARY INTERESTS

In line with Council Procedure Rule 12, Councillor Dingemans asked a question relating to Agenda Item 22 [Motions].

In leading up to his question, Councillor Dingemans advised the meeting that the South Downs National Park Authority (SDNPA) had a statutory duty to “conserve and enhance the natural beauty, wildlife and cultural heritage of the area”. As such, and in view of the recently significant revised cost benefit ratio down to 1.51 from 2.6, it was pursuing a Judicial Review, not against option 5a but because the Authority believed that Highways England had not followed the correct procedure and had not included an option that was completely outside the National Park. His question was therefore to ask how could the Council support option 5a and ask the SDNPA to do so as well when the cost benefit ratio had been reduced from 2.6 to 1.51 thereby making it very close to not being value for money?

84. PETITIONS

No petitions had been received.

85. MINUTES

The Minutes of the Annual Council Meeting held on 16 May 2018 were approved by the Council as a correct record and signed by the Chairman.

86. CHAIRMAN'S ANNOUNCEMENTS

The Chairman was pleased to highlight a number of events he had attended since he had taken office on 16 May 2018.

The Chairman was delighted to announce that the Leader of the Council, Councillor Mrs Gillian Brown, had recently been awarded Officer of the Most Excellent Order of the British Empire (OBE) in recognition of her work in Local Government and the community in West Sussex.

In addition, the Arun District had two further worthy recipients of the Queen's Birthday Honours – Mrs Hazel Latus, Chairman of Arun Arts who had been awarded a British Empire Medal (BEM) and Tyler Murphy, founder and volunteer of Tyler's Trust, who had received a BEM for services to young people with debilitating illnesses and vulnerable families in West Sussex.

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The Council congratulated them all on their achievements.

87. ELECTORAL REVIEW SUBCOMMITTEE – 3 MAY 2018

(Prior to consideration of the following item, Councillor Haymes redeclared his personal interest and remained in the meeting and took part in the debate and vote.)

The Vice-Chairman, Councillor Wotherspoon, presented the Minutes of the meeting of the Electoral Review Subcommittee held on 3 May 2018.

Councillor Wotherspoon advised that Minute 14 [Community Governance Review – Barnham and Eastergate] had been withdrawn because an objection had been received and so the matter would be discussed at the next meeting of the Subcommittee on 1 August 2018.

He then turned Members' attention to Minute 15 [Community Governance Review – Felpham and Yapton], which proposed a change to the shared boundary of both Parishes and which was supported by both Arun District Councillors and West Sussex County Councillors. Councillor Wotherspoon formally proposed the recommendation, which was seconded by Councillor Bower.

The Council

RESOLVED

That, subject to the final consultation stage of this review, the shared boundary between Felpham Parish Council and Yapton Parish Council, as set out in the map shown at Appendix 1 of the report, is changed as proposed with effect from 1 December 2018.

88. DEVELOPMENT CONTROL COMMITTEE – 9 MAY 2018

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 14 March 2018.

Under Council Procedure Rule 13.2, Councillor Dr Walsh made comment about the number of decisions that were being taken against the advice of officers and the resultant potential for costs against the Council. He particularly highlighted Planning Application A/23/15/OUT which had been approved although officers had recommended refusal.

89. CABINET – 21 MAY 2018

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 9 May 2018.

There were two recommendations for Members to consider. The first, Minute 21 [Arun Improvement Programme(AIP) – Updated Terms of Reference], was formally proposed by Councillor Mrs Brown and seconded by Councillor Bence.

The Council

RESOLVED - That

(1) the Constitution be amended at Part 3 (Responsibility for Functions), paragraph 2.0 (Cabinet) to add a new bullet point to paragraph 2.2 to read “To receive annual reports from the Arun Improvement Programme.”

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

The seconded recommendation at Minute 22 [Committees Management System – Budget Growth], was formally proposed by Councillor Mrs Brown and seconded by Councillor Charles.

In considering the item, comment was made that it was hoped that this much needed upgrade to the committee system would ensure that all Members would be kept better informed of upcoming matters for debate, which would in turn improve the scrutiny function of the relevant Members.

The Council

RESOLVED - That

(1) the annual revenue budget for Committee Services be increased by up to £25,000 (from 2019/20) to fund the ongoing costs of a new Committee Management System; and

(2) authority be given to the Group Head of Corporate Support in consultation with the Cabinet Member for Corporate Support to release the required funding when the exact figure is known following procurement of the new system.

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90. OVERVIEW SELECT COMMITTEE – 22 MAY 2018

The Chairman, Councillor Dingemans, presented the Minutes from the meeting of the Overview Select Committee held on 22 May 2018.

