



Public Document Pack

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All Members of the Council
(and those on the circulation list)

11 September 2019

Dear Members

Full Council Meeting - 18 September 2019 – Bundle 2

Please find attached further papers to be considered at the Council Meeting on 18 September 2019:

Items

15.1 Cabinet - 2 September 2019 (Pages 1 - 10)

Please find attached the Minutes and the Decision Notices from the meeting of Cabinet held on 2 September 2019. There are no recommendations.

16.1 Item 16 - Overview Select Committee - 3 September 2019 (Pages 11 - 18)

Please find attached the Minutes from the meeting of the Overview Select Committee held on 3 September 2019. There are no recommendations.

17.1 Development Control Committee - 4 September 2019 (Pages 19 - 30)

Please find attached the Minutes from the meeting of the Development Control Committee held on 4 September 2019. There are no recommendations.

18.1 Constitution Working Party - 9 September 2019 (Pages 31 - 78)

Please find attached the Minutes from the meeting of the Constitution Working Party held on 9 September 2019. There are recommendations at:

- Minute 6 – Constitutional Amendments – Officer Employment Rules – the Officer's report and Appendices are attached
- Minute 7 – Constitutional Amendments – Part 4 (officer Scheme of Delegation) for Crime and Disorder Act 1998 and the Anti-Social Behaviour, Crime and Policing Act 2014 – the Officer's report and appendices are attached
- Minute 8 – Arun District Council's Members' Allowances Scheme – Guidance – the Officer's report and

appendices are attached

- Minute 9 – Constitutional Amendments – Part 5 – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rules – the Officer’s report and appendices are attached

19.1 **Motion 3 - from the Liberal Democrat Group**

A further Motion has been received in accordance with Council Procedure Rule 14.1 and 14.2 from the Liberal Democrat Group, the details of which is set out below:

“I make a request to change the following section of the Council’s Constitution- Part 3- Responsibility for Functions- Paragraph 4.2- Development Control Committee in terms of its stipulation that no more than 2 Members can also be Cabinet Members.

This will enable Cabinet Member Substitutes to replace any Member on the Development Control Committee should they not be able to attend. It will also ensure that this vitally important committee has full representation at each meeting, which will help deliver the best possible service to the community of Arun District”.

Please can you bring your copy of these papers along with you to the meeting.

Yours sincerely

Jane Fulton
Committee Manager

Public Document Pack Agenda Item 15a

Subject to approval at the next Cabinet meeting

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CABINET

2 September 2019 at 5.00 pm

Present: Councillors Dr Walsh (Chairman), Oppler (Vice-Chair), Lury, Purchase, Stanley and Mrs Yeates.

Councillors Bennett, Chapman, Charles, Clayden, Coster, Dixon, Huntly and Roberts were also in attendance at the meeting.

171. WELCOME

The Chairman welcomed Members, members of the public and Officers to the meeting.

172. APOLOGY FOR ABSENCE

An Apology for Absence had been received from the Cabinet Member for Residential Services, Councillor Mrs Gregory.

173. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

174. QUESTION TIME

The Chairman confirmed that no Public Questions had been received.

175. MINUTES

The Minutes of the Cabinet meeting held on 29 July 2019 were approved by the Cabinet as a correct record and signed by the Chairman.

176. BUDGET VARIATION REPORT

There were no matters discussed.

177. REVENUE AND CAPITAL OUTTURN EXPENDITURE - 2018/19

The Deputy Leader of the Council and Cabinet Member for Corporate Support, Councillor Oppler, introduced this item and stated that it had a close link to the Budget Monitoring and Financial Prospects reports to be considered later.

The Outturn report set out the actual performance for the Capital, Housing Revenue Account and General Fund Revenue against budget for 2018/19.

Councillor Oppler then invited the Financial Services Manager to highlight the key sections of her report.

Cabinet - 2.09.19

The Financial Services Manager was pleased to advise that the Audited Accounts for the year ended 31 March 2019 were available on the Council's website. The Statement of Accounts had been approved by the Audit & Governance Committee on 30 July 2019 receiving a clean audit report which was good news considering the complexity of work and the tight statutory deadlines that had to be adhered to.

The following points were particularly highlighted through the Financial Services Manager's verbal presentation: -

- The General Fund summary – some of the variations against individual service budgets were due to technical accounting requirements, for example, the requirement to charge depreciation to service. These entries had to be reversed under statute to prevent the charge being borne by the Council Tax payer
- The variations against original budget had been summarised in Table 2.4. and Members' attention was drawn to the fact that the outturn was made up of a significant number of over and underspends against budget. The outturn was generally favourable allowing contributions to be made to the Funding Resilience Reserve. The items over £100k had been explained within the report. Key adverse variations related to homelessness nightly paid accommodation amounting to £567k. Expenditure on this continued to be a significant issue in the current year and had been reflected within the financial model. Full Council last year had approved a supplementary estimate of £650k which had formed part of the approved budget.
- The favourable variations included:
 - Establishment savings of £177k in addition to the £450k corporate target. The Council had also achieved a favourable outturn on Council Tax Court case recoveries with the interest being invested.
 - The Cabinet were asked to note the additional £845k that had been transferred to the Funding Resilience Reserve which had been achieved due to additional Business Rates income.
 - The General Fund balance now stood at £7.076m
 - The Housing Revenue Account (HRA) position stood at £7.229
 - The total major repairs reserve was £1.165m
 - The HRA balance was expected to reduce over the first few years of the HRA Business Plan as a result of the programme in place for the provision of new dwellings and additional expenditure on sheltered housing
 - On capital and asset management it was highlighted that the Wave Leisure Centre had required no prudential borrowing and had been financed through revenue contributions, capital receipts and a successful grant application from Sport England.

The Chairman thanked the Financial Services Manager for a positive report and asked a question relating to the HRA and the reasons for the positive outturn compared to the original budget deficit of £1.248m. The Financial Services Manager explained that this was mainly due to a reduction in the financing of capital expenditure.

The Cabinet

RESOLVED – That

- (1) The revenue and capital outturn expenditure for 2018/19;
- (2) The level of balances and unused S.106 sums at 31 March 2019 be approved;
- (3) the £250k contribution to the Redundancy Reserve to allow restructures that meet the Council's payback period criteria be noted; and
- (4) the additional £0.845m contribution to the Funding Resilience Reserve be noted

The Cabinet supported the recommendations in the report and then confirmed its decision as per Decision Notice C/014/020919, a copy of which is attached to the signed copy of the Minutes.

178. BUDGET MONITORING REPORT TO 30 JUNE 2019

The Deputy Leader of the Council and Cabinet Member for Corporate Support, Councillor Oppler, introduced this item and stated that financial performance was monitored on a regular basis to ensure that spending was in line with Council policies and that net expenditure was contained within overall budget limits. Performance against approved budget to the end of June 2019 in relation to the General Fund, Housing Revenue Account (HRA) and capital was on track.

The Financial Services Manager presented this report and stated that this was the first formal monitoring report for 2018/19. Further reports would be presented to Cabinet for the period ended September and December 2019 with an outturn report this time next year.

The variation against expected spend at the end of June 2019 was £54k. The Financial Services Manager reiterated the situation in relation to homelessness and the continuing financial pressures from homelessness on nightly paid accommodation. She anticipated that there would be a requirement for a further supplementary estimate later in the year.

In summary, the General Fund and HRA were on track, however, Members were asked to approve the HRA revenue and capital slippage highlighted in Paragraph 7.2 of the report, which linked to the favourable outturn position in the previous item.

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In receiving the report, questions were asked about the homelessness situation in terms of whether this had been foreseen and was a result of West Sussex County Council's (WSCC's) decision to withdraw its homelessness support grant to some charitable organisations and whether this was in line with the expected predictions voiced when that decision had been made.

The Chief Executive responded stating that the Council had not seen a major impact to date, however, he did feel that the situation would worsen over time. Work was underway to try and produce figures so that there would not be the need to seek approval for further Supplementary Estimates in the future. It would be necessary to make sure that the budget for next year would be more realistic to keep within the movement of temporary accommodation and homelessness costs. This was an ongoing and real situation with the Council working alongside its partners across the District including charities, churches and other charitable authorities to try and help people with complex needs and people in general need. Members were reassured that the Council was attacking this issue from every angle including buying additional properties to house people. The Chairman asked how many properties had been purchased. The Director of Services outlined that the Council bought properties but these took a while to come on stream. Cabinet was informed that there was a full-on pipeline of purchases though the precise number could not be provided at this time. Officers were working closely with the Cabinet Member for Residential Services on an ongoing programme.

The Cabinet

RESOLVED – That

- (1) the report in Appendix 1 be noted;
- (2) the significant anticipated overspend in relation to nightly paid accommodation be noted;
- (3) the HRA revenue and capital slippage contained in Appendix 1 (paragraph 7.2) be approved; and
- (4) it be noted that the overall performance against budget is currently on track.

The Cabinet confirmed its decision as per Decision Notice C/015/020919, a copy of which is attached to the signed copy of the Minutes.

179. FINANCIAL PROSPECTS 2019-20 TO 2023/25

The Deputy Leader of the Council and Cabinet Member for Corporate Support, Councillor Oppler, introduced this item and stated that this covered the financial forecast for the Council for the next five years. Of major concern was the significant financial challenges that the Council would be facing as core Government grant funding was being eroded and replaced with more volatile and uncertain funding based around the growth of the District.

The Group Head of Corporate Support then worked through the highlights of the report re-stressing that local government was facing an unprecedented level of financial uncertainty around the funding available to it. The timing of this report had been difficult as it had been announced in August that the three-year spending review had been delayed, the one-year review would be announced on 4 September 2019. It was felt that it would be unlikely that this would provide any detail for individual authorities and that Councils would have to wait until just before Christmas for more detailed information. It therefore had to be recognised that it was not possible to make projections now with any level of certainty.

Despite this, the significant assumption had been made that the business rates reset would not happen now until 2021/22. The Council would therefore not lose its business rate growth until then which was one year later than originally anticipated. Some other general assumptions around the economy had been set out in the report at Paragraph 1.3.

Other general assumptions had been set out in Paragraph 1.3 of the report. Cabinet were advised that allowances had been made within the Strategy for a modest capital programme, however, it was important to stress that this had to cover all infrastructure and estate matters as well as any new initiatives. A further assumption made was around the payments from WSCC in terms of recycling credits. A cut of £186k had been made in this financial year and it was anticipated that the remainder of the £857k would be cut in 2020/21. This would have a significant effect on the Council's financial position and future spending plans.

Members' attention was then drawn to the risk element of the report; these were mainly around local government funding, as highlighted earlier. The Group Head of Corporate Support's only real mitigation was to ensure that the Council held a reasonable level of balances to cushion against any significant reductions in funding. It would also be essential to ensure that a robust business case be undertaken for any significant investments.

It was stressed that the figures identified could only be considered as indicative as explained earlier. Given the fact that information was continually emerging it was important that the Financial Strategy remained dynamic and was regularly updated and where needed significant changes made.

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Following a question relating to the Council's PA system, which was answered at the meeting, the Cabinet

RESOLVED – That

- (1) the core assumptions set out in the Medium-Term Financial Strategy and the current financial position be agreed;
- (2) the significant risks to local government finance that have been clearly outlined in the report be noted and agreed; and
- (3) the Medium-Term Financial Strategy be used to set the Budgetary framework in preparing the 2020/21 budget.

The Cabinet then confirmed its decision as per Decision Notice C/016/020919, a copy of which is attached to the signed copy of the Minutes.

(During the course of the discussion on this item, Councillors Dr Walsh, Oppler and Purchase all declared their Personal Interests as Members of West Sussex County Council in relation to the update provided on the West Sussex County Council recycling credits.)

180. ITEMS PUT FORWARD BY THE OVERVIEW SELECT COMMITTEE AND WORKING GROUPS

There were no items to consider.

(The meeting concluded at 17.24 pm)

ARUN DISTRICT COUNCIL

**DECISION NOTICES FROM THE CABINET MEETING HELD ON
2 SEPTEMBER 2019**

REF NO.	DECISION
C/014/020919	Revenue and Capital Outturn Expenditure – 2018/19
C/015/020919	Budget Monitoring Report to 30 June 2019
C//016/020919	Financial Prospects 2019-20 to 2023/25

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT
FROM 10.00 AM ON WEDNESDAY 11 SEPTEMBER 2019 UNLESS THE
CALL-IN PROCESS IS APPLIED**

If a Councillor wishes to request a call-in of any of the decisions taken above, they will need to take the following steps in line with the Scrutiny Procedure Rules at Part 6 of the Constitution – Scrutiny Procedure Rules (Other)

They will need to:

- Submit their request in writing for a Call-In to the Group Head of Policy & Scrutiny and identify who will act as the lead Member of the Call-In
- Specify which decision is to be the subject of the Call-In
- Explain which of the criteria for the Call-In apply

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 13.18 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Revenue and Capital Outturn Expenditure – 2018/19	
OFFICER CONTACT: Carolin Martlew – Financial Services Manager Extn: 01903 737568 e.mail: carolin.martlew@arun.gov.uk	
EXECUTIVE SUMMARY: The report provides a summary of revenue and capital outturn expenditure for 2018/19 and compares this expenditure with the approved budget.	
DECISION: The Cabinet RESOLVED – That (1) The revenue and capital outturn expenditure for 2018/19 be noted; (2) The level of balances and unused Section 106 sums at 31 March 2019 be approved; (3) The £250k contribution to the Redundancy Reserve to allow restructures that meet the Council’s payback period criteria be noted; and (4) The additional £0.845 m contribution to the Funding Resilience Reserve be noted.	
REASON FOR THE DECISION: To ensure that Members are fully aware of the Council’s outturn for 2018/19; and the level of reserves at 31 March 2019, which will be available for use in future years.	
OPTIONS CONSIDERED BUT REJECTED: None	
CABINET MEMBER(S):	
DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:	None
DISPENSATIONS GRANTED :	None
CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None	

REFERENCE NO: C/015/020919

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Budget Monitoring Report to 30 June 2019	
OFFICER CONTACT: Carolin Martlew, Financial Services Manager Extn: 01903 737568 e.mail: carolin.martlew@arun.gov.uk	
EXECUTIVE SUMMARY: The Budget Monitoring report sets out the Capital, Housing Revenue and General Fund Revenue budget performance to the end of June 2019.	
DECISION: The Cabinet RESOLVED – That (1) the report in Appendix 1 be noted; (2) the significant anticipated overspend in relation to nightly paid accommodation be noted; (3) the Housing Revenue Account (HRA) and capital slippage contained in Appendix 1 (Paragraph 7.2 of the report) be approved; and (4) it be noted that the overall performance against budget is currently back on track.	
REASON FOR THE DECISION: To ensure that spending is in line with approved Council policies, and that it is contained within overall budget limits.	
OPTIONS CONSIDERED BUT REJECTED: None.	
CABINET MEMBER(S):	
DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:	None
DISPENSATIONS GRANTED :	None
CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None	

REFERENCE NO: C/016/020919

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Financial Prospects 2019/20 to 2024/25	
OFFICER CONTACT: Alan Peach, Group Head of Corporate Support Extn: 01903 737588 e.mail: alan.peach@arun.gov.uk	
EXECUTIVE SUMMARY: The Council's Medium-Term Financial Strategy (MTFS) covering the period up to 2024/25 rolls forward the data in the existing approved MTFS. The strategy amends certain assumptions contained in it to reflect changes in the Council's circumstances and other issues that have a strategic bearing on the Council's financial prospects.	
DECISION: The Cabinet RESOLVED – That (1) The core assumptions set out in the Medium-Term Financial Strategy and the current financial position be agreed; (2) The significant risks to local government finance that have been clearly outlined in the report are agreed and noted; and (3) The Medium-Term Financial Strategy is to be used to set the budgetary framework in preparing the 2020/21 Budget.	
REASON FOR THE DECISION: To formulate the Council's Medium-Term Financial Strategy and set the financial context and framework for decisions to be taken by the Council.	
OPTIONS CONSIDERED BUT REJECTED: To accept the assumptions outlined in the strategy or to not accept the assumptions outlined in the strategy	
CABINET MEMBER(S):	
DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:	None
DISPENSATIONS GRANTED :	None
CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None	

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Subject to approval at the next Overview Select Committee meeting

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OVERVIEW SELECT COMMITTEE

3 September 2019 at 6.00 pm

Present: Councillors Coster (Chairman), Clayden (Vice-Chair), Bennett, Bicknell, B Blanchard-Cooper, Mrs Catterson, Dendle, Elkins, English, Huntley, Miss Rhodes, Miss Seex, Tilbrook and Mrs Worne

Councillors Mrs Gregory, Lury, Oppler, Purchase, Stanley and Mrs Yeates were also in attendance for all or part of the meeting.

