



# Public Document Pack

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10 December 2020

## **CABINET – SUPPLEMENT PACK – ITEMS 10, 11 AND 13**

A virtual meeting of the Cabinet will be held on **Monday 14 December 2020 at 5.00 pm** and you are requested to attend.

Members: Councillors Dr Walsh (Chairman), Oppler (Vice-Chairman), Coster, Mrs Gregory, Lury, Stanley, Mrs Staniforth and Mrs Yeates

***PLEASE NOTE:*** *This meeting will be a ‘virtual meeting’ and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

*Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal ‘virtual meetings’.*

*This Council’s revised Rules of Procedures for ‘virtual meetings’ can be found by clicking on this link: <https://www.arun.gov.uk/constitution>*

*Any members of the public wishing to address the Cabinet meeting during Public Question Time, will need to email [Committees@arun.gov.uk](mailto:Committees@arun.gov.uk) by 5.15 pm on Friday, 4 December 2020 in line with current Procedure Rules. It will be at the Chief Executive’s/Chairman’s discretion if any questions received after this deadline are considered.*

*For further information on the items to be discussed, please contact: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)*

## **AGENDA**

### **10. STANDARDS COMMITTEE - 3 DECEMBER 2020**

(Pages 1 - 2)

Cabinet is asked to consider recommendations from the meeting of the Standards Committee relating to the adoption of a new Social Media Guidance document for Councillors.

An extract from the minutes is [attached](#).

To view the report that was submitted to the Standards Committee, please click on these links - [Report](#) and [Appendix – The Policy](#)

11. PLANNING REVIEW WORKING PARTY (Pages 3 - 12)

The minutes from the first meeting of the Planning Review Working Party are to be considered by Cabinet and are [attached](#).

13. OVERVIEW SELECT COMMITTEE - 1 DECEMBER 2020 (Pages 13 - 14)

Cabinet is asked to consider a recommendation from the Overview Select Committee from its meeting held on 1 December 2020, in relation to the Local Council Tax Reduction Scheme 2021/22.

An extract from the minutes of the Overview Select Committee is [attached](#). To view the minutes from the Council Tax Support Task and Finish Working Party – please click on this link [Council Tax Support Task and Finish Working Party Minutes](#)

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – Filming [The Policy](#)

## STANDARDS COMMITTEE

3 December 2020 at 6.00 pm

Present: Councillors Bennett (Vice-Chairman, in the Chair), Bower, English, Huntley (substituting for Cllr Coster), Kelly, Stanley (substituting for Cllr Blanchard-Cooper) and Tilbrook.

Independent Persons: Mr J. Thompson, Mr B. Green, Mrs S. Prail and Mr J. Cooke

[Note: The following Councillors were absent from the meeting during the consideration of the following matters set out in Minutes 229 – Councillors Bower and English.

### 227. SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

A draft Guidance document had been considered at the last meeting of the Committee on 24 September 2020 and recommendations to adopt a revised Social Media Guidance for Councillors had been made to Cabinet on 19 October 2020, replacing the previous version endorsed by Cabinet on 31 May 2016.

Although Cabinet had broadly supported the guidance, non-Cabinet Councillors raised some concerns about the content of the document. Cabinet then resolved to refer the Guidance back to this meeting of the Standards Committee for further discussion.

Mr Hoey referred to the list of “do’s and don’ts” in the draft Guidance document, which had been lifted from the existing Guidance document. This was the element that had been mostly challenged at Cabinet. It was the view of some Councillors that this may lead to debate being disadvantaged and would prefer not to have this entire list included in the document.

Committee questioned the item relating to criticism of Councillors and Officers. Mr Hoey referred to a definition supported by the LGA, as follows “Do not misquote, misrepresent or make personal criticisms of Councillors and Officers” which could be incorporated into the Guidance, which was then broadly supported by the Committee.

With regard to the ‘do not’ point regarding securing a benefit, Mr Hoey suggested replicating the words used in the Code of Conduct so that this line would now read “do not try to secure an improper benefit for yourself or disadvantage others improperly”.

Further discussion took place as to whether another ‘Do Not’ item should be added to cover ‘matters that had not been concluded at meetings, in view of the current situation with the recent Full Council meeting having taken place over three separate dates and as it had still not concluded all of its business. Comments were then made regarding inflammatory comments and concerns expressed that this could be subjective. Mr Hoey emphasised that this document was only guidance and had no legal weight.

