



Public Document Pack

Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

This meeting will be live streamed – the link to the webstream will be placed on the Council's web pages soon

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9 November 2021

COUNCIL MEETING

To all Members of the Council

You are summoned to attend a meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 10 November 2021 at 6.00 pm** in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** to transact the business set out below:

Philippa Dart
Acting Chief Executive

PLEASE NOTE: Subject to Covid-19 Risk Assessments members of the public are advised of the following:

Where public meetings are being held at the Arun Civic Centre, in order to best manage safe space available, members of the public are in the first instance asked to watch the meeting online via the Council's Committee pages.

- a) Where a member of the public has registered a request to take part in Public Question Time, they will be invited to submit the question in advance of the meeting to be read out by an Officer. There will be limited public access to this meeting and admission for public speakers will be by ticket only, bookable when submitting questions. Attendees will be asked to sit in an allocated seat in the public gallery on a first come first served basis. Only one ticket will be available for per person.
- b) It is recommended that all those attending take a lateral flow test prior to the meeting.
- c) All those attending the meeting will be required to wear face coverings and maintain safe distancing when in the building/meeting room.
- d) Members of the public must not attend any face to face meeting if they or a member of their household have Covid-19 symptoms.

Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on **Wednesday, 3 November 2021** in line with current Committee Meeting Procedure Rules. It will be at the Chief Executive's/Chair'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.

AGENDA

13. CONSTITUTION WORKING PARTY - 1 NOVEMBER 2021 (Pages 1 - 14)

The Chair, Councillor Bower, will present the Minutes containing recommendations from the meeting of the Constitution Working Party held on 1 November 2021.

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note : Where there are recommendations from other Committees, please refer to the e-link under the specific agenda item to access the Officer report.

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 Policy](#)

Public Document Pack Agenda Item 13

Subject to approval at the next Constitution Working Party meeting

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CONSTITUTION WORKING PARTY

1 November 2021 at 6.00 pm

Present: Councillors Bower (Chair), Cooper (Vice-Chair), Chace, English, Haywood and Yeates

Councillor Chapman was also in attendance for all or part of the meeting.

6. APOLOGY FOR ABSENCE

An Apology for Absence had been received from Councillor Daniells.

7. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

8. MINUTES

The minutes of the meeting of the Working Party held on 28 June 2021 were approved by the Working Party as a correct record with the Chair confirming that these would be signed at the first opportunity made available to him.

9. NEW COMMITTEE SYSTEM - CHANGES TO THE CONSTITUTION - COMMITTEE NAMES - REFERRAL BACK AND CHANGES TO SERVICE AREAS COVERED BY COMMITTEES

The Monitoring Officer introduced this report reminding Members that following Full Council on 14 July 2021, and following substantial debate, the issue of name changes to Committees had not been agreed and so had been referred to this Working Party for further consideration. The proposals for changing the names were as set out below:

<u>Current Name</u>	<u>New Name</u>
Corporate Policy & Performance	Policy and Finance Committee
Residential & Wellbeing Services Committee	Housing and Wellbeing
Environment and Neighbourhood Services Committee	Environment Committee
Economic Committee	Economy Committee
Planning Committee	Development Management Committee

Constitution Working Party - 1.11.21

The first to speak was Councillor Chapman, who was attending this meeting in his capacity as Chair of the Planning Committee. He confirmed that he felt very strongly against proposals to change the name of the Planning Committee to the Development Management Committee. This was because the Council was the local planning authority and was not a development authority. The public understood perfectly what the functions and responsibilities of the Planning Committee were and so he expressed concern that adding in the words 'development management' would lead to a loss of focus on what the Committee's role was. He therefore urged the Working Party to not accept this proposal.

The Chair confirmed that he had a different viewpoint with his main concern being that it was confusing for the public to have a Planning Committee and a Planning Policy Committee. He also pointed out to Members that the Planning Advisory Service had previously recommended that the name of the Planning Committee, previously known as the Development Control Committee, be changed to Development Management Committee. If this could not be agreed, then he recommended that the name of the Planning Policy Committee should be changed. The Chair reminded Members that the aim behind these proposals was to provide better understanding to the public.

In opening this matter up for further debate, the majority view of the Working Party was that the change in name to Development Management Committee should not be supported, although some sympathy was expressed that to also have a Planning Policy Committee might cause confusion. As this had not been the case to date it was felt that the names of both Committees should remain unchanged.

On the proposal to change the name of the Planning Committee to Development Management Committee being put to the vote, this was not carried.