Apologies were received from Councillor Dr Walsh – Leader of the Council.

181. WELCOME

A warm welcome was extended to members of the Public, Press and Members of the Committee in attendance by the Chairman.

182. DECLARATIONS OF INTEREST

No Declarations of Interest were made.

183. MINUTES

The minutes of the Overview Select Meeting held on 25 June 2019, as previously circulated, were approved by the Committee as a correct record and were signed by the Chairman.

184. COMBINED CLEANSING SERVICES CONTRACT - REVIEW OF PERFORMANCE SINCE AWARD AND EXTENSION OF CONTRACT

[During the course of the discussion of this item Councillor Elkins and Councillor Purchase made personal declarations as Members of West Sussex County Council]

In introducing the report, the Environmental Services and Strategy Manager welcomed Laura Parker, Biffa's Business Manager, to the meeting. The report, presented to the Committee provided an overview of the scope of operations delivered by Biffa, how these were managed and explored the contractual performance achieved during 2018/19.

The Committee were reminded that Arun District Council's three-year Combined Cleansing Services Contract commenced on 1 February 2017, having been awarded to Biffa Municipal Ltd. In December 2017 the then Cabinet agreed to a further three-year extension of the contract up to 2023. It was previously reported that the extension would allow the Council to retain a cost effective and high performing service as well as being able to fully explore service delivery before the next competitive tender process.

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The Environmental Services and Strategy Manager outlined the key services that the Combined Cleansing Services Contract provided as:

- Weekly refuse collection
- Bi-weekly recycling collection
- Bi-Weekly garden waste collection
- Street Cleansing (including the removal of fly tipping)
- Emptying and cleaning of 612 Litter Bins and 450 Dog Waste Bins
- Cleansing Service for all of the Council's public conveniences
- Small waste electrical and electronic equipment (WEEE) weekly collection
- Weekly clinical waste collection (carried out by Medisort who are based in Littlehampton)
- Bulky waste collection (chargeable, on demand service)

Members were also reminded that management of this Contract was completed by the Council's Cleansing Team with rigorous monitoring and regular performance reviews undertaken. It was also highlighted that the support received from Arun Direct dealing with resident enquiries and complaints was invaluable to ensuring that they were resolved at first contact where possible.

An overview of the key performance measures and indicators was explained to Members and it was advised that nationally the results show that Biffa was a well performing team, alongside the low number of Complaints received that further support the confirmation that the contract was performing well.

Laura Parker, Biffa Business Manager, then provided the Committee with a presentation that outlined the service structure in place to deliver the Arun contract.

Following the presentation, a number of questions were asked. Key points raised were:

- **Recycling** - new upcoming initiatives to help promote education for residents in terms of what can be recycled. It was also confirmed that West Sussex County Council (WSCC) work collaboratively with schools in the area offering education sessions through their Waste-Buster initiative. It was also suggested that the Council might consider education sessions for the public at seasonal events in the future. Further discussion was had in relation to multiple occupation properties, in particular flats to ensure enough bins and recycling bins are made available for these residents. It was also confirmed that where refuse and or recycling issues are highlighted the Council do work proactively to educate residents and had seen great results.
- Confirmation was sought regarding the recycling process of small Waste Electrical Equipment and Textiles collection (WEEE) to ensure that these items were not ending up as landfill. It was confirmed that all elements of WEEE were being recycled properly and correctly.
- It was reported that WSCC had responsibility for recycling of plastic waste and how and what happens to this product was out of Arun District

Council's control. A further suggestion was made for Members to reach out to the Cabinet Member for the Environment at WSCC for further details on the process they use.

- **Carbon footprint** – the Biffa Business Manager was asked how modern their vehicle fleet was and what were Biffa looking at to proactively reduce their CO2 emissions. It was explained that whilst the age of a number of vehicles within the fleet varied, Biffa were currently investigating the option of electric vehicles, however with it being relatively new technology it needed to have careful consideration before decisions were made. Members were reassured that it was a matter that was very high on their agenda.
- **Brexit** – Members were keen to understand the impact of a no deal Brexit. It was confirmed that the Council was satisfied the risks were minimal and would have very little impact.
- **Green Waste Service** - Several comments relating to the cost of Green Waste collections were raised by Members who wanted to know if the Council would consider making the Green Waste Collections a free service, given the success of the initiative since it started in 2006. It was confirmed that currently there had not been any discussion on the topic and therefore an answer could not be provided at the current time. Confirmation from the Biffa Business Manager was that whilst it was good to see an increasing customer base, that it now meant there was an increase in service delivery costs to run the initiative. It was also confirmed by the Chief Executive that Central Government were expected to announce possible further funding in the Autumn 2019 and that while there was clearly strong feeling amongst the Committee, it might be premature to look to consider any changes when funding could be available shortly.

After further discussion Councillor Dendle proposed that the Council look to introduce a free garden waste service. This was seconded by Councillor Miss Rhodes.

Debate then took place on the proposal and a summary of the key points made are highlighted below;

- Contractually there would be a significant cost implication which the Council would need to bear.
- As the Council were waiting for the directive from the Government to come forward, it would be untimely to make a decision now.

Councillor Dendle stated that based on the debate that had taken place he wished to make an amendment to his original proposal to read as follows, “that Arun District Council introduce a free/reduced cost green waste service, subject to the Government's decision on funding.” This was seconded by Councillor Miss Rhodes.

Debate on the amended proposal led to Councillor Bennett putting forward a counter proposal to read as follows, “that this Committee asks the Cabinet Member for Community Wellbeing and Officers to prepare a detailed financial report on what would

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happen if we were to implement a completely free or reduced cost green waste service now or at the end of the Contract and how much would it cost the tax payer at each of these stages.” This was seconded by Councillor Mrs Catterson.

Members discussed the importance of education for recycling, re-use of waste and composting benefits for residents within the Arun District when debating the proposal made by Councillor Bennett.

The Committee Manager reminded Members of Councillor Dendle’s first proposal as amended, as a vote still needed to take place.

As the result of the vote was tied (7 voting for, 7 voting against) the Chairman confirmed he would use his casting vote. This resulted in the amendment falling.

The Committee then turned to the counter proposal (put forward by Councillor Bennett), this was put to the vote and declared CARRIED.

The Committee therefore

RESOLVED -

“That the Cabinet Member for Neighbourhood Services and Officers prepare a detailed financial report detailing the implications to possibly implementing a completely free or reduced cost Green Waste Service now or at the end of the Contract, looking at how much this would cost the Tax Payer at each of these stages.”

The Chairman thanked The Environmental Services & Strategy Manager and Biffa’s Business Manager for providing a detail update.

185. HOMELESSNESS REDUCTION ACT (HRA) REVIEW

The Group Head of Residential Services presented her report outlining the HRA that was introduced on 3 April 2018 and was the most significant change in the last 30 years introducing new assessment, prevention and relief duties owed to people who found they were homeless or had been threatened with homelessness, irrespective of priority need or if they were deemed to have made themselves intentionally homeless.

The legislation was now focused to prevent homelessness within a 56-day period (previously 28 days), under the new duties, local housing authorities are required to carry out an assessment and develop a personalised housing plan with any applicant. If the applicant was threatened with homelessness, a prevention duty would be owed, in that circumstance the personalised housing plan would aim to enable the applicant to stay in their current accommodation or find a new place to live. If an individual becomes or was already homeless a relief duty would become owed and the steps in their personalised housing plan would aim to assist the individual to secure suitable accommodation for a period of at least 6 months. Each stage comprises of a 56-day timeframe.

At the current time the Act had been in force for 16 months, and one of the implications of the Act to date was that the Council had seen an increase in individuals presenting themselves as homeless, and that was found to be because individuals can present as homeless or threatened with homelessness much earlier on.

A further impact of the Act on the Council was the significant increase in the administrative work required to be completed. The redirection of resource was impeding the Council's ability to meet the needs of applicants at risk of homelessness. However, it was explained the team had standardised a lot of the administration tasks as far as currently possible.

The Residential Services team had recently been successful with a bid to the Ministry of Housing, Communities and Local Government for funding of £120,000 over 12 months to focus on its dedicated approach to accessing the private rented sector, which would reduce the use of time spent in temporary and emergency accommodation.

Members participated in a full discussion of which the key points have been highlighted below:

- Confirmation of details of the top reasons individuals present as homeless was 1) Household had been served notice, 2) Friend or Family eviction and 3) Relationship Breakdown.
- Concern was raised in relation to individuals who don't want to present as Homeless due to recovering from addiction and worrying they would be placed in a shared accommodation that would not be appropriate for a recovering addict. It was confirmed that the very best would be done to ensure that individuals would be placed in the best type of accommodation for their own needs, however it was subject to availability.
- The financial implications of the Act raised some concern amongst the Members. Reassurance was given that there was a huge amount of work being completed in terms of prevention, in conjunction with work to increase the number of social housing properties available through S106's and finally a dedicated approach to working with Landlords.
- The funding cuts made by WSCC to charities such as Stone Pillow and what the impact of these cuts would be on the Arun District was of interest to Members. It was advised that at the current time the cuts have not yet been implemented and would not be until later in the year.

The Committee expressed thanks to The Group Head of Residential Services and her team for their great work and noted the report update.

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186. REVIEW OF COMPLAINTS REFERRED TO THE LOCAL GOVERNMENT OMBUDSMAN RELATING TO PLANNING MATTERS

The Director of Place updated Members on his report that summarised the complaints considered by the Local Government Ombudsman (LGO) during 2018/19 which related to matters pertaining to planning.

The request for further information on complaints received relating specifically to planning came from Members at the Overview Select Committee meeting on 25 June 2019. He explained that the report provided a review of the period 2018/19 as well as the outcome of the eight stage 2 complaints received related to planning, which were considered and concluded by the Council during the same time.

He went on to explain that learning points had been identified and that training and the review of processes were an ongoing focus along with implementation of the recommendations from the 2018 Planning Peer Review. It was also highlighted that the approach taken with stage 1 complaints had also been reviewed and it showed that, the more rigorous the investigation at that level, specifically providing the customer with a full explanation to their complaint, the fewer stage 2 complaints received.

There was some discussion on the location and position of planning notices, with Members highlighting that some of the notices were placed so high up that wheel-chair users would find them very difficult to read. It was confirmed that there were restrictions in terms of where the planning notices could be placed and this sometimes leave the Council with very few options, however it was agreed that ensuring that notices were placed at a lower reading level was an expectation and that if anyone finds any examples of notices not placed correctly, it should be reported to the Group Head of Planning or the Director of Place to ensure that feedback could be provided. Further confirmation was provided regarding concerns raised that some planning notices had been placed at both the front and rear of some properties, however it was confirmed that while this was not a new process, the last 6 months had seen a particular focus on ensuring that all of those residents who needed a view of the planning notice were given equal opportunity to see it on display and that was why placement at the front and rear of properties was being completed. It was agreed that the Council would reach out to local Parish Councils to advise them of this process to avoid any unnecessary complaints from residents.

The Director of Place when summing up confirmed that the Council would be looking to deliver a service/app called Planning Finder. This facility would allow you to input a postcode and it would confirm what planning applications were in that area as well allowing for representations to be made.

The Committee noted the report update.

187. FEEDBACK FROM MEETINGS OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 28 JUNE 2019

The Committee received and noted the feedback report from the Cabinet Member for Community Wellbeing, Councillor Mrs Yeates following her attendance at the meeting of the Sussex Police and Crime Panel held on 28 June 2019.

Members participated in a full discussion of which the key points have been highlighted below:

- It was requested that data be provided to the Committee to support the promise of improvements that are to or had be made to the 101-reporting service to ensure that the service was now being managed effectively.
- During discussion relating to the reduced number of PCSO's it was stated by Councillor Miss Seex that River Ward crime figures showed more crime per head than the whole of the Chichester District, Councillor Mrs Yeates advised she would investigate and come back to her with a response.
- A suggestion was made by Councillor English that the Committee should write to the Police representative on the Joint Area Committee's to ask what the current arrangements were to replace PCSO's as a valuable local intelligence and enforcement function as he felt this would provide a prompt response.

The Committee then noted the report.

188. CABINET MEMBER QUESTIONS AND UPDATES

There were no questions submitted ahead of the meeting.

The Chairman asked the Cabinet Member for Technical Services the following question;

"In connection with the no. 2-4 Waterloo Square demolition, how did we get into this situation with the poor condition of this building and the tenant failing to maintain it properly? And what procedures do the Council have to ensure that maintenance on all owned or leased properties is kept in good condition?"

Councillor Stanley advised the Chairman that the Council now had a list of all the properties that were owned or leased within a conservation area, however he would need to investigate further in order to answer the question fully and advised that he would respond at a later date.

