



Public Document Pack

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

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17 January 2023

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 18 January 2023 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:

James Hasset
Chief Executive

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's Committee pages.

1. Where a member of the public wishes to attend the meeting or 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, but of course can attend the meeting in person.
2. We request members of the public do not attend any face to face meeting if they 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 **Tuesday, 10 January 2023** in line with current Council 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 – SUPPLEMENT PACK

8. URGENT MATTERS (Pages 1 - 14)

To deal with business not otherwise specified in the Council summons which, in the opinion of the Chair of the Council (in consultation with the Chief Executive), is business of such urgency as to require immediate attention by the Council.

There are two urgent reports for the council to consider as set out below:

- (1) Review of Entitlement of Political Groups to Seats on Committees – Proportionality and Appointments to Committees
- (2) Bognor Regis Business Improvement District Proposal – Second Term – This is an Exempt Item under Paragraph 3 of Schedule 12A of the Local Government Act 1972

15. PLANNING COMMITTEE - 11 JANUARY 2023 (Pages 15 - 22)

The Chair of the Planning Committee, Councillor Chapman, will present a recommendation from the meeting of the Planning Committee held on 11 January 2023.

The recommendation for Council to consider is set out below:

- [Houses in Multiple Occupation (HMO) in Arun]. The Officer's report was attached with the agenda. The minutes from the meeting of the Planning Committee held on 11 January 2023 are now attached.

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 : 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 [PART 8 - CP - Section 5 Filming Photographic Protocol.pdf \(arun.gov.uk\)](#).

Arun District Council

REPORT TO:	Full Council
SUBJECT:	Review of Entitlement of Political Groups to Seats on Committees – Proportionality and Appointments to Committees
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law and Governance (Monitoring Officer)
LEAD MEMBER:	N/A
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
This report seeks to address changes in proportionality and to agree revised committee allocations following the result of the Arundel and Walberton by-election on 1 December 2022 and a change to the number of Councillors within the Liberal Democrat group.	
DIRECTORATE POLICY CONTEXT:	
Responsibility for these matters sits within the remit of the Monitoring Officer.	
FINANCIAL SUMMARY:	
There are no financial implications associated with this report.	

Reasons for urgency: The special circumstances for non-compliance with Access to Information Procedure Rules Part 6 Section 1 Paragraph 5.1 and Section 100B(4) of the Local Government Act 1972 (items not to be considered unless open to inspection at least 5 days before the meeting) are that:-

- Following the change to the number of Councillors within the Liberal Democrat group, there is an urgent need for Full Council to agree revised committee allocations that reflect the updated political proportionality of the Council.

1. PURPOSE OF REPORT

- 1.1. To seek approval for the allocation of seats to political groups and the appointments to Committee for the remainder of the municipal year.

2. RECOMMENDATIONS

Full Council is asked to:

- 1.2. Note the outcome of the review of entitlement of political groups and non-aligned councillors to seats on committees, based upon proportionality rules, as set out in Appendix 1;
- 1.3. Approve the allocation of seats to political groups; and

- 1.4. Subject to 2.2 above, to approve the appointments to Committees for the remainder of the municipal year, as confirmed in Paragraph 4.11 of this report.

2. EXECUTIVE SUMMARY

- 2.1. As a result of Councillor Ian Buckland becoming a member of the Liberal Democrat group, Full Council is asked to review the representation of political groups and non-aligned Councillors to seats on Committees, in accordance with statutory proportionality rules.

3. DETAIL

- 3.1. It is the duty of the Council to review from time to time the entitlement of political groups to seats on Committees in accordance with the proportionality rules set out in the Local Government & Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (the Regulations), together hereinafter referred to as “the rules”. The rules allow adjustments to be made to fractions in order to make whole numbers of seats and, once the Council has determined how adjustments should be made, appointments are made to Committees on that basis.

