

CABINET

14 December 2020 at 5.00 pm

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

Councillors Bennett, Bicknell, Bower, Charles, Clayden, Dendle, English, Gunner, Mrs Pendleton and Roberts were also in attendance for all or part of the meeting.

371. WELCOME

The Chairman welcomed Members, members of the public and Officers to what was the eighth virtual meeting of Cabinet. He provided a brief summary of how the meeting would be conducted and the protocol that would be followed and how any break in the proceedings due to technical difficulties would be managed.

372. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

373. QUESTION TIME

The Chairman confirmed that no questions had been submitted for this meeting.

374. URGENT BUSINESS - LITTLEHAMPTON HARBOUR BOARD

The Chairman confirmed that there was one urgent item to consider and he invited the Interim Monitoring Officer to introduce it.

It was explained that an extraordinary situation had occurred earlier in the day where the Littlehampton Harbour Board had sought to exclude an Arun representative from attending its meeting held that morning as that Outside Body appointment had not been made by Full Council. This had been due to an extraordinarily bad reading of the Council's Constitution where it had been thought that only Full Council had authority to appoint its representatives to the Board. The Interim Monitoring Officer confirmed that this was an Executive function not a Full Council function and that following his intervention as Monitoring Officer in explaining how the Council's Constitution should be read, only then had the Board allowed the Council's representative to attend the meeting, by which time he had missed a significant part of that meeting.

The Interim Monitoring Officer confirmed that the purpose of raising this matter urgently was to ask Cabinet to confirm that the Council's representative filling what had been a vacant seat on the Littlehampton Harbour Board was Councillor Dr Walsh and that this appointment was being validly made as an Executive confirmation and not a Full Council confirmation.

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The Cabinet then

RESOLVED

That it be noted that Councillor Dr Walsh be confirmed as this Council's nominated Outside Body representative on the Littlehampton Harbour Board, filling the current vacant seat.

The Cabinet confirmed its decision as per Decision Notice C/036/14122020, a copy of which is attached to the signed copy of the Minutes.

375. MINUTES

The minutes from the meeting of Cabinet held on 16 November 2020 were approved as a correct by Cabinet. The Chairman confirmed that these would be signed at the earliest opportunity to him.

376. BUDGET VARIATION REPORTS

There were no matters discussed.

377. FINANCIAL SUPPORT TO LEISURE OPERATING CONTRACT

The Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, introduced this item and stated that Members were aware that as a Council, Arun had been providing support for the Leisure Operating Contract since 21 March 2020, when Freedom Leisure had been required to close the doors to the leisure centres in response to the pandemic.

On 25 July 2020, the Government relaxed its lockdown restrictions and Freedom Leisure reopened their facilities. Over the proceeding months, Freedom Leisure had recorded a steady growth in the number of residents who had welcomed a return to activity with this being supported by communications highlighting that processes had been put into place to ensure that the Centres were Covid secure.

The Centres had been required to close again on 5 November 2020, but Councillor Mrs Yeates confirmed that, following her visit to the Littlehampton Wave at precisely 1-minute past midnight on 2 December 2020, that the appetite for residents to use the facilities appeared to be undiminished.

Councillor Mrs Yeates then invited the Group Head of Community Wellbeing to update Cabinet on the reconciliation of the first two quarters and announcements on Government support.

He was pleased to report that the attendance trend had continued in the months where data was available and even though December was a notoriously quiet month in leisure centres, the footfall so far was better than some had anticipated. It appeared that people had taken the opportunity to exercise outside of their homes in a warm and safe place and he had witnessed large queues of parents and children waiting to access swimming lessons which was very reassuring.

The Group Head of Community Wellbeing confirmed that since his last report to Cabinet in September 2020, the Government had announced a £100M National Leisure Relief Fund specifically to support local authority leisure facilities. The Council was waiting to receive the criteria for applications but what was known was that this would require the Council to substantiate the support costs with input from Freedom Leisure. This had been anticipated and Freedom Leisure had confirmed that it would be happy to assist. It was explained that this new Fund was in addition to the Income Compensation Scheme which was allowing the Council to claim approximately £570,000 of the £800,000 it had budgeted in lost income from the contract.

Noted in the report was the improvement in both the number of activities available at the centres and the number of people attending. The second four-week period saw footfall increase by 5,800 people. Also, since the last report the first and second quarters had been reconciled. Members were referred to Table Three in the report that quarter 1 had been better than forecast by over £5,000 and quarter 2 by over £139,000. However, Quarter 2 had been affected by the Centres opening later than expected and this would impact on Quarter 3, as would the second lockdown which started on 5 November 2020.

