

OVERVIEW SELECT COMMITTEE

29 September 2015 at 6.00 p.m.

Present: - Councillors Dingemans (Chairman), English (Vice-Chairman), Ballard, Mrs Bence, Blampied, Edwards, Mrs Harrison-Horn, Hitchens, Hughes, Mrs Oakley, Oliver-Redgate, Mrs Rapnik, Dr Walsh and Warren.

Councillors Mrs Brown, Bower, Chapman, Dendle, Elkins and Wensley were also present for either all or part of the meeting.

[Note: The following Councillors were absent from the meeting during consideration of the matters contained with the following Minutes – Councillor Oliver-Redgate – Minute 248 to Minute 252 (part); and Councillor Mrs Oakley – Minute 254 (part) to Minute 258].

248. WELCOME

The Chairman welcomed Members and officers to the meeting and representatives from the Environment Agency.

249. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Mrs Daniells.

250. DECLARATIONS OF INTEREST

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

Reasons

- The Council has adopted the Government’s example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.

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- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a member declares a “Prejudicial Interest”, this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

Councillor Dr Walsh declared a Personal Interest in Agenda Item 5 (East Bank Flood Defence Scheme and Public Realm Enhancements) as a Member of West Sussex County Council and a County Member of the Littlehampton Harbour Board.)

Councillor Blampied also declared his Personal Interest in the same item but as a District Member on the Littlehampton Harbour Board.

#### 251. MINUTES

The Minutes of the meeting of the Committee held on 28 July 2015 were approved by the Committee as a correct record and signed by the Chairman.

#### 252. EAST BANK FLOOD DEFENCE SCHEME AND PUBLIC REALM ENHANCEMENTS

The Committee received a joint report from the Engineering Services Manager and the Principal Landscape Officer which provided detail on the recently completed Littlehampton East Bank Tidal Flood Defence Scheme. The report had been requested by the Committee as it had identified when looking at its Work Programme for 2015/2016 that it wished to undertake some performance reviews of certain projects. This was so that it could learn from the projects carried out and could look at applying the lessons learnt across the Council to improve the way in which future projects would be managed.

The report covered why the project had been undertaken and detailed partnership contributions; communications with stakeholders; the impact of the construction phase; and what the long term benefit had been and would continue to be for the Town.

To assist with this review, representatives from the Environment Agency (EA) had been invited to attend the meeting. Members were introduced to David Robinson (Senior User) and Katharine Matthews (Project Executive) who were invited to work through their presentation on the Littlehampton East Bank Tidal Flood Defence Scheme and Public Realm Enhancements.

The presentation, which was displayed and circulated to the meeting, covered the following main themes:

- The background, partnership and financial contributions for the scheme
- The opportunities achieved
- The public realm elements of the scheme
- The project plan against targets
- Stakeholder engagement
- Problems encountered
- Key successes
- Lessons and Challenges

Before inviting questions from Members, the Chairman thanked the representatives from the EA and Arun’s Project Team for their work on this outstanding project.

The Committee asked questions relating to:

- The success of the project. It was agreed that it had been a major success for the all partners involved and in terms of the public welcome it had received. It was acknowledged that the new promenade was the missing link that had been needed for a long time to connect the lower part of Arun Parade to the Town. This had vastly improved the visitor experience with visitors to the Town increasing as a result and providing income to the wider economy.
- The partnership working between EA/the Council and WSCC was praised.
- The work undertaken to Reach 3b – who had paid for the flood glass at this location in front of the apartments? It was explained that the additional cost of the glass had been offset against compensation costs for loss of value to a property with a concrete wall. The right to compensation had been waived by residents in legal agreements.

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- Pier Road, road closures – could the road be closed permanently allowing café owners more space to provide seating and tables to customers – this would provide a more ‘continental’ feel to the area. The EA outlined that extensive consultation had been undertaken and that the traders in the area had confirmed that they did not wish to pursue a permanent road closure in the immediate area. To address road safety issues, the footway on the shop side in a part of Pier Road had been made wider and designated crossing points had been made. A traffic survey for the Town would be undertaken when the Lyminster By-pass was complete; this was something that the Joint Eastern Arun Area Committee’s Highways and Transport Group was discussing.
- The ongoing discussions that were taking place with the developer at the Riverside Autos location. The Committee asked why these works had not been completed or programmed into the scheme from the beginning with the developer then being billed at a later stage? It was outlined that these two 2 plots of land had not been included in the scheme due to pending redevelopment. The EA outlined that it was working with the landowner for a quick solution. These negotiations were continuing in an attempt to secure a financial contribution from the developer. Options were being pursued and a demountable barrier was readily available to be put into place to plug the gap, providing a temporary solution.