Councillor Dingemans drew Members attention to the recommendation at Minute 36 [Work Programme] and, having formally proposed the recommendation, which was seconded by Councillor English, the Council

RESOLVED - That

(1) the Overview Select Committee's work programme for 2018/19, as developed at the meeting, be approved; and

(2) the Chairman and Vice-Chairman continue to monitor any changes needed to the work programme and report these to the Committee as required.

In line with Council Procedure Rule 13.1, Councillor Oppler asked the Cabinet Member for Neighbourhood Services if there had been an increase in fly tipping as a result of the changes in the operation of the waste sites in the District. The Cabinet Member responded by saying he did not have that information at present but would furnish Councillor Oppler with it in due course.

In line with Council Procedure Rule 13.1, Councillor Smith put a question to the Leader of the Council relating to the cost of the Local Plan. Councillor Mrs Brown responded by saying the Council had a legal requirement to produce a Local Plan and that it "costs what it costs".

91. CONSTITUTION WORKING PARTY – 30 MAY 2018

The Chairman, Councillor Mrs Bower, presented the Minutes from the meeting of the Constitution Working Party held on 30 May 2018.

As there was a recommendation at Minute 4 [Proposed Constitutional Amendments – Financial Rules (Regulations) – Part 6 – Section 5 – Paragraph 1 – RO 23.2], Councillor Mrs Bower formally proposed and Councillor Wensley duly seconded the recommendations.

The Council then

RESOLVED - That

(1) the proposed changes to the Constitution at Part 6, Procedure Rules (Other) Section 5 Financial Rules as set out in Appendix 1 to the report be approved;

(2) Part 4 (Officer Scheme of Delegation) Section 3 (Group Heads) is updated to increase the delegated level of irrecoverable sundry debtor write offs (Paragraph 5.1.7) and Council Tax and National Non-Domestic Rates Write-offs (Paragraph 4.2.12) from £750 to £2,000 respectively to be consistent with write-offs relating to former tenant arrears; and

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

92. HOUSING & CUSTOMER SERVICES WORKING GROUP – 31 MAY 2018

The Chairman, Councillor Hughes, presented the Minutes of the meeting of the Housing & Customer Services Working Group held on 31 May 2018.

Councillor Hughes highlighted the two recommendations in the Minutes. The first related to Minute 5 [Housing & Customer Services Working Group – Terms of Reference]. Councillor Hughes formally proposed the recommendation, which was seconded by Councillor Mrs Porter.

The Council

RESOLVED

That the Terms of Reference be agreed.

Attention was then drawn to Minute 7 [Work Programme] which Councillor Hughes formally proposed and which was seconded by Councillor Mrs Porter. The Council

RESOLVED

That the Housing & Customers Services Working Group Work Programme for 2018/19 be approved.

93. ENVIRONMENT & LEISURE WORKING GROUP – 5 JUNE 2018

(During the course of discussion on this matter, Councillor Bicknell declared a pecuniary interest as he worked for Southern Water and he left the meeting).

The Chairman, Councillor Hitchins presented the Minutes of the meeting of Environment & Leisure Working Group held on 5 June 2018.

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In drawing Members' attention to the recommendations, he formally proposed Minute 5 [Environment & Leisure Working Group – Terms of Reference], which was seconded by Councillor Warren.

The Council

RESOLVED

That the revised Terms of Reference be agreed.

Minute 9 [Work Programme 2018/19] was formally proposed by Councillor Hitchins and seconded by Councillor Warren.

The Council

RESOLVED

That the Environment & Leisure Working Group Work Programme for 2018/19 be approved.

Under Council Procedure Rule 13.2, Councillor Brooks made comment on Minute 7 [Bathing Water Enhancement Update] and advised that he had attended two Southern Water seminars and, whilst taking action to reduce dog fouling and litter was right, it had to be recognised that the main cause affecting bathing water quality was disconnected sewers contaminating the water.

The Cabinet Member for Technical Services responded by advising that the Elmer Estate had been fully surveyed by Southern Water and everything was in order with the main drainage.

94. DEVELOPMENT CONTROL COMMITTEE – 6 JUNE 2018

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 6 June 2018.

In turning to the recommendation at Minute 46 [Constitutional Amendments to Part 8, Codes & Protocols – Section 6 – Planning Local Code of Conduct], Councillor Bower highlighted that as the Council was also the Local Planning Authority, this Code of Conduct applied to all Members of the Council and not just those Members on the Development Control Committee. He advised that, following the recent Peer Review, all Members should receive basic training in planning and that, under the Code, they must always be circumspect of what they say in public with regard to planning matters as it could affect the position of the Council.

In response, comment was made that, under the Localism Act 2011, Members could have an opinion and express a view on an issue but must be open minded when the matter was next discussed.

Councillor Bower formally proposed and Councillor Mrs Bence seconded the recommendation.

The Council

RESOLVED

That the new Planning Code of Conduct be approved.