- 4.2 The Act sets out four proportionality rules and requires authorities to apply them in descending order of priority:

- a) The first rule is that no political group (“group”) can have all the places on a Committee.
- b) The second rule is that a group having an overall majority on the Council is entitled to a majority of seats on each Committee.
- c) The third rule provides that, without being inconsistent with the first two rules, the gross number of seats on all Committees is allocated as near as possible in accordance with each group’s proportionate entitlement.
- d) The fourth rule provides that, so far as is consistent with Rules (a) to (c), the number of seats on each Committee is allocated in accordance with each Group’s entitlement

- 4.3 Legislation defines a political grouping for these purposes and in accordance with that legislation Arun has six “political groups” and two Councillors who are not grouped. The application of these rules to Arun Council indicates that:

- a) Paragraph 1.2(a) above **does** apply to Arun and therefore no Committee or can be made up of Councillors from only one political group;
- b) Paragraph 1.2(b) above **does not** apply to Arun as no political group has an overall majority of seats on the Council;
- c) Paragraph 1.2(c) above **does** apply to Arun so that when the Council considers the total number of seats on Committees, the proportion allocated to any one political group is the same as that group’s proportion of seats on the Council; and
- d) Paragraph 1.2(d) above **does** apply to Arun to allow for the total number of seats on each individual Committee allocated to a political group to be the same proportion as they have on the Council

- 4.4 Under the rules above, if there are Councillors who do not belong to a political group then, once the division of seats between the political groups has been made, any remaining seats are allocated to these Members by the Council.
- 4.5 The Council can only depart from these rules by passing a resolution with no Member voting against the resolution.
- 4.6 The current distribution of elected Members on Arun District Council is now as follows:

Conservatives	23
Liberal Democrats	17
Independent Group	6
Arun Independent Group	4
Green	3
Labour (non-group)	1

- 4.7 The Council has the following relevant Committees:

Committee	Seats
Policy & Finance Committee	9
Corporate Support Committee	11
Planning Policy Committee	11
Housing & Wellbeing Committee	11
Environment Committee	11
Economy Committee	11
Audit & Governance Committee	11
Planning Committee	11
Licensing Committee	11
Standards Committee	11
CEO Remuneration Committee	5
Statutory Officers Investigatory and Disciplinary Committee	5
Total	118

- 4.8 The table below sets out the percentage of the 54 Councillors belonging to each grouping and the number of committee seats that each grouping is entitled to based upon the percentage of Councillors:

Number of Councillors (54)						
Con	Lib Dem	Ind Group	AIG	Green	Labour	Ind
23	17	6	4	3	1	
42.59%	31.48%	11.11%	7.41%	5.56%	1.85%	0%
Number of Committee Seats (118)						
50	37	13	9	7	2	0

- 4.9 Appendix 1 to this report sets out the allocation of seats prepared by officers to each political group based on the proportionality rules.
- 4.10 Group Leaders have been provided with the officer calculation of seats to be allocated to political groups and have been able to supply a list of their groups' membership of each committee for confirmation at this meeting.
- 4.11 The changes highlighted earlier in this report mean a change to committee memberships as set out below, which Council is asked to note:

Corporate Support – One seat (formerly Independent) moves to the Liberal Democrat group

Standards – One seat (formerly Independent) moves to the Liberal Democrat group

5 CONSULTATION

- 5.1 Consultation has taken place with all Group Leaders as required by the Council Procedure Rules.

6 OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 At the time of writing this report, no alternative proposals to the statutory allocations have been made. To not agree updated allocations would put the Council at risk as set out below. No alternative allocations have been put forward by Group Leaders, with Appendix 1 having been agreed by all Group Leaders ahead of this meeting.

7 COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1 There are no financial implications associated with this report.

8 RISK ASSESSMENT CONSIDERATIONS

- 8.1 This report provides the Full Council with the earliest opportunity to update the memberships.

9 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 The legal and governance positions are set out within the body of this report. The question arises about the legality of decisions taken by full Council and Council committees following allocation of seats lawfully or unlawfully. Section 16(3) of the Act states that the proceedings of a body to which the duty to allocate seats applies shall not be invalidated by any defect by virtue of section 15 or 16 in the appointment of any person to that body

10 HUMAN RESOURCES IMPACT

- 10.1 None associated with this report.