Standards - 24.09.20

Following further debate, the Committee agreed to have the wording altered to the penultimate Do Not item to read as follows “do not try to secure an improper benefit for yourself or disadvantage others improperly”.

The Committee then

RECOMMEND TO CABINET – that

- 1) The new Social Media Guidance for Councillors, s amended at the meeting, be endorsed, replacing the previous version endorsed by Cabinet on 31 May 2016; and
- 2) To authorise the Acting Monitoring Officer to make any consequential changes arising from the adoption of a new Members Code of Conduct.

# Public Document Pack Agenda Item 11

Subject to approval at the next Planning Review Working Party meeting

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## PLANNING REVIEW WORKING PARTY

8 December 2020 at 6.00 pm

Present: Councillors Bennett, Chapman, Mrs Cooper, Coster, Lury, Roberts, Stanley and Ms Thurston

[Note: Councillor Chapman was absent from the meeting during consideration of the items set out in the following Minute – Minute 5 [Part] following consideration of recommendation 61]

Apologies: None

### 1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

The Working Party

RESOLVED

That Councillor Stanley be appointed Chairman of the Planning Review Working Party.

The Working Party

RESOLVED

That Councillor Mrs Cooper be appointed Vice-Chairman of the Planning Review Working Party.

### 2. DECLARATIONS OF INTEREST

The following Councillors all declared Personal Interests as set out below:

- Councillor Bennett as Chairman of the Development Control Committee.
- Councillor Mrs Cooper as a Parish Councillor
- Councillor Lury as Cabinet Member for Planning

### 3. START TIMES

The Working Party

RESOLVED

That its start times for meeting be 6.00 pm.

Planning Review Working Party - 8.12.20

#### 4. TERMS OF REFERENCE

The Working Party received a report from the Chief Executive asking it to approve an amendment to its Terms of Reference as approved by Cabinet on 16 November 2020.

The Terms of Reference as agreed by Cabinet are set out below:

“To consider the findings and examine the recommendations from the Planning Review (when presented) so that the Council can agree which recommendations it wants to accept and establish a monitoring process to ensure that recommendations are followed through. The Working Party will report to Cabinet, who will report to Full Council”.

The change was to confirm that the Working Party would only consider the recommendations within the Planning Review that related to Members, not Officers. This was because it was recognised that the recommendations for Officers were staffing matters which were confidential and would be dealt with by the Chief Executive, in liaison with the Director of Place and Human Resources. The Constitution already provided authority to do this.

Following some brief discussion,

The Working Party

RECOMMEND TO CABINET THAT

The Terms of Reference for the Working Party be:

To consider the findings and examine the recommendations from the Planning Review (when presented) **to only include those that relate to Members, not Officers** so that the Council can agree which recommendations it wants to accept and establish a monitoring process to ensure that recommendations are followed through. The Working Party will report to Cabinet, who will report to Full Council”.

#### 5. PLANNING REVIEW RECOMMENDATIONS

The Working Party received a report from the Chief Executive which attached a list of recommendations that formed part of the Planning Review report undertaken by Sean Hannaby Planning Solutions Ltd.

The Working Party was asked to focus on the Recommendations and to decide which of these were to be pursued further and which should not.

The list of recommendations presented to the Working Party as Appendix A has been attached to these Minutes and updated to reflect the views of the Working Party

so that Cabinet, on 14 December 2020, can consider how it wishes to take forward the recommendations.

Following discussion,

The Working Party

**RECOMMEND TO CABINET**

That the list of recommendations from the Planning Review Report, as attached as Appendix A to these minutes, be considered with Cabinet confirming how it wishes to take these recommendations forward.

**6. DATE OF NEXT MEETING**

The Working Party agreed that a further meeting be scheduled for early February 2021 to discuss measures that would ensure greater consideration of residents' needs and concerns in respect of planning matters (to include communication with the public).