Councillor Dendle asked the Cabinet Member for Corporate Support the following question;

"I have been trying to obtain the figures relating to the Annual list of payments made to Councillors in 2019/19 but have been unable, can you explain why?"

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The Chief Executive answered the question put forward by explaining that it was simply a matter of work load for the team completing the work and it would be completed as soon as it could be.”

189. WORK PROGRAMME 2019-20 FULL YEAR

The Group Head of Policy drew the Committee’s attention to the Equalities and Diversity Policy that had been added to the Work Programme. She requested that members who would like to be involved in the review make contact with her after the meeting.

The Committee then noted the work programme

(The meeting concluded at 8.28 pm)

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Subject to approval at the next Development Control Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

4 September 2019 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Brooks (substituting for Councillor Mrs Hamilton), Chapman (substituting for Councillor Mrs Pendleton), Charles, Clayden (substituting for Councillor Mrs Stainton), Coster, Edwards, Lury, Northeast, Roberts, Mrs Worne and Mrs Yeates

Councillors Mrs Cooper, Cooper, Dixon, Goodheart and Mrs Hamilton were also in attendance for all or part of the meeting.

190. APOLOGIES

Apologies for absence had been received from Councillors Mrs Hamilton, Mrs Pendleton and Mrs Stainton.

191. DECLARATIONS OF INTEREST

Planning Applications AL/42/19/PL & AL/43/19/L – Councillor Mrs Worne declared a personal interest as she knew one of the applicants. Councillor Mrs Yeates also declared a personal interest by way of knowing the applicants.

Planning Application AW/134/19/HH – Councillor Coster declared a prejudicial interest in response to legal advice received and stated he would leave the room during its consideration. Councillor Lury declared a personal interest as he knew the applicant from the 1980s.

192. MINUTES

The Minutes of the meeting held on 7 August 2019 were approved by the Committee and signed by the Chairman as a correct record.

193. POST COMMITTEE SITE INSPECTION - AW/134/19/HH 33 BALLIOL CLOSE, ALDWICK PO21 5QE

(Prior to consideration of this application, Councillor Coster had declared a prejudicial interest and left the meeting during its consideration and took no part in the debate and vote.

Councillor Lury had declared a personal interest and remained in the meeting and took part in the debate and vote.)

AW/134/19/HH – Single storey side and rear extension with habitable roofspace and conversion of existing roofspace to habitable use, together with porch removal and replacement windows, 33 Balliol Close, Aldwick

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This application had been deferred from the meeting held on 7 August 2019 to enable the Site Inspection Panel to visit the site to assess the impact of the proposal on the neighbouring property. The report from the Site Inspection Panel and the original report were included in the agenda for Members consideration, together with the officer's written report update circulated at the meeting which detailed an additional objection received from Councillor Dixon as Ward Member and a nearby occupier.

Those Members present at the site inspection were of the view that, due to the overbearing and unneighbourly rear projecting element of the proposed extension and the fact that they considered it to not be in keeping with the locality, the application should be refused. However, the Planning Team Leader advised that the applicant had now submitted revised plans which had reduced the size of the scheme and had moved it further away from the boundary; the officer recommendation therefore remained as one of approval with conditions.

In discussing the matter, comments were made that, as the application had been amended, it should be readvertised to enable objectors to view the changes made.

In turning to the vote, the Committee did not accept the officer recommendation to approve. The Group Head of Planning advised that it was not usual practice to re-advertise a scheme that had been reduced in scale and that only two letters of objection in addition to the Parish Council objection had been received, which did not alter the officer's professional opinion that the application should be approved. He added that he could not see what a deferral would gain as sufficient information was before the Committee to enable it to make a decision.

However, Members reiterated that the amended plans should be readvertised to enable relevant parties to view the proposal and the Committee

RESOLVED

That the application be deferred to enable it to be readvertised.

194. PREVIOUSLY CONSIDERED APPLICATION P/134/16/OUT - LAND NORTH OF SEFTER ROAD AND 80 ROSE GREEN ROAD, PAGHAM

(Prior to consideration of this application, Councillor Huntley spoke as Ward Councillor.)

P/134/16/OUT – Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No.80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks. This application also falls within the parish of Aldwick, Land north of Sefter road & 80 Rose Green Road, Pagham

The Principal Strategic Planner presented this report which advised that, although this application had been determined at the meeting on 13 November 2018 to be approved subject to completion of the S106 Agreement in accordance with the officer's recommendation, it had now been brought back to enable Members to consider the following new material considerations: -

1. The impact of the development upon the Infantry Section Post situated on site which was a non-designated heritage asset; and
2. Publication of the draft Pagham Neighbourhood Plan following its publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Committee was advised that officers had been made aware of several points raised by Members which asserted that there were new material considerations which would justify the reconsideration of highways and ecological matters. In relation to that, the Council's Planning Officers had sought advice from West Sussex County Council as the Local Highway Authority and Natural England, together with advice from the Council's Legal Team. The advice received was that the matters raised with officers did not constitute new material considerations which would justify re-opening the debate or reconsidering those matters.

Members were strongly advised that the debate should be limited to those matters which constituted new material consideration only, as set out in the report and that any debate, weight or consideration given to any matter other than those identified within the officer's recommendation could result in an unsound and therefore legally challengeable decision.

With regard to the Pagham Development Management Plan (also known as the Pagham Neighbourhood Plan), which was a material consideration in the determination of this application, the professional conclusion of officers was that the weight which could be attributed to it at the present time was extremely limited for the reasons set out in the report.

A consultation response had been received from the Council's Conservation Officer in respect of the non-designated heritage asset, i.e. the Infantry Section Post which was in situ on the site. As a result, it was recommended that a condition be included that would require the developer to submit details for approval by the Local Planning Authority which would establish the feasibility of retaining or repairing the infantry section post, to also include measures to make the structure safe and secure. Should it be found that retention was not possible then a submission of a scheme for recording the structure would be required.

In commencing the debate, concerns were expressed that every effort must be taken to preserve the World War 2 (WW2) infantry section post and the Principal Strategic Planner advised Members that they would be able to give more detailed consideration to that issue at the reserved matters stage. The condition being recommended at this outline application stage would ensure that the applicant would

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take the necessary steps to provide the information required to enable an informed decision to be made with regard to the infantry section post. The Group Head of Planning confirmed that the Committee could amend the recommended condition on the table and that there was no need to decline to determine for that reason.

Member comment was made that the matter was being treated casually by officers and, also, a concern expressed that the Pagham Neighbourhood Plan had been dismissed by officers.

A proposal was put forward, which was duly seconded, that this item should be deferred to enable officers to: -

- 1) Under Local Plan Policy HER SP1 to convey to the developers that the Committee wishes to see the WW2 Infantry Section Post as a non-designated heritage asset retained and made safe and confirmation and details thereof to be brought back for consideration by a future Development Control Committee meeting.
- 2) Work with representatives of Pagham Parish Council on the Pagham Development Management Plan to positively evaluate and establish how this may be integrated with Arun's Local Plan, particularly in respect of Pagham Policy DM4 relating to Transport, Environmental and Economic Infrastructure, and to report back on progress thereof for consideration by a future Development Control Committee meeting.
- 3) At the same time as the above reporting back, produce a report for consideration by the Committee on any material considerations and new information that have arisen since the resolution to grant on 13 November 2018 in respect of Local Plan Policies T SP1, H SP2, SD SP1, ENV DM1, ENV DM2, ENV DM5, W DM2, QE SP1 and QE DM3.

In response to the above, the Group Head of Planning confirmed that

1. This was an outline application and it was within the gift of the Committee to amend the condition relating to the Infantry Section Post, negating the request to defer.
2. Support and engagement had been offered to Pagham Parish Council in respect of the production of the Pagham Development Management Plan but to date members of that Council had chosen not to take up that offer.
3. The report on the table, together with the previous report, detailed the material considerations for discussion and what had already been determined, so the Group Head of Planning was unclear as to why a further report would be required.

The Principal Solicitor reminded Members that, in order to defer the application, they had to demonstrate good reasons and she quoted from Planning Guidance that "Local Planning Authorities are at risk of an award of costs if they behave unreasonably, for example, by unreasonably refusing or failing to determine planning applications, examples include preventing or delaying development which should clearly be

permitted, having regard to its accordance with the development plan, national policy and any other material considerations.”

In the course of discussion on the proposal tabled, Member comment was made that it was out of order as it should be more appropriately considered by the Planning Policy Subcommittee; the Committee should not and could not entertain objections to policy as that was not within its purview. In addition, a Member view was expressed that it was important to highlight the legal advice that had been received and that the potential for costs against the Council for taking an improper decision must be seriously considered.

A Member response was made that there was potential new information that had not yet emerged; it was stated that that information would be firmed up and there would be more to come. It was felt that officers should try again with Pagham Parish Council to see if it could be integrated with the Arun Local Plan. The Group Head of Planning expressed his significant concern that the proposal appeared to be being put forward for deferral for a reason that was not yet in the public realm.

Following further debate, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be deferred to enable officers to: -

- 1) Under Local Plan Policy HER SP1 to convey to the developers that the Committee wishes to see the WW2 Infantry Section Post as a non-designated heritage asset retained and made safe and confirmation and details thereof to be brought back for consideration by a future Development Control Committee meeting.
- 2) Work with representatives of Pagham Parish Council on the Pagham Development Management Plan to positively evaluate and establish how this may be integrated with Arun's Local Plan, particularly in respect of Pagham Policy DM4 relating to Transport, Environmental and Economic Infrastructure, and to report back on progress thereof for consideration by a future Development Control Committee meeting.
- 3) At the same time as the above reporting back, produce a report for consideration by the Committee on any material considerations and new information that have arisen since the resolution to grant on 13 November 2018 in respect of Local Plan Policies T SP1, H SP2, SD SP1, ENV DM1, ENV DM2, ENV DM5, W DM2, QE SP1 and QE DM3.

(As the vote was tied, the Chairman used his casting vote to approve the amendment to the officer recommendation.)

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195. PREVIOUSLY CONSIDERED APPLICATION P/25/17/OUT - CHURCH BARTON HOUSE, HORNS LANE, PAGHAM PO21 4NZ

(Prior to consideration of this application, Councillor Huntley spoke as the Ward Member.)

P/25/17/OUT - Outline application with all matters reserved – Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works, Church Barton, Horns Lane, Pagham

The Principal Strategic Planner presented this report which advised that, although this application had been determined at the meeting on 23 January 2019 to be approved subject to completion of the S106 Agreement in accordance with the officer's recommendation, it had now been brought back to enable Members to consider the following new material consideration: -

1. Publication of the draft Pagham Neighbourhood Plan following its publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Committee was advised that officers had been made aware of several points raised by Members which asserted that there were new material considerations which would justify the reconsideration of highways and ecological matters. In relation to that, the Council's Planning Officers had sought advice from West Sussex County Council as the Local Highway Authority and Natural England, together with advice from the Council's Legal Team. The advice received was that the matters raised with officers did not constitute new material considerations which would justify re-opening the debate or reconsidering those matters.

Members were strongly advised that the debate should be limited to those matters which constituted new material consideration only, as set out in the report and that any debate, weight or consideration given to any matter other than those identified within the officer's recommendation could result in an unsound and therefore legally challengeable decision.

With regard to the Pagham Development Management Plan (also known as the Pagham Neighbourhood Plan), which was a material consideration in the determination of this application, the professional conclusion of officers was that the weight which could be attributed to it at the present time was extremely limited for the reasons set out in the report.

In opening up the debate, Member comment was made that the argument used under Planning Application P/136/16/OUT was still relevant for this application and so a deferral along the same lines was being sought. It was felt that officers should work with the Parish Council on the development of the Pagham Development Management

Plan and that there were issues that had arisen since planning permission had been granted which needed to now be taken account of.

The Principal Solicitor provided advice that any deferral had to be based on sound reasons otherwise the Council could be liable to have substantial costs awarded against it.

The Group Head of Planning reiterated that the Policies in the Local Plan had been fully considered by Full Council and had been adopted for over a year. Also, the draft Pagham Development Management Plan could not be afforded any weight for the reasons detailed in the report and therefore the officer's recommendation to approve still stood.

This view received Member endorsement and further comment was made that the site formed part of the strategic allocations in the Local Plan and any suggestion to depart from that was ludicrous. It was further felt that if the application was deferred it could be seen as an illegal decision.

The Committee

RESOLVED

That delegated authority be granted to the Group Head of Planning for the completion of the Section 106 Agreement, substantially in accordance with the Heads of Terms previously approved by the Committee on 23 January 2019, and to grant planning permission subject to the S106 Agreement, conditions and informatives.

As a request had been made for a recorded vote to be taken, those voting FOR were Councillors Bennett, Blanchard Cooper, Bower, Chapman, Charles, Clayden, Edwards, Northeast and Roberts (9). Those voting AGAINST were Councillors Coster, Ms Thurston, Mrs Worne and Mrs Yeates (4). Councillors Brooks and Lury ABSTAINED (2).

196. EP/180/18/PL - BUILDING WEST OF 131 SEA ROAD, EAST PRESTON BN16 1PD

(Prior to consideration of the following application, Councillor Chapman declared a personal interest and remained in the meeting and took part in the debate and vote.)

EP/180/18/PL – Change of use of boat store & sail loft (Sui Generis) to a single residential dwelling (C3 – Dwelling house) & part change of use of former dinghy pen to caravan site (Sui Generis), Building West of 131 Sea Road, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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197. BR/73/19/PL - LAND TO EAST OF ROYAL NORFOLK HOTEL, ALDWICK ROAD, BOGNOR REGIS PO21 2LH

BR/73/19/PL – Erection of 3 No. terraced residential dwellings, garden/cycle storage sheds & associated parking utilising the existing access (resubmission following BR/214/18/PL. This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation area, Land to East of Royal Norfolk Hotel, Aldwick Road, Bognor Regis Having received a report on the matter, the Committee participated in some debate and a number of views were expressed that the proposal would not sit well in the street scene and that the setting of the Royal Norfolk Hotel would be adversely impacted, whereas it should be preserved as it was a landmark building. Comment was made that this was the most prestigious site in Bognor Regis and the proposed development would make a huge difference to the area.

A converse view was put forward that the development would fit in with the area and could be voted for.

However, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The development by reason of its size and location would adversely impact the setting of the Grade II Listed Building (Royal Norfolk Hotel) and Conservation Area contrary to policies HER DM1 (e) and HER DM 3 (f) of the Arun Local Plan.

As a request had been made that a recorded vote be taken, Councillors Bower, Chapman, Charles, Clayden, Edwards and Roberts voted FOR (6) and Councillors Bennett, Blanchard-Cooper, Brooks, Coster, Lury, Northeast, Ms Thurston, Mrs Worne and Mrs Yeates voted AGAINST (9). There were no ABSTENSIONS.