11 HEALTH & SAFETY IMPACT

11.1 None associated with this report.

12 PROPERTY & ESTATES IMPACT

12.1 None associated with this report.

13 EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 None associated with this report.

14 CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 None associated with this report.

15 CRIME AND DISORDER REDUCTION IMPACT

15.1 None associated with this report.

16 HUMAN RIGHTS IMPACT

16.1 None associated with this report.

17 FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None associated with this report.

CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance (and Monitoring Officer)

Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None.

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Percentage of seats held by each (Post-by-election)

Number of Councillors (54)					
Conservative	Liberal Democrat	Independent Group	AIG	Green	Labour
23	17	6	4	3	1
42.59%	31.48%	11.11%	7.41%	5.56%	1.85%
Number of Seats (118) (First row – seats as percentage of Councillors; Second row – rounded seats per group)					
50.26	37.14	13.11	8.74	6.56	2.18
50	37	13	9	7	2

Current Committees and seat allocations

	Conservative	Liberal Democrat	Independent Group	AIG	Green	Labour
Policy & Finance (9 seats)	4	3	1	1	0	0
Corporate Support (11 seats)	4	4	1	1	1	0
Planning Policy (11 seats)	5	3	1	1	1	0
Housing & Wellbeing (11 seats)	5	3	1	1	1	0
Environment (11 seats)	5	3	1	1	1	0
Economy (11 seats)	5	3	1	1	0	1
Audit & Governance (11 seats)	4	4	1	1	1	0
Planning Committee (11 seats)	5	3	2	0	1	0
Licensing (11 seats)	5	3	1	1	0	1
Standards (11 seats)	4	4	1	1	1	0
CEO Remuneration Committee (5 seats)	2	2	1	0	0	0
Statutory Officers' Investigatory and Disciplinary Committee (5 seats)	2	2	1	0	0	0
TOTAL (118)	50	37	13	9	7	2

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Public Document Pack Agenda Item 15

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

11 January 2023 at 2.00 pm

Present: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Hamilton, Haywood, Kelly, Lury, Thurston and Warr

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Thurston Minute 550, Minute 560 (Part); Councillor Warr Minute 550 – Minute 552; Councillor Hamilton – Minute 560 (Part).

550. DECLARATIONS OF INTEREST

No declarations of interest were made.

551. MINUTES

[Councillor Thurston arrived at the beginning of this item.]

The Minutes of the previous meetings held on 30 November and 9 December 2022 were approved by the Committee and signed by the Chair. A correction to the Minutes of the meeting on 24 August 2022 was noted. Councillor Daniells had been omitted from the list of Members present when she had in fact attended as a substitute for Councillor Goodheart.

552. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent items to consider at this meeting.

553. AL/72/22/PL - ROCK HOUSE, WESTERGATE STREET

[Councillor Warr arrived at the beginning of this item.]

This application was deferred by Committee on 28 September 2022 [Minute 306] to allow for further consideration of information yet to come forward from the applicant. The Planning Area Team Leader presented the report which provided further information to Members on information supplied by the applicant, including use of the buildings and some revised fenestration drawings. A verbal update was given that a heritage statement had been received from the applicant. As this was a deferred item, the applicant was unable to speak again on the item and wished for it to be noted that they had not had the opportunity to speak to the Council's Conservation Officer. As there had been no substantive changes to the proposed scheme, the Officer recommendation to refuse the application had not changed. After one Member sought clarification over the amendments to the designs, the recommendation was proposed by Councillor Bower and seconded by Councillor Lury.

Planning Committee - 11.01.23

The Committee

RESOLVED

That the application be REFUSED.

554. Y/124/22/PL - BARNES SOUTH OF STAKERS FARM, NORTH END ROAD, YAPTON

1 Public Speaker

Peter Cleveland – Agent

Erection of 9 No. dwellings with associated access, car ports, parking and landscaping. This application may affect the setting of a listed building, may affect the character and appearance of the Main Road/Church Road Conservation Area, is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker. The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report subject to the conditions as detailed.

