

OVERVIEW SELECT COMMITTEE

24 November 2015 at 6.00 p.m.

Present: - Councillors Dingemans (Chairman), English (Vice-Chairman), Mrs Bence, Blampied, Edwards, Mrs Harrison-Horn, Hitchins, Hughes, Mrs Oakley, Miss Rhodes (Substituting for Councillor Mrs Rapnik), Dr Walsh and Warren.

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

336. WELCOME

The Chairman welcomed Members and officers to the meeting

337. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Ballard, Mrs Daniells, Oliver-Redgate and Mrs Rapnik and from the Leader of the Council, Councillor Mrs Brown and the Cabinet Member for Corporate Governance, Councillor Wensley.

338. 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.
- 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.

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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 9 (Feedback from the meeting of West Sussex County Council’s Health and Overview Select Committee (HASC) held on 1 October 2015) in his capacity as a West Sussex County Councillor and Vice-Chairman of that Committee.

339. MINUTES

The Minutes of the meeting of the Committee held on 29 September 2015 were approved by the Committee as a correct record and signed by the Chairman.

The Chairman made a statement in relation to Minute Number 252 (East Bank Flood Defence Scheme and Public Realm Enhancements) in relation to Page 225 of these Minutes. A recommendation had been forwarded onto and had since been agreed by Full Council on 11 November 2015. Councillor Dingemans requested that the sentiment of this recommendation be applied to all future major projects as the East Bank Flood Defence Scheme had been identified as an excellent example of how successful partnership working could be. Councillor Dingemans proposed that the effectiveness of applying thorough project evaluation with any lessons learnt, be applied to all future projects and should be something that the Committee assesses further as part of its Work Programme for 2016/2017. This would allow the Committee to see whether this best practice had been successfully applied elsewhere within the Council. It was agreed by the Committee that this proposal be added to the Committee’s Work Programme for 2016/2017.

340. LOCAL PLAN – ANALYSIS OF PROGRESS AND COSTS TO DATE

The Chairman welcomed the Director of Planning & Economic Regeneration and the Cabinet Member for Planning & Infrastructure to the meeting.

The Director of Planning & Economic Regeneration then presented his report. The report had been requested by the Committee as it had identified, when looking at developing its Work Programme for 2015/2016, its wish to undertake some performance reviews of certain projects. As work on the Local Plan was far from complete, the Committee had requested an information report addressing these facts; explaining the journey of the Plan;

and factors that had influenced the development of first the Core Strategy and more recently the Local Plan.

The report also identified the external factors that had helped to shape events. This started with the regional spatial strategy for the period up to 2011, which attempted to set up the scale of housebuilding to be delivered in the area. This had been removed by the previous Government and other changes had been made to Government Policy and Legislation such as the introduction of the Localism Act. The Director for Planning and Economic Regeneration explained that his aim, in writing the report, had been to paint a picture of the events that had occurred so that Members could appreciate how these events had impacted the Council. To assist Members in understanding some of the material set out in the report, an additional information sheet was circulated illustrating the changes in housing numbers and how these had arisen over time.

The Chairman then advised the Committee that as Members had a large amount of questions that they wished to ask, some of these had been submitted in advance of the meeting to the Committee Manager and so had been circulated to the meeting. The questions submitted in advance would be asked first and then Members would have the opportunity to ask any further questions.

The following questions were asked which were responded to by the Director of Planning & Economic Regeneration, unless otherwise indicated:

**Question 1** – Councillor Dingemans – What went well – were there lessons that could be used again and developed into good practice to share with others? For example, did the decision making process against Constitutional requirements work?

**Response** – Yes, this question caused me to reconsider the Terms of Reference for different Sub-Committees as there are certain areas where it would be reasonable for the Council to delegate certain functions. This would not impact the making of Policy, which does require a Full Council decision. Some simple changes to the Terms of Reference to some Sub-Committees such as the Local Plan Sub-Committee, would allow such meetings to address and make a decision on something without the need for that decision to have to wait to be referred onto the next Full Council meeting as a recommendation. Current practice can slow down the speed of decision making. Currently, neither the Local Plan nor the Community Infrastructure (CIL) Sub-Committees have scope enabling them to make decisions.