(The meeting concluded at 19:08pm)

**Recommendations for Cabinet – 14 December 2020**

Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
42	The Cabinet Portfolio Holder for Planning should provide political oversight for the monitoring of the Improvement Plan & Training Plan		YES
43	<p>The Cabinet Portfolio Holder for Planning should provide political oversight for Business Plan development and monitoring to ensure it follows a path to its successful delivery and include an element of challenge and scrutiny. These should include targets relating to:</p> <ul style="list-style-type: none"> <li>a. Speed and quality of application validation</li> <li>b. Applications determined within the statutory timescale</li> <li>c. Average number of days to determine applications</li> <li>d. Percentage of applications using Extensions of Times (EoTs)</li> <li>e. Percentage of appeals won</li> <li>f. Customer satisfaction levels supported by an annual survey</li> </ul> <p><b>It was acknowledged that the Cabinet Member for Planning would have oversight of the whole of the Planning Review including Recommendations for Officers</b></p>		YES – to include additional words in <b>bold</b>
44	The Cabinet Portfolio Member should maintain a strategic focus and concentrate on the delivery of the strategic sites, to secure a 5 year housing land supply and be engaged in leading the Local Plan review and Improvement Plan		YES

Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
45	<p>A good quality Planning Service needs knowledgeable and experienced Chairs and Committee Members to create appropriate trust confidence and respect between Members of Committee and Officers. In order to achieve this all Members need to be well trained for their respective roles. This will improve the quality of debate and decision making which will increase confidence in their decisions by customers, stakeholders and local communities. Appropriate mentoring and/or training should be provided as set out in the training plan for Committee Members relating to:</p> <ul style="list-style-type: none"> <li>a. chairing meetings</li> <li>b. probity</li> <li>c. predetermination</li> <li>d. Member and Officer roles</li> <li>e. respectful debate</li> <li>f. effective decision making</li> <li>g. material considerations</li> <li>h. specified technical matters (including highway safety and flooding)</li> <li>i. local plan content, ownership and delivery</li> </ul>		YES
46	<p>Being appropriately trained should continue to be a requirement of being a Member of DC Committee. Therefore new Committee Members should receive initial training before they sit on the Committee and annual training should be mandatory for all Members, which should include an assessment of whether the training has been effective [<b>as determined by the Chairman of the Development Control Committee and Group Head of Planning</b>]</p>		YES – please see additional wording outlined in <b>bold</b>
47	<p>The Chair of DC Committee should continue to challenge/censure Committee Members who are rude to fellow members, officers or speakers and ask</p>		YES

	them to apologise there and then. Repeated unacceptable behaviour should not be tolerated and should be brought to the attention of the relevant Group Leader with a recommendation that the member is replaced on the Committee.		
<b>Number</b>	<b>Recommendation</b>	<b>Priority (RAG Rated)</b>	<b>Working Party Recommend to Cabinet to take forward? Yes/No</b>
48	Review and amend the following Committee Procedures to improve probity and the quality of decision making: <ul style="list-style-type: none"> <li>a. Member call-ins</li> <li>b. Committee Site Visits</li> <li>c. Officer/Member behaviour and relationships</li> <li>d. Public Speaking at Committee</li> </ul>		YES
49	There should be a revised code of conduct and Committee procedure protocol that clearly sets out the rules of engagement, expectations of behaviour and process to help the Chair of DC Committee control Members more effectively and ensure that debates are focussed.		YES
50	The decision making procedure should be reviewed as a matter of urgency to revise the decision making sequence so that: <ul style="list-style-type: none"> <li>a. Any counter proposals to defer or determine an application against the officer's recommendation are considered first before the officer's recommendation is voted upon.</li> <li>b. Any move to defer an application should identify what additional information members want and why they are unable to make a decision without it.</li> <li>c. Any move to refuse an application should set out the reasons for refusal in summary before the vote— stating in simple English why the development is unacceptable.</li> </ul>		YES