Voting on the remaining name changes were then unanimously carried. The Working Party therefore

RECOMMEND TO FULL COUNCIL

That the proposal to change some Committee names be approved as set out below:

<u>Current Name</u>	<u>New Name</u>
Corporate Policy & Performance	Policy and Finance Committee
Residential & Wellbeing Services Committee	Housing & Wellbeing Committee
Environment and Neighbourhood Services Committee	Environment Committee
Economic Committee	Economy Committee

The Monitoring Officer then alerted Members to the next set of recommendations in the report stating that at the meeting of the Environment & Neighbourhood Services Committee on 21 May 2021, the Committee had recommended that the subject of biodiversity should be included as a service area reporting into this Committee.

It had also been recommended by Officers that Biodiversity Net Gain be added to the service areas covered by the Planning Policy Committee.

In discussing this recommendation, concern was expressed that biodiversity would potentially at some point need to be discussed at each of the Committees, so was it relevant to add to the service areas for just two of the Service Committees? Comments were also made that biodiversity was heavily featured within the Local Plan which reported into the Planning Policy Committee so was this addition really required? Following further discussion, it was agreed to refer this back to Officers so that more information could be provided for the Working Party to reconsider this at its next meeting.

Other comments made were that as climate change issues were a priority of the Council, it should be seen to be included to be reporting into a Committee with the Environment Committee being the most appropriate.

The Working Party

RECOMMEND TO FULL COUNCIL

That 'Biodiversity' be added to the service areas covered by the Environment & Neighbourhood Services Committee [soon to be the Environment Committee] at Part 3 – Responsibility for Functions of the Constitution.

10. PUBLIC SPEAKING RULES FOR THE PLANNING COMMITTEE

The Working Party received a report requesting that the Public Speaking Rules for the Planning Committee at Part 8, Section 3 of the Constitution be amended to correct an error that had occurred in the redrafting of the Constitution in May 2021.

The Chair of the Planning Committee was invited to speak first, he confirmed that he fully supported the recommendations for change.

Following some debate, the Working Party

RECOMMEND TO FULL COUNCIL

That the Public Speaking Rules for the Planning Committee as set out in Part 8, Section 3 of the Constitution at Paragraphs 11 – Public Speaking at Planning Committees are amended as set out below – deletions have been shown using ~~striketrough~~ and additions are shown using **bold**:

Constitution Working Party - 1.11.21

11.3 Any person who has made a written representation on an application and wishes to speak must register their request by 5.00 pm on the ~~Monday~~ **Friday** before the meeting, by phoning 01903 737512 or by email. It is the responsibility of the individual to check whether the application is to be considered by the Planning Committee [one should be able to register to be automatically notified when the agenda for the Committee is published].

11.4 There is a time limit of 3 minutes for each ~~group of~~ speaker i.e. Ward Members, Parish Councils, objectors, applicants/agents or supporters. Objectors & supporters include residents' groups, community groups or interest groups. A supporter must be an independent third party such as a local resident, not a relative of the applicant or the applicant themselves if their appointed agent is already speaking.

11.5 A lead speaker can be ~~nominated, or agreement reached between speakers about splitting~~ speak for up ~~to~~ the 3 minutes ~~between them, otherwise the 3 minutes will be equally divided between all the registered speakers in each group.~~ The order of speaking will be as follows: **The categories in the table in the Constitution to be remain unchanged**

11.7 In the event that more than two speakers have registered to speak in categories 2, 3, or 4, the first two registered persons appearing on the register only will be allowed to speak. ~~If one or both of the persons entitled to speak does not attend or confirms that they agree to the next registered person speaking in their place, then the next registered person will be allowed to speak in their place.~~ Prior to the commencement of the meeting, attendance of those who have registered to speak will be listed. The Chair's discretion shall apply in the event of any dispute in the matter of which persons may speak.

11. COUNCIL PROCEDURE RULE 15 - NOTICES OF MOTION

The Monitoring Officer provided some background confirming that it was the wish of Group Leaders to defer this item allowing more time for a report to be brought to the next meeting of the Working Party.

12. WORK PROGRAMME

It was agreed that the following items would be reported to future meetings of the Working Party as set out below:

13 December 2021

Review of Motions

Bespoke Constitution training for Members and Officers

7 February 2021

Review of the Officer Scheme of Delegation

13. DATE OF NEXT MEETING

The Working Party noted the date of its next meeting which was 13 December 2021 at 6.00 pm. This would be a virtual meeting.

(The meeting concluded at 6.59 pm)

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**ARUN DISTRICT COUNCIL
REPORT TO THE CONSTITUTION WORKING PARTY
ON 1 NOVEMBER 2021**

SUBJECT: New Committee System – Changes to the Constitution – Referral Back and Changes to Service Areas Covered by Committee

REPORT AUTHOR: Sameera Khan – Group Head of Corporate Support & Monitoring Officer

DATE: October 2021

EXTN: 37611

DEPT: Corporate Support

EXECUTIVE SUMMARY:

At the meeting of Full Council on 14 July 2021, Councillors considered a range of recommendations from this Working Party requesting that amendments be made to the Constitution following implementation of the Committee style of governance and first cycle of Committee meetings.