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**Question 2** - Councillor Dingemans asked another question which was if it would have helped if the Local Plan process had been handled and planned in the same way as a major project with proper disciplines being applied to it.

**Response** - It was confirmed that project management had been applied to developing the Plan and reference was made to the local development scheme in which key milestones and stages had been completed in line with project timescales. Councillor Bower, in looking at the various changes that had been introduced, referred to the many times in which external consultants had had to be employed to undertake specialist pieces of work. This had also caused some delay to the project timetable in place.

**Question 3** - Councillor Dingemans – What went wrong and how could this be prevented from happening again? Taking account of the changing national scene, how did Arun’s experiences compare with other local authorities?

**Response** – How the Council responded to events played a large part. The Localism Act had an impact in terms of the reality of it, which was very much different to what the Council believed it would mean. It was therefore important for the Council to learn from this. It was difficult to predict consequences in advance and the endless changes made to Legislation did not help. Also, Arun could not easily be compared to other local authorities. For other local authorities who had a plan in place, the acceptance of their plan had often been down to their appetite or need for development. In the South East there was the general view that the area did not require the level of housing allocated to it. Whereas in other parts of the country, such as Milton Keynes, there was the opposite view where development was needed and so it had been easier to take plans through the decision making process. It was difficult to say if Arun could have done anything specifically different as a result of events occurring externally, as these were outside of the Council’s control. The Committee was reminded that although 43% of other Councils had adopted a Local Plan, this figure confirmed that there were many Councils who were in the same position as Arun.

**Question 4** - Councillor Dingemans - Why did the Local Plan Sub-Committee consistently ignore Officer’s advice especially as there were at least four points in the report where the Sub-Committee ignored Officer’s recommendations and then paid the price later?

**Response** - Councillor Bower responded to this question and reminded Members of the Planning Code of Conduct which did not just apply to Members sitting on the Development Control Committee but also those sitting on the Local Plan Sub-Committee. This meant that items on the

agenda could not be discussed beforehand and so Members had had to use their own judgement in considering the issues before them. Councillor Dingemans challenged this response and this generated some debate amongst the Committee as follows:

- Councillor Hitchins stated that the Local Plan put Members into a very difficult situation, in that they were mindful of the need to make decisions on sites and housing numbers for the whole of the District but at the same time had responsibility to look after and protect their own Wards.
- Councillor Dr Walsh reminded Members that such decision making needed to be made remembering their corporate responsibilities for the whole of the District whilst at the same time having to serve the local electorate. Councillor Dr Walsh expressed his concern that Members had consistently ignored Officer advice even when this advice had been expressed and repeated on numerous occasions as well as warnings about the consequences for the District which again were sometimes ignored. Members needed to take their share of corporate blame remembering that guidance had been provided by the Planning Inspector and a Government Minister but that this had been ignored. Councillor Dr Walsh asked if any other efforts been made by the Director for Planning & Economic Regeneration and other officers to Cabinet Members and Members of the Local Plan Sub-Committee via private briefings or seminars to make them more aware of the consequences of their actions?. The Director of Planning & Economic Regeneration confirmed that he always had an ‘open door’ policy with all Members to assist in explaining the potential consequences of certain actions. He had maintained a regular dialogue with Councillor Bower over these matters and had talked to other Members in the same way. He referred to the conclusion in his report that in moving forward with the Local Plan it was very important from this point onwards for Members to take on board Officer advice if the Council was to get a Plan in place during 2017.
- Councillor English referred to the many debates that had taken place over housing numbers and the point made that part of the problem was because developers were struggling to fulfil their obligations. The issue of delivery was confirmed as a major problem by Councillor Bower as for each year developers could not deliver resulted in the shortfall being added onto the annual housing figure. This argument was being made as part of the local plan inspection period, with Horsham and Mid Sussex District Councils having to deliver 800 plus houses per annum.