51	A detailed analysis of the effectiveness of appeals decision making should be reported every quarter and should be properly considered by Committee to improve the quality of decision making <b>and appeal defence</b>		YES – see additional wording outlined in <b>bold</b>
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Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
52	<p>Review and amend the Scheme of Delegation to increase Officer delegation and ensure that DC Committee are only dealing with the most strategic, significant and sensitive applications :</p> <ol style="list-style-type: none"> <li>1. Amend the 'call in' procedure to require the planning reason to be agreed by the Director of Place, in consultation with the Chair.</li> <li>2. Exclude applications that are either technical in nature or have reduced timescales.</li> <li>3. <del>Remove the automatic referral to Committee if there is a Parish Council objection.</del></li> <li>4. <del>Introduce size thresholds to allow delegation of smaller Council applications.</del></li> <li>5. <del>Remove the requirement for applications to go to Committee if it creates a new access via the A27, A29, A284, A259 &amp; A280.</del></li> <li>6. Amend the requirement for Member/Officer applications so that policy compliant minor applications can be delegated (not planning staff or Members).</li> <li>7. Allow the Group Head of Planning to refer significant or contentious applications to Committee.</li> </ol>		YES – but that points 3, 4 and 5 are deleted – as shown using <del>strikethrough</del>
53	Review and revise the pre-application guidance to confirm that the Planning Service has a responsibility to negotiate with developers regarding potential applications, and to consider the inclusion of Ward Members and/or Town and Parish Councils to improve local		YES

	inclusivity and transparency. If Members are to be included, an 'unacceptable behaviour' clause should be added into a pre-application enquiries protocol to exclude Members from pre-application meetings where they have behaved inappropriately in previous meetings.		
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Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
54	Review the use of substitutes at Committee to ensure they are properly trained and to avoid 'tactical' substitutions where a Member has a particular interest in an application		YES
55	(a) Review the size, seating arrangements and name of the Committee so that the Chair of DC Committee has planning and legal advice to hand. (b) Consider reducing Membership to 10 or less and change its name to Development Management		YES/NO – it be noted that this recommendation be split into two parts (a) and (b) as shown. Part (b) not supported to be determined at FC in January 21 and in view of recommendations from the Constitution WP [30 November 2020]
56	<del>The Cabinet Portfolio Member should seek the support of all political Group Leaders to the principle of not printing applications, agendas etc; on environmental and cost reasons and they should be asked to support officers if individual Members request a printed document where an electronic version is available.</del>		NO – to be deleted
57	Review the involvement of Town and Parish Councils with the Strategic Site Advisory Groups to improve local inclusivity and transparency <b>(the review should be with the Town and Parish Councils)</b>		YES – to include additional words in <b>bold</b>

58	Embrace the opportunity to lead and deliver at strategic level <b>rather than</b> with the sub region		YES – to include additional words in <b>bold</b>
59	Use the opportunity of the new local plan to engage in discussions with LEP around the future aims and challenges for the authority		YES

**Recommendations for Members and Officers**

Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
60	Hold joint Member/Officer training sessions to improve Member/Officer relations and to develop a common understanding of each other's roles and responsibilities. <b>This should include a regular update from the Planning Department</b>		YES – to include additional words in <b>bold</b>
61	Hold joint Member/Officer workshops to review Member/Officer relationships with an external facilitator		YES

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## OVERVIEW SELECT COMMITTEE

1 December 2020 at 6.00 pm

Present: Councillors Northeast (Chairman, English (Vice-Chairman), Bennett, Bicknell, Blanchard-Cooper, Ms Catterson, Mrs Cooper, Dendle, Dixon, Elkins, Gunner, Huntley, Miss Needs, Miss Seex and Tilbrook

Councillors Cooper, Coster, Lury, Mrs Staniforth, Stanley, Dr Walsh and Mrs Yeates were also in attendance for all or part of the meeting.

### 254. LOCAL COUNCIL TAX REDUCTION SCHEME 2021/2022

*[Cllr Miss Seex – redeclared her interest and was moved to the waiting room, Cllr Bennett declared a personal interest due to family Member being in receipt of Council Tax Benefit.]*

The Chairman presented the minutes of the Council Tax Support Task & Finish Working Party meeting held on 17 November 2020, and asked members to endorse the recommendation made by the Working Party by recommending to Cabinet that option 2 be approved.

During the discussion Members asked for clarity on the number of residents that would be impacted. It was advised by the Revenues and Benefits Manager that a few households may be adversely affected and that there was a discretionary hardship fund that these households may apply for, should they qualify for additional assistance. It was also confirmed that until changes were made an exact number was unknown at this time.

The Overview Select Committee agreed to;

RECOMMEND to CABINET that

**Option 2.** To retain the current scheme for 2021/2022 but allow for an increase in the income banding.

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