198. BR/154/19/PL - 8 MEAD COURT, MEAD LANE, BOGNOR REGIS PO22 8BL

BR/154/19/PL – Change of use from single dwelling (currently used as a house in multiple occupation with 6 bedrooms) into a house in multiple occupation with 8 bedrooms including the conversion of existing integral garage into living area. This application may affect the character & appearance of the Upper Bognor road & Mead Lane Conservation Area & may affect the setting of a listed building, 8 Mead Court, Mead Lane, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

199. A/9/19/PL - POUND PLACE, ROUNDSTONE LANE, ANGMERING BN16 4AL

A/9/19/PL – Demolition of existing dwelling & erection of a 62 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane (resubmission following A/51/18/PL), Pound Place, Roundstone Lane, Angmering Having received a report on the matter, the Committee also took account of the officer's written report update which was circulated at the meeting and which advised Members of the following:-

- An additional letter of representation
- Addition of an informative relating to hedgehogs
- A consultation response from County Highways raising no objection to the latest plans
- Proposals for the provision of a footpath and resultant additional condition
- Amendment to condition 2 to take account of the submission of additional revised plans
- Amendment to visual amenity section of the report which incorrectly refers to the development to the north when it should be to the south.

In presenting this report, the Planning Team Leader advised that the applicant had made changes to the original proposal and officers now felt it was acceptable as it was in line with the masterplan for the area which had been agreed in 2014.

Members welcomed the development and, following a brief discussion relating to hedgehogs and parking, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to the decision being issued on the expiry of the advertising period on 13 September 2019 following consultation between the Group Head of Planning and the Chairman and Vice-Chairman.

200. AL/42/19/PL - NYTON HOUSE, NYTON ROAD, WESTERGATE PO20 3UL

(Prior to consideration of the following application, Councillors Mrs Worne and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.

AL/42/19/PL – Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This

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application affects the setting of a listed building, Nyton House, Nyton Road, Westergate The Committee received a report from the Principal Planning Officer which set out the detail of the proposal, together with the officer's written report update which set out: -

- Consultation response from the Council's Tree Officer which had resulted in 3 additional conditions
- Additional comments from the applicant to address concerns raised.

In considering this matter, a number of views were expressed that the proposal constituted a cramped form of development which was out of keeping with the setting of the listed building; clay tiles should be used rather than zinc to minimise the potential for noise nuisance; the loss of part of the flint wall was of concern as it would have to be good in a proper manner; the siting was too close to neighbouring properties; and the potential for light pollution needed to be addressed.

The Committee, therefore, did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reasons: -

The development by reason of its size, appearance and materials would cause harm to neighbouring heritage assets (Grade II listed Buildings) contrary to HER DM1 of the Arun Local Plan.

201. AL/43/19/L - NYTON HOUSE, NYTON ROAD, WESTERGATE PO20 3UL

(Prior to consideration of the following application, Councillors Mrs Worne and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.)

AL/43/19/L – Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden, store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas, Nyton House, Nyton Road, Westergate The Committee received a report from the Planning Team Leader, together with an officer report update which detailed a response from the applicant to concerns that had been raised and a statement by their Heritage Consultant.

In light of the decision made in respect of the previous planning application on the agenda, AL/42/19/PL, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason: -

The development by reason of its size and proximity to other dwellings would harm residential amenity contrary to policy D DM1 of the Arun Local Plan.

202. PLANNING APPEALS

The Committee noted the appeals that had been received.

(The meeting concluded at 6.12 pm)

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Public Document Pack Agenda Item 18a

Subject to approval at the next Constitution Working Party meeting

1

CONSTITUTION WORKING PARTY

9 September 2019 at 4.30 pm

Present: Councillors Mrs Yeates (Chairman), Mrs Gregory (Vice-Chairman), Bennett, Bower, Cooper, Mrs Haywood and Mrs Madeley.

1. APOLOGY FOR ABSENCE

An Apology for Absence had been received from Councillor Mrs Catterson.

2. DECLARATIONS OF INTEREST

Councillor Mrs Yeates declared a Personal Interest in Agenda Item 7 (Constitutional Amendments – Part 4 – [Officer Scheme of Delegation] for the Crime and Disorder Act 1998 and the Anti-Social Behaviour, Crime and Policing Act 2014 in view of her position as Cabinet Member for Community Wellbeing.

3. MINUTES

The Minutes from the meeting of the Working Party held on 28 November 2018 were approved by the Working Party as a correct record and were signed by the Chairman

4. START TIMES

The Working Party

RESOLVED

That its start times for meetings for the remainder of 2019/20 be 4.30 pm.

5. CONSTITUTIONAL AMENDMENTS - OFFICER EMPLOYMENT RULES

In the absence of the Group Head of Council Advice and Monitoring Officer, the Chief Executive presented this report and explained that the review of this section of the Constitution had been undertaken to take account of changes to legislation since the Rules had originally been drawn up. As this part of the Constitution had not been reviewed for some years a complete re-write had been necessary to also consider best practice and Joint Negotiating Committee (JNC) guidance.

The report explained the changes relating to each of the recommendations proposed and Appendix 1 set out the replacement text for Part 6 [Procedure Rules (Other), Section 7 [Officer Employment Rules]. It was outlined that the changes would make the business of managing staff more straight forward from a day-to-day operational perspective.

Following some discussion, the Working Party

RECOMMEND TO FULL COUNCIL – That

(1) The proposed changes to the Constitution at Part 6 [Procedure Rules (Other)], Section 7 [Officer Employment Rules] as set out in the replacement text at Appendix 1, as attached to the minutes, be approved;

(2) Article 4, paragraph 2.0(o) be amended to add the words shown in bold below:

“Approving the dismissal **in a disciplinary matter** of the Head of Paid Service (Chief Executive), Directors, Section 151 Officer and Monitoring Officer based on a recommendation from the Statutory Officers’ Investigatory and Disciplinary Committee;

(3) Article 4, paragraph 2.0(p) be amended to remove the words crossed through and add the words shown in bold:

“Approving terminations of service of the Head of Paid Service (Chief Executive) ~~and Directors~~ in respect of early/~~flexible~~ retirement and/or redundancy within the framework of restructuring proposals, **and any changes to the postholder’s terms and conditions in response to a request for flexible retirement.**”

(4) Amend Part 4 (Officer Scheme of Delegation), Section 2 (Chief Executive and Directors), paragraph 2.0 (Chief Executive) to add a further paragraph as shown in bold to read:

a. **Settlement Agreements**

- i. **to agree terms for Settlement Agreements up to a cost to the Council of £50,000 in consultation with the Section 151 Officer;**
- ii. **to agree terms for Settlement Agreements up to a cost to the Council of £95,000 in consultation with the Leader of the Council, Leader of the Opposition and Section 151 Officer; and**
- iii. **to submit a report to Full Council for consideration on settlements of more than £95,000.**

(5) Amend Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads), paragraph 2.1 (Group Head of Corporate Support) to replace the word “Compromise” with “Settlement” in the title and text; and amend the figure of “£10,000” to read “**£25,000**”. To also replace the last sentence with the words “**Settlements of more than £25,000 may be considered by the Chief Executive or Full Council dependent on their value as confirmed in Part 4 (Officer Scheme of Delegation, Section 2 (Chief Executive and Directors) and Article 4 (Functions of Full Council).**”

(6) Amend Article 4 (Functions of Full Council) to add a further paragraph as shown in bold to read:

a. **Approving Settlement Agreements of more than £95,000.**

(7) Amend Part 3 (Responsibility for Functions), paragraph 8.6 (Staff Appeals Panel) as shown crossed through and in bold below:

- a. *At the 1st bullet point* - Any financial settlement up to a limit of ~~£10,000~~ **£25,000** for an individual claim to a compensatory payment. All financial claims relating to a regrading claim require a decision of Full Council where a supplementary estimate is needed; and
- b. *At the 2nd bullet point* – “The non-financial terms for a confidentiality agreement or ~~compromise~~ **settlement** agreement to settle a matter.”

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

6. CONSTITUTIONAL AMENDMENTS - PART 4 (OFFICER SCHEME OF DELEGATION) FOR CRIME AND DISORDER ACT 1998 AND THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

The Working Party received a report from the Group Head of Community Wellbeing which sought authority to make changes to the Constitution in respect of decision making on matters relating to the Council's response to crime, disorder and anti-social behaviour. Currently, the Cabinet Member for Community Wellbeing had responsibility for making all decisions on such matters. To facilitate the operational requirements of application and enforcement, it was proposed that responsibility for these functions and associated two legislative acts be delegated to Senior Officers, under the Council's Officer Scheme of Delegation. The Cabinet Member would then continue to retain responsibility for Policy decisions under the legislation.

In considering the recommendations, questions were asked relating to Recommendation (2) (a) in terms of the who would be given delegated authority in the absence of the Chief Executive. The Working Party was not against the proposed change, as it could see that this would provide the Council with extra capacity to respond to such operational matters. It was felt that the word, **their nominees**, needed to be more clearly defined. Following discussion, the Working Party agreed that the following wording be added to their nominees to read “these being members of the Senior Management Team [the Corporate Management Team and Group Heads].

The Working Party, then

RECOMMEND TO FULL COUNCIL – That

The following Constitutional amendments be agreed:

(1) Part 3 (Responsibility for Functions), Section 3 (Cabinet Member Responsibilities) amend point (8) under the Cabinet Member for Community Wellbeing's specific responsibilities to add the word shown in bold:

a) To make **policy** decisions on all matters arising from the Council's statutory responsibilities under the Crime and Disorder Act 1998 and the Anti-social behaviour, Crime and Policing Act 2014".

(2) Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 2.0 (Chief Executive), paragraph 2.24 is amended as follows – additions are shown in bold and deletions crossed through:

a) Pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 power to issue Closure Notices for up to a maximum period of 48 hours and the power to delegate authority to other officers within the authority for the purpose of issuing closure notices for up to a maximum period of 48 hours. In the absence of the Chief Executive this authority is delegated to ~~the Director of Services~~ **their nominees, these being members of the Senior Management Team [the Corporate Management Team and Group Heads].**

b) Subject to 2(a), delete paragraph 3.16 at Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 3.0 (Director of Services).

c) Delete paragraph 3.15 at Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 3.0 (Director of Services).

(3) Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads), paragraph 4.1 (Group Head of Community Wellbeing) is amended as follows:

a) Subject to 2(a), delete paragraph 4.1.2.

b) Insert new paragraph to read: **To appoint local Business Wardens that are accredited with the Community Safety Scheme as authorised persons for the purposes of Section 63(1) of the Anti-social Behaviour Crime and Policing Act 2014.**

(4) Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads) is amended as follows:

a. At paragraph 3.2 (Group Head of Technical Services) insert new paragraph to read: **"To issue written warnings prior to issuing Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014".**

b. Subject to 2(a), delete paragraph 3.2.10.

c. At paragraph 4.2 (Group Head of Residential Services) insert new paragraph to read: **“To issue written warnings prior to issuing Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014”**.

d. At paragraph 4.3 (Group Head of Neighbourhood Services) insert new paragraph to read: **“To issue written warnings prior to issuing Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014”**.

(5) The Monitoring Officer is authorised to make further consequential changes to the Constitution arising from the implementation of recommendations 1 – 4 above.

7. ARUN DISTRICT COUNCIL'S MEMBERS' ALLOWANCES SCHEME - GUIDANCE

The Working Party received a report from the Committee Services Manager stating that following adoption of a new Members' Allowances Scheme by Full Council on 17 July 2019, the Member Allowances Regulations 2003 required all local authorities to have a Members' Allowances Scheme published as part of their Constitution.

The Working Party was being asked to approve that the guidance set out in the Appendices attached to the report be added to Part 9 of the Council's Constitution,

The Working Party

RECOMMEND TO FULL COUNCIL

That the guidance set out in the Appendices attached to these Minutes be added to Part 9 of the Constitution – Members' Allowances.

8. CONSTITUTIONAL AMENDMENTS - PART 5 - RULES OF PROCEDURE (MEETINGS) - SECTION 1 - COUNCIL PROCEDURE RULES

The Working Party received a report from the Committee Services Manager seeking authority to make amendments to Part 5 of the Constitution – Rules of Procedure (Meetings) by adding in a new Rule 4.3 – entitled Special Meetings to Confer the Title of Honorary Alderman at Paragraph 4 (Special Meetings of the Council).

Constitution Working Party - 9.09.19

It was explained that as required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such meetings. Council Procedure Rule 4.2 set out what each Special meeting of the Council would cover in its agenda. The Working Party agreed that for Special Council meetings organised to confer the title of Honorary Alderman, these should be one item meetings to allow the civic and ceremonial elements of the meeting to be enjoyed in a unique way.

The Working Party, therefore

RECOMMEND TO FULL COUNCIL – That

(1) Approval be given to a new Rule 4.3 being added at Part 5 of the Constitution – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rules to read as set out below:

SPECIAL MEETINGS TO CONFER THE TITLE OF HONORARY ALDERMAN

A Special meeting of the Council may be called by the Chief Executive in consultation with the Chairman of the Council and Political Group Leaders to consider conferring the title of Honorary Alderman on a former Councillor who meets the Council's agreed protocol.

At such meetings, the business to be followed will be:

- (1) Election of Chairman/Vice-Chairman [if not present]
- (2) Declarations of Interest
- (3) Conferment of the title of Honorary Alderman

As required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such a meeting.

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

9. DATE OF NEXT MEETING

The Working Party

RESOLVED

That the date of its next meeting would be Wednesday, 23 October 2019 at 4.30 pm.

(The meeting concluded at 5.07 pm)

ARUN DISTRICT COUNCIL

REPORT TO CONSTITUTION WORKING PARTY ON 9 SEPTEMBER 2019

SUBJECT:	Constitutional Amendments – Officer Employment Rules
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REPORT AUTHOR:	Liz Fatcher – Group Head of Council Advice & Monitoring Officer
DATE:	August 2019
EXTN:	01903 737610

EXECUTIVE SUMMARY:

This report sets out the outcomes of a review of the Officer Employment Procedure Rules which sit at Part 6, Section 7 of the Constitution. The review has taken account of changes to legislation since the Rules were originally drawn up; best practice; and Joint Negotiating Committee (JNC) guidance. The report also reflects consequential changes needed elsewhere in the Constitution.