95. LOCAL PLAN SUBCOMMITTEE – 11 JUNE 2018

The Chairman, Councillor Bower, presented the Minutes from the meeting of the Local Plan Subcommittee held on 11 June 2018.

Councillor Bower formally proposed and Councillor Charles seconded the recommendation at Minute 7 [Local Development Scheme] which sought adoption of the scheme for 2018.

The Council

RESOLVED – That

(1) the Local Development Scheme 2018 be endorsed and adopted, as set out at Appendix 1 to the report; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Portfolio holder for Planning, to undertake minor updating and drafting of any amendments required prior to publication.

96. LITTLEHAMPTON REGENERATION SUBCOMMITTEE – 14 JUNE 2018

The Chairman, Councillor Bicknell, presented the Minutes from the meeting of the Littlehampton Regeneration Subcommittee held on 14 June 2018.

97. STANDARDS COMMITTEE – 21 JUNE 2018

The Chairman, Councillor English, presented the Minutes from the meeting from the Standards Committee held on 21 June 2018.

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Councillor English formally proposed and Councillor Mrs Bower seconded the recommendation at Minute 51 [Appointment of Independent Persons to the Standards Committee].

The Council

RESOLVED - That

(1) the appointment of Brian Green and John Thompson as independent persons to the Standards Committee be confirmed for a further term of office of five years with effect from 18 July 2018; and

(2) the Group Head of Council Advice & Monitoring Officer be given authority to confirm the terms of these appointments with the independent persons, as set out in the report.

98. SPECIAL CABINET – 22 JUNE 2018

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of the Special Cabinet held on 21 June 2018.

99. BOGNOR REGIS REGENERATION SUBCOMMITTEE – 25 JUNE 2018

The Vice-Chairman, Councillor Mrs Madeley, presented the Minutes from the meeting of the Bognor Regis Regeneration Subcommittee held on 25 June 2018 and drew Members' attention to the recommendation at Minute 6 [Bognor Regis Seafront]

In considering the matter, a concern was raised that no form of public consultation had been undertaken specifically with regard to the Style Guide. The view was expressed that previous surveys had indicated that the public wanted to see a traditional style of Victoriana on the seafront to reflect the town's history rather than the modern approach that was being proposed.

Comments were also made about the access across the shingle down to the beach, which was particularly difficult or impossible for people with mobility problems and families with pushchairs. This was something that had been raised over several years and it was felt that the Council should be taking action to rectify the situation. Felpham was cited as having up to six ways of crossing down to the beach. A suggestion was made that one or two areas of the groynes should be opened up to access the ramps that were already there.

Advice was also given that at the meeting of the Bognor Regis Town Council on Monday 16 July 2018, access to the beach had been discussed and was going to be investigated.

In response to the comments made, the Leader expressed her disappointment at the negativity voiced. The Style Guide had been evolved to reflect future development of the seafront and to gel together future buildings, with maximum heights to preserve sea views. These were exciting times for the town and she was pleased to advise that an offer had come in from a resident to fund palm trees along the front – that might not be possible but it did indicate support for the plans for Bognor Regis.

The Vice-Chairman, Councillor Mrs Madeley, formally proposed and Councillor Bence duly seconded the recommendations. Councillor Bence requested a recorded vote for recommendations (1), (2) and (3) to (5).

The Council

RESOLVED - That

(1) the proposed Style Guide be approved;

Those voting for recommendation (1) were Councillors Ambler, Mrs Ayres, Ballard, Mrs Bence, T.Bence, Bicknell, Blampied, Mrs Bower, R.Bower, Mrs G.Brown, L.Brown, Cates, Chapman, Charles, Clayden, Cooper, Mrs Daniels, Dendle, Dillon, Dingemans, Elkins, English, Gammon, Haymes, Hitchins, Hughes, Mrs Madeley, Mrs Oakley, Oliver-Redgate, Mrs Porter, Mrs Rapnik, Reynolds, Miss Rhodes, Mrs Stainton, Tyler, Warren, Wheal, Wensley and Wotherspoon (39). Those voting against were Brooks, Buckland, Oppler, Purchase, Smith, Stanley and Dr Walsh (7). There were no abstentions.

(2) the proposed Stalls Zone layout be approved;

Those voting for recommendation (2) were Councillors Ambler, Mrs Ayres, Ballard, Mrs Bence, T.Bence, Bicknell, Blampied, Mrs Bower, R.Bower, Mrs G.Brown, L.Brown, Cates, Chapman, Charles, Clayden, Cooper, Mrs Daniels, Dendle, Dillon, Dingemans, Elkins, English, Gammon, Haymes, Hitchins, Hughes, Mrs Madeley, Mrs Oakley, Oliver-Redgate, Mrs Porter, Mrs Rapnik, Reynolds, Miss Rhodes, Mrs Stainton, Tyler, Warren, Wheal, Wensley and Wotherspoon (38). Those voting against were Brooks, Buckland, Oppler, Purchase, Mrs Rapnik, Smith, Stanley and Dr Walsh (8). There were no abstentions.