Discussion on this issue continued with the Committee asking if the EA could provide a timescale to resolve this problem. The EA confirmed that a definite timescale could not be provided but that the EA’s Project Executive was doing all it could to bring the problem to a positive conclusion.

At the conclusion of this debate, the Chairman outlined that he wished to propose a recommendation which if accepted by the Committee be forwarded onto Full Council. This was read out as follows:

“the benefit of partnership working at all levels and thorough project evaluation is explored with the lessons learnt from this project being applied across the Council for all future projects”.

This proposal was fully supported by the Committee and so it

RECOMMEND TO FULL COUNCIL

That the benefit of partnership working at all levels and thorough project evaluation is explored, with the lessons learnt from this project being applied across the Council for all future projects.

Following further discussion, the Committee also

RECOMMEND TO CABINET – That

- (1) it urges the Environment Agency as a matter of urgency to use its best endeavours to resolve the outstanding issue at Riverside Autos so that a satisfactory conclusion can be reached with no or minimal cost to the public purse; and
- (2) an update report is provided to the Committee via the appropriate Cabinet Member as to how this work is progressing.

253. CABINET MEMBER QUESTIONS AND UPDATES

(i) The Chairman asked the Cabinet Member for Planning & Infrastructure, Councillor Bower, if he could provide a response on the fact that the Government was consulting on the Habitats Regulation Assessment of the 14<sup>th</sup> Onshore Oil and Gas Licensing Round as responses were to be submitted to the Department of Energy and Climate Change (DECC). Councillor Dingemans stated that proposed licence block SU90a covered the area Aldingbourne to Barnham, south of the A27 down to Bognor Regis and Middleton as well as other areas in the South Downs National Park (SDNP). He asked what response Arun was proposing to make and if no response had been made when would the Council respond?

The Cabinet Member for Planning & Infrastructure, Councillor Bower, stated that WSCC had confirmed that it was not intending to respond to the consultation. This was because the licences would have no direct impact on its statutory role as Mineral Planning Authority. This being that if Petroleum Exploration and Development Licences (PEDLs) were issued, planning permission would still be required for oil/gas exploration to take place.

The SDNP was, however, taking a response to its Committee on 29 September 2015 for a decision. This related directly to licence block SU90a which was what Councillor Dingeman’s question referred to. Councillor Bower then referred to an internet link that he had which set out WSCC’s response and he asked the Committee Manager if she could circulate this link to Members, which she agreed to do.

In response, Councillor Dingemans stated that this licence block was south of the A27, outside of the SDNP, covering the areas from Tangmere to nearly Arundel and down to mid and South Bersted. Councillor Dingemans then referred to the latest position of Government in that it was not possible to drill vertically within the boundary of the SDNP but that drilling was possible outside and sideways and so included large areas in this block where they could apply to drill.

Councillor Bower outlined that this was not a matter that the Council could take a lead on as this was a County Council function. Reference was then made to the situation at Balcombe and the fact that drilling there had been entirely led by the County Council and that Mid Sussex District Council had not become involved in the matter at all.

Councillor Dr Walsh felt that the response provided by Councillor Bower was not satisfactory and that the Council should be able to make its views known to WSCC and the Government. Councillor Dr Walsh was of the view that it was more than reasonable for either this Committee; Cabinet; the Development Control Committee or Full Council to be able to take a view on these proposals as they did not just affect the area within the SDNP but were close to built-up areas outside of the SDNP. There was the threat of environmental damage from traffic pollution; water pollution and more importantly water loss as the areas identified were situated within an area that had significant water deprivation.

Some Members of the Committee agreed that the Council’s appropriate Officers should draft a report outlining Members’ concerns. Councillor Bower was of the view that for this subject area, the Council’s Officers did not have the required expertise do undertake the required investigations and he urged District Councillors who were also West Sussex County Councillors to take this matter up on behalf of the Council.