RECOMMENDATIONS:

It is recommended to Full Council that:

- (1) The proposed changes to the Constitution at Part 6 [Procedure Rules (Other)], Section 7 [Officer Employment Rules] as set out in the replacement text at Appendix 1, as attached to the minutes, be approved;
- (2) Article 4, paragraph 2.0(o) be amended to add the words shown in bold below:
“Approving the dismissal **in a disciplinary matter** of the Head of Paid Service (Chief Executive), Directors, Section 151 Officer and Monitoring Officer based on a recommendation from the Statutory Officers’ Investigatory and Disciplinary Committee;
- (3) Article 4, paragraph 2.0(p) be amended to remove the words crossed through and add the words shown in bold:
“Approving terminations of service of the Head of Paid Service (Chief Executive) ~~and Directors~~ in respect of early/~~flexible~~ retirement and/or redundancy within the framework of restructuring proposals, **and any changes to the postholder’s terms and conditions in response to a request for flexible retirement.**
- (4) Amend Part 4 (Officer Scheme of Delegation), Section 2 (Chief Executive and Directors), paragraph 2.0 (Chief Executive) to add a further paragraph as shown in bold to read:
 - a. **Settlement Agreements**
 - i. **to agree terms for Settlement Agreements up to a cost to the Council of £50,000 in consultation with the Section 151 Officer;**

- ii. **to agree terms for Settlement Agreements up to a cost to the Council of £95,000 in consultation with the Leader of the Council, Leader of the Opposition and Section 151 Officer; and**
- iii. **to submit a report to Full Council for consideration on settlements of more than £95,000.**

(5) Amend Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads), paragraph 2.1 (Group Head of Corporate Support) to replace the word “Compromise” with “Settlement” in the title and text; and amend the figure of “£10,000” to read “**£25,000**”. To also replace the last sentence with the words “**Settlements of more than £25,000 may be considered by the Chief Executive or Full Council dependent on their value as confirmed in Part 4 (Officer Scheme of Delegation, Section 2 (Chief Executive and Directors) and Article 4 (Functions of Full Council).**”

(6) Amend Article 4 (Functions of Full Council) to add a further paragraph as shown in bold to read:

- a. **Approving Settlement Agreements of more than £95,000.**

(7) Amend Part 3 (Responsibility for Functions), paragraph 8.6 (Staff Appeals Panel) as shown crossed through and in bold below:

- a. *At the 1st bullet point* - Any financial settlement up to a limit of ~~£10,000~~ **£25,000** for an individual claim to a compensatory payment. All financial claims relating to a regrading claim require a decision of Full Council where a supplementary estimate is needed; and
- b. *At the 2nd bullet point* – “The non financial terms for a confidentiality agreement or ~~compromise~~ **settlement** agreement to settle a matter.”

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

1.0 BACKGROUND

- 1.1 The Constitution Working Party has been leading on a major review of the Constitution since 2017. The aim of the review has been for any revisions to create simplicity and ease of reading based on best practice used elsewhere.
- 1.2 The majority of the review has now been completed and one of the key remaining areas for consideration is the Officer Employment Rules which sit within the Other Procedure Rules at Part 6 of the Constitution. These have not been reviewed for some years and a complete re-write has been required to take account of the latest legislation, JNC guidance and best practice.
- 1.3 The conclusions of the review have highlighted further areas within the Constitution relating to employment procedures where consequential changes are required to reflect latest guidance and its application.

2.0 PROPOSALS

- 2.1 **Recommendation 1** - It is proposed that the existing text at Part 6, Section 7 is replaced with a new section as set out in Appendix 1. Commentary is provided to explain a number of the changes being made to existing practices.
- 2.2 **Recommendation 2** - The first of the consequential changes, is an anomaly which has been identified from this review in the wording of Article 4, paragraph 2.0(o) which confirms that approval of the dismissal of officers in the position of Head of Paid Service, Director, Section 151 Officer and Monitoring Officer will be a Full Council decision based on the recommendation of the Statutory Officers' Investigatory and Disciplinary Committee. The Statutory Officers Committee only deals with disciplinary matters relating to the conduct and/or capability of these officers. Therefore other reasons for dismissal such as redundancy and early retirement would not be applicable. For clarity, recommendation (2) proposes a change to the wording to the Article to rectify this anomaly.
- 2.3 **Recommendation 3** - A further area identified as part of this review is the current wording of Article 4, paragraph 2.0(p) which requires approval of terminations of service of the Head of Paid Service and Directors in respect of early/flexible retirement and/or redundancy within the framework of restructuring proposals. Whilst it is recognised that any decision about the role of the Head of Paid Service (Chief Executive) should remain a Full Council decision, the Chief Executive and Human Resources Manager have both raised concerns at the inclusion of this provision for Directors. Any redundancy would be of a post and not an individual, and likely to be the subject of a wider report to the Council about the restructure of a service, therefore still involving all Councillors in any decision. Further paragraph 5.4 of the Officer Procedure Rules confirms the consultation procedure required with Cabinet Members. The Working Party is therefore being asked to recommend that this Article is amended to refer to only the Head of Paid Service in future. In addition, the remaining text in this Article does not correctly reflect that a request for flexible retirement would not be approval of a termination of service, rather a change to the terms and conditions of the postholder. The recommendation therefore also seeks the Working Party's support to changing this text in relation to the Head of Paid Service.
- 2.4 **Recommendations 4, 5 & 6** - The final issue where a consequential change is being proposed relates to arrangements for Settlement Agreements (formerly known as Compromise Agreements) and compensatory payments to staff. Currently, the Officer Scheme of Delegation at Part 4, Section 3, paragraph 2.1.6 confirms that the Group Head of Corporate Support has authority to agree terms for Settlement Agreements up to a cost to the Council of £10,000 in consultation with the Chief Executive. Settlements of more than £10,000 will be considered by Full Council. The Staff Appeals Panel also have authority to authorise the terms to settle any employment related dispute with the Council up to a limit of £10,000 as confirmed in Part 3 (Responsibility for Functions), paragraph 8.6. Where the Panel's settlement requires a supplementary estimate to meet the costs of the payment, a Full Council decision is required.
- 2.5 Settlement Agreements, as they are referred to in the legislation, need to comply with the provisions of Section 111A of the Employment Rights Act 1996 if they are to be legally binding. Section 111A provides for the confidentiality of discussions in connection with any settlement agreement by making evidence of such discussions inadmissible in any subsequent proceedings. The purpose of this provision is to encourage the use of settlement agreements as a way of handling potentially difficult employment situations and may be proposed prior to undertaking any formal process. They can assist to avoid costly legal and disciplinary proceedings. This is recognised by ACAS in their statutory code of practice relating to such agreements. This code is taken into account by Tribunals in

relevant cases. The risk of such confidentiality being breached in the context of operating the current requirement for reporting agreements of more than £10,000 to the Council for decision is a relevant matter for the Council to consider in the context of this proposal.

- 2.6 The confidentiality provisions in Section 111A of the Employment Rights Act 1996 do not prevent matters being raised subsequently at a Tribunal if they relate to an automatically unfair reason for dismissal such as whistleblowing, union membership or asserting a statutory right. Neither do they prevent disclosure where claims are made on grounds other than unfair dismissal such as claims of discrimination, harassment, victimisation or other behaviour prohibited by the Equalities Act 2010.
- 2.7 Having reviewed current provisions within the Constitution for Compromise Agreements, it is proposed that the authority delegated to officers is extended to:
- a) allow the Chief Executive to be able to agree the terms of Compromise Agreements up to a cost to the Council of £50,000 in consultation with the Section 151 Officer; and up to 95,000 in consultation with the Leader of the Council, Leader of the Opposition and the Section 151 Officer;
 - b) allow the Group Head of Corporate Support’s level of delegation to be increased from £10,000 to £25,000;
 - c) and for settlements of more than £95,000 to be considered by Full Council;
- 2.8 **Recommendation 7** - Having reviewed current provisions within the Constitution for compensatory payments, it is also proposed that the level of settlement that the Staff Appeals Panel can agree should be increased to £25,000 on the same provisions as currently.
- 2.9 The proposals being put forward in this report work within the statutory guidance issued by the Secretary of State under Section 40 of the Localism Act 2011 which require that:
- a) for new appointments of over £100,000 they allow the Full Council an opportunity to vote on the salary package – this is confirmed in the Officer Employment Rules at paragraphs 2.3 and 2.4; and
 - b) severance packages for staff leaving the organisation in excess of £100,000 need to be subject to a Full Council vote – this is confirmed in the proposals at paragraph 2.7 above.

3.0 OPTIONS

- a) To approve the recommendations to Full Council, as set out in the report
- b) To not approve the recommendations
- c) To make alternative proposals for consideration by Full Council

4.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> • Chairman and Vice-Chairman of the Working Group 	✓	

5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6.0 IMPLICATIONS:

The proposals for Compromise Agreements would still require adherence to the Financial Rules and sign off by the Section 151 Officer.

7.0 REASON FOR THE DECISION:

To update the Constitution to meet latest legislation and best practice.

8.0 BACKGROUND PAPERS:

Arun's Constitution

<https://www.arun.gov.uk/constitution>

Secretary of State guidance under Section 40 of the Localism Act 2011

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85886/Final_Supplementary_Pay_Accountability_Guidance_20_Feb.pdf

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APPENDIX 1

Replace existing Part 6, Section 7 with new wording below:

OFFICER EMPLOYMENT PROCEDURE RULES

1.0 INTRODUCTION

1.1 Definitions

a) In these Rules:

<i>This reference</i>	<i>Means</i>
Relevant Legislation	The Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; and any subsequent legislation.
Appointer	The Head of Paid Service or their nominee who has been given authority to discharge the function of appointment of an officer on behalf of the Council
Disciplinary Action	Any action occasioned by alleged misconduct which, if proven, would according to the Council's usual practice be recorded on the member of staff's personal file. This includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.
Dismissor	The Head of Paid Service or their nominee who has been given authority to discharge the function of dismissal of an officer on behalf of the Council
Head of Paid Service	The officer designated under Section 4(1) of the Local Government and Housing Act 1989.
Section 151 Officer	The officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the Council's financial affairs.
Monitoring Officer	The officer designated under Section 5(1) of the Local Government and Housing Act 1989.
Directors	Those officers who shall report directly to the Chief Executive and shall have managerial responsibility for a directorate.
Group Head	An officer who, with respect to all or most of the duties of their post is required to report directly or is directly accountable to either the Head of Paid Service or a Director, with the exception of an officer whose duties are secretarial or clerical or are otherwise in the nature of support services.
Statutory Officers' Investigatory and Disciplinary Committee	The Committee established by the Council to deal with matters relating to the conduct and/or capability of the Statutory Officers and Directors, as confirmed in the Constitution at Part 3 (Responsibility for Functions), paragraph 10.0

1.2 Posts

a) For ease of reference, the posts which fall under the relevant definitions in these Officer Procedure Rules are as follows:

<i>Definition</i>	<i>Relevant Post</i>
Head of Paid Service	Chief Executive

APPENDIX 1

Replace existing Part 6, Section 7 with new wording below:

Section 151 Officer	Group Head of Corporate Support
Monitoring Officer	Group Head of Council Advice and Monitoring Officer
Director	Director of Place Director of Services
Group Head	Group Head of: <ul style="list-style-type: none">• Corporate Support• Council Advice• Policy• Residential Services• Neighbourhoods• Community Safety• Planning• Technical Services• Economy

1.3 Confidentiality

- a) The Council and any relevant Committee shall, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under Section 100A of the Local Government Act 1972, as amended, where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual member of staff are to be discussed.
- b) This Rule recognises that it will still be for the Council and any relevant Committee to make such a formal resolution on an individual basis in line with the requirements of the Access to Information Rules at Part 6 of this Constitution.

2.0 RECRUITMENT AND APPOINTMENT

2.1 Declarations

- a) A candidate for any employment with the Council, or a staff member involved in a transfer, promotion or disciplinary matter, shall disclose whether they are related to or cohabit with any Councillor or other officer who may have an influence on the decision. Failure to make such a disclosure may result in any appointment being rescinded and, in the case of an employee, disciplinary action.
- b) The requirements of the Members' Code of Conduct and Member/Officer Relations Protocol set out at Part 8 of this Constitution shall apply to the appointment, transfer, promotion, discipline and other matters relating to staff.

2.2 Support for Appointments

- a) Subject to paragraph c), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment to the Council. The content of this paragraph will be included in any recruitment information.
- b) Subject to paragraph c) no Councillor will seek support for any person for any appointment within the Council.

APPENDIX 1

Replace existing Part 6, Section 7 with new wording below:

- c) Nothing in paragraphs a) and b) will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2.3 Recruitment of the Head of Paid Service

- a) The Head of Paid Service is the Council's Chief Executive and is a statutory post.
- b) Where the Council proposes to appoint the Head of Paid Service, the Chief Executive's Recruitment and Selection Panel will be responsible for undertaking all the processes leading to their recruitment and selection, as confirmed in Part 3, Responsibility for Functions.

Commented [LF1]: CWP - this is based on Constitutional requirements

2.4 Recruitment of Directors

- a) Where the Council proposes to appoint a Director and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service will be responsible for submitting a report to the Full Council to agree the processes to be followed leading to their recruitment and selection.
- b) Once the processes have been agreed, the Head of Paid Service or their nominee will:
 - i. Draw up a statement specifying:
 - a) the duties of the officer concerned; and
 - b) any qualifications or qualities to be sought in the person to be appointed.
 - ii. Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - iii. Send a copy of the statement mentioned in paragraph a) above to any person on request.
- c) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
 - i. agreeing an interview panel;
 - ii. selecting a shortlist of such qualified applicants;
 - iii. interviewing all those included on the shortlist; and
 - iv. if no qualified person has applied, making further arrangements for advertisement in accordance with paragraph 2.4(a).

Commented [LF2]: CWP – this meets the requirements of guidance issued by the Secretary of State under Section 40 of the Localism Act 2011

2.5 Recruitment of Section 151 Officer, Monitoring Officer and Group Heads

- a) Where the Council proposes to appoint a Section 151 Officer, Monitoring Officer or Group Head and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service or their nominee will:
 - i. Draw up a statement specifying:
 - a) the duties of the officer concerned; and
 - b) any qualifications or qualities to be sought in the person to be appointed.
 - ii. Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - iii. Send a copy of the statement mentioned in paragraph a) above to any person on request.

APPENDIX 1

Replace existing Part 6, Section 7 with new wording below:

- b) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
 - i. agreeing an interview panel;
 - ii. selecting a shortlist of such qualified applicants;
 - iii. interviewing all those included on the shortlist; and
 - iv. if no qualified person has applied, making further arrangements for advertisement in accordance with paragraph 2.4(a).