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(3) the delivery of the Council funded catering unit be approved, as set out in the report;

(4) authority be delegated to the Director of Place to place orders as required to construct the catering building, subject to planning approval; and

(5) authority be delegated to the Director of Place to sign off leases/licences required to appoint a suitable catering operator.

Those voting for recommendations (3) to (5) for were Councillors Ambler, Mrs Ayres, Ballard, Mrs Bence, T.Bence, Bicknell, Blampied, Mrs Bower, R.Bower, Mrs G.Brown, L.Brown, Buckland, Cates, Chapman, Charles, Clayden, Cooper, Mrs Daniels, Dendle, Dillon, Dingemans, Elkins, English, Gammon, Haymes, Hitchins, Hughes, Mrs Madeley, Mrs Oakley, Oliver-Redgate, Oppler, Mrs Porter, Purchase, Mrs Rapnik, Reynolds, Miss Rhodes, Smith, Mrs Stainton, Stanley, Tyler, Dr Walsh, Warren, Wheal, Wensley and Wotherspoon (45). Those voting against were Brooks (1). There were no abstentions.

100. MOTIONS

(Prior to consideration of the following item, Councillor Dingemans redeclared his pecuniary and prejudicial interest in view of his membership of the South Downs National Park Authority. He then left the meeting during its consideration.)

The Chairman announced that, in accordance with Council Procedure Rule 14.1, a Motion had been received from the Conservative Group, as set out below:-

“Arun District Council calls on the South Downs National Park Authority [SDNPA] to cease pursuing a Judicial Review of the Highways England decision to recommend to the Department of Transport route 5a as the preferred route for the A27 (Arundel By Pass) and for the SDNPA to work constructively with the elected local authorities affected to deliver the environmental quality and traffic flow improvements that will follow throughout West Sussex Coastal and the South Downs areas at the earliest deliverable moment.”

Councillor Bower formally proposed and Councillor Charles seconded the motion.

In speaking to the motion, Councillor Bower reminded Members of the Council's unanimous position on the need for the A27 Arundel By Pass and its support for route 5a due to the economic and environmental benefits it would

bring to the entire Arun District, including that part of the District within the South Downs National Park (SDNP) area. He was of the view that the motion was required because the SDNPA had apparently taken a position which sought to obfuscate, delay and even obstruct any A27 Arundel By Pass from being delivered.

Councillor Bower pointed out that the SDNPA had called for a re-consultation on route 4 and route 5b in a letter to Highways England dated 20 December 2017; he therefore felt that from these statements and the acknowledgement of their existence by the SDNPA, a Judicial Review of the Highways England recommendation would be a pointless exercise at best or, more worryingly, could lead to the Government's commitment to delivering the A27 improvements being radically changed or fatally abandoned. That was unacceptable.

He highlighted the serious concerns around the impact of doing nothing on the A259. His fears centred on the A259 from Broadwater to Chichester already being regarded as the alternative A27 with consequential increased demands on competing infrastructure, much of which was needed in its own right to address the development growth agenda in Arun.

There was a narrow window ending in two years' time to see the A27 project progressed therefore any un-programmed delay emanating from legal action would risk the entire project. He asked that a recorded vote be taken.

Councillor Charles, as seconder, reiterated that this was an important motion because the Council had to do everything possible to have the Judicial Review withdrawn. He confirmed that at all the seminars and presentations he had attended, overwhelming support had been displayed for the need for the Arundel By Pass.

The debate then commenced with Councillor Dr Walsh putting forward an amendment to the motion which, he explained, firstly clarified that Highways England had modified route 5a and secondly, placed emphasis on the benefits that would flow from completion of the Arundel By Pass to not just Arun but across all the Downland villages which were at the present time subjected to being "rat runs" for excessive traffic movements. There would also be substantial economic benefits which had attracted widespread support from both the business community and residents.

He therefore proposed the following addition to the motion (highlighted in bold type and underlined);

Arun District Council calls on the South Downs National Park Authority [SDNPA] to cease pursuing a Judicial Review of the Highways England decision to recommend to the Department of Transport **modified** route 5a as the preferred route for the A27 (Arundel By Pass) and for the

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SDNPA to work constructively with the elected local authorities effected to deliver the environmental quality and traffic flow improvements **for the wider benefit of the local economy** that will follow throughout West Sussex coastal and the South Downs areas at the earliest deliverable moment.

Councillor Dr Walsh hoped that his amendment would be supported as this was an important issue, not just for the Arun District but for the whole regeneration economy of the South East. He was of the view that the SDNPA was not acting as a statutory planning authority but was rather acting on behalf of a very vocal localised pressure group which did not represent the views of the majority.