Following further discussion, the Chairman confirmed that he was of the view that the Committee should take a lead on this and feed its findings through to the County Council. Councillor Bower again reconfirmed his concern that the Council did not have the expertise or funding in place to undertake this work.

The Chairman persisted with his view that the Council should undertake work on this issue so that its position could be made clear, rather than waiting for drilling to just happen.

The Chairman then proposed the following recommendation to the Cabinet Member for Planning & Infrastructure, Councillor Bower. This read “That research is conducted to establish a position for Arun District Council on licence block SU9OA”.

Councillor Bower immediately responded by reminding the Committee that the Council had reached a crucial stage with its delayed Local Plan. This meant that the Council was diverting its resources into work to ensure that the Local Plan would be delivered within 18 months. The additional work being requested by this Committee would put unacceptable pressure onto the Planning Department’s staff.

Further discussion on Councillor Dingeman’s proposal did not receive the support of the Committee and so it was not seconded.

Councillor Hitchins asked the Cabinet Member for Environmental Services, Councillor Chapman, if he could provide an update on the situation at Pagham Beach and in light of recent press coverage.

Councillor Chapman confirmed that a separate EA scheme to protect the inland areas was nearing completion. The Council’s key Officers were attending monthly meetings with the Parish Council and Nick Gibb, MP over the need to support efforts to cut the Pagham spit and to bring forward the planning application to do this. Although this application had now been lodged with the Council, and was being progressed, there were unresolved issues regarding land ownership that needed to be looked into first. A voluntary group called the Pagham Flood Defence Steering Group was raising funds in order to progress other consultancy work that needed to be undertaken for the planning application; the environmental impact assessment; and other technical studies. Councillor Chapman outlined that the Council was very committed to supporting this community group and the Parish Council and was providing help where it could.

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Councillor English asked the Cabinet Member for Planning & Infrastructure, Councillor Bower, if he was due to attend a meeting that would be taking place soon regarding the progress of the Felpham Relief Road. Councillor Bower confirmed that he was not able to attend the meeting but that he could confirm that the reason for the delay in completing the relief road was down to staffing resources at WSCC. Councillor Bower stated that he had requested that the outcome of the meeting be reported back to him and so he would be able to provide an update to the Committee at its next meeting.

- (ii) No updates were provided by Cabinet Members to the meeting.

254. COMBINED CLEANSING CONTRACT PERFORMANCE – LITTER CONTROL

The Committee received a report from Cleansing Operations Manager which provided an update on contract performance of the Combined Cleansing Contract in relation to litter.

The Cleansing Operations Manager worked through the report and informed Members that despite the savings made to the Contract in 2012, the Contractor had undertaken a wide range of non-routine works which had been additional to the normal routine cleansing works in the period January to August 2015. These ad-hoc works had been set out within the report.

The Committee made the following observations:

- Dog Bins in Felpham – questions were asked about seasonal dog bins and why dog bins could not be provided all year round. It was explained that some parks did not have proper pathways and so it was not possible, due to health and safety issues, for operatives to always access dog bins for emptying. Seasonable bins had worked well in other areas of the District. Dog owners were reminded that they could dispose of their dog waste as part of their household rubbish.
- A Member of the Committee was not happy with this response and questioned the procedures in place for dealing with dog waste in household refuse from a public health point of view.
- Overflowing litter bins – it was confirmed that more regular emptying of bins in Pier Road had taken place over the holiday season period. An enhanced schedule of emptying was applied to the most popular areas of the District.
- The cleaning that took place for 'In Bloom' and blue and green flag judging days was explained.



- Concern was expressed over the problem of weeds growing in roads and who was responsible for their removal. It was explained that although this was a WSCC function, the Council had the problem of trying to remove weeds when using street sweeping machines. WSCC had been contacted on this and over the problems expressed by Councillor Warren in terms of weeds growing in alleyways in areas of the Courtwick with Toddington Ward.
- Flytipping – Members were urged to photograph and report any flytipping issues directly to the Cleansing Operations Manager.

Following some further discussion, the Committee thanked the Cleansing Operations Manager for attending the meeting and it noted the contents of the report.

