



Public Document Pack

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

Tel: (01903 737500)
Fax: (01903) 730442
DX: 57406 Littlehampton
Minicom: 01903 732765

e-mail: committees@arun.gov.uk

11 March 2024

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 13 March 2024** at **6.00 pm** in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** to transact the business set out below:

Karl Roberts/Philippa Dart
Joint Interim Chief Executives

AGENDA – SUPPLEMENT PACK

13. CONSTITUTION WORKING PARTY - 29 FEBRUARY 2024 (Pages 1 - 66)

The minutes from the meeting of the Constitution Working Party held on 29 February 2024 are attached.

There are recommendations for the Council to consider at Minute 14 [Constitution Amendments] – the Officer's report and relevant appendices are attached.

14. POLICY & FINANCE COMMITTEE - 7 MARCH 2024 (Pages 67 - 94)

The minutes from the meeting of the Policy & Finance Committee held on 7 March 2024 are attached.

There are recommendations for the Council to consider at:

- Minute 682 [Urgent Item – Swimming Pool Support Fund Phase 2 Grant] – the Officer's report is attached.
- Minute 688 [The Webcasting of Meetings – Future Options] – the Officer's report is attached.
- Minute 691 [Council Tax – Empty and Second Homes] – the Officer's report is 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.

Public Document Pack Agenda Item 13

Subject to approval at the next Constitution Working Party meeting

1

CONSTITUTION WORKING PARTY

29 February 2024 at 6.00 pm

Present: Councillors Yeates (Chair), Jones (Vice-Chair), Bower, Butcher, Greenway and Purser.

10. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Haywood and Penycate.

11. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

12. MINUTES

The minutes of the last meeting of the Working Party held on 16 November 2023 were approved as a correct record with the Chair confirming that these would be signed at the end of the meeting.

13. ITEMS NOT ON THE AGENDA THAT THE CHAIR 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 matters for this meeting.

14. CONSTITUTION AMENDMENTS

The Working Party received a report from the Group Head of Law & Governance and Monitoring Officer proposing changes to the Council's Constitution at set out below:

- Part 5 – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rules – Rule 12 – Questions by Members of the Public
- Part 5 – Meeting Procedure Rules – Section 2 – Committee Procedure Rules:
 - Rule 10 – Questions by Members of the Public
 - Rule 12 – Attendance by Other Members of the Council
- Part 7 – Section 2 – Officer Scheme of Management (Group Heads)

The Group Head of Law & Governance and Monitoring Officer reminded Members that at the last meeting of the Working Party, it had listed a range of items to review at future meetings. One of the items listed had been Public Question Time at Full Council and Committee meetings. The procedure rules in place for other Council's had been reviewed and so the following changes were proposed:

**At Council Procedure Rule 12.1 and Committee Meeting Procedure Rule 10
– Submitting Questions:**

b) Questions may be rejected by the Chief Executive in consultation with the Chair if they: [removals are set out using ~~strikethrough~~ with additions shown using **bold**:

- ~~would divulge, or require to be divulged, confidential or exempt information~~
- **relate to planning applications being considered by the Planning Committee or the Council;**
- **relate to situations in which the committee acts like a court of law eg in considering licensing matters as those matters are addressed through individual legal processes and through the courts;**
- **relate to matters personal to the questioner, his or her spouse, partner or relative;**
- **relate to matters within the various categories of exempt information shown in Schedule 12A to the Local Government Act 1972 (details of which are set out below):**
 - (a) **information relating to any individual**
 - (b) **information which is likely to reveal the identity of an individual.**
 - (c) **information relating to the financial or business affairs of any particular person (including the authority holding that information)**
 - (d) **information relating to any consultations or negotiations or contemplated consultation or negotiations, in connection with any labour relations matter arising between the authority of a Member of the Crown and employees of, or office holders under, the authority**
 - (e) **information in respect of which a claim of legal professional privilege could be maintained in legal proceedings**
 - (f) **information which reveals the authority proposes:**
 - **to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
 - **to make an order or direction under any enactment**
 - (g) **information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution or crime**

No more than two valid questions will be accepted from one member of the public (or their household) in relation to one single meeting.

12.4 – Supplementary Questions

~~If time permits~~ **At the Chair's absolute discretion**, a questioner who had put a question in person may ask one supplementary question without notice to the member who replied to their original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration. **It must take the form of a question and not a statement in response to the original answer.**

Members were reminded that that the same changes were proposed to the Committee Meeting Procedure Rules for Public Question Time.

The Chair invited questions from Members. Following detailed debate, the following changes were agreed by the Working Party:

- relate to planning applications being considered by the Planning Committee or the Council; be changed to read as set out below:
- ~~relate to specific live planning applications or general planning decision upon action under the Planning Acts being considered by the Planning Committee or the Council;~~
- No more than two valid questions will be accepted from one member of the public (or their household) in relation to one single meeting; be changed to read as set out below:
- **No more than two valid questions will be accepted from one member of the public (or their household) in relation at one single meeting;**
- It was agreed that the restriction entitling a member of the public to submit no more than two valid questions should not apply to public question time procedures at Committee meetings.
- Some tidying up to the wording at 12.4 [supplementary questions] was agreed to read as set out below:
- **At the Chair's absolute discretion**, a questioner who has put a question in person may ask one supplementary question without notice to the member who replied to their original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration. **It must take the form of a question that follows, and not a statement, in response to the original answer.**

The proposed changes for Committee Procedure Rule 12 [Attendance by other Members of the Council] as set out below were agreed:

12 – Attendance by Other Members of the Council

12.1 Addressing a Committee

A member of the council shall have the right to attend a meeting of any committee of the council (~~except the Standards Committee~~) of which they are not a member, but they shall not be entitled to take part in any discussions or vote on the any matter under consideration. They may, however, address a meeting of a committee on a specified item or items of business with the permission of the committee. **This right shall not automatically apply in relation to consideration of a report by the Standards Committee where that report contains exempt information regarding non-anonymised allegations of breaches of the Code of Conduct by district, town and parish councillors.**

The proposed changes at Part 7 – Management Structure, Delegations & Authorisations – Section 2 – Office Scheme of Management – Group Heads were agreed – as set out below were agreed:

1.2 THE GROUP HEAD OF ORGANISATIONAL EXCELLENCE

1.2.1 To act on behalf of the council in all matters related to the discharge of the council's function and responsibilities relating to the delivery of:

- **Equalities, Diversity and Inclusion to be added**
- **~~Scrutiny Support to be removed.~~**

Having debated Paragraph 1.2, comments were made by one Member of the Working Party about progressing some sort of scrutiny within the committee system as it was felt that committees were not adequately undertaking self-scrutiny.

It was agreed that this matter would be discussed further as part of the next item on the agenda.

Having had the recommendations proposed by Councillor Jones and seconded by Councillor Bower, the Working Party

RECOMMEND TO FULL COUNCIL

That the changes outlined in Appendix 1 to the report, as amended at the meeting, and as highlighted above, be approved.

15. CONSTITUTION CHANGES AND UPDATES

The Group Head of Law and Governance and Monitoring Officer presented his report and reminded members that at the last meeting of the Working Party, discussion had taken place looking at other areas of the Constitution that members wished to review. One of the areas identified the removal of the duration of meeting time limit for the Planning Committee and Licensing Sub-Committee, and this had been recommended to and had been agreed by Full Council at its meeting held on 10 January 2024.

The remaining areas had been set out within the report at Paragraphs 4.2 to 4.7 and the Working Party was being asked to reconsider and prioritise these and to bring forward any additional items that it might have or to identify any other items requested by other Members of the Council.

The Working Party worked through the list of items and agreed the following:

- Part 3 – Responsibility for Functions – Committees in terms of approving write-offs. The Group Head of Finance and Section 151 Officer had since confirmed that the Write-Off Policy planned to be taken to the meeting of the Policy & Finance Committee on 7 March 2024, to enable the Working Party to examine write-off levels and anomalies, would be brought straight to the Working Party and at a meeting of the Working Party to be held on 15 April 2024. Working Party Members approved this date.
- Public Question Time for Full Council and Committees – as this had been dealt with as part of the previous agenda item, this was removed from the list of actions.

The Working Party then discussed scrutiny. The Group Head of Law & Governance and Monitoring Officer confirmed that in changing its governance structure from a Leader and Cabinet form of governance over to a Committee system, the Council had decided not to include a scrutiny function [an established Committee] when confirming what meetings would be formed under the Committee system. If Members were interested in considering the introduction of a formal Scrutiny Committee, as part of the Committee system, it would be necessary to review the number of committees and their responsibility of functions as part of this debate and in contemplating what this function might look like and how and if it should be introduced and operate.

In discussing scrutiny in general, the Working Party agreed that Council Procedure Rule 14.3 – General Questions from Members, required tidying up in terms of who was responsible for responding to questions. This had been included in the list of areas suggested by the Working Party at its last meeting. As this could be considered as a form of scrutiny, it was agreed that this item and a scoping report covering all aspects of possibly reintroducing scrutiny within the Committee system would be brought to the Working Party's next meeting.

Constitution Working Party - 29.02.24

It was agreed that such a report should consider what a scrutiny function could look like; how it could be incorporated; the need to review the existing structure; how this could be adapted if a scrutiny function was to be considered further; or how scrutiny could be better introduced into the existing structure.

The remaining items listed for review, would be considered by the Working Party later in the summer and could be discussed further in terms of setting a meeting for their consideration on 15 April 2024.

Following debate, the items listed above for consideration at the Working Party's next meeting on 15 April 2024, were agreed.

Having been proposed by Councillor Jones and seconded by Councillor Bower,

The Working Party

RESOLVED – That

(1) The next meeting of the Working Party would be held on 15 April 2024;

(2) That meeting would receive a report on the following items:

- Part 3 – Responsibility for Functions – Committees in terms of approving write-off levels as part of the Debt Policy – a report from the Group Head of Finance and Section 151 Officer;
- A scoping report regarding considering the reintroduction of a formal scrutiny function within the Committee System; and
- Council Procedure Rule 14.3 [General Questions from Members] with this and the above forming a report from the Group Head of Law & Governance and Monitoring Officer.

(The meeting concluded at 7.28 pm)

Arun District Council

REPORT TO:	Constitution Working Party – 29 February 2024
SUBJECT:	Constitution Amendments
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
LEAD MEMBER:	Cllr Gillian Yeates
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: It is essential that the Constitution is up-to-date and operationally effective to support all strategic aims of the Council.	
DIRECTORATE POLICY CONTEXT: The Monitoring Officer is responsible for maintaining the Constitution and for ensuring that it is widely available for consultation by councillors, officers and the public.	
FINANCIAL SUMMARY: There are no direct financial implications arising from the proposals in this report.	

1. PURPOSE OF REPORT

- 1.1 To propose changes to the Council's Constitution that the Group Head of Law & Governance considers are necessary to give effect to the operation of the Constitution. Further, to consider any proposals brought forward by members of the Constitution Working Party.

2. RECOMMENDATIONS

It is recommended that the Constitution Working Party:

- (a) considers all of the proposed amendments set out within the body of this report and within Appendix 1 and makes recommendations to Full Council for the approval of a revised version of the Constitution; and
- (b) considers any additional proposals brought forward by members of the Constitution Working Party and either makes recommendations to Full Council or requests that these be added to the Working Party's work programme.

3. EXECUTIVE SUMMARY

- 3.1 The Constitution Working Party will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Subject to paragraph 3.2 below, amendments to the Constitution will only be made on the recommendation of the Constitution Working Party.

3.2 The Full Council has delegated authority to:

- (i) the Monitoring Officer to make consequential changes as a result of the modification or re-enactment of legislation or express changes consequential to an agreed decision of Full Council;
- (ii) the Monitoring Officer, in written consultation with the chair of the Constitution Working Party and distributed to Members at least 3 working days before the relevant Full Council meeting, to propose that for any other reason the proposed change be put direct to Full Council for consideration and decision; and
- (iii) the Monitoring Officer, in consultation with the Chair of the Constitution Working Party to make consequential amendments to any names, job titles and reporting lines within the constitution and other constitutional documents resulting from reorganisation or changes in structure/ position, and any typographical errors.

4. DETAIL

3.2 Appendix 1 contains those sections of the Constitution that in the opinion of the Group Head of Law & Governance require updating as a result of feedback from members, officers and practical experience of the operation of the Constitution in the Council's meetings and day-to-day operation.

3.3 Firstly, Part 5 Section 2 (Committee Procedure Rules) Paragraph 12.1 is amended to bring clarity to the situation in which a member would not as of right be able to attend during an item of the Standards Committee. Previously the wording meant that technically a member had no automatic right to attend a meeting of the Standards Committee, when in reality this should only need apply to an exempt item that is considering non-anonymised details of complaints under the Code of Conduct.

3.4 Secondly, the tracked change versions of Part 5 Section 1 (Council Procedure Rules) and Part 5 Section 2 (Committee Procedure Rules) at Appendix 1 propose changes to the rules relating to questions from members of the public. These changes are designed to strengthen in an appropriate manner the situations in which questions will not be permitted. These changes are in line with other authorities' constitutions and accord with the spirit of public questions, in that questions should not relate to live planning or licensing applications, should not relate to any category of exempt information, and should relate to matters affecting the wider District and not matters personal to a questioner or their family.

3.5 An adjustment is also made to the ability to raise supplementary and making clear that this is at the absolute discretion of the Chair of the Council or the Committee Chair, and to the number of questions a member of the public can ask at each meeting.

3.6 Finally, the tracked change version of Section 7 Part 2 (Management Structure – Group Heads) makes an amendment to the responsibilities of the Group Head of Organisational Excellent to bring them in line with current operational responsibilities. Members should note that if the Council were to introduce a Scrutiny Committee in the future, this function would be allocated by the Head of Paid Service to a group head and the constitution updated accordingly.