555. M/126/22/PL - 12 THE LAYNE, ELMER PO22 6JL

[During the discussion, Councillor Haywood declared a Personal Interest as Chair of Middleton-on-Sea Parish Council.]

1 Public Speaker

David Oldland – Applicant

Demolition of existing dwelling and new build 1 No. replacement dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker. Members that spoke commented on what they considered was the overbearing nature of the design for the plot and the drainage problems in the local area. The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report subject to the conditions as detailed.

556. LU/348/22/PL - 51B BEACH ROAD, LITTLEHAMPTON BN17 5JG

1 Public Speaker

Leslie Cowell – Supporter

Replacement of 15 No. existing timber sliding sash windows with 14 No. PVCU windows and a PVCU door with a window above.

The Planning Area Team Leader presented the report and noted an update to the Officer conditions. This was followed by 1 Public Speaker. Members then took part in a debate on the application where a number of points were raised and responded to by Officers, including the use of 'sash effect' windows being welcome, the designs of the door replacing the window, concerns for the continuing proliferation of plastic and the possible use of timber framed windows which were also double glazed and low in maintenance, and the materials used still having a detrimental effect on what was an imposing dominant building in the streetscape. The recommendation was then proposed by Councillor Chace and seconded by Councillor Blanchard-Cooper.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

557. FP/197/22/PL - LAND ADJACENT TO 10 SECOND AVENUE, FELPHAM PO22 7LJ

2 Public Speakers

Leigh Knowlden – Objector

Colin Lankester - Applicant

1 No. two storey, 3 bed detached dwelling with new access and parking (Re-submission following FP/32/21/PL). This application is in CIL Zone 4 and is CIL Liable as new dwelling.

The Planning Area Team Leader presented the report with updates. This was followed by 2 Public Speakers. The Vice-Chair welcomed that the applicant had taken onboard comments from previous submissions in the designs of this proposal. The recommendation was then proposed by Councillor Edwards and seconded by Councillor Bower.

Planning Committee - 11.01.23

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

558. CM/46/22/PL - BAIRDS FARM SHOP, CROOKTHORN LANE, CLIMPING BN17 5SN

2 Public Speakers

Councillor Colin Humphris – Climping Parish Council

Tracey Villa - Objector

Erection of a substation, eight ultra-rapid electric vehicle chargers and associated electrical equipment within the car parking area of Maidenhead Aquatics Littlehampton. This application is in CIL Zone 5 and is Zero Rated as other development.

The Planning Area Team Leader presented the report with updates. This was followed by 2 Public Speakers. Members then took part in a debate on the application that principally revolved around concerns over the hours of operation and the illumination levels required for safe use and security reasons, and whether conditions were necessary to limit these and how practically enforceable these would be. The Planning Area Team Leader highlighted condition 4 which required external lighting to be agreed with the Local Planning Authority before installation. The Group Head of Planning noted that hours of operation were not consistent across the different businesses on the site but detailed the hours approved for the café on the site (Monday to Friday 0600–1800, Saturday 0700-1800 and Sunday 0800-1400). Members agreed that these hours of operation should be included as a condition. Other points raised included the close proximity of other charging points in the area and whether this operation should be scaled down, and the suitability of intensification for this location.

The Officer recommendation to approve conditionally was then proposed by Councillor Chapman and seconded by Councillor Edwards. After a vote, the recommendation was declared NOT CARRIED. Reasons for deferral or refusal were then discussed by Members. Members raised concerns around the hours of operation, the number of charging points on the site and the enforceability of any conditions imposed to limit the charging points' use. Following advice from the Legal Services Manager, a recommendation to defer on the grounds that Members did not have enough information to make a decision was proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That the application be DEFERRED on the grounds that Members did not have enough information to make a decision.

559. BR/240/22/PL - LAND ADJACENT TO COMMUNITY CENTRE, WESTLOATS LANE, BOGNOR REGIS PO21 5JZ

Application under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the erection of 4 No. 2 bedroom dwellings with associated parking and landscape. This site is in CIL Zone 4 (Zero Rated) as flats.