255. COUNCIL TAX SUPPORT TASK AND FINISH WORKING PARTY –  
15 SEPTEMBER 2015

The Committee received the Minutes from the meeting of the Council Tax Support Task and Finish Working Party held on 15 September 2015. These had been circulated separately to the meeting.

The Benefits Manager explained that the Working Party had been reconvened to consider the response that the Council had received from WSCC regarding the Council’s wish to not change its Council Tax Reduction Scheme for Year 4 – April 2016. The Working Party had also been asked to consider the effect of the Summer Budget proposals on the recommended scheme for 2016; the Council’s recommendation that the scheme for 2016 should remain unchanged; and that for Year 5 – April 2017, further work be undertaken to look at changing and reducing the cost of the Council’s Council Tax Reduction Scheme.

Following some discussion, the Committee

RESOLVED – That

- (1) the response received from West Sussex County Council be noted;
- (2) the possible effect of the Summer Budget proposals on the recommended scheme for 2016, as set out at Paragraph 3 of the report be noted;

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(3) the timetable to consider the design and content of the Local Council Tax Reduction Scheme for Year 5 be approved; and

(4) Councillor Mrs Rapnik fills the vacant seat on the Council Tax Support Task and Finish Working Party.

The Committee also

#### RECOMMEND TO CABINET

That the recommended Council Tax Reduction Scheme for 2016 remains unchanged and this be recommended onto Full Council for final approval.

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

#### 256. FURTHER REVIEW OF THE CALL-IN PROCEDURE – SCRUTINY PROCEDURE RULES 14.8 AND 14.9

The Committee received a report from the Head of Democratic Services which sought the Committee’s views on whether the current Scrutiny Procedure Rules in the Council’s Constitution relating to the call-in of an executive decision should be revised.

The Head of Democratic Services reminded the Committee of the background to this item. At the last meeting of Full Council held on 15 July 2015, it had been explained by the Chairman that the recommendations made by the Committee, from its meeting held on 16 June 2015, be withdrawn for reconsideration. This was because since then, the criteria for a call-in had been reviewed against practices adopted in other local authorities. The Head of Legal and Administration had also advised that the modifications that the Committee had wished to make to the wording of the Principles of Decision Making (to make it easier for a Member to understand) could not be changed as this could leave the Committee open to challenge.

The Head of Democratic Services had undertaken further work looking at the practices adopted across other Councils and what had been identified as good practice by the Centre for Public Scrutiny. This work had highlighted that some Councils had no specified criteria; the majority used their Principles of Decision Making or similar wording to Arun; whilst two Councils had developed their own criteria.

The Committee was advised that Birmingham City Council's Principles of Decision Making had been of particular interest as it was based on a series of questions which the Chairman and Vice-Chairman of the Committee believed could work well for this Council. The questions had been set out at Appendix 1 to the report. The Committee was therefore being asked to consider whether:

- (a) the current wording of the Rule was sufficiently clear that more than one criteria could be used?;
- (b) whether there should be no changes made to the criteria for a call-in?; or
- (c) whether the alternative option as set out at Appendix 1 should be introduced?

Looking at the proposed questions set out in Appendix 1, as a suggested replacement to the wording at Rule 14.8, the Committee agreed that these provided a superb checklist for any Member considering whether or not to pursue a call-in. It was felt that the questions would make what had always been a complicated procedure to follow much simpler for Members to understand and follow in the future.

Just one request was made by Councillor Hitchins which was to remove reference to the word 'relevant' at Question 4 to read as follows: "The Cabinet appears to have failed to consult ward councillors, ~~relevant~~ stakeholders or other interested persons before arriving at its decision".

The Committee thanked the Head of Democratic Services for the research work that she had undertaken. This had produced what the Committee felt was a solid framework to work to and it confirmed that it fully supported that this be adopted within the Council's Scrutiny Procedure Rules.

Finally, the Head of Democratic Services reminded the Committee that at its meeting held on 16 June 2015, it had agreed a further area of review which was who determined whether a call-in was valid or invalid. The Committee had agreed to adding two further paragraphs before Rule 14.9. These two paragraphs had been set out within the report.

The Head of Democratic Services asked the Committee if it still wished these two paragraphs to be recommended onto Full Council for approval. The Committee confirmed that it did.