5. CONSULTATION

5.1 The Constitution Working Party is the body with authority for reviewing the Constitution and making recommendations for change to the Full Council.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1 The Constitution in its current form is requires updating in line with the tracked changes set out at Appendix 1. Therefore, leaving the document in its current wording is not a viable option.

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

7.1 None associated with this report.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 None associated with this report.

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

9.1 These are set out within the body of this report.

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 & Governance
Contact Number: 01903 737607

BACKGROUND DOCUMENTS:

None.

**CONSTITUTION 2021 – Version 2.3 (January 2024)
PART 5 – RULES OF PROCEDURE (MEETINGS)
SECTION 1 – COUNCIL PROCEDURE RULES**

**PART 5 – MEETING PROCEDURE RULES
(SECTION 1 – COUNCIL PROCEDURE RULES)**

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PART 5 – RULES OF PROCEDURE (MEETINGS)
SECTION 1 – COUNCIL PROCEDURE RULES

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1. SCOPE

These rules apply to meetings of the council.

2. ANNUAL MEETING OF THE COUNCIL

2.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will be held in April or May.

The annual meeting will:

- (i) appoint a person to preside if the Chair of the Council is not present;
- (ii) appoint the Chair of the Council in accordance with part 3 of this constitution;
- (iii) appoint the Vice-Chair of the Council in accordance with part 3 of this constitution;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (vi) receive any announcements from the Chair;
- (vii) consider any 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;
- (viii) appoint the Leader and Deputy Leader of the council in accordance with article 6;
- (ix) appoint members to the service committees, regulatory committees, other sub-committees, working parties and panels;
- (x) appoint the Chair and Vice-Chair of all service committees, regulatory committees, sub-committees, working parties and panels;
- (xi) approve the list of members to be appointed to outside bodies, as submitted by the Leader of the Council;
- (xii) appoint the substantive and councillor directors of the council owned property company; and
- (xiii) 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 chair or by resolution of the council.

3. ORDINARY MEETINGS OF THE COUNCIL

3.1 Timing and business

Ordinary meetings of the council will take place in accordance with the annual calendar of meetings. Ordinary meetings will:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;

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- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (iii) receive questions from members of the public;
- (iv) receive questions from members with prejudicial interests in accordance with council procedure rule 13;
- (v) consider and debate petitions received in accordance with the petitions scheme at part 8 of this constitution;
- (vi) approve the minutes of the last meeting;
- (vii) receive any announcements from the Chair;
- (viii) consider any 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;
- (ix) receive reports from service committees, regulatory committees, working parties of the full council and panels; and consider any recommendations contained therein;
- (x) consider motions;
- (xi) consider general questions from members in accordance with council procedure rule 14;
- (xii) receive and consider reports from officers of the council; and
- (xiii) consider any other business set out in the notice convening the meeting in the order in which it appears in the council summons, however that order may be varied at the discretion of the chair or by resolution of the council.

4. SPECIAL MEETINGS OF THE COUNCIL

4.1 Calling special meetings

Special meetings of the council may be called by the Chief Executive, in consultation with the Chair of the council and political group leaders.

4.2 Business at special meetings

Special meetings will:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (iii) receive questions from members of the public;
- (iv) receive questions from members with prejudicial interests in accordance with rule 13;
- (v) approve the minutes of the last meeting;
- (vi) receive any announcements from the Chair;
- (vii) consider any business not otherwise specified in the council summons which, in the opinion of the Chair of the council, in consultation with the

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Chief Executive, is business of such urgency as to require immediate attention by the council;

- (viii) consider motions; and
- (ix) 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 Chair or by resolution of the council.

4.3 Procedure for debates at special meetings

Where the meeting has been called to debate a specific topic or issue, the following procedure will apply:

- (i) Introduction by the Chair
- (ii) Presentation by invited speaker(s) and/or officers
- (iii) Questions to be responded to by invited speaker(s) and/or officers from:
 - a. members and
 - b. any other persons permitted by the Chair
- (iv) Statements may then be made by:
 - a. members and
 - b. any other persons permitted by the Chair
- (v) Debate upon any motions received in accordance with council procedure rule 17 or based on a recommendation from an officer
- (vi) Chair to conclude the debate

The procedure may be varied by a resolution of the council.

4.4 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 Chair 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:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct; and
- (iii) consider 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.

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5. EXTRAORDINARY MEETINGS

5.1 Calling extraordinary meetings

Those listed below may request the Chief Executive to call an extraordinary council meeting:

- (i) The full council by resolution;
- (ii) the Chair of the council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the council if they have signed a requisition presented to the Chair of the council and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

5.2 Business at extraordinary meetings

The summons to an extraordinary meeting of the council shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

6. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETING

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at part 6 of this constitution. At least five clear days before a meeting, the Chief Executive will send a summons to every member of the council. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

8. CANCELLATION, POSTPONEMENT OR ADJOURNMENT OF MEETINGS

The decision to cancel, postpone or adjourn any meeting of the council shall be made by the Chair, in consultation with the Chief Executive or their representative.

9. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chair.

10. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. During any meeting, if the Chair counts the number of members present and

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declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the council.

11. DURATION OF MEETING

- 11.1 Except for a Council Tax/Budget setting meeting, each unfinished meeting will adjourn at 9pm unless a majority of councillors present vote to extend the meeting by 30 minutes at which time the meeting will stand adjourned.
- 11.2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those councillors present or if no decision is reached by the Chief Executive in consultation with the Chair and Group Leaders, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

12. QUESTIONS BY MEMBERS OF THE PUBLIC

12.1 Submitting questions

Members of the public may ask questions of the Chair of committees, or the Vice-Chair in their absence, at meetings of the council, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting.

- a) All questions:
- must confirm to whom the question is addressed;
 - must be relevant to matters for which the council has powers or duties;
 - should be limited to obtaining information or pressing for action; and
 - must not exceed one minute in duration.
- b) Questions may be rejected by the Chief Executive in consultation with the Chair if they:
- are not relevant to matters for which the Council has responsibility, or which affect the District; or
 - may be defamatory, frivolous or offensive; or
 - are substantially the same as a question put at a meeting in the past six months; ~~or~~
~~would divulge, or require to be divulged, confidential or exempt information;~~
 - relate to planning applications being considered by the Planning Committee or the Council;
 - relate to situations in which the committee acts like a court of law e.g. in considering licensing matters as those matters are

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addressed through individual legal processes and through the courts:

- relate to matters personal to the questioner, his or her spouse, partner or relative; or
- relate to matters within the various categories of exempt information shown in Schedule 12A to the Local Government Act 1972 (details of which are set out below):

(a) Information relating to any individual

(b) Information which is likely to reveal the identity of an individual

(c) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

(d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority

(e) Information in respect of which a claim of legal professional privilege could be maintained in legal proceedings

(f) Information which reveals that the authority proposes:

- to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- to make an order or direction under any enactment.

(g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

No more than two valid questions will be accepted from one member of the public (or their household) in relation to one single meeting

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12.2 Time limit for questions

The time limit for questions by the public will be 15 minutes, although the Chair has discretion to extend this period.

12.3 Asking questions at the meeting

The Chair will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

If, in the opinion of the Monitoring Officer, the question relates to the terms of reference of a council committee the question to be accepted at full council

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and be automatically referred by full council without discussion or debate to the relevant committee.

The Chair will have discretion to:

- a) group together similar questions to be put to the relevant committee Chair; and
- b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chair has discretion to:

- ask the Monitoring Officer to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

12.4 Supplementary questions

~~If time permits~~ At the Chair's absolute discretion, a questioner who has put a question in person may ask one supplementary question without notice to the member who replied to their original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration. It must take the form of a question and not a statement in response to the original answer.

12.5 Responses

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the council's website.

12.6 Records of questions

A schedule of questions and answers will be maintained and published to the council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

13. QUESTIONS BY MEMBERS WITH PREJUDICIAL INTERESTS

In line with the Members' Code of Conduct at Part 8 of this Constitution, a member with a prejudicial interest may ask a question of the Chair of a committee at meetings of the council as long as this is submitted and asked

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under the same rules that apply to the public, as set out in Council Procedure Rule 12.

14. QUESTIONS/STATEMENTS BY MEMBERS

14.1 Oral questions on reports of committees, sub-committees, working parties and panels

A member of the council may ask the Chair of a committee, sub-committee, working party or panel any question, without notice, under an item of report of a committee, sub-committee, working party or panel when that item is being received or under consideration by the council.

Each question shall be put and answered without discussion. The member will have the right to ask a supplementary question which must arise directly out of the original question or the reply. A written answer will be provided if requested by the member.

14.2 Statements by members on reports to committees, sub-committees, working parties and panels

A member of the council may make a statement, without notice, under an item of report of a committee, sub-Committee, Working Party or Panel when that item is being received or under consideration by the Council. The Chair of the relevant committee, sub-committee, working party or panel will have the right of reply. No statement or reply shall exceed 5 minutes in duration, except at the discretion of the Chair.

In the case of statement made by the Chair of a committee, sub-committee, working party or panel, at the discretion of the Chair, a debate may ensue.

14.3 General questions

Thirty minutes will be allocated at each ordinary meeting of the council for general questions by members. The Chair has discretion to extend the time allowed to sixty minutes if there is a need.

A member of the council may ask the Chair of any committee, sub-committee, working party or panel a question, in writing, on any matter in relation to which the council has powers or duties or which affects the district.

A member may only ask a question under this Council Procedure Rule if, either:

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- (a) they have given notice in writing of the question to the Monitoring Officer by 12 noon two days before the date of the meeting; or
- (b) where a question relates to a matter of urgency, a member must seek the agreement of the Chair of the council that they are prepared to accept the question. If agreement is forthcoming, the content of the question must be given in writing to the Monitoring Officer not later than 11am on the day of the meeting.

Questions will be considered in the order they have been received. A member may ask one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

Each question will be put and answered without discussion. The question and the written reply by the member concerned shall be made available to members of the council and to the public at the meeting.

The member will have the right to ask a supplementary question against each question put which must arise directly out of the original question or the reply. This may be responded to by the relevant member.

Where a reply cannot be given at the meeting to a question put, a written answer will be provided within 10 working days to the member and any other members who request it.

15. NOTICES OF MOTION

15.1 Notice

Except for motions which can be moved without notice under Rule 16, written notice of every motion, signed by the member(s) moving and seconding it, must be delivered to the Chief Executive at least eight clear days prior to the meeting. Clear days means days on which the council offices are open for business and excludes both the day on which the motion is received and the day of the meeting at which the motion is to be presented.

Once received by the Chief Executive, notices of motion will be dated, numbered in the order in which they were received and published to the council's website in the agenda for the meeting or in an addendum to the agenda.

15.2 Motions set out in agenda

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The Chief Executive shall set out in the summons for every meeting of the council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice intimated in writing when giving it, that they proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

If notice is given of a motion which, in the opinion of the Chief Executive is out of order, illegal, irregular or inappropriate, they shall submit it to the Chair, and shall not insert it in the summons without their agreement. In the event of the motion being considered unacceptable, the Chief Executive shall so inform the member(s) giving the notice and their ruling on this matter will be final.

If notice is given of a motion for a particular meeting and in the opinion of the Chief Executive the agenda for that meeting is already full, or the agenda for the meeting is subject specific and the motion received is not in his view urgent or related to that specific business, the Chief Executive shall submit it to the Chair and shall not insert it in the summons without the Chair's agreement. The Chair's ruling on this matter will be final.

In the event of the Chair deciding that the motion shall not be inserted in the summons for which it was submitted, the Chief Executive shall so inform the member(s) who submitted the motion on notice of the date of the meeting to which their motion will be presented. For the avoidance of doubt any decision under this paragraph and the previous paragraph shall be made by the Chair and their ruling will be final.

15.3 Scope

Every motion shall be relevant to some matter of major significance in relation to which the council has powers or duties or which affects the district.

15.4 Failure to move

If a motion set out in the summons is not moved either by the member who gave notice or by some other member on their behalf it shall, unless postponed by consent of the council, be treated as withdrawn and shall not be moved without fresh notice.

15.5 How motions will be dealt with

Upon a motion being moved and seconded:

- (a) **Motions to be considered by council**

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If the subject of the motion is a matter that is in the province of the council, is an urgent matter, or it relates to a district wide issue or multi-ward matter, it shall be dealt with by council at that full council meeting.

b) **Motions to be referred to a committee**

If the subject of the motion comes within the province of a service or regulatory committee, it shall stand deferred without discussion to:

- the relevant committee; or
- to such other committee, sub-committee or working party as the council may determine for consideration and report. In the case of doubt, the Policy and Finance Committee shall consider the motion.

16. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or member arising from an item on the summons for the meeting;
- f) to receive reports or adopt recommendations of committees, working parties, panels, or officers and any subsequent motions and amendments arising;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend a particular Council Procedure Rule;
- n) to amend the procedure for debate at special council meetings as set out in Council Procedure Rule 4;
- o) to exclude the public and press in accordance with the Access to Information Rules set out in part 6 of this Constitution;
- p) to not hear further a member named under Council Procedure Rule 25; and
- q) to give the consent of the council where its consent is required by this constitution.

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17. RULES OF DEBATE

17.1 Standing to speak

When a member, officer or guest speaks at full council, where they are able they must stand and address the meeting through the Chair, unless alternative arrangements have been agreed with the Chair. If more than one person stands, the Chair will ask one person to speak and the other must sit. Other members must remain seated whilst another person is speaking unless they wish to make a point of order or a point of personal explanation.

17.2 Chair calling order

When the Chair raises their hand during a debate any members, officers or guests speaking at the time must stop and sit down. This meeting must be silent.

17.3 Right to require motion in writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed.

17.4 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

17.5 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes in length without the consent of the Chair.

This rule shall not apply when:

- (i) the relevant committee Chair is presenting the annual budget statement and statutory and non-statutory plans to the council; or
- (ii) the mover of a motion or amendment is making their speech which shall not exceed 10 minutes.