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**Question 5** - Councillor English – What could be done differently in the next phases of taking the Local Plan to adoption stage?

**Response** – A response had already been provided in terms of reviewing the Terms of Reference of some Sub-Committees. Looking ahead to the next stages, the view was made that probably little change would be made to approaches in view of the timescales in place and as the Council was half way through an established process. Looking at the evidence base, tenders had already been issued for this work and the Council was waiting for the results of this exercise. A contingency plan needed to be built into the work programme as there was concern over consultant capacity in terms of the additional evidence that needed to be provided and as the development industry had taken off and so associated expertise was fully stretched. The Director for Planning & Economic Regeneration outlined that looking ahead to the future and for the next Local Plan there was merit in looking at joining with other coastal authorities to produce joint plan covering the whole of the coast as the authorities concerned commissioned similar evidence.

**Question 6** - Councillor English – in view of the length of time that has been spent on working towards the adoption of this Local Plan, it work had been progressed over a shorter period of time, could this have save money?

**Response** - This was a difficult question to answer due to the changes made to legislation. Generally it was felt that the work undertaken to date had been value for money but looking ahead there were always possible ways to save on cost, one being what had been mentioned earlier which was if Councils chose to work more colabrotatley with their neighbours.

**Question 7** - Councillor Edwards – Can you please comment on how much credence the Neighbourhood Plans already passed in the District will have given the Local Plan?

**Response** - The Committee was reminded that it was important for Members to not forget that Neighbourhood Plans were not all about housing numbers and locations. These Plans contained proposals about many other matters that were equally important to communities such as open spaces and the protection of historic buildings. There was always a challenge around the levels of housing versus the need to accommodate more than plans had anticipated. Parish allocations had changed coupled with the need for the Council to find new strategic sites which would be in some areas where there were plans in place already.

**Question 8** – Councillor Hughes – great store had been put in the Objectively Assessed Need (OAN) housing figures provided by G L Hearn, this has increased significantly from the original figure and indeed was likely to increase even higher. This was such a fundamental part of the process and yet no other professional organisation had been involved to qualify these assessments. Why was this not confirmed or validated by other experts in this area of expertise?

**Response** - Councillor Bower referred Members back to 2013 when they had refused to accept the then proposed housing numbers being put forward as they did not believe the figures put forward and so had requested a 'health check' of this exercise. Unfortunately this had resulted in the figures coming back being even higher than before which the Council had not been happy to accept. It was explained that an added frustration was that the Government refused to set down a standard methodology that all authorities could use and so this was why different authorities approached different methods in arriving at housing land supply or objectively assessed housing needs.

**Question 9** - Councillor Warren asked a question in relation to Paragraph 1.2 of the report. Why did it make the preparation of and content of this report more challenging that none of the key personnel working on the Development Plan prior to 2009 were still in the employ of the Council. Was everything that was said and done not recorded as it is obvious that employees come and go and had working practices now changed to reflect this?

**Response** - it was explained that some key parts of old agenda items were not available, although the Council had operated in line with its Document Retention Policy. Lessons had been learnt in that as an ongoing project, the Planning Policy team should have kept all of the reports they produced. The Head of Democratic Services explained the Council's Document Retention Policy requirements to Members and suggested that for future lengthy projects that this be waived to allow documents to be kept for longer periods of time. The Democratic Services team could not keep hard copy records of reports beyond a seven period. This was mainly due to restrictions with space and so there was a reliance upon the responsible service area to keep records and background papers to justify a decision made.

**Question 10** - Councillor Warren asked another question in relation to Paragraph 1.2 of the report. Why did it make 'the preparation of and content of this report more challenging that agendas were no longer available for that period but formal minutes were. Were the formal minutes not a true reflection of what was said and could the content of the agenda, which we know is a list of items to be discussed, be easily worked out? Again, had working practices now changed to reflect this?