Following lengthy discussion on proposed name changes of Committees, it was agreed that this matter be referred back to the next meeting of the Working Party.

The Working Party is also asked to consider a recommendation made to it by the Environment & Neighbourhood Services Committee to add 'Biodiversity' to its service areas. The minutes from this meeting have been supplied as an E-link in the background papers part of this report.

RECOMMENDATIONS:

The Working Party is asked to recommend to Full Council:

1. To agree to the name changes of Committees as set out in the report;
2. To add 'Biodiversity' to the service areas covered by the Environment & Neighbourhood Services Committee at Part 3 – Responsibility for Functions; and
3. To add 'Biodiversity Net Gain' to the service areas covered by the Planning Policy Committee at Part 3 – Responsibility for Functions.

2. BACKGROUND

The Full Council made a binding statutory resolution on 15 January 2020 (Minute 388) to change its form of governance to a Committee system effective from the Annual Council Meeting on 19 May 2021.

Back in June 2021 it was suggested that some of the names of the Committees were not descriptive enough or if they were, they meant more to Officers than they did to residents and the names needed to be resident focused.

Set out below are proposals to change some Committee names. The argument for is that the new names represent a better understanding of what the Committee does and would be better understood by the public. The argument against is that these names have been known by Members for some time now and there is no evidence of public confusion.

Current Name	New Name
Corporate Policy & Performance Committee	Policy and Finance Committee
Residential and Wellbeing Services Committee	Housing and Wellbeing Committee
Environment and Neighbourhood Services Committee	Environment Committee
Economic	Economy Committee
Planning Committee	Development Management Committee

In line with Full Council's request on 14 July 2021, this matter is being brought back to the Working Party for reconsideration.

At its meeting held on 27 May 2021, the Environment & Neighbourhood Services Committee asked for Biodiversity to be added to its list of service areas. Officers have considered this request and have confirmed that although general biodiversity issues would sit under the remit of the Environment & Neighbourhood Services Committee, Biodiversity Net Gain would also need to be added to the service areas covered by the Planning Policy Committee.

The Working Party is asked to consider this in making a recommendation to Full Council.

3. OPTIONS:

N/A

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	N/A	
Relevant District Ward Councillors	N/A	
Other groups/persons (please specify) – Yes – Councillor Chapman as Chair of the Planning Committee	Yes	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		NO
Legal		NO
Human Rights/Equality Impact Assessment		
Community Safety including Section 17 of Crime & Disorder Act		NO

Sustainability		NO
Asset Management/Property/Land		NO
Technology		NO
Other (please explain)		NO
6. IMPLICATIONS: N/A		

7. REASON FOR THE DECISION:

To consider the referral back of items from Full Council in July 2021 and to give business efficacy to the Constitution.

To consider a recommendation made to this Working Party by the Environment & Neighbourhood Services Committee to add Biodiversity to the service areas covered by this Committee.

8. BACKGROUND PAPERS:

The Council's Constitution

[The Constitution](#)

Minutes from Full Council meeting held on 14 July 2021

[Minutes](#)

Minutes from the Environment & Neighbourhood Services Committee held in May 2021

[Minutes](#)

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CONSTITUTION WORKING PARTY ON 1 NOVEMBER 2021

SUBJECT: Public Speaking Rules for the Planning Committee

REPORT AUTHOR: Neil Crowther, Group Head of Planning
DATE: October 2021
EXTN: 01903 737839
AREA: Planning

EXECUTIVE SUMMARY:

In re-writing the Constitution, it has become apparent that an error in re-drafting has occurred in respect of the Public Speaking Rules for the Planning Committee in Part 8, Section 3. This report seeks to correct this error and it makes a request to change the deadlines in place for those wishing to register to speak.

RECOMMENDATIONS:

The Working Party is requested to recommend to Full Council:

That the Public Speaking Rules for the Planning Committee as set out in Part 8, Section 3 of the Constitution at Paragraphs 11 – Public Speaking at Planning Committees are amended as set out below – deletions have been shown using ~~striketrough~~ and additions are shown using **bold**:

11.3 Any person who has made a written representation on an application and wishes to speak must register their request by 5.00 pm on the ~~Monday~~**Friday** before the meeting, by phoning 01903 737512 or by email. It is the responsibility of the individual to check whether the application is to be considered by the Planning Committee [one should be able to register to be automatically notified when the agenda for the Committee is published].