The Committee, therefore

RECOMMEND TO FULL COUNCIL – That

(1) the suggested replacement to the wording at Scrutiny Procedure Rule 14.8 as set out in Appendix 1 (attached to the back of these Minutes) be approved;

(2) the amendments proposed at Paragraph 4.2 of the report relating to Scrutiny Procedure Rule 14.9 (Scrutiny), Part 6 – Procedure Rules (Other) be approved as set out below; and

*“14.x In receiving a call-in request the Head of Democratic Services will consult with the Chairman and Vice-Chairman of the Overview Select Committee and the Head of Legal and Administration or Chief Executive (as appropriate) to review the basis of the call-in against the criteria in Rule 14.8 and the evidence provided in the officer report, decision notice, and background papers before determining its validity. Another Member from the Overview Select Committee should be selected to undertake this review in the absence of the Chairman or Vice-Chairman or in the event that the Chairman or Vice-Chairman is one of the call-in Councillors or has a Pecuniary Interest regarding the subject of the call-in. Where appropriate additional evidence may be sought from the report author, Cabinet Member and call-in Councillors”.*

*“14.x if a call-in is determined to be invalid, the Head of Democratic Services shall notify the call-in Councillors and the decision taker of the reason for this determination, together with Members of the Overview Select Committee, and remaining Members of the Council”.*

(3) the Head of Legal and Administration be authorised to make any consequential changes with respect to the amendments contained therein.

## 257. MEMBERS’ TRAINING BUDGET

The Committee received a report from the Head of Democratic Services which provided an update on the training held to date for Councillors in the new administration. The report also outlined plans being developed for future training. The Committee had requested this report when it set its Work

Programme at the start of the Municipal Year in June 2015 so that it could review the spend on Members Induction against budget allowing it to consider plans for future allocations.

The Head of Democratic Services explained that the Induction Programme covered a variety of sessions for existing and returning Councillors which had run from May towards the end of September 2015. A Members’ survey had just been sent to Members so that they could provide feedback on the sessions held as this would assist Officers in how the Council would plan future sessions.

It was explained that in non-election years, the Council had a small budget of £5,000 available for Member Training from within the Committee Administration Budget. This had been used to fund one-off training requests as well as training run for a whole Committee or group of Members.

During an election year, this Budget was increased and for 2015/2016, it had been increased to £12,000 based on anticipated training need to support a new administration. Spend to date had been just over £5,000 covering mainly the cost of external trainers used for Development Control, and Planning training and for Licensing and Enforcement training.

Requests had also been made for future training on areas including:

- Scrutiny – training for the Overview Select Committee
- Social Media – all Members
- Risk and the Strategic Risk Register
- Development Control/Planning Updates

Opportunities to link into the Local Government Association’s (LGA) Councillor Development programme was being explored as there was £7k remaining in the training budget which needed to be used by 31 March 2016.

Members were advised that the LGA also offered a training service utilising the experts like the Centre of Public Scrutiny in which they brought in their peer trainers. This approach had worked well for the Council before when two workshops had been held on Scrutiny and Chairmanship skills.

Although options were currently being explored for the current financial year, the Committee was asked if it had any suggestions for further training that could be included within the Members’ training programme.

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As the Committee was keen to receive further scrutiny training, the Head of Democratic Services outlined that she was in liaison with the LGA as it was prepared to pursue an appropriate training session for the Council involving a Peer Trainer. It was agreed that it would be of benefit for any Scrutiny training to also include the Chairmen and Vice-Chairmen of the Working Groups as it was recognised that they undertook an element of the scrutiny role.

In looking at some of the other training requests received such as social media, the Head of Democratic Services was advised to make contact with WSCC and the Crown Prosecution Service as both organisations had expert in-house trainers who could possibly be approached.

Although many Councillors expressed the view that they felt it was sensible to avoid social media, it was accepted that it would be useful to know more about it and so it was agreed that this would be pursued.

The Committee then thanked the Head of Democratic Services for the report and the work undertaken to date and it then noted the contents of the report.

258. WORK PROGRAMME – UPDATE

The Committee Manager confirmed that there were no changes to the Work Programme to report to the Committee.

(The meeting Concluded at 8.10 pm)