17.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;

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- b) to move a further amendment if the motion has been amended since they last spoke;
- c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- d) on a point of order; and
- e) by way of personal explanation.

17.7 Amendments to motions

- a) An amendment to a motion must be relevant to a motion and will either be:-
 - i. to refer a subject of debate to the relevant committee for consideration or reconsideration where Council Procedure Rule 19 (Previous Decisions and Motions) does not apply;
 - ii. to leave out words;
 - iii. to leave out words and insert or add others; or
 - iv. to insert or add words.as long as such omission, insertion or addition of words does not have the effect of negating the motion or recommendation before the council.
- b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c) If an amendment is not carried, other amendments to the original motion may be moved.
- d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e) Any amendment, made without notice, which involves a variation in approved expenditure for which no financial report is available shall, at the discretion of the Chair, in consultation with the Chief Executive, stand referred to the Policy and Finance Committee for consideration.

17.8 Alteration of motion

- a) A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

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- c) Only alterations which could be made as an amendment may be made.

17.9 Withdrawal of motion

A member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

17.10 Right of reply

- a) The relevant committee Chair has a right of reply at the end of the debate in respect of a matter referred to the council by a committee.
- b) The relevant sub-committee, working party or panel Chair has a right of reply at the end of the debate in respect of a matter referred to the council by a sub-committee, working party or panel.
- c) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- d) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- e) The mover of the amendment has no right of reply to the debate on their amendment.

17.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) to exclude the public and press in accordance with the Access to Information Rules set out in part 6 of this Constitution; and
- h) to not hear further a member named or to exclude them from the meeting under Council Procedure Rule 25.

17.12 Closure motions

- a) Any member who has not already spoken on the motion may move, without comment, the following motions at the end of a speech of another member:
 - i. to proceed to the next business;

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- ii. that the question be now put;
- iii. to adjourn a debate; or
- iv. to adjourn a meeting.

the member moving the motion will make themselves known by way of a “Point of Order” at the end of a speech of another member but will then explain that they wish to move a closure motion.

- b) If a motion “to proceed to next business” is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the motion is carried the question which was under consideration shall be dropped and deemed not approved.
- c) If a motion that “the question be now put” is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote (without discussion). If it is passed, the Chair will give:
 - i. the seconder the right to speak (if they reserved their right earlier);
 - ii. the relevant committee Chair the right of reply; and
 - iii. the mover of the original motion the right of reply before putting their motion to the vote.
- d) If a motion “to adjourn the debate” is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If a motion to adjourn the debate is carried, the discussion shall be resumed as adjourned business at the next ordinary meeting or such other day and hour as shall have been specified in the motion, and the meeting shall proceed to the next business on the agenda
- e) If a motion “to adjourn the meeting” is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover to any motion under discussion their right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.
- f) Where a closure motion (b) (c) and (d) is not agreed by the Chair or not agreed by the meeting then the mover of the closure motion may not speak further on the subject under discussion

17.13 Point of order

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A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The Chair will allow a reasonable time for the member to identify the relevant rule or point of law. The ruling of the Chair on the matter will be final.

17.14 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

18. REFERRAL AND RECOVERY

18.1 Referral

- (i) Referral should only be used where members of the council, after due deliberation, consider that it is in the interests of the community of the district that a pending decision should be made at a meeting of the full council rather than by a committee or sub-committee.
- (ii) If, during the referral period, referral of a pending decision is requested by any twenty-eight (28) members of the council then, notwithstanding anything in part 3 (Responsibility for Functions) of this constitution, no committee or sub-committee may exercise any delegated authority to make that decision but may instead make a recommendation to a meeting of the full council.
- (iii) In this rule “pending decision” means any decision that would otherwise be taken by a committee or sub-committee of the council except:
 - a. a decision to make a recommendation to a meeting of the full council or to any committee or sub-committee of the council (including a joint committee);
 - b. a decision relating to the determining of any approval, consent, licence, permission or registration; and
 - c. a decision in respect of which the Chief Executive, following consultation with the Leader of the council, has, before the decision is referred, certified that any delay likely to be caused by the referral process would seriously prejudice the council’s or the public interest.
- (iv) In this rule “referral period” means in relation to a pending decision, the period commencing with the publication on the council’s website of the committee or sub-committee agenda at which it would be considered and ending at 4pm on the day before the meeting.

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18.2 Recovery

- (i) Recovery should only be used where members of the council, after due deliberation, consider that a recoverable decision is not in the interests of the community of the district and ought to be reconsidered.
- (ii) During the recovery period, the Chief Executive shall recover a decision for consideration at a meeting of the council if so requested by any twenty eight (28) members of the council. They shall arrange for the decision to be placed on the agenda of the next available meeting of the council.
- (iii) Notwithstanding anything in part 3 (Responsibility for Functions) of this constitution or elsewhere in this constitution:
 - a. a recoverable decision may not be implemented during the recovery period; and
 - b. a decision that has been recovered under this Council Procedure Rule will be treated for all purposes as though the decision has been a recommendation to a meeting of the full council to take that decision.
- (iv) In this rule, the “next available” meeting means the first meeting falling more than ten working days after the Chief Executive receives the request for recovery, unless it is practicable to include the decision as an agenda item at an earlier meeting, in which case it means the earlier meeting.
- (v) In this rule “recoverable decision” means any decision taken by a committee or sub-committee of the council except:
 - a. a decision to make a recommendation to a meeting of the full council or to any committee or sub-committee of the council (including a joint committee);
 - b. a decision relating to the determining of any approval, consent, licence, permission or registration;
 - c. a decision relating to conduct or procedure at the meeting at which it was taken: and
 - d. a decision in respect of which the Chief Executive, following consultation with the Leader of the council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the council’s or the public interest.
- (v) In this rule “recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the council’s website. This means that if the minutes were posted on a Monday, the request for recovery would need

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to be made no later than 4.30pm the Tuesday of the following week,
unless there was a bank holiday in between.

19. PREVIOUS DECISIONS AND MOTIONS

19.1 Motion to rescind a previous decision

Removed as per decision at Full Council 15.09.21 – Minute 263 refers.

19.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of the council in the previous 6 months cannot be moved within a further period of 6 months.

20. VOTING

20.1 Voting on motions/recommendations in part

Whilst it shall be normal practice to vote on a motion or recommendation in its entirety, the Chair may use their discretion to allow a vote to be taken on each constituent part separately if a request is received from a member.

20.2 Majority

All matters will be decided by a simple majority of those members voting and present in the room at the time the question was put.

20.3 Chair's casting vote

If there are equal numbers of votes for and against, the Chair shall have a second or casting vote.

20.4 Show of hands

Unless a recorded vote is demanded by legislation or a member requests a recorded vote, the Chair will take the vote by a show of hands.

20.5 Recorded vote

A member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes.

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Such a request will be allowed unless the Chair considers the request frivolous or vexatious.

20.6 Recorded vote at council budget setting meetings

At the Budget meeting(s) each year, voting on any motion or amendment relating to the Budget or setting of the Council Tax will be recorded to show whether each member present voted for or against the motion or amendment or abstained from voting, and entered into the minutes.

20.7 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

20.8 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

20.9 Voting on appointing the Chair and Vice-Chair of the Council

The vote to appoint the Chair and Vice-Chair of the council shall be by ballot.

21. MINUTES

21.1 Signing the minutes

The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

21.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be

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treated as a suitable meeting for the purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of minutes.

21.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

21.4 Minutes included in the council agenda

Once the council agenda has been circulated, any minutes produced after this date will be presented to the next meeting of the council, with the exception of matters which have been considered by service and regulatory committees, sub-committees, or working parties and panels that are considered urgent and cannot wait until the next meeting of the council.

22. RECORD OF ATTENDANCE

All members present during any official council meeting shall sign their name in the Attendance Book before the conclusion of the meeting. The Committee Manager will also record attendance in the minutes of the meeting.

23. EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in part 6 of this constitution or Council Procedure Rule 26.

24 PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS

The council supports the principles of openness and transparency in its decision making and allows recording, filming and broadcasting at its meetings that are open to the public. These arrangements will operate in accordance with the Council's Protocol on Filming and Recording of Council Meetings set out in part 8 of this constitution.

25 MEMBERS CONDUCT

25.1 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

25.2 A member shall comply with the adopted Members' Code of Conduct set out in part 8 of this Constitution. Further to the Code of Conduct, a member must withdraw from a meeting room during the consideration of any item of business in which they have a disclosable pecuniary interest.

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25.3 Member not to be heard further

If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

25.4 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

26. DISTURBANCE BY THE PUBLIC

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

26.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may adjourn the meeting for as long as they think necessary and will order their removal from the meeting room. The Chair's decision is final.

26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The Chair may adjourn the meeting for as long as they think necessary while the room is cleared. The Chair's decision is final.

27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

All of these Council Procedure Rules except Rules 20.3 (Chair's Casting Vote) 20.6 (Recorded Vote at Council Budget Setting Meetings) and 21 (Minutes) may be suspended by motion on notice, or without notice, if at least one half of the whole number of members of the council are present. Suspension can only be for the duration of the meeting.

27.2 Amendment

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Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council.

28. MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES

28.1 Allocation of seats

In accordance with the provisions of the Local Government and Housing Act 1989 or any regulations made thereunder, the Chief Executive shall calculate the number of seats to be allocated to each political group on committees and sub-committees. A schedule confirming this allocation of seats will be reported to each Annual Council Meeting and retained by the Monitoring Officer.

The leader of each political group shall at least 14 days before the Annual Council Meeting (or as soon as practicable in an election year) supply a list of their group's membership of each committee and sub-committee. Appointments will then be confirmed by the Annual Council Meeting.

28.2 Changes to memberships

If at any time following an election there is a change to the number of members in each political group, the Chief Executive shall review the allocation of seats and inform the leader of each political group of any changes required.

Permanent changes in the membership of committees and sub-committees must be notified by the relevant group leader or their deputy, in writing, to the Monitoring Officer at least 24 hours before the relevant meeting. Such changes will take immediate effect and then be reported to the next full council meeting for information.

28.3 Changes to membership from a vacancy on the council

Where a vacancy occurs on the council during the four-year term of office, that seat shall not be filled by a substitute member until an election has been held for the vacancy and any changes to the allocation of seats have been agreed.

Once the allocation of seats has been reviewed by the Chief Executive, any changes to memberships notified by the relevant group leader will take immediate effect and will then be reported to the next full council meeting for information.

29. SUBSTITUTION

Where a member of a committee, sub-committee, working party or panel is unable to attend a meeting, then the relevant group leader, or their deputy, may

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nominate a substitute member provided that notice, in writing, is made to the Monitoring Officer and relevant Committee Manager by 10am on the day of the meeting. The substitute member will cover that meeting only.

Where a committee operates designated substitute arrangements, then the deadline for written notification by the relevant group leader or their deputy is prior to the start of the meeting.

Any substitution by a group leader on the Development Control Committee will replace a relevant group member.

These substitution rules will not apply to the Licensing Committee or Licensing Sub-Committee.

30. REPRESENTATION ON OUTSIDE BODIES

30.1 Nominations to outside bodies

The council acts as a representative on a number of outside bodies and each year the Chief Executive will provide a list of vacancies to the leaders of all political groups so they can seek the views of their members on which body they would wish to be nominated. All nominations received will be reported to the Leader of the council.

The Leader of the council shall, after consulting with the leaders of all other political groups, be responsible for nominating members to fill any vacancies on outside bodies. A list of the members nominated shall be submitted to the relevant committee for approval.

30.2 Casual vacancies on outside bodies

Any vacancies that occur during the municipal year will be reported to the Leader of the council to make a nomination to the next meeting of the committees, following consultation with the leaders of all other political groups.

31. SUBSTITUTION OF THE CHIEF EXECUTIVE

If the Chief Executive is unavailable or unable to act for the purpose of any of these Council Procedure Rules, then the Director of Environment and Communities or Director of Growth may substitute for them.

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PART 5 – MEETING PROCEDURE RULES
(SECTION 2 – COMMITTEE PROCEDURE RULES)

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PART 5 – MEETING PROCEDURE RULES
SECTION 2 – COMMITTEE PROCEDURE RULES

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PART 5 – RULES OF PROCEDURE (MEETINGS)
SECTION 2 - COMMITTEE PROCEDURE RULES

1. SCOPE

- 1.1. These rules apply to meetings of the:
- Service Committees
 - Regulatory Committees
 - Sub-Committees
 - Joint Area Committees
- 1.2. These rules will also apply to a Working Party that has agreed that its meetings should be held in public, as confirmed in Part 3 of this constitution.
- 1.3. All references to ‘committee’ throughout these rules will apply to the relevant committee, sub-committee, Joint Area Committee or working party.

2. MEETINGS OF COMMITTEES

- 2.1. Meetings of committees shall be held on the dates set out in the annual calendar of meetings approved by the council or on a date fixed by the Chair.
- 2.2. If the Chair of the committee considers that the day fixed for a meeting is no longer suitable for that purpose or if there is insufficient business to justify the holding of the meeting, they shall, after consultation with the relevant lead officer, cancel that meeting and, if appropriate, fix an alternative day for the next meeting.
- 2.3. The Chair of a committee may call a special or extraordinary meeting of their committee at any time.

3. BUSINESS AT MEETINGS

- 3.1. The order of business at meetings will be as follows:
- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
 - (ii) receive apologies for absence and note any substitutions;
 - (iii) receive any declarations of interest from members in accordance with the Members’ Code of Conduct;
 - (iv) approve the minutes of the last meeting;
 - (v) receive questions from members of the public;
 - (vi) receive questions for any member with a pecuniary interest;
 - (vii) receive any items which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstance;
 - (viii) receive the Chair’s report of any consultations undertaken with officers since the last meeting; and
 - (ix) receive and consider officer reports in connection with the items on the agenda for the meeting, including any supplementary items,

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and taking decisions in line with the committee’s responsibilities as set out in Part 3 of this constitution.