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**Response** - It was explained that the Planning Policy team had recently undertaken a thorough exercise in organising its electronic files making the tracking of documents easier. A more easy to follow retrieval structure had also been introduced.

The Chairman then invited Members to ask any other questions that they had – these were:

- Councillor Blampied – what happens if we get to 2017 and we have not finished the required work allowing the Plan to be adopted? Would the Government step in and if so what would the implications be? The Committee was advised that the Planning & Housing Bill was currently going through Parliament and that it was this that stipulated the deadline of 2017 for completion of this work. Further information was awaited.
- Councillor Dr Walsh - how vulnerable is the Council to being subjected to having to accept further planning by appeal and linked to this how much per annum has the Council spent over the last 5 years defending planning appeals? As this response could not be provided at the meeting, it was agreed that it would be provided to the Committee in writing. What was confirmed was that there had been fewer appeals, but the cost had been larger. In terms of the issue of how vulnerable the Council was to speculative development, it was confirmed that whilst no Local Plan was in place, it was impossible for the Council to be able to demonstrate how it would deliver the required level of housing leading to speculative applications which were also often in locations where the Council did not wish to see development. The Government required the Council to have 5 years’ worth of land available and currently the Council only had 3.5 years of development land available. The 3.5 years equated to about 2,500 homes.

Following further discussion, the Chairman asked the Committee to consider making the following recommendations:

- (1) That the Director of Planning & Economic Regeneration be thanked for his detailed report;
- (2) The document retention policy be waived for long-term project so all reports and documentation are available until the project is completed; and



(3) The Head of Planning & Economic Regeneration be asked to review the Terms of Reference for the Local Plan and Community Infrastructure Levy (CIL) Sub-Committees and make any recommendations for change to the Full Council Meeting taking place on 13 January 2016.

The Committee, in fully supporting these recommendations, also proposed that the Head of Planning & Economic Regeneration’s report be sent to the Council’s three Members of Parliament for their information.

The Committee therefore

RECOMMEND TO FULL COUNCIL

That the Council’s document retention policy be waived for long-term project so all reports and documentation are available until the project is completed.

The Committee also

RESOLVED – That

(1) The Head of Planning & Economic Regeneration be thanked for his detailed report;

(2) The Head of Planning & Economic Regeneration be asked to review the Terms of Reference for the Local Plan and Community Infrastructure Levy (CIL) Sub-Committees and make any recommendations for change to the Full Council Meeting taking place on 13 January 2016; and

(3) The Council’s three Members of Parliament be sent a copy of the report for their information.

341. CABINET MEMBER QUESTIONS AND UPDATES

(i) The Chairman invited the Cabinet Member for Environmental Services, Councillor Chapman, to provide an update to the Committee on the progress of work at Riverside Autos on the East Bank Flood Defence Scheme.

Councillor Chapman responded by informing the Committee that the Council’s Director of Environmental Services and the Head of Engineering Services had met recently with the Environment Agency (EA) to discuss the

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missing link. A technical feasibility study of various options was being undertaken to ensure any future works would be consistent with the rest of the scheme as built. Councillor Chapman confirmed that when the outcome of the feasibility study was known then a tendering process would be undertaken for the remaining works. In the meantime, the EA had installed a temporary demountable barrier which would provide the appropriate defence required. Councillor Chapman stated that he wished to reassure the Committee that the EA had recently confirmed the scheme's ability to protect the Town until the most appropriate solution to the problem had been found. The temporary barrier in place was being very regularly monitored in line with predicted weather predictions.

Councillor Dr Walsh asked if the EA was working through all of the consent procedures especially bearing in mind that the majority of the work had already been completed and he asked if the Cabinet Member had been supplied with any information from the EA in terms of timescale for completion for this work. Councillor Chapman responded by stating that no timescale could be provided at the moment due to this being a legal situation sitting with the EA and the responsible landowner.