Councillor Bower, as proposer of the substantive motion, accepted the amendments put forward.

Several Members then spoke to the motion and expressed their dismay at the actions of the SDNPA. Comment was made that there was a democratic mandate to progress the Arundel By Pass and all the Councils concerned (apart from Lyminster and Walberton) strongly supported option 5a. It was further pointed out that the Councils were all democratically elected, unlike the SDNPA, which was an unelected quango. The Leader too stated that she could not believe that anyone would want to delay this process, particularly as the funding was time limited up to March 2020 and she was appalled that the SDNPA was taking this stance with public money.

On a motion being proposed and seconded “that the question be now put”, the Chairman accepted the consent of the Council to move to the summing up by the proposer and seconder of the original motion.

Councillor Charles had nothing further to add and Councillor Bower concluded the debate by expressing his appreciation for the support of Members.

As a recorded vote had been requested, those voting for the amended motion were Councillors Ambler, Mrs Ayres, Ballard, Mrs Bence, T.Bence, Bicknell, Blampied, Mrs Bower, R.Bower, Brooks, Mrs Brown, L.Brown, Buckland, Cates, Chapman, Charles, Clayden, Cooper, Mrs Daniels, Dendle, Dillon, Elkins, English, Gammon, Haymes, Hitchins, Hughes, Mrs Madeley, Mrs Oakley, Oliver-Redgate, Oppler, Mrs Porter, Mrs Rapnik, Reynolds, Miss Rhodes, Smith, Mrs Stainton, Stanley, Tyler, Dr Walsh, Warren, Wheal, Wensley and Wotherspoon (44). The vote was unanimous as there were no votes against or abstentions.

101. QUESTIONS FROM MEMBERS

The following 3 questions had been received from Councillor Stanley to the Leader of the Council as set out below:-

(1) how much the entire process had cost around the appeal decision in respect of the Sir Richard Hotham Project and the amount of costs awarded.

(2) asking for urgent consideration of the actions requested at the Linear Park Public meeting held on 22 June 2018.

(3) whether the £2,500 spent on a 2 page spread in the Bognor Regis Observer promoting the Linear Park could be considered to have provided good value for money for the local taxpayer.

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

102 ADOPTION OF THE LOCAL PLAN (2011-2031)

During the course of consideration of this item, Councillor DOr Walsh declared a personal interest as a member of West Sussex County Council.

The Cabinet Member for Planning, Councillor Charles, presented this report which briefed the Council on the Planning Inspector's findings following the examination of the submitted Arun Local Plan 2011-2031. The Inspector's final report following examination in the Summer 2017 concluded that the submitted Plan, following consultation on further Main Modifications in Spring 2018, could be found 'sound' provided the Main Modifications were incorporated into the Plan.

Councillor Charles, in presenting the report for Members' consideration, gave a history of the process that had been undertaken to get to this final stage. He reminded the meeting that since the start of the process back in 2005, the planning system of this country had gone through many significant changes which had had a huge impact and had resulted in the revaluation and resetting of the work programme.

The Plan had finally been submitted for examination in January 2015. There were then further examinations in June 2015, January 2016, July 2017 and further modification in January 2018. The reason behind the extended examination period was the need for the Council to respond to a significant increase in the level of housing provision that the Council was now required to accommodate.

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Councillor Charles referred Members to the covering report on the table and asked that the following be noted in particular:-

- The Council had complied with the legal “Duty to Co-operate” in preparing its sites plan.
- The Local Plan appropriately identified the District’s “Objectively Assessed Housing Needs” and set out effective measures to meet them, including appropriate arrangements to accommodate an element of housing need that could not be accommodated within neighbouring areas.
- The Local Plan made appropriate provision to meet the District’s employment shortfall in neighbouring areas.
- The Local Plan had been prepared in compliance with the Sustainability Appraisal & Habitats Regulations Assessment and consequently incorporated policies designed to mitigate climate change, impact on flooding and the natural environment and had met the Public Sector Equality Duty.
- The generic policies in the Plan were positively prepared and effective.
- The Local Plan complied with all relevant legal requirements, included in the 2004 Act (as amended) and the 2012 regulations.

The Cabinet Member for Planning went on to say that the Plan overall provided a positive policy basis for the future of the District up to 2031 and would help to foster the economic prosperity of the District by enabling the regeneration of the Littlehampton and Bognor Regis coastal towns, and deliver the housing required to meet the needs of residents both now and in the future. To support this growth, the Plan would also support the delivery of transport improvements as well as other social and environmental infrastructure.

The Council was reminded that a key number of milestones in the development of the Local Plan had received cross party support and it was hoped that that would continue in adopting the Plan at this meeting. It was stressed that the only decision to be made was to adopt or not adopt the previously agreed Plan. Debate on its contents was not on the table. The consequences of any change to the Plan at this late stage would be extremely detrimental and would result in the whole of the District being at the mercy of speculative development locations which would not accord with the Council’s agreed vision and without the necessary infrastructure.