4. NOTICE OF MEETINGS

- 4.1. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at Part 6 of this constitution. The summons will be accompanied by such reports as are available.
- 4.2. Where a special or extraordinary meeting is convened at shorter notice, the summons will be issued at the time the meeting is convened.
- 4.3. No business other than that specified in the summons and the agenda shall be transacted at the meeting of the committee except urgent items.

5. COMMITTEE AGENDA ITEMS

- 5.1. Any member of the council wishing to have an item placed on an agenda for a meeting of a committee (other than by way of a Notice of Motion in accordance with Council Procedure Rule 15) shall contact the relevant Chair requesting that an item be placed on the next available agenda and the decision of the Chair, in consultation with the relevant Director/Group Head, shall be final as to whether that item falls within the terms of reference of the committee and whether the item should be included on the agenda for a future meeting.

6. THE CHAIR AND VICE CHAIR OF COMMITTEES

- 6.1. The Chair of a committee shall preside over meetings of that committee.
- 6.2. Any powers and duties assigned to the Chair under these Committee Procedure Rules shall, in the absence of the Chair, be undertaken by the Vice-Chair.

7. QUORUM

- 7.1. The quorum of a meeting will be 3 for a membership of 9; 4 for a membership of 11; or one third of the whole number of members of the committee in all other membership sizes.
- 7.2. During any meeting, if the Chair counts the number of members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the committee.

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8. DURATION OF MEETING

- 8.1. Each unfinished meeting [with the exception of the Planning Committee and Licensing Sub-Committee] will adjourn after 3 hours unless a majority of councillors present vote to extend the meeting for a further 30 minutes at which time the meeting will stand adjourned.
- 8.2. The time and date of the continuation of the adjourned meeting will be decided by a majority of those councillors present, or if no decision is reached, by the Chief Executive in consultation with the Chair, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

9. MINUTES

9.1. Signing the Minutes

The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

9.2. No requirement to sign Minutes of previous meeting at Extraordinary Meeting.

Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following suitable meeting (being called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of Minutes.

9.3. Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Chair put them in.

10. QUESTIONS BY MEMBERS OF THE PUBLIC

10.1. Submitting questions

Members of the public may ask questions of the Chair of a committee, or the Vice-Chair in their absence, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting.

- a) All questions:
- must confirm to whom the question is addressed;
 - must be relevant to matters for which the committee has powers or duties;
 - should be limited to obtaining information or pressing for action; and
 - must not exceed one minute in duration.
- b) Questions may be rejected by the Chief Executive/Chair if they:
- are not relevant to matters for which the committee has responsibility; or

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- may be defamatory, frivolous or offensive; or
- are substantially the same as a question put at a meeting in the past six months;~~or~~
- relate to planning applications being considered by the Planning Committee or the Council; would divulge, or require to be divulged, confidential or exempt information;
- relate to situations in which the committee acts like a court of law e.g. in considering licensing matters as those matters are addressed through individual legal processes and through the courts;
- relate to matters personal to the questioner, his or her spouse, partner or relative; or
- relate to matters within the various categories of exempt information shown in Schedule 12A to the Local Government Act 1972 (details of which are set out below):

(a) Information relating to any individual

(b) Information which is likely to reveal the identity of an individual

(c) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

(d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority

(e) Information in respect of which a claim of legal professional privilege could be maintained in legal proceedings

(f) Information which reveals that the authority proposes:

- to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- to make an order or direction under any enactment.

(g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

No more than two valid questions will be accepted from one member of the public (or their household) in relation to one single meeting.

10.2. Time limit for questions

The time limit for questions by the public will be 15 minutes, although the Chair has discretion to extend this period.

10.3. Asking questions at the meeting

The Chair will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they

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have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chair will have discretion to:

- (a) group together similar questions; and
- (b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chair has discretion to:

- ask the Committee Manager to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

10.4. Supplementary questions

~~If time permits~~At the Chair's absolute discretion, a questioner who has put a question in person may ask one supplementary question without notice to the Chair of the committee. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration. It must take the form of a question and not a statement in response to the original answer.

10.5. Responses

The Chair will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided within 10 working days of the meeting and published to the council's website.

10.6. Records of questions

A schedule of questions and answers will be maintained and published to the council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

11. QUESTIONS BY MEMBERS WITH PREJUDICIAL INTERESTS

11.1. In line with the Members' Code of Conduct at Part 8 of this constitution, a member with a prejudicial interest may ask a question of the Chair of a

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committee. as long as this is submitted and asked under the same rules that apply to the public, as set out in Committee Procedure Rule 10.

12. ATTENDANCE BY OTHER MEMBERS OF THE COUNCIL

12.1. Addressing a committee

A member of the council shall have the right to attend a meeting of any committee of the council ~~(except Standards Committee)~~ of which they are not a member but they shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address a meeting of a committee on a specified item or items of business with the permission of the committee. This right shall not automatically apply in relation to consideration of a report by the Standards Committee where that report contains exempt information regarding non-anonymised allegations of breaches of the Code of Conduct by district, town and parish councillors.

12.2. Acting as a Consultee

A committee may invite any member of the council who is not a member of the committee to attend one or more of its meetings as a consultee to:

- provide verbal or written answers to the committee’s questions; and/or
- make a verbal statement to the committee; and/or
- provide a written statement to the committee.

A member attending a committee as a consultee shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address the meeting with the permission of the committee.

12.3. Acting as a Proposer of a Motion

A member of council who has proposed a motion under Council Procedure Rule 15 (Notices of Motion) which has been referred by the full council to a committee shall receive notice of the meeting at which it is proposed to consider the motion. They shall have the right to attend the meeting and, if they attend, shall have an opportunity of speaking to the motion.

13. RULES OF DEBATE

13.1. The rules of debate in this Committee Procedure Rule shall apply to all the meetings of committees and the references in the Committee Procedure Rule to “member” shall also include co-opted members.

13.2. Speaking at committee meetings

A member wishing to speak will raise their hand. If two or more members indicate that they wish to speak, the Chair will call them in turn to speak.

13.3. Content and length of speeches

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A member shall speak on the question under discussion or a personal explanation or to a point of order. No speech may exceed 3 minutes in length without the consent of the Chair.

13.4. Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given, the Chair may require it to be written down and handed to them before it is discussed.

13.5. Secunder's speech

A member when seconding a motion or amendment may reserve their speech until a later period of the debate.

13.6. Amendments to Motions

Every amendment shall be relevant to the motion on which it is moved and shall be:

- i. to leave out words; or
- ii. to leave out words and insert and add others; or
- iii. to insert or add words;

but such omission, insertion or addition or words shall not have the effect of negating the motion before the Committee.

13.7. Two or more amendments

Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

13.8. Position if an amendment is lost or carried

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

13.9. Withdrawal of the Motion

A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no member may speak upon it after it has been withdrawn.

13.10. Alteration of Motion

A member may, with the consent of both the meeting and their seconder, alter a motion or amendment which they proposed or of which notice had been given. Only alterations which could have been moved as an amendment may be made.

13.11. Motions which may be moved during debate

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When a motion is under debate, no other motion shall be moved except the following procedural motions:

- i. to withdraw a motion
- ii. to amend a motion
- iii. to proceed to the next business
- iv. that the question be now put
- v. to adjourn a debate
- vi. to adjourn a meeting
- vii. to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution; and
- viii. to not hear further a member named or to exclude them from the meeting under Committee Procedure Rule 15.

13.12. Closure Motions

- a) Any member who has not already spoken on a motion may move, without comment, the following motions at the end of a speech of another member:
 - i. to proceed to the next business;
 - ii. that the question be now put;
 - iii. to adjourn a debate; or
 - iv. to adjourn a meeting.

the member moving the motion will make themselves known by way of a “Point of Order” at the end of a speech of another member but will then explain that it they wish to move a closure motion.

- b) If a motion “to proceed to next business” is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the motion is carried the question which was under consideration shall be dropped and deemed not approved.
- c) If a motion that “the question be now put” is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote (without discussion). If it is passed the Chair will give the mover of the original motion the right of reply before putting their motion to the vote.
- d) If a motion “to adjourn the debate” or “to adjourn the meeting” is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. Where the motion to adjourn the debate is carried ,the discussion shall be resumed as adjourned business at the next meeting, or such other day and hour as shall have been specified

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in the motion and the meeting shall proceed to the next business on the agenda.

- e) Where a closure motion (a)i or (a)ii or (a)iii above is not agreed by the Chair or not agreed by the meeting then the mover of the closure motion may not speak further on the subject under discussion.
- f) If a motion to adjourn the meeting is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover to any motion under discussion their right of reply. If a motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the committee.

13.13. Resumption after adjournment

On resumption of an adjourned debate the member who moved the adjournment is entitled to speak first.

13.14. Point of Order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Procedure Rules or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The Chair may allow a reasonable time for the member to identify the relevant Rule or point of law. The ruling of the Chair on the matter will be final.

13.15. Personal Explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

13.16. Officers of the council

At the request of the Chair, an officer of the council may speak during a debate at the committee meetings to respond to questions asked and statements made.

14. VOTING

14.1. Any question at any meeting of any committee shall be determined by a show of hands by a majority of the members present and voting.

14.2. A member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those

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who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chair considers the request frivolous or vexatious.

- 14.3. Where any member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or recommendation or abstained from voting.
- 14.4. If there are equal numbers of votes for and against, the Chair shall have a second or casting vote.
- 14.5. **Voting at Planning Committee**
Voting on an officer recommendation at the Planning Committee will follow the procedure set out in the Planning Protocol included at Part 8 of this constitution. However, Committee Procedure Rules 14.2 to 14.4 relating to recorded votes and equality of voting will still apply.

15. MEMBERS CONDUCT

15.1. General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

A member shall comply with the Members' Code of Conduct as set out in Part 8 of this constitution. Further to the Code of Conduct, a member must withdraw from a meeting room during the consideration of any item of business in which they have a disclosable pecuniary interest.

15.2. Member not to be heard further

If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

15.3. Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

16. DISTURBANCE BY THE PUBLIC

- 16.1. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

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- 16.2. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may adjourn the meeting for as long as they think necessary and will order their removal from the meeting room. The Chair's decision is final.
- 16.3. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The Chair may adjourn the meeting for as long as they think necessary while the room is cleared. The Chair's decision is final.

17. PREVIOUS DECISIONS

With the exception of the Recovery arrangements at Council Procedure Rule 18.2, no resolution taken at a previous meeting of a committee shall be rescinded or varied within six months unless notice has been given through a motion submitted in accordance with Council Procedure Rule 19 (Previous Decisions and Motions).

18. RECORD OF ATTENDANCES

Members of the committee and any co-opted members shall sign their name in the Attendance Book to confirm their attendance at the meeting. The Committee Manager will also record attendance in the minutes of the meeting.

19. SUBSTITUTION

Where a member is unable to attend a meeting, substitution arrangements will work to the requirements of Council Procedure Rule 29 (Substitution).

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PART 7 – SECTION 2
OFFICER SCHEME OF MANAGEMENT
(GROUP HEADS)

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PART 7 - MANAGEMENT STRUCTURE, DELEGATIONS & AUTHORISATIONS
SECTION 2 – OFFICER SCHEME OF MANAGEMENT – GROUP HEADS

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1 ORGANISATIONAL EXCELLENCE DIRECTORATE - SCHEME OF MANAGEMENT

This document sets out the functions of the council both as vested in me by statute and those allocated to me by full council, which I have authorised the Group Heads of this Directorate to exercise on my behalf. The Group Heads of this Directorate are as follows:

THE GROUP HEAD OF FINANCE

THE GROUP HEAD OF ORGANISATIONAL EXCELLENCE

THE GROUP HEAD OF LAW & GOVERNANCE

This scheme of management does not relate to matters for which the section 151 Chief Finance Officer and the Monitoring Officer or any other Statutory Officer have direct statutory personal responsibilities. Further, this scheme does not relate to matters for which specified officers ('proper officers' and 'authorised officers') have direct delegation from the council or any committee or subcommittee of the council.

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 Chief Executive and Head of Paid Service has made arrangements for the discharge of functions within the Organisational Excellence Directorate as follows:

1.1 THE GROUP HEAD OF FINANCE:-

1.1.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- The Chief Finance Officer
- Finance (including Audit, Procurement and Payroll)
- Revenues
- Benefits
- Customer Services (including Arun Direct)

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1.1.2. To implement changes to employment legislation concerning termination payments and pensions within Arun District Council’s Pensions Discretions Policy.

1.1.3. **Proper Officer Responsibilities**

a) For the avoidance of doubt, the Group Head of Finance has the following statutory Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
• S. 151	Financial administration

b) For the avoidance of doubt, the Group Head of Finance or their nominated officer has the following statutory further Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
• S. 115(2)	Payment of money due
• S. 146(1)(a)	Securities – statutory declaration
• S. 146(1)(b)	Securities – certificate
•	
• S.s 210(6) and (7)	Charities
• S. 236(9)	Distribution of Byelaws
• S.238	Provide certified copies of Byelaws

1.1.4. **Section 151 Officer** - to carry out all relevant functions and to appoint a Deputy Section 151 Officer.

1.1.5. **Council Tax Base** – approval of the Council Tax Base, in consultation with the chair of the Policy and Finance Committee.

1.1.6. **National Non-Domestic Rates (NNDR)** – approval of the NNDR, in consultation with the chair of the Policy and Finance Committee.

1.1.7. **Virements** – approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of this constitution and the Scheme of Virement.

1.1.8. **Settlement Agreements** - to agree terms for the settlement of Settlement Agreements up to a cost to the council of £95,000, in consultation with the Chief Executive.

1.1.9. **Sundry Debts** – to write-off irrecoverable amounts up to £10,000 subject to a subsequent report to the Corporate Support Committee of the totals written off or in accordance with the most current Debt Management Policy.