Despite this, it was encouraging to note that in September 2020, Freedom Leisure recorded its first month whereby its income had been greater than expenditure, illustrating the bounce back in customer confidence the Council had hoped to see.

The projected relief required for Quarter 4 was £177,740. This continued to demonstrate a downward trend for support despite the recent lockdown. It was anticipated that this sum would be subject to a claim from the National Leisure Support Relief Fund. On a positive note, it was unlikely that the Centres would need to close if Arun moved from Tier 2 to Tier 3, but some activities would need to be modified and classes stopped, however, children's activities were unlikely to be affected.

Finally, the Group Head of Community Wellbeing stated that he hoped that the Cabinet would be encouraged by news of both of the Government's support schemes, but also to learn how residents had responded to the Centres opening. It was also hoped that members felt assured that Freedom Leisure was doing all it could to promote confidence to use the facilities and were working with staff to ensure that the level of relief provided was appropriate and justified.

In response, the Cabinet praised the support shown by the public in continuing to use the facilities which illustrated how important they were in assisting the wellbeing of the community and so it was vital to continue to financially support Freedom Leisure and for the Council to ensure that facilities remained open.

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Requests were made to receive attendance figures for the four weeks from the end of September 2020 and whether comparison figures could be provided covering December this year in comparison to December last year as there were Councillors who were interested to see how the public were responding in this unique situation. The Group Head of Community Wellbeing confirmed that he would provide and share these figures outside of the meeting.

The Cabinet

RESOLVED

Approval be given to the Council making a bid to the National Leisure Relief Fund towards the operating support costs paid to Freedom Leisure.

The Cabinet

RECOMMEND TO FULL COUNCIL

Approval be given to a supplementary estimate for a sum of up to £177,740 (Band D equivalent of £2.86) to support the Council's leisure operating contract from January to March 2021 (Quarter 4).

The Cabinet confirmed its decision as per Decision Notice C/037/14122020, a copy of which is attached to the signed copy of the Minutes.

378. THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION

The Chairman introduced this report confirming that this provided a formal update on progress on Covid-19 related issues since the last meeting of Cabinet held on 16 November 2020. It continued to be based on the weekly updates that he and the chief Executive provided to Councillors and partner organisations.

Since the last meeting, the local Tier setting had occurred with the Arun District being placed in tier 2, linked to the geography of West and East Sussex County Councils, and Brighton and Hove. Councillor Dr Walsh outlined his thanks to the Officer team, not only for these updates, but all the diligent work they continued to undertake on a daily basis to (a) ensure the Arun area was kept as safe as possible and (b) that the Clinically Vulnerable continued to receive support, by assisting WSCC, and, (c) by supporting local businesses and individuals by allocating Government grants as quickly and efficiently as possible, within the guidelines provided. The Chairman confirmed that he recognised that Officers continued to work hard to juggle all the various demands on their time during this difficult period. He also thanked the public for their hand in abiding by the restriction rulings which had ensured that the District of Arun remained relatively free from Covid-19.

The Cabinet

RESOLVED

That the actions taken to date be noted.

The Cabinet confirmed its decision as per Decision Notice C/038/14122020, a copy of which is attached to the signed copy of the Minutes.

379. THE GREATER BRIGHTON ECONOMIC BOARD - DRAFT COVID-19 SUSTAINABLE RECOVERY PLAN

The Chairman introduced this item reminding Councillors that as the Council's nominate Outside Body representative on the Greater Brighton Economic Board, he and the Chief Executive regularly attended Board meetings. The last had been on 19 October 2020 where the very topical issue of sustainability in a COVID recovery phase had been discussed and he referred Councillors to the report that had been provided as an Appendix. All the Members of the Board had been invited to confirm their support for the 10 pledges of the Board, which had been outlined in Paragraph 1.9.

Councillor Dr Walsh had confirmed the Council's support to these pledges as they aligned with many of the Council's principles for future sustainability. It is anticipated that the Council would shortly have an Officer in place to take the Council forward on these matters. He then asked the Committee Services Manager to play a short video provided by the Board as he felt that this would be of interest to Members. The link to this video had also been set out within the report.