The Chairman asked Councillor Chapman if he wished to provide the Committee with an update in terms of what the latest position was with Pagham Beach. Councillor Chapman informed the Committee that the recent spring tides had, in fact, modestly recharged some areas of the beach.

(ii) The Chairman then invited the Cabinet Member for Planning & Infrastructure, Councillor Bower, to provide an update on the Felpham Relief Road and following a meeting held just after the last meeting of the Committee on this matter. Councillor confirmed that both Councillors English and Edwards had attended the meeting and that the Minutes from that meeting had been circulated to all that had attended. Councillor Bower confirmed that the Contractor had undertaken to deliver the completion of the relief road by early March 2016.

(iii) Councillor Warren asked the Cabinet Member for Leisure & Amenities, Councillor Dendle, a detailed question. This question stated that "on becoming an Arun District Councillor for the first time this year he had attended most of the training sessions and seminars. Some phrases that had been repeated frequently were, "blue sky thinking and planning for the future". With this in mind, Councillor Warren asked if the provision of a 50 m pool at the new leisure centre at Littlehampton had been ruled out? Councillor Warren stated that he realised that Sports England had been asked for their opinion of pool size and so asked if the opinion supplied had been given the

loosely projected housing numbers for the next 30 years when providing their answer of an 8 lane 25m pool?

Councillor Warren also asked if the Council considered the huge contribution to businesses, visitors, sporting events, a 50m pool would make, as well as making Littlehampton a national sporting venue?

The Cabinet Member for Environmental Services, Councillor Dendle, confirmed that the response he was about to give had been prepared by Officers in consultation with and input from the Sports Consultancy. This confirmed that a 50m pool was indeed aspirational but would be a significant addition to the building and the running costs of the new centre. The detailed Feasibility Study considered that a 50 m pool would be likely to add at least £3 million to the project. In practice, building a 50 m pool would not only increase the size of the pool hall, but there would be associated increases in the changing rooms; circulation space; and spectator areas. The capacity of the pool plant would also need to be increased.

Also, a larger footprint would be required for the building, which may not be possible on the site due to the underground network of pipes serving the Southern Water Pumping Station and the boundary of Mewsbrook Park. Relocating the pipework would, in all likelihood, add to the estimated £3 million additional construction costs.

In respect of the income needed to offset the cost of a larger pool, the net position was relatively small due to additional running costs. In addition, 50 meter pools worked much less well as community pools because they were used more by club/elite swimmers where the water temperature tended to be lower which was obviously a less enjoyable experience for recreational swimmers and swimming lessons.

The latent demand analysis provided by The Sports Consultancy using Sport England’s facility calculator indicated an additional 167 m square of water space was required in Littlehampton. A 50 m 8 land pool would significantly exceed the required deficit (by 425 m). In conclusion, the Sports Consultancy’s recommendation was not to consider a 50m pool as there was neither the demand and ‘it would have a negative impact on the capital costs and overall affordability of the project’.

Councillor Warren asked a supplementary question in that he felt that the demand for a 50 m pool was there and so had this been discounted from the scheme? In response, Councillor Dendle referred to what he had already said in that the decision made had been based on a wealth of differing factors and so this was why this proposal had been rejected at an early stage.

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(iv) No further updates were provided by Cabinet Members to the meeting.

342. THE COUNCIL'S ICT PROGRAMME – GENERAL WORK TO DATE

The Chairman welcomed the Director of Customer Services and the ICT Manager to the meeting.

The Director of Customer Services explained that, at the request of the Committee, he had been asked to provide information on the Council's Information and Communication Technology (ICT) Programme for 2015/2016.

The workload of the Council's ICT services was explained which was split into three main categories being day to day workload; technical infrastructure projects; and line of business software application projects. Some of the projects were then explained to the Committee.