1.1.10. **Council Tax and National Non-Domestic Rates**– to write-off irrecoverable amounts up to £10,000 for Council Tax and £25,000 for Non-Domestic Rates

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subject to a subsequent report to the Corporate Support Committee of totals written off.

- 1.1.11. **Procurement** – to approve the use of the Competitive Dialogue procedure, Innovation Partnership procedure, or Competitive Procedure with Negotiation.
- 1.1.12. **Procurement** – to approve the use of any Framework Agreement or Dynamic Purchasing System not set up by the council and to sign any required access agreement relating to the same.
- 1.1.13. **Procurement** – To be the Responsible Officer with overall responsibility.

1.2. THE GROUP HEAD OF ORGANISATIONAL EXCELLENCE:-

- 1.2.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to the delivery of:
- Corporate Policy
 - Corporate Performance Management
 - Organisational Development
 - Organisational Intelligence
 - Communications and Marketing
 - ~~Human Resources~~
 - Equalities, Diversity and Inclusion
 - Customer Insight
 - Technology and Digital
 - ~~Scrutiny Support~~
 - Design
 - Print
 - Postal Services

- 1.2.2. **Procurement** – To be the Responsible Officer in their area.

1.3. THE GROUP HEAD OF LAW & GOVERNANCE:-

- 1.3.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:
- Standards
 - The Monitoring Officer
 - Legal Advice to the council
 - Nominated Data Protection Officer
 - Information Management and Support (including data protection, freedom of information, customers of concern and corporate complaints)
 - Committee Services
 - Legal Services
 - Electoral Services

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1.3.2. Proper Officer Responsibilities

- a) The Group Head of Law & Governance has the following Proper Officer Responsibility as laid out in the table below:

Local Government & Housing Act 1989	
• S. 5	Monitoring Officer

- b) The Group Head of Law & Governance or their nominated officer has the following further Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
• S.229(5)	Certification of photocopies (other than accounts)
Local Government Act 2000	
• S.s 49 to 81 (insofar as the same are still in force)	Conduct of Members

- 1.3.3. **Monitoring Officer** - to carry out all relevant functions and to appoint a Deputy Monitoring Officer(s).

- 1.3.4. **Corporate Complaints Procedure** – to award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant’s favour (the Chief Executive also has this power).

- 1.3.5. To make any necessary consequential changes to the constitution as a result of any legislation referred to in the Constitution that is modified or re-enacted.

- 1.3.6. Where full council makes express changes to the constitution, authority to make those changes and further changes that are consequential to the express changes that full council has agreed.

- 1.3.7. **Data Protection Officer (DPO)** – to carry out the duties and responsibilities of the DPO and to appoint a Deputy Data Protection Officer to carry out functions as directed.

- 1.3.8. **Senior Information Risk Owner (SIRO)** – to carry out the duties and responsibilities of the SIRO.

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- 1.3.9. **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
- 1.3.10. **Deputy Counting Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 1.3.11. **Deputy Electoral Registration Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 1.3.12. In consultation with the Chief Executive, power to fix the fees payable to canvassers and election staff on the basis of the West Sussex Returning Officers Fee and Charges Schedule
- 1.3.13. **Procurement** – To be the Responsible Officer in their area.
- 1.3.14. 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.

Other Legal Matters and Proceedings

- 1.3.15. To oversee the delivery of legal services including the procurement and management of all external Legal Service Suppliers and management of authorisations by Directors and Group Heads to instruct external Legal Service Suppliers or authorise other council officers.
- 1.3.16. To authorise and institute and/or defend any legal proceedings on behalf of the council (Sections 222 and 223 Local Government Act 1972) and to arrange for such proceedings to be conducted by any Solicitor, Barrister, Legal Executive or other person engaged or employed by the council
- 1.3.17. To authorise legal proceedings for arrears of Council Tax, etc and appeals against assessments in the Valuation Tribunals or authorise other council officers.
- 1.3.18. To act in Valuation Tribunals in registration matters, penalty appeals and local taxation matters or authorise other council officers.
- 1.3.19. Authority to take appropriate action when a tree on private land is considered to be a danger to the public, and serve a notice under Section 23 of the Local Government (Miscellaneous Provision) Act, 1976 and to recover any costs incurred or authorise other council officers.

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- 1.3.20. Authority to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings instituted in respect of the recovery of local taxation, general income debts, excess parking ticket charges, failure to give statutory information concerning on and off-street parking, and Housing Advances or authorise other council officers.
- 1.3.21. To issue proceedings for the recovery of council dwellings and land held for residential purposes or authorise other council officers.

This authorisation applies to all matters whether before or after the date herein.

Signed:
James Hassett
Chief Executive and Head of Paid Service
Date: January 2023

2 DIRECTOR OF GROWTH - SCHEME OF MANAGEMENT

The Director of Growth has made arrangements for the discharge of functions within the Growth Directorate. The Group Heads of this Directorate are as follows:

THE GROUP HEAD OF PLANNING

THE GROUP HEAD OF TECHNICAL SERVICES

THE GROUP HEAD OF BUSINESS & ECONOMY

2.0 Subject to being:

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

2.1. THE GROUP HEAD OF PLANNING:-

2.1.1. Subject to the exceptions set out at paragraph 2.1.2 and 2.1.3 below, to act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Development Control
- Local Plan and Policy
- Strategic Development
- Planning Enforcement
- Community Infrastructure Levy
- Historic Buildings
- Conservation
- Technical Administration Support

2.1.2. To determine all planning applications except where the matters are reserved to the Planning Committee. Where the following exceptions apply, the application or matter will be determined by the Planning Committee:

- i Any major or minor application for planning permission which prior to its determination is subject to a written representation from the parish council, town council or formal parish meeting that the application site is within or one that immediately adjoins the application site, which is in conflict with the recommendation of officers
- ii Any application for full or outline planning permission by or on behalf of the council

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- iii Any major or minor application as defined by the Ministry of Housing, Communities & Local Government which would be recommended for approval and would create a new access or egress via the A27, A29, A284, A259 and A280
- iv Any household application recommended for approval where the ward member has submitted a written request to the chair and/or vice-chair of the Planning Committee before the end of the statutory consultation period shall be referred to the Planning Committee where it is on sound planning grounds.

2.1.3. Where an application is received from a member, or officer employed by the council on the grade of Business Manager or above or any officer who would otherwise have been involved in processing or determining the application, such application is to be reported to and determined by the Planning Committee and not dealt with by officers under delegated powers.

2.1.4. **Procurement** – To be the Responsible Officer in their area.

2.2. THE GROUP HEAD OF TECHNICAL SERVICES:-

2.2.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Parking Services
- Street Naming and Numbering,
- Land Charges (including Assets of Community Value),
- Property & Estates,
- Facilities Management,
- Environmental Health (including Private Sector Housing)
- Building Control.

2.2.2. To agree terms to the sale or purchase of any land, buildings or rights in land which are or will be under the control of the council, subject to the approval of the Economy Committee in accordance with Part 3 of this constitution and in consultation with the S151 Officer or in accordance with the council's adopted Acquisitions and Disposal Policy.

2.2.3. To agree terms for the acquisition and disposal of land (including any buildings and structures thereon) or any interest therein up to a value of £250,000 in each case subject to prior consultation with the relevant committee chair and the S151 Officer or in accordance with the council's adopted Acquisitions and Disposal Policy.

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- 2.2.4. With the Group Head of Housing, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the chair of the Housing and Wellbeing Committee, and the S151 Officer.
- 2.2.5. To agree terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the council where the rent does not exceed £100,000 per annum (exclusive of rates) and the term of letting, leasing or licensing does not exceed 25 years subject to prior consultation with the Group Head with the responsibility for the current use and intended use of the property and the S151 Officer or in accordance with the council's adopted Acquisitions and Disposal Policy.
- 2.2.6. 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 the S151 Officer or in accordance with the council's adopted Acquisitions and Disposal Policy.
- 2.2.7. In respect of paragraphs 2.2.2 to 2.2.6 above, to negotiate any of the matters therein referred to.
- 2.2.8. 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 landowner 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 the S151 Officer.
- 2.2.9. 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.
- 2.2.10. 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.
- 2.2.11. **Procurement** – To be the Responsible Officer in their area.

2.3. THE GROUP HEAD OF BUSINESS AND ECONOMY:-

- 2.3.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:
- Overall Business Support

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- Business Development (including business relations and business intelligence),
- Economic Partnerships
- National Partnerships
- Local Partner Liaison
- Tourism Sector Support
- High Streets

2.3.2. **Procurement** – To be the Responsible Officer in their area.

This authorisation applies to all matters whether before or after the date herein.

Signed:
Karl Roberts
Director of Growth
Date: January 2023

3 DIRECTOR OF ENVIRONMENT AND COMMUNITIES - SCHEME OF MANAGEMENT

The Director of Environment and Communities has made arrangements for the discharge of functions within the Environment and Communities Directorate as follows:

THE GROUP HEAD OF WELLBEING AND COMMUNITIES

THE GROUP HEAD OF HOUSING

THE GROUP HEAD OF ENVIRONMENT AND CLIMATE CHANGE

3.0 Subject to being:

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

3.1. THE GROUP HEAD OF WELLBEING AND COMMUNITIES:-

3.1.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Wellbeing (including Leisure)
- Community Safety
- Lifeline
- Safeguarding
- Community Liaison (including Youth Council)
- Parish & Town Council Liaison
- Events

3.1.2. To appoint local Community Wardens that are accredited with the Community Safety Scheme as authorised persons for the purposes of Section 63(1) of the Antisocial Behaviour Crime and Policing Act 2014.

3.1.3. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.1.4. **Procurement** – To be the Responsible Officer in their area.

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3.2. THE GROUP HEAD OF HOUSING:-

3.2.1. To act on behalf of the council in all matters related to the discharge of the council’s functions and responsibilities relating to:

- Housing Options
- Housing Revenue Account
- Registered Providers and Social Landlords
- Homelessness duties
- Neighbourhood Services
- Compliance responsibilities
- Business Improvement
- Repairs and Maintenance
- Assets and Development

3.2.2. **Current tenant arrears** – to consider cases for write-off up to the value of £10,000 where the current tenant arrears have accrued up to the point of bankruptcy being declared or arrears covered by an Administration Order.

3.2.3. **Write-offs of former tenant arrears, rent arrears and other debts** – the following table shows who has the delegated authority to write-off former tenant arrears, rent arrears and other debts:

Items up to £5,000	Neighbourhood Services Manager
Items £5,001 to £10,000	Group Head of Housing in consultation with the S151 Officer

3.2.4. **Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour** - 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, where the Group Head of Housing was not involved in the original decision to seek possession.

3.2.5. With the Group Head of Technical Services, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the chair of the Housing and Wellbeing Committee, and the S151 Officer.

3.2.6. In consultation with the S151 Officer, to make pro-rata contributions towards the capital cost of footway lighting schemes prepared by parish councils for council estates where it can be demonstrated that the scheme would be in the council’s interest as landlord, based on the number of properties owned.

3.2.7. In consultation with the chair of the Housing and Wellbeing Committee, to approve terms for leasing of privately owned property to let to households accepted as homeless and in priority need.

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3.2.8. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.2.9. **Procurement** – To be the Responsible Officer in their area.

3.3. THE GROUP HEAD OF ENVIRONMENT AND CLIMATE CHANGE:-

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:

- Carbon Reduction
- Climate Adaptation
- Habitat Creation
- Coastal Engineers
- Flood Prevention
- Foreshores
- Parks and Cemeteries
- Trees
- Landscapes and project delivery
- Emergency Planning
- Combined Cleansing Contract

3.3.2. Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the council, in consultation with the chair of the Environment Committee and the Group Head of Finance .

3.3.3. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.3.4. **Procurement** – To be the Responsible Officer in their area.

This authorisation applies to all matters whether before or after the date herein.

Signed:
Philippa Dart
Director Of Environment and Communities
Date: January 2023

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Public Document Pack Agenda Item 14

Subject to approval at the next Policy and Finance Committee meeting

519

POLICY AND FINANCE COMMITTEE

7 March 2023 at 6.00 pm

Present: Councillors Gunner (Chair), Pendleton (Vice-Chair), Chace (Substitute for Cooper), Dixon, Goodheart, Oppler, Roberts, Stanley and Dr Walsh

Councillors Coster and Thurston were also in attendance for all or part of the meeting.

748. APOLOGIES

Apologies were received from Councillor Cooper.

749. DECLARATIONS OF INTEREST

Councillor Goodheart declared a personal interest in agenda item 9 [The Regeneration of the Regis Centre, Bognor Regis - Update Report] as a Bognor Regis Town Councillor and a resident of Bognor Regis.

750. MINUTES

The minutes from the meeting of the committee held on the 9 February 2023 were approved.

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

There were no urgent items.

752. PUBLIC QUESTION TIME

The Chair invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the Council's Constitution. The chair confirmed that one question had been submitted. The question was asked by the member of the public and this was responded to by the Chair.

(A schedule of the full questions asked and the responses provided can be found on the meeting's webpage at: [Arun District Council](#))

The Chair then drew Public Question Time to a close.

753. CAPITAL STRATEGY 2023/24 TO 2026/27 [30 MINUTES]

The Group Head of Finance and Section 151 Officer introduced the report and explained to members that it was a requirement of the CIPFA prudential code that all councils produced a capital strategy that was approved by Members. The purpose of the strategy, which was not a budget report, was for it to be a framework that ensured that capital investment decisions were made in line with service objectives and was linked to the Treasury Management Strategy. Appendix 1 outlines the council's approach to asset management planning, governance and business case option appraisals for individual schemes. The council was currently debt free in terms of its general fund and he confirmed that the council would likely need to borrow to fund future capital projects. He explained that borrowing was an acceptable approach if it was affordable and responsible.