In summing up, Councillor Charles thanked Members, officers and partners (both past and present) who had been involved in the process and who had worked so diligently to deliver the Plan. He commended the Plan for adoption and formally proposed the recommendation and asked for a recorded vote following the debate.

Councillor Bower seconded the recommendation.

In participating in a lengthy debate, some Members expressed strong concerns that the housing numbers now being required of the District could have been avoided if the right decisions had been taken much earlier in the process when 580 per annum houses were required. It was felt that the delays had made Arun's situation worse and it was not just the increased housing numbers but also the Duty to Co-operate with neighbouring authorities. Officers had given their best advice and not been listened to in the early days of Local Plan production and the housing numbers and cost had increased due to the delays incurred.

Comment was made around the severe lack of infrastructure to accommodate the new developments and the point was made that new schools, medical facilities, roads, etc should be put in place first, as was done in other countries.

The Cabinet Member for Residential Services responded by speaking in support of adopting the Plan and stated that there would be 30% of the new development dedicated to affordable housing for Arun families on the Housing Register – for those families in most need – and who would not want that?

In support of the Plan, some Members acknowledged that the population was growing and recognised there was a need for more housing and that no one wanted large developments near them. However, it was stressed that without a Local Plan in place the Council would not be able to stop developers putting in applications which would not necessarily come with adequate infrastructure provision. The Local Plan would protect the District from speculative development and put the Council in control of ensuring that adequate infrastructure was provided. It was a bitter pill to swallow but the alternative was worse.

In the course of debate some Members expressed their view that they would not be able to support the adoption of the Local Plan due to overdevelopment and lack of infrastructure.

Councillor Bower, as seconder to the recommendation, commenced his statement by saying that the Local Plan was probably the most difficult document a local planning authority had to produce as it not only dealt with housing but also economy and employment. He paid tribute to the hard work put in by officers to get to this stage.

The problem of infrastructure had always been present from the outset of the process but he reminded the Council that the provision of the relief road around Felpham had been provided through developer contributions and the developers themselves had funded the increased cost of the road from £19m to £29m. Plans were in place to improve the road network around

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Littlehampton leading up to the A27 as a result of negotiations with the developers at Littlehampton and Lymminster. It was recognised that infrastructure was a priority which could now be delivered through development of strategic sites that would come forward and the Local Strategic Partnership (LSP) had allocated £13m as in investment in the road network as a result of the number of houses the District had to provide. Work was ongoing to ensure that the infrastructure for new development would meet the standards that everyone wanted to see across the District.

Councillor Charles then thanked all Members for their input to the debate.

The Council

RESOLVED – That

(1) the Arun Local Plan 2011-2031 be adopted together with the Policies Map, incorporating the Inspector's Main Modifications and Council's Additional Modifications;

(2) delegated authority be granted to the Director of Place to make any necessary final minor typographical and presentational changes required in order to publish the Arun Local Plan 2018 and the accompanying Policies Map; and

(3) the adopted Arun Local Plan 2003 and any saved policies within it be withdrawn.

As a recorded vote had been requested, those voting for the recommendations were Councillors Ambler, Mrs Ayres, Ballard, Mrs Bence, T.Bence, Bicknell, Blampied, Mrs Bower, R.Bower, Mrs Brown, L.Brown, Cates, Chapman, Charles, Clayden, Cooper, Mrs Daniels, Dendle, Dillon, Dingemans, Elkins, English, Gammon, Haymes, Hitchins, Hughes, Mrs Madeley, Mrs Oakley, Oliver-Redgate, Mrs Porter, Reynolds, Miss Rhodes, Mrs Stainton, Tyler, Warren, Wheal, Wensley and Wotherspoon (38). Those voting against were Councillors Buckland, Oppler, Mrs Rapnik, Smith, Stanley and Dr Walsh (6). Councillor Brooks abstained from voting (1).

103. SOCIAL MEDIA POLICY & GUIDANCE FOR STAFF

The Leader of the Council, Councillor Mrs Brown, presented this report and advised that the Social Media Policy and Guidance for Staff provided the framework within which staff should be operating when they were using social media in a work context. It also made the links to other key policies and guidance. The policy was originally developed in 2016 and formal approval of this revised version was now being sought.

Councillor Mrs Brown formally proposed the recommendation and in seconding the proposal, Councillor Wensley was pleased to advise that Unison was happy with the policy.

The Council

RESOLVED – That

(1) the Policy Statement, as set out in the Social Media Policy and Guidance for Staff document, be approved; and

(2) the Group Head of Policy be given delegated authority to make any necessary changes to the Guidance on the Use of Social Media section in the document, as a result of new legislation or changes to working practice.