The Council's IT Helpdesk, who provided IT help and support to staff, had an annual Service Delivery Plan in place which measured customer satisfaction. A copy of the IT Helpdesk Customer Satisfaction Survey Report had been attached to the report for the Committee's information and the Chairman stated that the contents of this survey illustrated how valuable this service was to the Council and in terms of the range of incidents that the survey demonstrated that the service responded to.

Having asked some questions about Storage Area Network and Public Service Network compliance, the Committee noted the report.

343. FEEDBACK FROM WEST SUSSEX COUNTY COUNCIL'S TASK AND FINISH JOINT SCRUTINY GROUP - FLOODING

The Committee received and noted the feedback report that had been supplied by Councillor Dingemans following his attendance at West Sussex County Council's Task and Finish Joint Scrutiny Group on Flooding held on 19 October 2015.

344. FEEDBACK FROM THE MEETING OF WEST SUSSEX COUNTY COUNCIL'S HEALTH AND OVERVIEW SELECT COMMITTEE (HASC) HELD ON 1 OCTOBER 2015

The Committee received and noted the feedback report that had been supplied by Councillor Blampied following his attendance at West Sussex

County Council’s Health and Adult Social Care Committee (HASC) held on 1 October 2015.

The Committee also noted a further update provided by Councillor Dr Walsh following his attendance at another meeting regarding the South East Ambulance Services’ response time data. This was an issue that would be discussed at the next meeting of HASC taking place on 4 December 2015.

345. FEEDBACK FROM MEETING OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 9 OCTOBER 2015

The Committee received and noted a feedback report which had been supplied by Councillor Wotherspoon following his attendance at the Sussex Police and Crime Panel held on 9 October 2015.

In looking at the feedback provided, the increase in cycling accidents was raised as a concern and it was felt that the location of cycling routes approved by WSCC needed to be reviewed.

The Cabinet Member for Community Services, Councillor Wotherspoon, was asked why the Council had not been invited to have representation on the Sussex Safer Roads Partnership (SSRP) which would assist the Council in raising areas of concern such as the location of cycle routes. Councillor Wotherspoon agreed that such representation would benefit the Council and he confirmed that he felt that the Council should pursue this.

The Head of Democratic Services confirmed that she had pursued this query with West Sussex County Council (WSCC) who had confirmed that the SSRP was an Officer Group with membership being made up of four highway authorities being WSCC, East Sussex County Council, Brighton & Hove Unitary Authority and the East Sussex Fire and Rescue Service. There were no plans in place to extend its membership to District and Borough Councils at this time and so it was recommended that if Members had any issues of concern, then they should pass these onto County Councillors through the Joint Arun Area Committees to pursue on their behalf.

346. WORK PROGRAMME – UPDATE

The Committee Manager asked the Committee if it could approve adding the following items to its Work Programme for 2015/2016:

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**26 January 2016**

- Social Media Policy and Guidance for Councillors
- Social Media Policy and Guidance for staff
- Feedback from the Meeting of the Council Tax Support Task and Finish Working Party in December 2015 along with any recommendations

**15 March 2016**

- ADC Filming and Photographic Policy
- Feedback from Meeting of the Council Tax Support Task and Finish Working Party held on 2 March 2016

In approving these additions, the Head of Democratic Services asked the Committee if it could start to consider selecting items for its 2016/17 Work Programme so that a programme could be discussed and agreed at its meeting to be held on 15 March 2016. The item agreed earlier in the meeting by the Committee would be included within the draft that Members would eventually consider.

The Committee therefore

RESOLVED

That the following items be included within its Work Programme for 2015/2016:

**26 January 2016**

- Social Media Policy and Guidance for Councillors
- Social Media Policy and Guidance for staff
- Feedback from the Meeting of the Council Tax Support Task and Finish Working Party in December 2015 along with any recommendations

**15 March 2016**

- ADC Filming and Photographic Policy
- Feedback from Meeting of the Council Tax Support Task and Finish Working Party held on 2 March 2016

(The meeting concluded at 7.45 pm)