The Chair then invited the committee to ask any questions, a summary of the points raised is below;

- Concern was raised as one member believed that it would be premature of the committee to send this to Full Council given the outstanding issue regarding the council's budget meeting, which was currently adjourned until Thursday 9 March 2023. It was reconfirmed that the report before members was not a budget report.
- Questions were asked regarding the types of investments the council should be considering e.g., the location of investments as well as advice regarding investments that may provide a negligible return. It was confirmed that this detail was documented in a report that went to the Audit & Governance Committee on 28 February 2023, and that the council would complete the usual due diligence prior to committing to any investment to ensure that it was a sound decision.
- A question in relation to the councils Housing Revenue Account (HRA) where it was asked if the section 151 officer could foresee any issues or conflicts arising in the future regarding Right to Buy (RTB) receipts, the section 151 officer confirmed that a written answer would be given.

The recommendations were then proposed by Councillor Pendleton and seconded by Councillor Dixon

The Committee

RECOMMEND TO FULL COUNCIL

that the Capital Strategy 2023/24 to 2027/28 be approved.

754. CARBON ACTION WORK PLAN UPDATE [30 MINUTES]

The Climate Change and Sustainability Manager presented the update report to members where he advised that it contained the emissions update for the 2021/22 financial year as well as updates to a number of projects that have been going on over the last year. . He then highlighted the following key points;

- Not all projects were able to have emission figures reported currently, these have been included where they are available.
- The main body of the action plan provides information on sustainable projects that the council had undertaken and completed, were currently being undertaken or were planned for as future work.
- Scope 1 – emissions directly attributed to the burning of fuels e.g., running the council's fleet and heating of council offices.
- Scope 2 – indirect emissions from the generation or purchase of electricity
- Scope 3 – the activities of the council occurring from sources not owned or directly controlled by the council, these are both up and down stream sources and included things such as commuting, business travel and procurement. Scope 3 was confirmed as the most challenging area to reduce.
- Scope 1 and 2 made up only 0.75% of total emissions with the remaining 99.25% lying within Scope 3

The projects detailed within the document are those which will result in the direct and indirect reduction of carbon usage. It was stated that it was important for members to note that the council must have a significant focus on its procurement as it was the highest and most challenging area to reduce and without a significant reduction in this area, an overall all significant reduction would not be achievable.

The Chair then invited questions and discussion from members. Discussion was had regarding the work being completed to reduce the number of diesel vehicles used by the council's waste contractor, Biffa. It was confirmed that a number of options were being reviewed, however, the Officer did not believe that the technology in terms of electric vehicles was where it needed to be, in order to provide the significant reduction, the council wanted to see made. It was also stated that the council would be guided by Biffa in terms of the consideration of vehicle types e.g. electric, hydrogen etc as Biffa would be the users of the vehicles. A request was made from the Director of Environment and Communities for confirmation of the addition revenue and capital figures were regarding the food waste collections, the Director of Environment and Communities confirmed a written response would be provided.

A request was made to obtain further information from Biffa in relation to the procurement emissions as it would be good for members to understand what Biffa's performance in this area was currently, including their own plans on future targets.

Discussion moved on to reviewing of opportunities to install additional solar PV on council estates, including car parks and leased buildings. It was commented that it would be beneficial for the Alexandra Theatre in Bognor Regis to be included in this work.. Moving on to action point 22 in the action plan, it was asked if there had been any additional research completed on the water usage at recreation grounds for which the council had responsibility. Further information was sought on the councils Climate Champions and the training being offered to employees; would this also be rolled out to members? It was confirmed that the council had recently undertaken several building audit, this work included reviewing options to install PV . Once the results of these audits are reviewed and details finalised these could be shared with members. The officer then advised that the climate champions were a group of officers who had shown a keen interest in climate change and biodiversity, this group of officers were being updated regularly so that they can spread the message to the wider employee audience around what the council is doing around climate change. In terms of training, some staff had completed a recent 8-hour training session called Carbon Literacy training, however there would be some e-learning being created to specifically be shared with members (and officers) in the future. A written response was agreed for the information requested regarding water usage at council recreation grounds.

Discussion then moved on to the financial figures included in the report, specifically how much had been spent on phase one and what was left to spend on phase two. It was confirmed that phase one had seen £28,000 spent with the remaining budget left for phase two. The officer agreed to review the figures to ensure that they matched correctly.

In summing up the Chair reminded members that the continuation of the weekly bin collections was the cheapest option and that the weekly food collection costs were the most expensive. Moving to the recommendations the Chair confirmed that each recommendation would be votes on separately as had been requested.

The recommendations were then proposed by Councillor Goodheart and seconded by Councillor Stanley. Upon the vote being taken recommendation 2.3 was not carried and, therefore.

The Committee

RESOLVED that it

- 2.1. Continued to support the work of the Climate Change and Sustainability Manger in reducing the Scope 1, 2 and 3 emissions produced by the Council
- 2.2. Notes the report, particularly the challenges identified in reducing Co2 emissions referred within the conclusion of the report.

755. LITTLEHAMPTON SEAFRONT PROJECT [15 MINUTES]

The Principal Landscape and Project Officer presented the update report to members and advised that the priority last few months of the project had been to define a clear procurement route for a design and build contract, but she explained that it had been a much more challenging experience than previously expected. The result of these challenges meant that it had been necessary to change the framework used for the process. The framework that would now be used was Pagabo. The remainder of the report provided members with an update on the projected costs of the project, the pre-application submitted to Planning and the ground water monitoring that was currently taking place on site.

The chair then invited members to ask questions. It was asked what the Pagabo framework was and what steps were being taking to improve the information in the council's information boards that are situated on the seafront? The officer confirmed that Pagabo was just the name of a framework that the council could use. She then confirmed that, the information boards would be updated for the public in the coming days.

Some questions were raised specifically relating to design specifics for the project and the officer reminded members that there was currently no further information on the design side of the project. This was due to the length of time the procurement route has taken; however, she would update members as soon as the project has moved forward to this phase.

Clarification was sought regarding specifically what the recommendation was asking members to agree to and this was explained by the officer. The officer also confirmed that the advice received had not raised concerns, however any cost incurred would be something that would require balancing out as the project moves to the next phase. Discussion then moved onto the financial aspect of the project where the expected overrun cost was discussed along with options to be considered to bring the overrun costs down. The Chair confirmed that this detail would be brought back to members at a later meeting.

Support for the project was voiced where it was stated that there had been a good level of public consultation, excellent work completed by officers thus far and that future information being presented to the public should remain clear and focus on the concept plan. It was also requested that any information being put up on the information boards was also to be emailed to members.

The recommendations were proposed by Councillor Chace and seconded by Councillor Goodheart.

Policy and Finance Committee - 7.03.23

The Committee

RESOLVED that

It notes the content of this report and agree the revised procurement route using Pagabo and not SCF.

756. THE REGENERATION OF THE REGIS CENTRE, BOGNOR REGIS - UPDATE REPORT [15 MINUTES]

(Councillor Thurston left the meeting at 18:58pm.)

The Interim Project Manager provided members with a presentation update on the regeneration of the Regis Centre, Bognor Regis. He confirmed that the Whitbread contract had been exchanged with an expected completion mid-May 2023. The project delivery had now moved into RIBA 3 design, he explained that the planning application submission would be expected towards the end of May 2023. The total project cost forecast was confirmed to currently be within the budget envelope.

The Chair then invited member's questions, where it was asked with the construction work forecast to start on 20 November 2023, how long do officers expect this work to take. It was confirmed that it was expected to be approximately an 18 month build programme. But this would be further informed by the procurement process (and related contractor programme) which is yet to take place and is being worked towards in tandem with RIBA 3. It was also confirmed that there were temporary locations being reviewed in order to relocate part of the Arun Arts operation and maintain a presence for them during the build period.

A member of the committee then expressed that he expected that this update would have provided more detail, he asked a number of questions on design, public and member consultation and raised concerns regarding public toilets. The officer provided reassurance to members that they would be kept informed throughout all stages of the project, he confirmed a PR & Communications campaign was due to be rolled out shortly. And all endeavours were being undertaken to ensure this project would be as good as the council can get it.

Discussion was then had regarding the SCF (Southern Construction framework) and the cost of using this framework, specifically how much did the 3% (OHPP) work out at, alongside had consideration been given to using Pagabo framework? The officer explained that currently the SCF was the most advantageous and preferred framework from a budgetary, programme and assured quality perspective. He explained that there was currently limited interest in the construction industry as it was extremely busy, this was therefore having an impact on achieving full contractor interest to tender due to resource issues, however expressions of interest were likely to be achieved through the SCF. He explained that there were a number of factors to consider during procurement and the process is not solely driven by cost. He confirmed he did not have the specific figures requested and would provide these at a later date

as designs were worked up and costed through RIBA 3 and via the procurement/tender process. As discussion was continuing the Chair expressed that he felt if members wanted to continue this discussion, then the meeting would need to move into private session. The Director of Growth reminded members at this point that of the two project updates they had received at this meeting, both were very different from the other, one was a regeneration project, the other a construction project therefore the frameworks used were needed to be suitable to the different needs of each project, the two projects were not the same.

The Chair advised members that this update was not about the rest of the building. Further attempts to discuss confidential elements of the project were made and the Chair took advice from the Group Head of Law & Governance and Monitoring Officer who agreed that the line of discussion would be required to move into exempt business. There was no appetite from members to move into exempt business and therefore the discussion was moved on.

It was asked if the officer could provide more detailed on the list of potential temporary sites being considered for Arun Arts. It was confirmed that officers would be in a better position in a few weeks' time to provide more detail on this once the location and nature of these had been agreed with Arun Arts and the programme had been confirmed.

The Chair, with the agreement of the committee invited a non-committee member to speak where he stated that the Littlehampton project had detailed excellent consultation for the public, however, there had been limited public consultation for the Regis Centre/Alexandra Theatre project.

Members then noted the update provided.

757. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 3 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL TO 31 DECEMBER 2022 [15 MINUTES]

The Group Head of Organisational Excellence advised members that the report detailed Quarter 3's performance. She advised that all the KPI's had been reported into all relevant committees and there were no questions for this committee to consider.

The Chair invited comment from members, where there were comments made regarding CP12, it was sad to see that there had been a slight increase in the number of missed refuse collections and this was unheard of. Were there any specific reasons as to why this had happened? It was confirmed that there had been some problems (breakdowns of vehicles) experienced, however the outlook was now much better that the new vehicles had been received. A further question was raised regarding CP42, occupied retail units in Bognor Regis, clarification was sought regarding the figures reported. The Director of Growth confirmed that these figures are reported on a 6 monthly basis. He confirmed that the 91% was calculated by a number of units occupied in a defined area and that figure was the result of the last check.

Subject to approval at the next Policy and Finance Committee meeting

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Policy and Finance Committee - 7.03.23

758. WORK PROGRAMME [5 MINUTES]

The Committee were advised by the Chair that the first meeting of the committee in the new municipal year would receive its new work programme for the year 2023/24.

(The meeting concluded at 7.21 pm)

Arun District Council

REPORT TO:	Policy and Finance Committee – 7 March 2024
SUBJECT:	Swimming Pool Support Fund Phase 2 Grant
LEAD OFFICER:	Fraser Kidd, Wellbeing Business Manager
LEAD MEMBER:	Councillor Matt Stanley
WARDS:	Arundel and Walberton and Beach
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>IMPROVING THE WELLBEING OF ARUN: To plan services, resources, amenities, activities, and places to help our community thrive.</p> <p>SUPPORTING OUR ENVIRONMENT TO SUPPORT US: Support information campaigns that promote carbon reduction and funding opportunities.</p>	
DIRECTORATE POLICY CONTEXT:	
Improve and support the Council’s target to become carbon neutral by 2030	
FINANCIAL SUMMARY:	
<p>On 30 January 2024, the Council received notification of a Capital Grant Award of £135,470 from the Swimming Pool Support Fund. This amount is split as below:</p> <ul style="list-style-type: none"> • Funding source from the Exchequer of £45,070 awarded to Littlehampton Wave for Photo Voltaic (PV) Panels. • Funding source from National Lottery of £90,400 for Arundel and Downland Community Leisure Trust (Arundel Lido). Split £13,400 for Main Pool Cover and £77,000 for PV Panels. 	

Reasons for urgency: *[For urgent/late reports only:]* 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:

- There are no confirmed meetings of the Policy and Finance Committee until July 2024. Bringing this report to members in July would delay approval for the capital grant amount being added to the capital programme for financial year 2024-2025. This could lead to increased risk of failure for the projects being completed due to the deadlines for delivery within the grant agreement.
- Notification from Sport England of the successful application of the capital grant was delayed by one month from December 2023 to January 2024 due to the number of applications.
- Delaying to the next Policy and Finance committee would delay procurements of contractors and completion of works which have a deadline of 28 February 2025 with retrospective payment deadlines by the end of March 2025.

- There is separately a financial benefit to completion of the projects as soon as possible due to the energy efficiency of the projects and reduction in carbon emissions after completion.
- **Please note:** A separate report to the Housing and Wellbeing Committee on 26 March 2024 will ask for approval to draw down the grant funding from Sport England and distribute to both Arundel Lido and Freedom Leisure and enter into the necessary contracts as required under the Council's constitution.

1. PURPOSE OF REPORT

- 1.1 To inform members of the Policy and Finance committee of the successful application of grant funding from the Swimming Pool Support Fund Phase 2 (improving energy efficiency in swimming pools).
- 1.2 To seek approval (as a forwarding recommendation to full council) to include the Sport England capital grant funding of £135,470 to the Council's capital programme in fy24-25.

2. RECOMMENDATIONS

That the Policy and Finance Committee:

- 2.1 **Recommend to Full Council** that the amount of £135,470 from the Swimming Pool Support Fund is added to the Council's capital programme for 2024/25.
- 2.2 Note the contents of the report and process of achieving grant funding.