104. APPOINTMENT OF PROPER OFFICER FOR INFECTIOUS DISEASE CONTROL PURPOSES

The Leader of the Council, Councillor Mrs Brown, presented this report and advised that the Council was required to have in place a “Proper Officer” to support the Environmental Health team in fulfilling its statutory duties in relation to the control of infectious diseases. Full Council was requested to delegate to the Group Head of Technical Services the authority to appoint a Proper Officer for the purposes of:-

- (i) The Health Protection (Notification) Regulations 2010, regulations 2, 3 6; and
- (ii) Public Health (Control of Disease) Act 1984 section 48

Councillor Mrs Brown formally proposed the recommendation, which was seconded by Councillor Wensley and, following consideration, the Council

RESOLVED – That

(1) the Group Head of Technical Services be delegated authority to appoint a Proper Officer for the following purposes

- (i) The Health Protection (Notification) Regulations 2010, regulations 2, 3 6; and
- (ii) Public Health (Control of Disease) Act 1984 section 48; and

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

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105. COMMITTEE MEMBERSHIPS

The Council noted the following changes to Committee Memberships:-

- (1) Councillor Wheal to replace Councillor Tyler as Deputy to the Cabinet Member for Corporate Support.
- (2) Councillor Wheal to replace Councillor Tyler on the Arun Improvement Programme.
- (3) Councillor Buckland to replace Councillor Blampied on the Littlehampton Regeneration Subcommittee.
- (4) Councillor Blampied to replace Councillor Tyler on the Standards Committee.
- (5) Councillor Dillon to become the new Vice-Chairman of the Standards Committee.
- (6) Councillor Ambler to replace Councillor Tyler as a substitute member of the Development Control Committee.

106. REPRESENTATION ON OUTSIDE BODIES

No changes to representation on Outside Bodies were reported.

107. EXEMPT BUSINESS

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.

108. DISPOSAL/ACQUISITION OF INTERESTS IN LAND AT REGIS CENTRE, BOGNOR REGIS [Exempt – Paragraph 3 – Information Relating to Financial/Business Affairs]

(Prior to consideration of the following item, Councillor Dillon redeclared his prejudicial interest in view of his active involvement with Arun Arts, who were referred to in the report. He then left the meeting during its consideration.

Councillor Brooks redeclared his personal interest as a member of Bognor Regis Town Council and Arun Arts and as he had made suggestions

on some elements of the proposals for development of the site. He remained in the meeting and took part in the debate and vote.)

The Leader of the Council, Councillor Mrs Brown, presented this report which was seeking authority for budget provision to be made and for disposal /acquisition of interests in land off the Esplanade, Bognor Regis, known as the Regis Centre Site, in order to facilitate the phased redevelopment of the site in accordance with the previously agreed Gardens by the Sea/Winter Gardens concept.

In addition, the Council was being asked to reaffirm its position with regard to an alternative vision that had been put forward by an independent organisation, which had recently had its planning permission granted on appeal by the Planning Inspector. Prior to granting of that planning permission, the Council had resolved not to enter into any agreement as landowner to give effect to that alternative vision and confirmation of that stance was being sought.

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

In opening the debate, concern was expressed that Members had been given insufficient time to consider the proposal in any meaningful way through the scrutiny process, particularly in light of the financial implications. Other Members spoke in support of the proposals.

A motion was then proposed and seconded “that the question be now put”. Having determined the item had been sufficiently discussed as the remaining speakers listed withdrew their request to speak, the Chairman accepted the consent of the Council to move to the summing up by the seconder and proposer of the original recommendations.

Councillor Wensley did not exercise his right to sum up in this instance.

In summing up, Councillor Mrs Brown, as proposer of the recommendations, reiterated that this was a phased approach which needed to be agreed in order to move forward with the vision for the Gardens by the Sea/Winter Gardens project.

Prior to the vote being taken, the Liberal Democrat Group left the meeting in protest that a Ward Member had been unable to exercise his right to speak.

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The Council

RESOLVED

That the following be authorised:-

- (1) To proceed with the delivery of the hotel phase ahead of the other elements of the Gardens by the Sea / Winter Gardens concept (new theatre option) that was agreed by Full Council in March 2017;
- (2) To dispose of the Council's freehold interest in the land in the south eastern corner of the site, including the former fire station, for the purpose of building a hotel;
- (3) Following surrender of the sub lease to the head lessee, to agree to the surrender of the head lease on the Regis Centre building from the day the hotel opens, at nil consideration;
- (4) To make budget provision for the running costs of the Regis Centre after the lease is surrendered;
- (5) To lease the part of the Regis Centre building that is currently operated as a pub, until it is viable to redevelop;
- (6) To make budget provision for the repairs unless a commitment has been made to demolish the building;
- (7) Officers to work towards submitting a planning application for the non-hotel elements of the redevelopment concept previously agreed for the Regis Centre site including new theatre, winter gardens, multi-story car park, residential development, restaurants and the potential reuse of the Town Hall;
- (8) The Director of Place to commission any reports, studies or professional advice required to progress the delivery of the 'Winter Gardens' concept scheme;
- (9) The Director of Place, in consultation with the Leader of the Council, the Chairman of the Bognor Regis Sub-Committee and the Cabinet Member for Technical Services, to submit a planning application for the non-hotel elements of the concept for the Regis Centre site;