2.6 Consultation Procedure for Appointments

- a) An offer of appointment as a Director, Section 151 Officer, Monitoring Officer or Group Head must not be made by the appointer until:
 - i. the appointer has notified the Chief Executive or their nominee of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment, including evidence and reasons for the choice of preferred candidate.
- b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:
 - i. the name of the person to whom the appointer wishes to make the offer; and the reasons why they are the appointer's preferred candidate, including evidence;
 - ii. any other particulars relevant to the appointment which the appointer has notified to the Chief Executive or their nominee; and
 - iii. the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee; and
- c) Either:
 - i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the making of the offer; or
 - ii. the Chief Executive or their nominee has notified the appointer that no objection was received by them within that period from the Leader; or
 - iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

Commented [LF3]: CWP - this meets legislative requirements

2.7 Authority to Appoint

- a) **The Head of Paid Service** – the Full Council will be responsible for confirming the appointment of the Head of Paid Service on the recommendation of the Chief Executive's Recruitment and Selection Panel as confirmed in Article 4 (Functions of Full Council).
- b) **Directors** – the Full Council will be responsible for confirming the appointment of a Director based on the recommendation of the Head of Paid Service.
- c) **Section 151 Officer, Monitoring Officer and Group Heads** – subject to the consultation at paragraph 2.5, the Head of Paid Service, or their nominee, will

APPENDIX 1

Replace existing Part 6, Section 7 with new wording below:

be responsible for confirming the appointment of the Section 151 Officer, Monitoring Officer or a Group Head.

- d) **Other Employees** – the appointment of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's recruitment procedures.

3.0 DISCIPLINARY ACTION

3.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer

- a) The Statutory Officers' Investigatory and Disciplinary Committee will be responsible for dealing with matters relating to the conduct and/or capability of the following officers, as confirmed in Part 3 (Responsibility for Functions):

- i. Head of Paid Service
- ii. Director of Place
- iii. Director of Services
- iv. Section 151 Officer
- v. Monitoring Officer

- b) The Leader of the Council, in consultation with the Human Resources Manager, may agree the immediate suspension of the Chief Executive in an emergency.

3.2 Other Employees

- a) Disciplinary action in respect of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

4.0 DISMISSAL FOR DISCIPLINARY AND CAPABILITY REASONS

4.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer

- a) Where the recommendation of the Statutory Officers' Investigatory and Disciplinary Committee, following an independent review by the Statutory Officers' Investigatory and Disciplinary Panel, is for dismissal then the Full Council will be required to approve the dismissal as confirmed in Article 4 (Functions of the Full Council).

Commented [LF4]: CWP - this reflects current constitutional requirements

4.2 Group Heads

- a) Subject to the consultation at paragraph 4.4, the dismissal of a Group Head will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

4.3 Other Employees

- a) The dismissal of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

4.4 Consultation Procedure for Dismissals

- a) Notice of dismissal of a Group Head must not be given by the dismissor until:
- i. The dismissor has notified the Chief Executive or their nominee of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.

Commented [LF5]: CWP - this meets legislative requirements

APPENDIX 1

Replace existing Part 6, Section 7 with new wording below:

- b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:
 - i. the name of the person whom the dismissor wishes to dismiss and the reasons for the decision;
 - ii. any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive or their nominee; and
 - iii. the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee; and
- c) Either:
 - i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the dismissal; or
 - ii. the Chief Executive or their nominee as notified the appointer that no objection was received by them within that period from the Leader; or
 - iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

5.0 DISMISSAL FOR ANY OTHER REASON

5.1 Head of Paid Service

- a) The Full Council will be responsible for confirming the dismissal of the Head of Paid Service for any other employment reason.

5.2 **Directors, Section 151 Officer, Monitoring Officer Group Heads**

- a) Subject to the consultation at paragraph 5.4, the dismissal of a Director, the Section 151 Officer, Monitoring Officer or a Group Head for any other employment reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's procedures, and may not be made by Councillors.

Commented [LF6]: CWP – see reasons for this change explained at paragraph 2.3 of the covering report

5.3 Other Employees

- a) The dismissal of all other employees for any other employment reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's procedures, and may not be made by Councillors.

5.4 Consultation Procedure for Dismissals

- a) Notice of dismissal of a Director, Section 151 Officer, Monitoring Officer or Group Head must not be given by the dismissor until:
 - :
 - i. The dismissor has notified the Chief Executive or their nominee of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.
- b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:
 - i. the name of the person whom the dismissor wishes to dismiss and the reasons for the decision;

APPENDIX 1

Replace existing Part 6, Section 7 with new wording below:

- ii. any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive or their nominee; and
 - iii. the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee; and
- c) Either:
- i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the dismissal; or
 - ii. the Chief Executive or their nominee as notified the appointer that no objection was received by them within that period from the Leader; or
 - iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

6.0 APPEALS

- 6.1** The Head of Paid Service, Director, Section 151 Officer and Monitoring Officer shall have no right of appeal against disciplinary action within the Council.
- 6.2** A Director, the Section 151 Officer or Monitoring Officer shall have the right of appeal to the Staff Appeals Panel, or a Panel set up specifically for the purpose by the Group Head of Corporate Support or their nominee, where they feel that the outcome of a decision on any other employment matter is wrong or unjust.
- 6.3** Any other employee who feels that the outcome of disciplinary action or a decision on an employment matter is wrong or unjust may appeal in accordance with the Council's procedures to the Head of Paid Service or their nominee. Their final level of appeal will lie with the Staff Appeals Panel who will work to the Terms of Reference set out in the Constitution at Part 3 (Responsibility for Functions).

7.0 SETTLEMENT AGREEMENTS

- 7.1** The Head of Paid Service or Group Head of Corporate Support will be responsible for agreeing the terms of any Settlement Agreement in line with their delegated authority confirmed in Sections 2 and 3 respectively in the Officer Scheme of Delegation set out in Part 4 of this Constitution.

8.0 SUPPLEMENTARY PROVISIONS

- 8.1** In the event of the above Rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Group Head of Corporate Support.

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ARUN DISTRICT COUNCIL

REPORT TO THE CONSTITUTION WORKING PARTY ON 9 SEPTEMBER 2019

SUBJECT: CONSTITUTIONAL AMENDMENTS – PART 4 (OFFICER SCHEME OF DELEGATION) FOR CRIME & DISORDER ACT 1998 AND THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

REPORT AUTHOR: Robin Wickham, Group Head of Community Wellbeing
DATE: 13 August 2019
EXTN: 01903 737835
PORTFOLIO AREA: Community Wellbeing

EXECUTIVE SUMMARY: The Constitution currently gives the Cabinet Member for Community Wellbeing responsibility for making all decisions on matters relating to the Council's response to crime, disorder and anti-social behaviour. It is proposed that to facilitate the operational requirements of application and enforcement, that responsibility for these functions and associated two legislative acts is delegated under the Council's Officer Scheme of Delegation. The Cabinet Member would then continue to retain responsibility for policy decisions under the legislation.

RECOMMENDATIONS:

It is recommended to Full Council that the following constitutional amendments are agreed:

1. Part 3 (Responsibility for Functions), Section 3 (Cabinet Member Responsibilities) amend point (8) under the Cabinet Member for Community Wellbeing's specific responsibilities to add the word shown in bold:
 - a) To make **policy** decisions on all matters arising from the Council's statutory responsibilities under the Crime and Disorder Act 1998 and the Anti-social behaviour, Crime and Policing Act 2014".
2. Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 2.0 (Chief Executive), paragraph 2.24 is amended as follows – additions are shown in bold and deletions crossed through:
 - a) Pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 power to issue Closure Notices for up to a maximum period of 48 hours and the power to delegate authority to other officers within the authority for the purpose of issuing closure notices for up to a maximum period of 48 hours. In the absence of the Chief Executive this authority is delegated to ~~the Director of Services~~ **their nominees**.
 - b) Subject to 2(a), delete paragraph 3.16 at Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 3.0 (Director of Services).

- c) Delete paragraph 3.15 at Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 3.0 (Director of Services).
3. Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads), paragraph 4.1 (Group Head of Community Wellbeing) is amended as follows:
 - a) Subject to 2(a), delete paragraph 4.1.2.
 - b) Insert new paragraph to read: **To appoint local Business Wardens that are accredited with the Community Safety Scheme as authorised persons for the purposes of Section 63(1) of the Anti-social Behaviour Crime and Policing Act 2014.**
4. Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads) is amended as follows:
 - a. At paragraph 3.2 (Group Head of Technical Services) insert new paragraph to read: **“To issue written warnings prior to issuing Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014”.**
 - b. Subject to 2(a), delete paragraph 3.2.10.
 - c. At paragraph 4.2 (Group Head of Residential Services) insert new paragraph to read: **“To issue written warnings prior to issuing Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014”.**
 - d. At paragraph 4.3 (Group Head of Neighbourhood Services) insert new paragraph to read: **“To issue written warnings prior to issuing Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014”.**
5. The Monitoring Officer is authorised to make further consequential changes to the Constitution arising from the implementation of recommendations 1 – 4 above.

1. BACKGROUND:

Part 3 (Responsibility for Functions) of the current Council Constitution states that the “Cabinet Member for Community Wellbeing has specific responsibilities to make decisions on all matters arising from the Council’s statutory responsibilities under the Crime and Disorder Act 1998 and the Anti-social behaviour, Crime and Policing Act 2014” (point 8).

These current arrangements require the Cabinet Member to certify all operational actions under the legislation including:

- Civil Injunctions
- Written Warnings prior to issuing Community Protection Notices
- Community Protection Notices
- Public Spaces Protection Orders
- Closure Notices and Closure Orders
- Criminal Behaviour Orders

- and all related court applications and enforcement of the above orders

It is proposed that the Cabinet Member for Community Wellbeing retains the policy oversight and responsibility of both legislative acts (recommendation 1).

However, it is recommended that the operational elements of these Acts are delegated to the Group Head for Community Wellbeing so that effective and timely responses are delivered on behalf of the Council to tackle and address anti-social behaviour in local communities.

Furthermore, that the Group Head of Community Wellbeing is permitted to delegate statutory functions to authorised persons for section 63(1) of the Anti-social behaviour Crime and Policing Act 2014 (enforcement of Public Spaces Protection Order). Section 101 of the Local Government Act 1972 provides that Arun District Council can delegate any of its statutory functions to a “committee, sub-committee or officer of the authority, or to another authority” and to delegate outside of those limitations in cases specified by any other “Act passed after this Act”. The Anti-social Behaviour Crime and Policing Act is an Act passed after the 1972 Act that makes specific provision for Arun District Council to delegate authorisation as proposed. A legal agreement will be put in place that provides compliance with all necessary and relevant controls for appointing authorised officers with these specific delegated powers e.g. Business Wardens operating in the Arun District (recommendation 3b).

In respect of Closure Notices, the legislation gives clear guidance that the Chief Executive Officer should authorise these orders however that this power can be delegated to a senior officer in their absence. Consequently, the current constitutional wording is recommended to delegate this authority to nominees appointed by the Chief Executive (recommendation 2a)).

A Closure Notice for 48 hours can be issued by the Chief Executive, or a person designated by him, pursuant to Section 77(2) Anti-social Behaviour Crime and Policing Act 2014. Recommendation 2a) makes provision for this and the Chief Executive can make his nomination through letters of delegation in the usual manner. Therefore, it is not necessary to include in the Constitution who his nominees are, resulting in the removal of certain paragraphs of the Constitution as set out in the recommendations.

The applicability and use of Community Protection Warnings, Community Protection Notices and Fixed Penalty Notices (as stipulated within the Anti-social Behaviour, Crime and Policing Act 2014) are wide ranging across a number of Council functions e.g. littering, graffiti, fly tipping, dog fouling, noise nuisance. It is proposed that this power is delegated to Group Heads for Neighbourhood, Residential and Technical Services (recommendation 4).

The relevant section(s) of the **current** Arun District Council Constitution are shown in Appendix A to enable and support decision making for the recommendations proposed.

2. PROPOSAL(S):

1. The Cabinet Member for Community Wellbeing continues to retain responsibility for policy decisions under the legislation, as set out in recommendation (1).

2. It is proposed that to facilitate the operational requirements of the legislation that delegated authority is given to the Chief Executive and relevant Group Head, as set out in the recommendations (2) to (4).

3. OPTIONS:

To agree the proposed amendments as outlined in this report

To not agree the proposed amendments and propose alternatives for further decision(s)

To not agree the proposed amendments and not propose alternatives

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify) The Cabinet Member for Community Wellbeing and the Chairman of the Constitution Working Party have been consulted regarding the proposed amendments	X	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act	X	
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:

The proposals relate to the effective discharge of Council’s powers and authority in relation to Crime and Disorder Act 1998 and the Anti-social Behaviour Crime and Policing Act 2014. Retaining current constitutional arrangements requires the Cabinet Member for Community Wellbeing to have to exercise all responsibilities under the legislation which is not proving practical.

7. REASON FOR THE DECISION:
To facilitate the operational requirements of the legislation

8. BACKGROUND PAPERS:

[Arun District Council Constitution; Issue 9 – August 2018](#)

[Anti-social behaviour Crime and Policing Act 2014](#)

[Crime and Disorder Act 1998](#) (Chapter 1, sections 5, 6 and 17)

Appendix A - Relevant excerpts from **current** Arun District Council Constitution (Issue 9 – August 2018)

PART 3 – RESPONSIBILITY FOR FUNCTIONS

Community Wellbeing	<p>General Responsibilities All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution relating to:</p> <ul style="list-style-type: none"> • Leisure & Culture • Foreshores • Wellbeing • Voluntary and community sector and Citizens Advice • Safeguarding • Activities for the elderly • Think Family • Telecare (Lifeline) • Community Safety including Anti-social Behaviour Team • Youth Council
	<p>Specific Responsibilities</p> <ol style="list-style-type: none"> 1. Policy decisions relating to the provision and management of sporting, recreational, arts, entertainment and cultural events; and the use of buildings or land (whether or not owned by the Council) for such purposes. 2. To approve variations to the terms and conditions of the Dual Use Agreement relating to the Arun Leisure Centre between the Council and West Sussex County Council to reflect the asset responsibility matrix submitted as part of the leisure operating contract. 3. Policy decisions relating to the management and operation of the Council’s foreshores. 4. All policy matters and liaison with West Sussex County Council Health, Adult, Children and Young People Services. 5. To establish and maintain partnerships and initiatives with a focus on improving health and wellbeing. 6. Policy decisions relating to the Council’s Lifeline Service and policies, expenditure, liaison and partnerships with Telecare and Telehealth Services. 7. Policy decisions relating to the Council’s Community Safety policies, expenditure and liaison. 8. To make decisions on all matters arising from the Council’s statutory responsibilities under the Crime & Disorder Act 1988 and the Anti-Social Behaviour, Crime and Policing Act 2014. 9. To act as lead member on the Assets of Community Value Appeal Panel. 10. To review the performance of the responsibilities within the portfolio through approval and monitoring of the Corporate Plan and Service Delivery Plans. 11. To monitor and consider Ombudsman investigation reports and other complaints made within the responsibilities of the portfolio.

**PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

nomination has been made, the last appointed Cabinet Member for that function, if that member has been re-elected.

2.24 Closure Notices

Pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 power to issue closure notices for up to a maximum period of 48 hours and the power to delegate authority to other officers within the authority for the purpose of issuing closure notices for up to a maximum period of 48 hours. In the absence of the Chief Executive this authority is delegated to the Director Services.

2.25 To make consequential amendments to the Officer Scheme of Delegation, to reflect the re-designation of posts and the re-allocation of functions which affect the terms of the Scheme.

**PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

- 3.3 Council Tax and National Non-Domestic Rates (from 1 April 2018) – to write-off irrecoverable amounts up to £750 subject to a subsequent report to the Cabinet Member for Residential Services of totals written off.
- 3.4 Approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 3.5 Approve supplementary estimates outside of budget up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 3.6 Approve the drawing down of funds based on the process and financial limits listed in Part 6 Section 5 of the Constitution.
- 3.7 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 3.8 Enter into partnerships and related memoranda of understanding in consultation with the relevant Cabinet Member, with details being retrospectively reported to Cabinet at the earliest opportunity.
- 3.9 Incur expenditure for meeting the purposes of Local Government Act 1972 – S. 138 –in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of Cabinet.
- 3.10 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 3.11 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 3.12 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council's Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.
- 3.13 Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 3.14 Where a response from the Disclosure and Barring Service reveals convictions or information relating to a Member, officer or a person that the Council causes to come into contact with children and/or vulnerable adults, to carry out a risk assessment in consultation with the Group Head of Corporate Support.
Anti-Social Behaviour, Crime and Policing Act 2014
- 3.15 In the absence of the Community Wellbeing Group Head, power to act as certifying officer and decision taker under the above legislation, in particular, with respect to Civil Injunctions, written warnings prior to issuing Community Protection Notices, Community Protection Notices, Public Space Protection Orders and Closure Notices for 24 hours including all related court applications and actions associated with a Closure Order. In the absence of both the Group Head of Community Wellbeing and the Director Services this power shall be exercised by the Chief Executive.
- 3.16 In the absence of the Chief Executive, power to issue Closure Notices under the Anti-Social Behaviour, Crime and Policing Act 2014 for up to a maximum of 48 hours. In the absence of the Chief Executive and the Director Services this

**PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

authority is delegated to the Group Head of Community Wellbeing and the Group Head of Technical Services.

Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour

- 3.17 To carry out a review of the Council's decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour. In the absence of the Director of Services, this authority is delegated to the Group Head of Residential Services.
- 3.18 In agreement with the Cabinet Member for Residential Services to acquire 250 houses over the 10 year period of the Housing Revenue Account (HRA) Business Plan 2017-2027 based on the three year capital funding programme in consultation with the S151 Officer with updates on spend to be reported to Cabinet via the Budget Variation Report.
- 3.19 Where appropriate, and in agreement with the Cabinet Member for Residential Services, to approve the use of specialist legal advisors in connection with property acquisitions under the HRA Business Plan 2017-2027 in consultation with the S151 Officer.
- 3.20 In agreement with the Cabinet Member for Residential Services, to authorise the disposal of all HRA assets (land and property), outside of Right to Buy, in consultation with the Group Head of Technical Services and Group Head of Corporate Support, and that the sale proceeds be reinvested back into the HRA account on all occasions.

**PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 3 – GROUP HEADS**

4.0 Subject to being:

- within the overall resources allocated by the Council, and
- in direct support of the Council's objectives, and
- within approved budget

the following functions are delegated to the following officers by the Director (Services):

4.1 Group Head of Community Wellbeing

4.1.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to

- Leisure and Culture,
- Foreshores,
- Wellbeing,
- Safeguarding,
- Activities for the Elderly,
- Think Family,
- Telecare (Lifeline)
- Community Safety (inc. Anti-social behaviour team)
- Youth Council

4.1.2 In the absence of the Chief Executive and the Director of Services, power to issue Closure Notices under the Anti-Social Behaviour, Crime and Policing Act 2014 for up to a maximum of 48 hours.

4.2 Group Head of Residential Services

4.2.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Strategy and Enabling,
- Registered Providers and Social Landlords,
- Homelessness
- Housing and Housing Revenue Account
- Revenues
- Benefits

4.2.2 **Current tenant arrears** – to consider cases for write-off and make recommendations to the Cabinet Member for Residential Services where the current tenant arrears have accrued up to the point of bankruptcy being declared or arrears covered by an Administration Order.

**PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 3 – GROUP HEADS**

consultation with the Group Head with the responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.

- 3.2.6 To accept surrenders or variations of leases and tenancies of land or buildings or any rights, including the release of covenants, where such would not be detrimental to the Council's interest and where the capital value or the rent per annum does not exceed £50,000 subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.
- 3.2.7 In respect of paragraphs 3.2.2 to 3.2.6 above, to negotiate any of the matters therein referred to.
- 3.2.8 To agree terms for the grant or benefit of easements and other rights in respect of land including party wall matters affecting the Council as land owner or to agree to a request from a lessee for a licence to assign or sub-let where the value does not exceed £100,000 per annum and subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.
- 3.2.9 To authorise the taking of action, including legal proceedings, for possession and forfeiture in cases of non-payment of rent or other breaches of the terms of leases or licences where the rent of such lease or licence does not exceed £50,000 per annum.
- 3.2.10 In the absence of the Chief Executive and Director of Services, power to issue Closure Notices under the Anti-Social Behaviour, Crime & Policing Act 2014 for up to a maximum of 48 hours.
- 3.2.11 To determine all applications, renewals, transfers, variations and other matters in respect of any licences, permissions, registrations and approvals in accordance with the Scrap Metal Dealers Policy and the Scrap Metal Dealers Act 2013.
- 3.2.12 To appoint a Proper Officer for the following purposes:-
- The Health Protection (Notification) Regulations 2010 regulations 2, 3, 6 and the Public Health (Control of Disease) Act 1984 section 48.

3.3 Group Head of Economy

3.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Economic Policy and Research,
- Town centres management,
- Business Development,
- Economic Partnerships
- Tourism

**PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 3 – GROUP HEADS**

- 4.2.10 In consultation with the Section 151 Officer, to re-negotiate prices for individual items in the Corporate Reactive Maintenance Repairs Contract.
- 4.2.11 In consultation with the Cabinet Member for Residential Services, to approve terms for leasing of privately owned property to let to households accepted as homeless and in priority need.
- 4.2.12 **Council Tax and National Non-Domestic Rates**– to write-off irrecoverable amounts up to £2,000 subject to a subsequent report to the Cabinet Member for Residential Services of totals written off.

4.3 Group Head of Neighbourhood Services

- 4.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:
- Car Parking
 - Parks (inc. landscape, architecture, multi-skilled team, tree gang, planning advice and tree preservation orders)
 - Cleansing
 - Cemeteries
 - Emergency Planning
 - Customer Services (including Arun Direct)
- 4.3.2 Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council (in consultation with the Cabinet Member for Neighbourhood Services and the Group Head of Corporate Support).
- 4.3.3 Authority to spend up to £10,000 in each instance to deal with isolated incidents of seaweed problems on beaches where it is considered action is urgently necessary (in consultation with the Cabinet Member for Neighbourhood Services), such amount being subject to annual index linking.
- 4.3.4 Discretion to deal with the clearance of seaweed deposits at the time most suited to wind and weather conditions.
- 4.3.5 Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council (in consultation with the Cabinet Member for Neighbourhood Services)

ARUN DISTRICT COUNCIL

REPORT TO CONSTITUTION WORKING PARTY ON 9 SEPTEMBER 2019

SUBJECT: Arun District Council's Members' Allowances Scheme - Guidance

REPORT AUTHOR: Jane Fulton – Committee Services Manager

DATE: 13 August 2019

EXTN: 01903 737611

PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY: The Member Allowances Regulations 2003 require all local authorities to have a Members' Allowances Scheme published as part of their Constitution. This Council's current scheme was approved by Full Council on 17 July 2019. Guidance on the scheme now needs to be added to Part 9 of the Constitution.

1. RECOMMENDATIONS:

The Working Party is asked to recommend to Full Council that:

- (1) the guidance set out at Appendix 1 to this report be added to Part 9 of the Council's Constitution – Members' Allowances.

2. PROPOSAL(S):

The review of the Members' Allowances' scheme undertaken by the Independent Remuneration Panel was approved by Full Council on 17 July 2019. This proposed additional guidance be added to the Constitution to confirm how the scheme is administered at:

- Recommendation 21 – the list of duties specified in the Regulations be added to the Members' Allowances Scheme at Part 9 of the Constitution;
- Recommendation 22 – Consideration is given as to whether any other duties should be approved for receipt of the Adult Dependent Carer's and Child Care Allowance
- Recommendation 23 – the availability of this Allowance and the procedure for claiming it be more visible
- Recommendation 28 – the arrangements for Travel and Subsistence remain unchanged and the rates and list of approved duties be published in Section 9 of the Council's Constitution

The proposed guidance at Appendix 1 covers these proposals.

3. OPTIONS:		
(1) Accept the guidance;		
(2) Make amendments to the guidance; or		
(3) not accept the guidance as recommended.		
4. CONSULTATION: No formal consultation is required in respect of the guidance to be issued.		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward		x
Other groups/persons (please specify)		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		
6. IMPLICATIONS: The Council is required by statute to publicise its Members' Allowances' Scheme in its Constitution.		
7. REASON FOR THE DECISION: To comply with the Local Authorities (Members' Allowances) (England) Regulations 2003.		
9. BACKGROUND PAPERS:		
(i) The report and minutes from the meeting of Full Council – 17 July 2019, please click on this link – Full Council – 17 July 2019 – Bundle 2		
(ii) Local Authorities (Members' Allowances) (England) Regulations 2003 – to access these papers, please click on this link http://www.legislation.gov.uk/uksi/2003/1021/contents/made		
(iii) The Council's Constitution – Part 9 of the Council's Constitution – Members' Allowances		

ARUN DISTRICT COUNCIL SCHEME OF MEMBERS' ALLOWANCES (2019)

Arun District Council ('the Council'), in exercise of the powers conferred by Section 18 of the Local Government and Housing Act 1989, Section 100 of the Local Government Act 2000 and The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended), hereby makes the following scheme:

1.0 Citation and Commencement

1.1 This Scheme may be cited as the Arun District Council Members' Allowances Scheme and will have effect from 7 May 2019 and for subsequent years.

2.0 Definitions

2.1 In this scheme:

- 'Councillor' means a Councillor elected to the Council
- 'Co-Optee' and 'Witnesses' means a non-Councillor Member co-opted to Committees and Panels
- 'Independent Persons' means a non-Councillor Member of the Standards Committee
- The Independent Remuneration Panel means a non-Councillor member of this Panel with the specific role to review the Council's Members' Allowances Scheme
- 'Year' means the 12 months ending 31 March

3.0 Basic Allowance

3.1 Subject to the provisions of this Scheme, for each year a basic allowance as set out in Appendix 1 shall be paid to each Councillor.

3.2 Part year entitlements will be calculated where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year.

3.3 The Basic Allowance to be increased in line with staff pay increases at 1 April each year

4.0 Special Responsibility Allowances

4.1 For each year a Special Responsibility Allowance will be paid in addition to the Basic Allowance to those Councillors who hold a position of responsibility as specified in Appendix 1.

5.0 Child Care Allowance

5.1 A Councillor will be entitled to be paid a Childcare Allowance at the rate specified in Appendix 1 to enable them to provide for the care of children whilst the Councillor is engaged on the approved duties set out in Appendix 3. To claim this allowance, Members will need to submit a claim using the Member Expenses Claim Form together with a valid business receipt issued by the carer provider. Such an allowance shall not be paid in respect of carers who are parents, spouses, partners or members of the same household as the Councillor.

6.0 Adult Dependant's Carers' Allowance

6.1. A Councillor will be entitled to be paid an Adult Dependant's Carers' Allowance at the rate specified in Appendix 1 to enable them to provide for the care of disabled or sick relatives whilst the Councillor is engaged in the duties set out in Appendix 3. To claim this allowance Members will need to provide a valid business receipt issued by the carer provider. Such an allowance shall not be paid in respect of carers who are parents, spouses, partners or members of the same household as the Councillor.

7.0 Travelling and Subsistence Allowances

7.1 A Member shall be entitled to be paid Travelling and Subsistence Allowances at the rates specified in Appendix 2 in respect of travelling and subsistence undertaken in connection with or relating to the duties set out in Appendix 3.

8.0 Time Limit for Submission of Expenses Claims

8.1 Claims shall be submitted monthly by the tenth day of each month to the Committee Services Manager. In any event claims shall be submitted no later than three months after the entitlement to the claim arises.

9.0 Renunciation

9.1 A Councillor may, by notice in writing, given to the Payroll Manager, elect to forego any part of their entitlement to an allowance under this Scheme.

10 Records

10.1 Records shall be kept of the payment made to Councillors in accordance with this Scheme.

10.2 This record shall specify the name of the recipient and the amount and nature of each payment.

10.3 As soon as reasonably practicable after the end of a year to which the scheme relates, the Council will make arrangements for the publication within the Council's area of the total sum paid by it in the year under the scheme to each recipient in respect of the each of the following:

- Basic Allowance
- Special Responsibility Allowance
- Dependent Carer's Allowance
- Travelling and Subsistence Allowance; and
- Co-Optees' Allowance

11 Disqualification etc. of a Member

Where an allowance has already been made in respect of any period during which the Member concerned

- a) ceases to be a Member; and
- b) is in any other way not entitled to receive an allowance in respect of that period the Council may require that such part of the allowance as relates to any such period be repaid to the Council.

12 Claims and payments

- 12.1 Payments of Basic and Special Responsibility Allowances and Co-Optees' Allowances will be payable monthly in arrears through the Council's payroll.
- 12.2 Claims by Members in respect of the Carers' Allowance [Childcare or Adult Dependent Care] and travelling and subsistence allowances should be made monthly and will, in any event, be made by no later than three months of the expenditure being incurred. Claims will not be considered beyond this time limit unless there are extenuating circumstances.
- 12.3 Payments will be made direct to a Councillor's bank account on or before the last day of the month. A statement analysing the amount credited to the bank will be sent to the Councillor on or before the end of each month.
- 12.4 The Basic and Special Responsibility Allowances paid to Councillors are not pensionable.
- 12.5 The levels of Basic Allowance, Special Responsibility Allowance, Childcare Allowance; Adult Dependents' Carers' Allowance and Co-Optees' Allowance specified in this scheme [See Appendix 1] will be varied with effect from and in accordance with the same average percentage change in the levels of the Council's staff remuneration.
- 12.6 The travelling and subsistence allowance will be the same as that for the Council's staff and will alter accordingly.