3. EXECUTIVE SUMMARY

- 3.1 This report will provide members of the Policy and Finance Committee an overview of the Swimming Pool Support Fund process and application work by officers, and representatives from Freedom Leisure and Arundel Lido to achieve the funding.

4. DETAIL

- 4.1 In the 2023 Spring Budget, the chancellor announced the Swimming Pool Support Fund (SPSF), making available £60 million support for swimming pool providers. All funding requests were coordinated by local Council officers.
- 4.2 The funding was distributed into two phases: Phase 1, offering £20 million to alleviate immediate cost pressures (due to well documented energy price increases) by providing revenue support. Phase 2 allocated £40 million to capital investment to enhance the energy efficiency of facilities and help secure their financial stability for the future. This capital investment is accompanied by an additional £20 million made available from National Lottery funding to complement the £40 million which increased the number of facilities being successful with their funding applications.

- 4.3 Arun District Council were required to lead the application process for their own assets and voluntary sector applications. The Council On the behalf of Arundel Lido, the Council applied for Phase 1 of the fund with a bid of £26,300 being submitted on 11 August 2023. Unfortunately, this bid was unsuccessful with Sport England stating that the applications were nearly four times the value of the awards and they were forced to make difficult decisions. On this occasion there were stronger applications that more closely aligned to the fund's objectives and priorities. Freedom Leisure were unable to apply for phase 1 due to the financial support the Council has provided over the past 18-months.
- 4.4 Phase 2 funding launched on 14 August 2023 with an application deadline of Tuesday 17 October 2023. Sport England received 726 applications for this fund alone.
- 4.5 Arun District Council lead on the application for phase 2 which included bids for Littlehampton Wave of £63,944, split £45,070 for Photovoltaic panels (PV) (successful) and £18,924 for swimming pool hall destratification fans (unsuccessful).
- 4.6 Arundel Lido applied for £231,700 with an additional £150,000 being committed from separate partnership funding. The phase 2 bid was split £77,000 for PV, and £13,400 for a main pool cover (both successful) with the remaining funding for plant room insulation and a combined heating and power (CHP) unit which were both unsuccessful.
- 4.7 A bid was also submitted for Arun Leisure Centre which was unsuccessful for £85,497, split £62,838 for triple glazed windows and £22,659 for destratification fans within the pool hall. We understand this was due to heavy weighting and focus on PV installations as part of the application decision making.
- 4.8 Arundel Lido, operated by Arundel and Downlands Leisure Trust is a unique community asset, located in the heart of the South Downs. The facility includes a heated 25 metre fully accessible main pool and a heated children's pool. In the late 1990's the facility was closed due to funding cutbacks. However, a dedicated group of volunteers raised the required funds to reopen the facility as a standalone charity in 2003. Their ambition is to build a gym and multipurpose hall to help with the facility being open all year round. With being in the heart of the South Downs, anything they can do to reduce their carbon fuels and switch to renewable energy will make a real impact on the wildlife and surroundings.
- 4.9 Littlehampton Wave, operated by Wealden Leisure Ltd, trading as Freedom Leisure opened in 2019 and hosts an eight-lane swimming pool with a separate multi use pool with variable depths. It also has a large gym, a four-court sports hall, three studios with one being dedicated to indoor cycling and a meeting room space. The impact of PV's being installed on the swimming pool roof will not only reduce carbon emissions but produce an expected saving to the leisure operator of a little over one thousand pounds per month based on current electricity costs. This saving will be discussed with Freedom Leisure at monthly partnership meetings on how they use the money saved to improve the facilities.
- 4.10 The risk to the council financially is low due to the grant adherence agreement having "grant security". This allows the Councils' legal team to apply for a legal charge notice registered against Freedom Leisure and Arundel Lido to complete the works prior to retrospective payments from Sport England are received.

5. CONSULTATION

5.1 Council officers consulted with representatives of Freedom Leisure and Arundel Lido throughout the process. The consultations included providing:

- Administrative information
- Details of the facility
- Details of energy saving capital interventions which have already been implemented.
- Details of the energy saving capital interventions being applied for
- Operational data including participation and energy usage over the past three years.
- A narrative of why the funding was requested, how the interventions will reduce energy consumption and in turn deliver reductions in carbon emissions, why the proposed interventions wouldn't happen without the funding, and how the interventions will be delivered within the timescales of the fund.

5.2 Members of the Housing and Wellbeing Committee were made aware of the grant funding bid within the Freedom Leisure 18-month report brought to committee on 25 January 2024.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1 Other funding streams have been considered, though swimming pool specific funding is rare. Officers have been successful in applying to the fourth wave of the low carbon skills fund (LCSF) in 2023, which has helped provide financial support in developing a heat decarbonisation plan for Arun Leisure Centre. If/when additional funding is made available further applications will be made for Council owned buildings, which potentially would include taking the heat decarbonisation plan for Arun Leisure Centre to detailed design.

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

7.1 There are no additional financial implications to the Council arising from the recommendations in this report.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 Without continued good relations and continued investment with our leisure facilities within the district there would be a greater risk of contract failure in Freedom Leisure's case and permanent closure for Arundel Lido. The grant agreement contains a sliding scale based on the amount achieved for the facility owner to commit to keep the facility open for. There is a commitment of three years based on the amounts awarded for both Arundel Lido and Littlehampton Wave.

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

9.1 In accordance with the Financial Procedure Rules, specific approval is required by Full Council for the planned programme of capital expenditure.

9.2 The Monitoring Officer is satisfied that that reasons provided for the urgency of this report satisfy the requirements of the Council's Access to Information Rules and the Local Government Act 1972.

10. HUMAN RESOURCES IMPACT

10.1 None

11. HEALTH & SAFETY IMPACT

11.1 The management of Health Safety is in accordance with the facilities procedures. All contractors' documents will be checked by the facility operator pre working taking place. These will include (RAMS) Risk Assessments and Method Statements. Council officers will work closely with the operators to ensure completion of the works.

12. PROPERTY & ESTATES IMPACT

12.1 None

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 The Council seeks to provide a range of opportunities for residents to participate in sport and community activities across the district. Sports facilities are fundamental to that provision. Freedom Leisure and Arundel Lido are inclusive to all residents with a focus on sport, women & girls, low socio economic, older adults, special educational needs and disability, young people and ethnically diverse.

13.2 This report and its recommendations does not impact on those with identified protected characteristics under the Equalities Act

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 This funding will support the Council in reaching its 2030 carbon neutral target and reduce the emissions generated from running the two facilities who were successful with their applications.

14.2 Littlehampton Wave award for the installation onto the swimming pool roof, consists of 97 panels which will have a capacity of 40.26 kWp, allowing for an output of 38,811 kWh pa. This will save an estimated 8.24 tonnes of CO₂. Leisure Centres are the Council's second largest emitter, sitting at 6% (or 1,0009 Tco_{2e}), therefore it is essential for the Council to support our leisure provider in reducing their emissions to ensure we can reach our 2030 target.

Arundel Lido award includes the installation of PV onto the roof of the facility and the installation of a main pool cover. Current predictions indicate that this will allow for 151 panels to be installed, with a capacity of 65.69 kWp, allowing for an annual output of 69.03 MWh. This will save an estimated 13.35 TCo2e. Though this will not directly support the Council's journey to 2030, it will support this local charity who manage the facility.

Outside of emission savings there will also be co-benefits of this work, including helping reduce grid dependency, supporting the generation of local renewable electricity and protecting these providers from surging electricity prices.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 None

16. HUMAN RIGHTS IMPACT

16.1 None

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None

CONTACT OFFICER:

Name: Fraser Kidd

Job Title: Wellbeing Business Manager

Contact Number: 01903 737927

BACKGROUND DOCUMENTS:

None

Arun District Council

REPORT TO:	Policy and Finance Committee – 7 March 2024
SUBJECT:	The Webcasting of Meetings – Future Options
LEAD OFFICER:	Daniel Bainbridge – Group Head of Law & Governance and Monitoring Officer Jane Fulton – Committee Services Manager /James Saunders – ICT Operations Manager
LEAD MEMBER:	Councillor Stanley – Chair of Policy & Finance
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The webcasting of meetings supports the following themes in the Council’s Vision, a better future for 2022-2026: <ul style="list-style-type: none">• Improving the wellbeing of Arun• Supporting the environment to support us• Fulfilling Arun’s economic potential	
DIRECTORATE POLICY CONTEXT: This report is produced by a group of Officers working with the Group Head of Law & Governance to provide options for Members to consider in looking at the ongoing use and the future of webcasting and associated costs.	
FINANCIAL SUMMARY: Following a soft market testing exercise, a full and comprehensive list of options has been drawn up for the Committee to consider and to confirm which out of those options should be progressed. All additional costs are reflected in each of the options set out within the report.	

1. PURPOSE OF REPORT

- 1.1. The webcasting of meetings is an important part of enabling open and transparent decision-making and increasing the public’s access to the democratic process. The Council has been webcasting its formal public meetings since 2018.
- 1.2. The Council currently webcasts live all its Full Council and Committee meetings using an audio-visual system that was purchased and installed in 2014. The age of the equipment has severely affected its reliability and performance for some time now. The age of the equipment is also making it increasingly difficult for the current provider and manufacturer to support the ageing parts of the system.
- 1.3. The Council is now looking at the different options that are available to it in continuing to provide a webcasting service. Each of the options explored are set out in this report.

2. RECOMMENDATIONS

- 2.1. Set out within the report is a range of options that are available to the Council in terms of updating its ageing webcasting equipment. It is the view of the Officer Group working on this project that the following options are approved:
 - (a) Option 1 – to upgrade the current video matrix, touch screens and audio-visual distribution.
 - (b) Option 2 – to include Option 1, plus the replacement of the 14 screens on desks in the Council Chamber; and
 - (c) Options 1, 2 at a total cost of £61,500 and Option 6 – which is approval to procure the current webcasting and maintenance contract for another year from July 2024.
- 2.2 If Options 1 and 2 are approved, it will be necessary to make a recommendation to Full Council for this project to be added to the capital programme.

3. EXECUTIVE SUMMARY

- 3.1. The Committee is asked to note the current update provided in relation to its webcasting equipment in the Council Chamber and is asked to approve Options 1, 2 and 6 set out within the report, with Options 1 and 2 being added to the Council's capital programme.

4. DETAIL AND HISTORY

- 4.1. Members should be aware that previous reports were brought to Cabinet in 2019 and 2020 making recommendations to Council on 26 November 2020 to approve a supplementary estimate of £65k to upgrade equipment in the Council Chamber. This included the replacement of the projector; however, this was not supported by Council, nor was it seen to be a priority and the proposals were withdrawn. The links to those reports have been provided as background papers to this report.
- 4.2. Developments in technology since 2019, coupled with the Covid-19 Pandemic which forced the Council to operate (initially) virtual only meetings and (later) hybrid meetings, the expectation and need to provide hybrid options has increased both amongst Officers and Members but also from the public.
- 4.3. There are parts of the audio-visual suite that now require urgent upgrading to allow the Council to adapt to the ever-changing council meeting requirements and to ensure effective webcasting. Some elements of the current audio-visual hardware are not viable and need to be upgraded and are no longer supported by the original manufacturer. These are:
 - (a) Touch screens controlling the Audio Visual Suite. A new programme cannot be written/edited to show the recent Hybrid Linking with the Chamber system.

- (b) Existing HDMI video matrix has no additional inputs/outputs to allow for electronic voting to be displayed. The installation of the hybrid equipment, which was seen as a priority following the Covid-19 Pandemic, removed the capacity to allow electronic voting to be displayed.
- (c) The projector was confirmed as broken on 15 January 2024. A specialist company confirmed that the projector was beyond repair and a new projector was ordered, met from existing budgets, on 8 February 2024. The new projector was installed on 19 February 2024 [tbc]. This decision was taken to ensure that meetings could continue to be run using the hybrid system.
- (d) The 14 Screens around the chamber are 16 years old, are low quality and have scrolling horizontal lines across them making them increasingly unfit for purpose.

5. OPTIONS FOR THE COMMITTEE TO CONSIDER

5.1. The list of options for the Committee to consider are set out below:

Option 1	£k
Upgrade current video matrix, touch screens and audio visual distribution	
Replace the ACCS PC and upgrade to Windows 11	Total cost £51k
Considered as urgent [Red]	
Risk if Option not pursued - once outdated equipment fails – it would not be possible to continue with the webcasting of meetings.	

- 5.2 An updated audio-visual distribution system would provide the Council with a stable control system preventing reoccurrence of the issues experienced in the past year in not being able to webcast meetings live due to ageing equipment. The replacement matrix and touch screens would provide easier ability to control the system.
- 5.3 The existing video matrix, which was installed over 10 years ago, is no longer supported by the manufacturer and has no additional video inputs and cannot be supported by another provider. A new Extron Video Matrix would allow for an improved connection and higher resolution 4k image to be shared around the audio-visual network. A new touch screen panel would be provided to allow the Council to switch seamlessly between what is viewed in the Chamber as well as what is viewed on the live webcast.

5.4 Currently, the webcasting system is controlled from the rear of the Chamber, which requires a member of staff to access that area to support the technical side of the meeting such as starting, pausing and stopping the broadcast of the meeting. In recent months, this support has extended to attempting to resolve significant technical issue as they arise during meetings. With the planned upgrades, Officers would be looking to extend the control of the webcast system to the dais desk, which will be incorporated with the same screen as the microphone control system, providing the ability to control the webcast system from two locations.

Option 2	£k
To include Option 1 – plus replacement of 14 screens on desks in Council Chamber	
Considered as Urgent	Total cost £10k
Risk if Option not pursued – This equipment cannot be replaced like for like due to its age. Non replacement of the equipment would be a health and safety risk due to eye discomfort and strain, headaches and fatigue caused by blurry screens and disturbed vision	

5.5 The desk mounted screens were installed prior to the 2014 upgrade and still use analogue connections to show the video feed. As part of the visual upgrade, it is recommended that the 14 screens are replaced with new HDMI 13 inch monitor screens [still one per person] which will improve on the viewing experience of the Members/Officers seated there.