(10) The Director of Place to bid for, receive and use external grant funding that may fund (in part or whole) work in pursuance of delivering the previously agreed concept for the Regis Centre site;

(11) The Council re-affirms not making any commitment as landowner to enter into any binding legal agreements pursuant to the granting of any planning permission in 2018, for the regeneration of the Regis Centre and Hothamton car park sites under its freehold ownership;

(12) The Director of Place and the Section 151 Officer, in consultation with the Leader of the Council and Chairman of the Bognor Regis Regeneration Sub-Committee and Cabinet Member for Technical Services, to enter into negotiations including the boundaries and to finalise terms and enter into agreement with Whitbread PLC, or subsidiary, for disposal of freehold and early surrender of lease in accordance with (2) and (3) above, and to complete all legal formalities arising from these actions;

(13) The Director for Place, in consultation with the Cabinet Member for Planning Services, to take appropriate action under section 203 of the Housing and Planning Act 2016; and

(14) The Director for Place, in consultation with the Cabinet Member for Technical Services and the Section 151 Officer, to take any actions necessary consequential to the decisions taken above, in relation to expunging existing leases or entering into new leases.

(The meeting concluded at 9.35 pm)

COUNCIL MEETING – 18 JULY 2018

**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 13**

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

Q1 Following the successful appeal of the Sir Richard Hotham Project can the Leader provide an estimate of how much this entire process has cost the taxpayer? Including an individual figure for the legal expenses this Council now has to refund the Sir Richard Hotham Project due to the planning inspector's verdict?

A1 Thank you Cllr Stanley for your question.

The appeal was heard by means of an informal hearing. The Council was represented by a Planning Officer of the Council. Therefore the cost to the Council was this Officer's time. No records were kept of how much time was devoted to this appeal.

Regarding the issue of costs we have yet to receive any communication on this matter from the appellants so I am unable to provide you with a figure in relation to the specific issue for which costs were awarded.

Supplementary

Q What impact will there be on the delivery of the Gardens by the Sea project?

A None at all.

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

Q2 At the recent Linear Park Public Meeting on 22nd June the following proposal was passed.

Before proceeding any further with this project, Arun must do the following:

1. Place tree preservation orders on all the qualifying trees surrounding and adjacent to the sunken gardens, car park and play area, and in respect of this apply the same rules to themselves as they do to developers and public.

2. Produce detailed and fully dimensioned plans showing clearly what they propose for the whole Hothampton area, including the flats and their separate parking.

3. Then hold a genuine, open, balanced and transparent consultation in Bognor Regis to allow the public to evaluate what will be gained or lost, and with an option to allow the public to reject the scheme if they wish. There must be no threats or carrots attached to this consultation.

I ask the Leader to consider this proposal as a matter of urgency and fulfil the actions prior to the submission of a planning application for the Linear Park.

A2 Firstly, regarding the question of trees you will be aware that Tree Preservation Orders should only be used where there is a high risk of the trees being felled. The Council has no intention of felling any trees before the merits of such are considered as part of the forthcoming planning application.

Secondly, the Council has already agreed to submit a planning application for the new park and parking areas only. The application will include appropriate details to show these proposals in context of the wider regeneration proposals. However, any detailed plans for the rest of the site will be a matter to be addressed by the future promoter of that part of the development.

Finally, can I be absolutely clear that the next consultation event will be as part of the planning application process for the 'Linear Park' which has been informed by the consultation we have carried out to date.

Q3 **Councillor Stanley to the Leader of the Council, Councillor Mrs Brown**

Does the Leader feel that the £2500 spent on a 2 page spread in the Bognor Regis Observer promoting the Linear Park provided good value for money for the local taxpayer?"

A3 Thank you Councillor Stanley for your question. I am sure you would agree that the Council has made many improvements for the residents and visitors to Bognor Regis. There are many more exciting projects still to be delivered. I am sure you would agree that it is right to explain to Council tax payers where their money goes. We have a balanced budget and £3.39 pw [Council Tax] provides excellent value for money.

Supplementary

Q As this was a Council matter was there any reason why the Leaders of the Liberal Democrats and the Independents were not consulted?

A The Chief Executive responded and advised that he had already apologised to the Leaders of the Opposition as he should have consulted at the time.