13 Review and Backdating of Reassessments

- 13.1 The levels of the Basic Allowance and Special Responsibility Allowance specified in this scheme shall continue until they are next reviewed.
- 13.2 Reassessments of the allowances in future years shall not be automatically backdated to 1 April in these years unless there are specific reasons to the contrary.

14 Income Tax, National Insurance and Benefits

- 14.1 Allowances will be subject to income tax and national insurance in accordance with instructions from HM Revenue and Customs.
- 14.2 Allowances may affect certain benefits received and so guidance should be sought from the local office of the Department of Work and Pensions or the Council's Benefits Office.

15 Eligibility to Claim Any Allowance Under This Scheme

- 15.1 All Members of the Council wishing to claim any allowance detailed in Appendix 1 must provide the following identification:

- Passport; or
- Birth Certificate;
- Driving Licence and car insurance documentation, if claiming car mileage to ensure that the insurance certificate states not only social, domestic and pleasure purposes but also travel in connection with the policy holder's business employment.

APPENDIX 1 TO THE SCHEME

1. **Basic allowance** (Paragraph 3)

The amount of Basic Allowance payable to each Councillor shall be £5,481 per year.

2. **Special Responsibility Allowances** (Paragraph 4)

The amounts of Special Responsibility Allowances and the special responsibilities for which they shall be payable shall be as follows:-

	£ per
Chairman of the Council	8,320
Vice-Chairman of the Council	2,745
Leader of the Council	14,196
Deputy Leader	10,400
Cabinet Member	8,320
Chairman of Overview Select Committee	4,870
Vice-Chairman of Overview Select Committee	1,607
Chairman of Licensing Committee	4,000
Vice-Chairman of Licensing Committee	1,200
Member of Licensing Committee	250
Chairman of Development Control Committee	6,000
Vice-Chairman of Development Control Committee	1,980
Member of Development Control Committee	750
Substitute Member of Development Control Committee	300
Chairman of Standards Committee	1,000
Independent Person of the Standards Committee	1,400 [2 x 720][
Chairman of Audit & Governance Committee	3,750
Vice-Chairman of Audit & Governance Committee	1,238
Leader of the Opposition	3,917
Leaders of smaller Minority Groups [3 or more Members]	100 per Member
Appeals Panel Member	£60 per meeting
Co-Opted Members and Members of the Independent Remuneration Panel; Members and Witnesses to Committees and Panels	£60 per meeting
Carer's Allowance	
• Childcare Allowance - £10 per hour [up to a limit of £4k per annum	£10 per hour
• Dependent Adult Allowance – maximum of the Home Care Allowance rate paid by West Sussex County Council [£18.49] up to a limit of £6k per annum	£18.49 per hour

Notes:

- There is to be no restriction on Members receiving dual Special Responsibility Allowances.
 - From 1 April 2020, in addition to the Basic Allowance, all Special Responsibility Allowances, including those paid to Co-Opted Members, Independent Persons of the Standards Committee; and Members of the Independent Remuneration Panel be linked annually to staff pay.
 - Councillors are entitled to request maternity, paternity and adoption arrangements.
 - Where a Chairman of the Council or a Committee is absent for a continuous period of more than two months or more, then their allowance may be paid to the Vice Chairman until the Chairman returns.
 - Members are not eligible to join the Local Government Pension Scheme.
 - Members may renounce their entitlement to all or part of their allowances.
3. The following travelling and subsistence allowances are paid to Councillors and co-opted members in respect of journeys on Council business such as attendance at meetings, conferences and training seminars. A full list is set out in the scheme. The rates for travelling and subsistence are consistent with the rates approved for staff.

APPENDIX 2 TO THE SCHEME

The rates under the Scheme shall be as follows:-

1. Travelling

(a) Travel to seminars/conferences and training courses outside of the district	Cost of standard class rail fare; by own car only in exceptional circumstances at 45p per mile.
(b) Travel to meetings and other events by own car	45p per mile – for first 10,000 miles within and out of the District 25p per mile – above 10,000 miles within and out of the District
(c) Car parking	At cost
(d) Car parking	At cost
(e) Travel by train	Standard class rail fare
(f) Taxi – if urgent and necessary [subject to the approval of the Group Head of Council Advice & Monitoring Officer]	At cost
(g) Bus	At cost
(h) Motorcycle	24p per mile
(i) Cycles	20p per mile
(j) Member drives other member(s) or officer(s) on official Council duties	Extra 5p per mile per passenger
(k) Travel by Air – please refer to the Group Head of Council Advice & Monitoring Officer	
(l) Hired Motor Vehicles - Rates payable shall not exceed the rate for Councillors own motor vehicle unless previously approved by the Council	45p per mile
(m) Car Parking and other Supplements	The actual cost of any necessarily incurred tolls and car parking fees can be claimed

2. Subsistence

Breakfast	£6.98 (where work/travel has started, absence less than 24 hours, leaving home before 7am)
Lunch	£9.64 (for necessary absences of several hours spanning the normal lunch period leaving before 11.00am and not returning until after 3.00pm)
Tea*	£3.82 (unable to arrive home before 6.30pm)
Evening Meal*	£11.94 (unable to arrive home before 8.30pm)
Out of pocket expenses for residential courses	£6.38 per night or £25.48 per week
Overnight Accommodation – please refer to the Group Head of Council	£106.91

Advice & Monitoring Officer in advance	
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- * If an overnight stay is necessary and not included in the course fee, normally only bed, breakfast and overnight meal are reimbursed (at a rate of up to £21.78 for an evening meal).
- * Tea and evening meal cannot be claimed on the same day.

3. **Further Conditions**

- a) To claim travel and/or subsistence allowance valid receipts or other evidence of the expenditure must be produced.
 - b) If the expenditure on subsistence is less than the allowance, only the lesser figure will be reimbursed. No claim will be paid if the meal was provided free by the Council or another body.
 - c) If an overnight stay is necessary, and not included in the course fee, normally only bed and breakfast and evening meal are reimbursed.
 - d) Claims for expenses exceeding the above rates must be approved by the Group Head of Council Advice & Monitoring Officer
4. The above rates for Travelling and Subsistence shall be varied in accordance with the rates approved from time to time by Arun District Council for its staff.
[Note: Rates shown above are those that apply from 1 April 2019]

APPENDIX 3 TO THE SCHEME

1. DUTIES SPECIFIED IN THE REGULATIONS [Regulation 8(1)(a)-(f)]

- a) Attendance at a meeting of the Council or of any Committee; Sub-Committee; Working Group or Panel of the Council, or of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body.
- b) Attendance at any other meeting, the holding of which is authorised by the Council, or a Committee or Sub-Committee or Working Group of the Council, or a Joint Committee of the Council and one or more local authorities or a Sub-Committee of such a Joint Committee, provided that where the Council is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited.
- c) Attendance at a meeting of any association of authorities of which the Council is a member.
- d) Attendance at meetings of the Cabinet or of any Panels or Forums appointed by the Cabinet.
- e) Duties in connection with the discharge of any function of the Council conferred by law.

2. DUTIES APPROVED BY THE COUNCIL [Regulation 8(1) (h)]

- a) Any duties by Cabinet Members for the purpose of or in connection with the discharge of the functions of the Cabinet;
- b) Liaison meetings with Town/Parish Councils and West Sussex County Council;
- c) Attendance of Councillors to observe the proceedings at meetings of Committees; Sub-Committees; Working Groups and Panels of which they are not Members or if the Chairman of said meetings has invited them to attend to assist its deliberations;
- d) Site meetings of the Development Control Site Inspection Panel but excluding attendance by local representatives unless specifically approved. For this purpose, site meetings are those meetings the holding of which has been previously authorised by a Committee or other formally constituted Panel of Councillors in order to assist it in formulating a decision or recommendation on any matter formally before it for consideration; and that authorisation expressly designated the meeting as an approved duty for the purpose of payment of Councillors' allowances.
- e) Meetings, visits or other arrangements made on an ad hoc basis between meetings of the relevant bodies if approval is given in accordance with the power delegated to the Chief Executive.
- f) In-house training seminars or external training events if approval is given in accordance with the power delegated to the Chief Executive.

- g) Such activities as the Chairman of the Council, the Vice-Chairman of the Council, a Cabinet Member or the Chairman of a committee considers necessary for the effective performance of his/her duties.
- h) Attendance at briefings for Chairmen and Vice-Chairmen of particular meetings.
- i) Training and educational conferences where authorised by the Chief Executive in accordance with delegated powers.
- j) Attendance at meetings of the South Downs National Park Authority's Planning Committee by Members whose wards are partly or wholly within the National Park.
- k) Meetings with officers at the Council's offices to discuss business relating to the Member's ward.
- l) Where invited by an Officer, attendance at meetings of a Parish Council or with constituents;
- m) Representing the Council on its Outside Bodies where the Councillor has been appointed to the Body by the Council (where that Body does not pay travel and subsistence).

ARUN DISTRICT COUNCIL

REPORT TO CONSTITUTION WORKING PARTY ON 9 SEPTEMBER 2019

**SUBJECT: Constitutional Amendments – Part 5 – Rules of Procedure (Meetings) –
Section 1 - Council Procedure Rules**

REPORT AUTHOR: Jane Fulton – Committee Services Manager
DATE: 28 August 2019
EXTN: 01903 737611
PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY: This report seeks authority to make amendments to the following part of the Constitution:

Part 5 – Rules of Procedure (Meetings) by adding in a new Rule at Paragraph 4 [Special Meetings of the Council] to become Rule 4.3 - Special Meetings to Confer the Title of Honorary Alderman.

RECOMMENDATIONS:

The Working Party is asked to recommend Full Council to:

- (1) Approve that a new Rule 4.3 entitled Special Meetings to Confer the Title of Honorary Alderman is added to Rule 4 – Special Meetings of the Council at Part 5 – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rules of the Constitution. The wording as set out below:

SPECIAL MEETINGS TO CONFER THE TITLE OF HONORARY ALDERMAN

A Special meeting of the Council may be called by the Chief Executive in consultation with the Chairman of the Council and Political Group Leaders to consider conferring the title of Honorary Alderman on a former Councillor who meets the Council's agreed protocol.

At such meetings, the business to be followed will be:

- (1) Election of Chairman/Vice-Chairman [if not present]
- (2) Declarations of Interest
- (3) Conferment of the title of Honorary Alderman

As required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such a meeting.

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

1. BACKGROUND AND PROPOSALS:

- 1.0 On 27 August 2003, the Council established and approved a Protocol for the Conferment of the Title of Honorary Alderman onto former Members of the Council. This can be found as a link in the background papers part of this report.
- 1.1 The title of Honorary Alderman is given in grateful recognition of eminent and distinguished service given to that Member's Ward, the Council and the District.
- 1.2 Section 249 of the Local Government Act 1972 states that the title may be made by Resolution passed by not less than two-thirds of Members voting thereon at a meeting 'specially' convened for the purpose.
- 1.3 Council Procedure Rule 4.2 sets out what each Special meeting of the Council will cover – this is listed below:
- (1) Appoint a person to preside if the Chairman or Vice-Chairman are not present;
 - (2) Receive any declarations of interest from Members in accordance with the Members' Code of Conduct;
 - (3) Receive questions from Members with pecuniary/prejudicial interests in accordance with Rule 12;
 - (4) Approve the minutes from the last meeting;
 - (5) Receive any announcements from the Chairman;
 - (6) Consider any business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council, in consultation with the Chief Executive is business of such urgency as to require immediate attention by the Council;
 - (7) Consider any other business set out in the notice convening the meeting in the order which it appears in the Council summons however that order may be varied at the discretion of the Chairman or by resolution of the Council.
- 1.4 The Council conferred its last honours at a Special meeting held on 9 September 2015 onto two of its former Councillors [Councillors Mrs Goad and Squires]. Custom and practice for Honorary Alderman conferring meetings has been to just have this one item, nothing else. This reflects the Local Government Act 1972, Section 249 which states that a Council will hold a Special Meeting for conferring such a title. In September 2015, a further item had to be placed onto the agenda – Order of Business. This asked the Council to resolve to suspend Council Procedure Rule 3.1 [at that time] to allow the business items now listed at Rule 4.2 (3); (4); (5); (6) and (7) to be postponed for consideration at the regular meeting starting at 6.30 pm.
- 1.5 Special Meetings of the Council may be called by the Chief Executive, in consultation with the Chairman of the Council and Political Group Leaders. Consultation has just been undertaken and approval given to hold a Special Meeting of the Council on 13 November 2019 to confer the title of Honorary Alderman onto former Councillor Norman Dingemens.
- 1.6 This will be a one item agenda so as to allow the civic and ceremonial elements of the meeting to be enjoyed. Currently, at Rule 4.2 – Business at Special Meetings, items (1) to (7) would have to feature on the agenda. As there is a scheduled meeting of Full Council taking place at 6.30 pm on 13 November 2019 it is proposed to add a new Rule to the Constitution (Rule 4.3) in preparation for this meeting and any future Special Meetings to confer the title of Honorary Alderman. The proposed new procedure rule is set out below:

<p>SPECIAL MEETINGS TO CONFER THE TITLE OF HONORARY ALDERMAN</p> <p>A Special meeting of the Council may be called by the Chief Executive in consultation with the Chairman of the Council and Political Group Leaders to consider conferring the title of Honorary Alderman on a former Councillor who meets the Council’s agreed protocol.</p> <p>At such meetings, the business to be followed will be:</p> <p>(1) Election of Chairman/Vice-Chairman [if not present]</p> <p>(2) Declarations of Interest</p> <p>(3) Conferment of the title of Honorary Alderman</p> <p>As required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such a meeting.</p> <p>1.7 The Working Party is asked to approve this edition to the Constitution to avoid any unnecessary complications at future meetings.</p>		
<p>2. PROPOSAL(S): The Working Party is asked to approve the two recommendations set out in the report.</p>		
<p>3. OPTIONS: The Working Party may:</p> <p>(1) accept the recommendations or</p> <p>(2) recommend to not accept the recommendations.</p>		
<p>4. CONSULTATION: Chairman of the Council</p>		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillor		X
Other groups/persons (please specify) – None		X
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		
<p>6. IMPLICATIONS: To not accept the recommendations would involve the need to suspend Council Procedure Rule 4.2 at each meeting.</p>		

7. REASON FOR THE DECISION: To fully comply with Section 249 of the Local Government Act 1972

9. BACKGROUND PAPERS:

(i) Section 249 of the Local Government Act 1972 – <https://www.legislation.gov.uk/ukpga/1972/70/section/249>

(ii) The Council's approved Protocol for the Conferment of the Title "Honorary Alderman"; and – Appendix 1

(iii) The Council's Constitution – [Constitution](#)