11.4 There is a time limit of 3 minutes for each ~~group of~~ speaker i.e. Ward Members, Parish Councils, objectors, applicants/agents or supporters. Objectors & supporters include residents groups, community groups or interest groups. A supporter must be an independent third party such as a local resident, not a relative of the applicant or the applicant themselves if their appointed agent is already speaking.

~~11.5 A lead speaker can be nominated, or agreement reached between speakers about splitting speak for up to the 3 minutes between them, otherwise the 3 minutes will be equally divided between all the registered speakers in each group. The order of speaking will be as follows: The categories in the table in the Constitution to be remain unchanged~~

11.7 In the event that more than two speakers have registered to speak in categories 2, 3, or 4, the first two registered persons appearing on the register only will be allowed to speak. ~~If one or both of the persons entitled to speak does not attend or confirms that they agree to the next registered person speaking in their place, then the next registered person will be allowed to speak in their place.~~ Prior to the commencement of the meeting, attendance of those who have registered to speak will be listed. The Chair's discretion shall apply in the event of any dispute in the matter of which persons may speak.

1 BACKGROUND:

- 1.1 In re-writing the Constitution, it has become apparent that an error in re-drafting has occurred in respect of public speaking rules for the Planning Committee in Part 8, Section 3. This report seeks to correct this error. Paragraph 11.4 now refers to 'each group of speakers' and Paragraph 11.5 refers to public speaking being a maximum of three minutes for each group of speakers and that time would need to be divided up. This is a change from the previously adopted public speaking rules.
- 1.2 At the meeting of Planning Committee on 21 July 2021, the Committee expressed its strong view that this re-drafting was not agreed and that the public speaking rules be amended to allow for 3 minutes for each speaker. The Constitution sets out that a maximum of two supporters/objectors are allowed.
- 1.3 Also, within this section, Paragraph 11.3 asks the Working Party to consider changing the deadline currently in place for those registering to speak at the Committee from the Monday before the meeting to the Friday before the meeting. When the Council temporarily changed its Meeting Procedure Rules for virtual meetings this slightly earlier deadline was put into place [5.00 pm on the Friday] as this provided speakers and Officers more time to collate speakers and to sort the submission of their statements. As there are still an element of public speakers still not wishing to physically attend meetings and continue to request to have their statements read out on their behalf, this earlier deadline has proved to work well and so the request is being made to have this earlier deadline retained.
- 1.4 In order to rectify this error and the public speaking registration deadline as they currently appear in the public speaking rules, the following minor changes are required:

*11.3 Any person who has made a written representation on an application and wishes to speak must register their request by 5.00 pm on the ~~Monday~~ **Friday** before the meeting, by phoning 01903 737512 or by email. It is the responsibility of the individual to check whether the application is to be considered by the Planning Committee [one should be able to register to be automatically notified when the agenda for the Committee is published].*

11.4 There is a time limit of 3 minutes for each group of speaker i.e. Ward Members, Parish Councils, objectors, applicants/agents or supporters. Objectors & supporters include residents groups, community groups or interest groups. A supporter must be an independent third party such as a local resident, not a relative of the applicant or the applicant themselves if their appointed agent is already speaking.

11.5 A lead speaker can be nominated, or agreement reached between speakers about splitting speak for up the 3 minutes between them, otherwise the 3 minutes will be equally divided between all the registered speakers in each group. The order of speaking will be as follows:

11.7 In the event that more than two speakers have registered to speak in categories 2, 3, or 4, the first two registered persons appearing on the register only will be allowed to speak. If one or both of the persons entitled to speak does not attend or confirms that they agree to the next registered person speaking in their place, then the next registered person will be allowed to speak in their place. Prior to the commencement of the meeting, attendance of those who have registered to speak will be listed. The Chair's discretion shall apply in the event of any dispute in the matter of which persons may speak.

2. PROPOSAL(S):

To amend the public speaking rules within the Constitution in line with the wording in this report.

3. OPTIONS:

To leave the Constitution as worded and only allow a maximum of 3 minutes for each group of speakers.

To not permit the change in deadline for public speakers wishing to speak at the Planning Committee.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		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:

To not accept the recommendations may lead to confusion at future meetings of the Planning Committee.

7. REASON FOR THE DECISION:

To correct an error in the Constitution at Part 8 – Section 3 – Planning Protocol in respect of Paragraphs 11.0 – Public Speaking at Planning Committee.

8. BACKGROUND PAPERS:

Minutes from Planning Committee 21 July 2021

[Printed minutes 21st-Jul-2021 14.00 Planning Committee.pdf \(arun.gov.uk\)](#)