5.6 The new 13 inch screens will provide a clearer and brighter image for those sitting in those locations. They will also benefit from clearer sight lines in the Chamber as the screen size would be the same size as an iPad Pro screen.

Option 3	£k
Audio visual distribution system across the Chamber and all Committee Rooms to allow the webcasting of meetings in the Blue, Pink and Green Committee Rooms	
Not urgent	Total cost £24k

5.7 This option would provide an upgrade to the three committee rooms allowing the Council to host hybrid meetings in these rooms, independently from the Chamber and the ability to also webcast from those locations.

Option 4	£k
Replacement of conference microphones system in the Council Chamber	
Not urgent	Total cost £50 to £100k – variance if not using existing supplier

- 5.8 Although the current microphone system is in good working order and has been incredibly stable over the past 10 years, the system is subject to interference. These would be replaced with a 100% interference free microphone system.

Option 5	£k
Potential to host remote Council meetings around the district as “on the road” council meetings £2.750 (per Meeting)	
Not urgent [unless Options 1 and 2 are not supported and the current hardware fails]	Total cost £2.7k per meeting

- 5.9 Full conference event equipment, comprising of microphones, electronic voting, hybrid calls, camera tracking and broadcasting of meetings in any location. Accompanying the conference system would be large screen visuals and speakers for amplifying presentations and live speakers. Road Shows are fully managed by an engineer who can be present and run the conference event for the duration of meeting.

Option 6	£k
Approval to reprocore webcasting and maintenance contract.	Total cost – expected – no more than existing contract cost of £18k subject to procurement work with Hampshire County Council and the results of framework procurement
Considered as urgent – existing contract expires in July 2024	

- 5.10 Reprocore the webcasting contract that expires in July 2024. To not reprocore a contract will mean that the Council will not be able to webcast any meetings and would prevent the Council from delivering the intended level of service to Councillors, members of the public and the press.
- 5.11 It is the recommendation of the ICT Operations Manager and Committee Services that members approve Options 1, 2 and 6.

6. CONSULTATION

- 6.1. A Member Briefing session was held on 4 March 2024 to explain to Members the intricacies and operational/practical requirements of this complex equipment.

7. OPTIONS / ALTERNATIVES CONSIDERED

- 7.1. To review the report and accept the Officer recommendations; or
- 7.2. To propose an alternative option. One alternative would be to cease webcasting the Council's meetings as it is not a statutory requirement to do so, but this is considered a retrograde step in terms of the transparency of and public access to the Council's meetings and is not a trend that is being seen across local government, where public access has steadily increased over the past two decades.

8. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 8.1. If Members approve Options 1 and 2, the total capital costs will be £61,500 and the project will need to be added to the current capital programme. This could be funded from borrowing or capital receipts and Officers will assess the most financially advantageous way of achieving this. For this report, Members should assume that the costs will be funded from borrowing.
- 8.2. The running costs associated with this project are explained in Paragraph 5.9 and provision exists within the 2024/25 revenue budget.
- 8.3. If the project costs are funded from borrowing, this will incur financing costs of about £3,900 per annum. This would be an additional cost to the 2024/25 budget, but it is expected that Officers will be able to identify in year funding for this.

9. RISK ASSESSMENT CONSIDERATIONS

- 9.1. If the Committee confirms that it does not wish to pursue any of the options outlined in Paragraph 5.1 of the report, failure to upgrade will mean that at some point in the future the existing webcasting equipment will fail, and the webcasting of meetings would have to stop.

10. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 10.1 There is no legal requirement for the Council to webcast its meetings, only for it to enable public access to its meetings under the Local Government Act 1972 and subsequent legislation, unless specific exemptions apply which means that a meeting or specific item at a meeting should be considered in private.
- 10.2 However, webcasting means that members of the public are not required to attend the Civic Centre to view the Council's meetings and it also enables those members of the public who might otherwise be unable to view meetings (for reasons of cost, mobility, geographical distance and so on) to do so.

11. HUMAN RESOURCES IMPACT

- 11.1. Not applicable.

12. HEALTH & SAFETY IMPACT

12.1. Not applicable.

13. PROPERTY & ESTATES IMPACT

13.1. Not applicable.

14. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14.1. The provision of audio visual equipment, the provision of monitors for Members in the Council Chamber and the provision of webcasting are part of the Council's approach to equality and diversity. These allow all Members (and the public) to participate equally without disadvantage regardless of age or disability.

15. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15.1. Not applicable.

16. CRIME AND DISORDER REDUCTION IMPACT

16.1. Not applicable.

17. HUMAN RIGHTS IMPACT

17.1. Not applicable.

18. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

18.1. Not applicable.

CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law & Governance and Monitoring Officer

Contact Number: 01903 737607

BACKGROUND DOCUMENTS:

Cabinet – 22 June 2020 – the report, minutes and Decision Notice can be accessed using the links below:

[Report to Cabinet](#)

[Minutes](#)

[Decision Notice](#)

Report to Cabinet – 21 September 2020 - the report, minutes and Decision Notice can be accessed using the links below:

[Report to Cabinet](#)

[Minutes](#) – there was a recommendation to Full Council

[Decision Notice](#)

To view the minutes from Full Council on 26 November 2020 – please use the link below to access the minutes – see Minute 350 – Cabinet – 21 September 2020

[Minutes](#)

Arun District Council

REPORT TO:	Policy & Finance Committee – 7 March 2024
SUBJECT:	Council Tax Premium on Empty Properties & Second Homes
LEAD OFFICER:	Antony Baden, Group Head of Finance & Section 151 Officer
LEAD MEMBER:	Councillor Matt Stanley
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: Maximizing income from Council Tax plays a key role in funding the delivery of all the Council's Corporate Priorities.	
DIRECTORATE POLICY CONTEXT: The collection of Council Tax helps to fund activities of all the Council's Directorates.	
FINANCIAL SUMMARY: Empty Properties Premium & Second Homes Premium The financial impact of charging a 100% premium for unoccupied and substantially unfurnished property after twelve months and introducing a second homes premium with effect from 1 April 2025 would generate additional council tax income of approximately £420k to this Council. Based on the latest data available, levying the premium after a property has been empty for one year, (it is currently levied after two years), would generate additional council tax income of £65k and implementing the second homes premium would generate additional council tax income of £355k. This income would be realized with effect from 2025/26 financial year.	

1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to present options to increase council tax income collection by charging council tax on empty properties after one year of being empty, (rather than the current policy of doing so after two years), and by introducing of a second homes premium, both with effect from 1 April 2025.

2. RECOMMENDATIONS

- 2.1 It is recommended that Policy & Finance Committee:

- (a) approves that the minimum period before council tax is charged on empty properties be reduced from two years to one year, with effect from 1 April 2025;

- (b) delegates authority to the Group Head of Finance and Section 151 Officer to waive any premium in exceptional circumstances, to be reviewed on a case-by-case basis; and
- (c) delegates authority to the Group Head of Finance and Section 151 Officer to make implement further changes that may be prescribed by the Secretary of State.

And it is recommended that the Policy & Finance Committee recommends to Full Council that:

- (d) a council tax premium of up to 100% in respect of second homes be introduced, with effect from 1 April 2025;

3. EXECUTIVE SUMMARY

- 3.1 The Levelling Up and Regeneration Act 2023 has granted local authorities the discretion to implement changes to the charging of council tax on empty properties and second homes.
- 3.2 As a result, this Committee is asked to consider reducing the length of time that a property can remain empty before council tax is charged from two years to one year. The Committee is also asked to implement a second homes premium council tax charge.
- 3.3 As reported to this Committee on 8 February 2024 and Full Council on 21 February 2024, the Group Head of Finance and Section 151 Officer, in consultation with the Leader of the Council, has approved a council tax base of 64,550 for 2024/2025. Therefore, any approved changes outlined in this report would be effective from 1 April 2025.

4. DETAIL

- 4.1 The Levelling Up and Regeneration Act includes discretionary options for the application of Council Tax premiums on empty properties and second homes. Billing authorities that wish to adopt any changes are required to make a Council resolution confirming their requirements at least twelve months prior to the financial year in which the changes will come into effect. The Act intends to:
 - Reduce the minimum period for the implementation of a Council Tax premium for empty premises from two years to one year; and
 - Allow Councils to introduce a Council Tax premium of up to 100% in respect of second homes.

Council Tax premium on second homes

- 4.2 Second home ownership across the district is significant and is recognized to have a negative impact on the supply of homes available to meet local housing need. Analysis of data shows that the application of a 100% premium on approximately 1,700 second homes within the Arun district could generate about £373k in additional council tax revenue to this Council.
- 4.3 The application of a premium on second homes might result in second homeowners seeking ways of transferring their properties to the Business Rates system, thereby reducing the amount of additional council tax income that might be generated. These are outlined in paragraphs 4.4 to 4.6 below.
- 4.4 Under current legislation, a property which is available to let for more than 20 weeks (140 days) in a calendar year is assessed as liable to Business Rates by the Valuation Office Agency (VOA). To support this assessment, evidence of advertisement of the property to let must be submitted. Very often when second homes are classed as holiday lets the owner pays no business rates because they qualify for small business rate relief.
- 4.5 From April 2023, the assessment criteria were strengthened to include an additional requirement for an applicant to demonstrate that the property was available to let for more than 20 weeks in prior year, with further evidence that the property was let for short periods totaling at least 70 days to be submitted. It will be the responsibility of homeowners to provide such evidence which will be verified by the council and reported to the VOA. These changes will ensure that applications to transfer properties from Council Tax to Business Rates are subject to appropriate control checks.
- 4.6 Where a second home is owned jointly, by couples, the avoidance of the premium may be possible if individuals claim to live separately as single occupants of each respective property. In such cases, controls are in place to verify circumstances which might give rise to discounts and exemptions claimed and the information to support such claims. Financial penalties can be imposed where false information is provided, and this will serve to ensure that data which informs billing is accurate.

Council Tax premium on empty properties

- 4.7 Since 2013 the Government have enabled Billing Authorities to levy a Council Tax premium in relation to any dwelling that, for a continuous two-year period, has been unoccupied or substantially unfurnished.
- 4.8 Until 2019 the Council levied the premium at 50% and since 1 April 2019 the Government have enabled Billing Authorities to increase the level of premium charge incrementally. The current charging policy outlined below:
- 1 April 2019 - council tax premium can be charged at 100% for properties unoccupied and substantially unfurnished for more than two years.
 - 1 April 2020 - council tax premium can be charged at 200% in relation to dwellings unoccupied and substantially unfurnished for more than five years.

- From 1 April 2021 - council tax premium can be charged at 300% for properties unoccupied and substantially unfurnished for more than ten years.

4.9 Analysis of data indicates that charging a 100% premium after one year on approximately 311 empty properties would generate about £65k in additional council tax revenue to this Council.

5. CONSULTATION

5.1. The proposals have been discussed with the Chair and Vice Chair of the Policy & Finance Committee.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1 Members could choose not to approve the recommendations in this report but that would have a detrimental impact on the amount of council tax generated as there are no alternatives to the proposals.

7. COMMENTS BY THE GROUP HEAD OF FINANCE AND SECTION 151 OFFICER

7.1 The financial impact of implementing the proposals outlined this report are summarized in the table below:

Recommended charging policy	Dwellings as at November 2023	Council Band D 2024/25	Tax for	Additional Council Tax income
Second Homes premium	1,706	£208.39		£355,513.34
Premium of 100% after 12 months	311*	£208.39		£64,809.29
Total				£420,322.63

**Note: Excludes 78 dwellings already paying the 100% premium.*

7.2 The dwellings figures are based on the council tax base return completed in November 2023 and approved by the Group Head of Finance, in consultation with the Leader of the Council. The council tax Band D figure is the same as that approved by Full Council on the 21 February 2024.

7.3 The estimated additional income in the above table will vary depending on the actual number of dwellings and actual property council tax bands. The income would be realized with effect from 2025/26.

8. RISK ASSESSMENT CONSIDERATIONS

8.1. Introducing a council tax charge on second homes could result in a drop in council tax income if second homeowners seek to move their properties to the Business Rates system, as outlined in paragraphs 4.3 to 4.6 above.

8.2. A decision to increase empty property charges may lead to an increase in requests for discretionary discounts.

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

9.1. Members should note that while the Housing and Wellbeing Committee has responsibility for exercising the Council's functions in relation to Revenues and Benefits, this report is being brought to the Policy and Finance Committee because this Committee is responsible for budget preparation and monitoring and these recommendations fall within that responsibility.

9.2. Sections 11A (discounts: special provision for England); Section 11B (higher amount for long-term empty dwellings: England) and section 13A(1)(c) (reductions by billing authority) of the Local Government Finance Act 1992 Act are relevant to this Report. In addition, section 11C of the Local Government Finance Act 1992 is applicable to Dwellings Occupied Periodically (premiums for second homes).

9.3. Section 11D of the Local Government Finance Act 1992 enables the Secretary of State to make regulations or issue guidance on the application of the premiums and the Committee is asked to delegate authority to the Section 151 Officer to implement further changes that are prescribed by the Secretary of State.

9.4. A resolution arising from the recommendations in this report should be published in a local newspaper within 21 days of the resolution being made.

10. HUMAN RESOURCES IMPACT

10.1. There are no impacts.

11. HEALTH & SAFETY IMPACT

11.1. There are no impacts.

12. PROPERTY & ESTATES IMPACT

12.1. There are no impacts.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 There are no impacts.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1. There are no impacts.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1. There are no impacts.

16. HUMAN RIGHTS IMPACT

16.1. There are no impacts.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1. There are no specific FOI or Data Protection implications.

CONTACT OFFICER:

Name: Andrew Dale
Job Title: Revenues & Benefits Manager
Contact Number: 01903 737630