The Planning Area Team Leader presented the report. One Member asked about the future uses of the building. Another Member questioned the lack of energy efficiency and biodiversity measures in a Council application. The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That authority be delegated to the Group Head of Planning in consultation with the Chair of Planning Committee to grant full planning permission subject to conditions set out in the Officer's report and completion of a Section 106 Agreement.

560. BN/144/22/OUT - NUTHATCH, WANDLEYS LANE, FONTWELL, EASTERGATE PO20 3SE

[After some discussion, Councillor Thurston declared a Prejudicial Interest as she had previously visited the site and been consulted by the applicant and left the meeting and did not take part in the vote on the item. Councillor Hamilton was also absent for the vote on this item.]

3 Public Speakers

Cllr Sue Wallsgrove – Barnham and Eastergate Parish Council

David Penson – Applicant

Tim Rodway – Agent

Outline application with all matters reserved (except access) for the erection of 4 No. residential units with associated car parking and landscaping with new access to be provided via Wandleys Lane. This application is a Departure from the Development Plan.

Planning Committee - 11.01.23

The Strategic Development Team Leader presented the report with substantial updates on the use of agricultural land for non-agricultural purposes and the need for further assessment of the impact on bat tunnels. The Officer recommendation was updated to delegate authority to the Group Head of Planning in consultation the Chair of Planning Committee to grant outline planning permission subject to conditions set out in the Officer's report and subject to HRA Screening and Appropriate Assessment and consultation with Natural England if necessary. This was followed by 3 Public Speakers. The recommendation was then proposed by Councillor Chace and seconded by Councillor Edwards.

The Committee

RESOLVED

That authority be delegated to the Group Head of Planning in consultation with the Chair of Planning Committee to grant outline planning permission subject to conditions set out in the Officer's report and subject to HRA Screening and Appropriate Assessment and consultation with Natural England if necessary.

561. AL/31/22/PL - RYEFIELDS FARMHOUSE, OAK TREE LANE, WOODGATE PO20 3GU

[Councillor Thurston returned to the meeting at the beginning of this item.]

1 Public Speaker

Kerri Simmonds – Agent

Demolition of existing building and erection of 4 No. houses with associated access, landscaping, parking and associated works. This site falls within Strategic Site SD5, CIL Zone 1 (zero rated).

The Principal Planning Officer presented the report with updates to the Officer's recommendation and conditions. This was followed by 1 Public Speaker. Members who spoke raised concerns that there were issues with the site still to be resolved including access through Oak Tree Lane. The recommendation was then proposed by Councillor Chace and seconded by Councillor Edwards.

The Committee

RESOLVED

That authority be delegated to the Group Head of Planning in consultation with the Chair of Planning Committee to grant full planning permission subject to conditions set out in the Officer's report and a Section 106 Agreement, subject to minor amendments to confirm the level of Highway and Transport contributions, and Police contributions and projects

Should sufficient progress not have been made within 3 months then delegated authority be granted to the Group Head of Planning (in consultations with the Chair of Planning Committee) to refuse the application.

562. APPEALS

The Committee noted the Appeals list.

563. HMO ARTICLE DIRECTION REPORT

Upon the invitation of the Chair, the Group Head of Planning presented the report which updated the Committee on the completion of the Article 4 Direction 21-day representation and 6-week notification periods concerning the proposed removal of Permitted Development rights for smaller scale Houses in Multiple Occupation (i.e. C4 Use Class) in the three Wards of Marine, Hotham (Bognor Regis) and River (Littlehampton). The notification and representation period commenced on 2 November 2022 and closed on the 23 November and 14 December respectively. Two representations were received, one from Littlehampton Town Council and one from Bognor Regis Town Council, fully supporting Article 4 Directions for the wards affected in their areas. The recommendation was then proposed by Councillor Chace and seconded by Councillor Edwards.

The Committee

RECOMMEND TO FULL COUNCIL

That the Article 4 Directions (under Article 4(1) Schedule 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015) for the three Wards of Marine, Hotham and River, come into effect on 19 January 2023.

(The meeting concluded at 4.06 pm)

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