Various comments were made on the presentation received:

- In terms of mitigation measures Members were delighted to see carbon capturing kelp forests off the Worthing coast and felt that this was a step in the right direction in addressing climate change issues
- On rewilding, an increase in natural landscapes was supported
- All ten points were classed as a good starting point in addressing the climate emergency
- Zero omission fleets were vital
- Supportive of measures – refers to enhancing and supp of tourism crucial to local econ – diversifying what we are doing locally –
- Good actions around talent management real focused actions vital thing to focus on in view of current pandemic
- Grey water recycling was felt to be an area that this Council needed to start exploring now. It was hoped that with new strategic sites this could be examined further as water resources were becoming scares and it was acknowledged that this would become a real problem with climate change
- Energy efficiency in all housing to be built to encourage energy generation was a priority
- It was felt that the presentation had not addressed the real issue of energy generation and the generation of electricity. The use of the River Arun

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was sited as an opportunity that should be used to energy generation along with wind farms and other hydro mechanisms

- There was no mention from Government sources to use the power of the sea. As an island this was a gift to be used as waves and tidal action was a prime source of free energy all around Britain and needed to be exploited with lobbying being undertaken for the necessary research into this to be escalated.

In summing up the points made, the Chairman suggested that a comment be added to the recommendation which was that the Council would like to see greater reference in the future to electricity generation by sustainable means using tidal and hydro in the Greater Brighton area.

The Cabinet, then

RESOLVED

That the Greater Brighton Economic Board Sustainable Recovery Plan and Arun District Council's commitment to this be noted with the Council wishing to see greater reference in the future to electricity generation by sustainable means using tidal and hydro in the Greater Brighton area.

The Cabinet confirmed its decision as per Decision Notice C/039/14122020, a copy of which is attached to the signed copy of the Minutes.

380. STANDARDS COMMITTEE - 3 DECEMBER 2020

The Chairman confirmed that following the meeting of the Standards Committee held on 3 December 2020, there were two recommendations for Cabinet to consider in relation to the new Social Media Guidance for Councillors. An extract from the minutes had been published as a supplement on 14 December 2020 and emailed separately to Councillors.

The guidance had been debated at the meeting of Cabinet held on 19 October 2020 but referred back to the Standards Committee in view of a range of concerns raised by non-Cabinet Councillors about the content of the document.

The Chairman then invited Councillor Stanley to comment on this item as he had been in attendance at the Standards Committee as a substitute for Councillor Blanchard-Cooper.

Councillor Stanley confirmed that the Committee had had an open and honest debate on this item and he believed that it was accurate to say that as far as the Committee was concerned, it was necessary to have in place specific guidance on social media as this was an area that Councillors did have an issue with currently.

Councillor Stanley stated that there had been some suggestions to adjust slightly the list the of 'Do Nots' in the guidance and that such requests had been set out in the minutes circulated.

A question was asked in terms of the List of 'Do's' and 'Don'ts' in the guidance in terms of whether these were a list of suggestions or were they something that a Councillor could be held to. It was explained by the Interim Monitoring Officer that the document was only guidance and had no legal weight. Its purpose was to ask Members to be cautious and it alerted them to situations they could potentially find themselves in. It was a good practice document which was not part of the Members Code of Conduct, but it could be used to interpret this code.

The Cabinet

RESOLVED – That

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

The Cabinet confirmed its decision as per Decision Notice C/040/14122020, a copy of which is attached to the signed copy of the Minutes.

381. PLANNING REVIEW WORKING PARTY

The Chief Executive presented the minutes from the first meeting of the Planning Review Working Party held on 8 December 2020 so that the recommendations proposed could be considered.

The first recommendation was at Minute 4 [Terms of Reference] which sought a slight amendment to the terms of reference as agreed at Cabinet on 16 November 2020 which was to highlight that the Working Party would only examine the recommendations from the Planning Review that related to Members and not Officers.

The Cabinet

RESOLVED

That the Terms of Reference for the Working Party be:

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

Cabinet was then referred to the recommendations as set out in Minute 5 [Planning Review Recommendations] as set out in the Appendix attached to the minutes listing the recommendations that had been debated by the Working Party and the Working Party's recommended action for Cabinet to consider.

It was highlighted that in relation to Recommendation 52, that in addition to the Points (3), (4) and (5) which had been suggested should be removed, that point (1) also be removed. This had been checked with Mr Hannaby who had confirmed that this already took place and could therefore be removed.

Recommendation 57 had also been amended by the Working Party to have the words (the review should be with the Town and Parish Councils) added as it was felt that they should be involved.

The Chief Executive therefore asked Cabinet if it could accept Appendix A as the process to take forward the list of recommendations debated by the Working Party.

Councillor Stanley then spoke as Chairman of the Planning Review Working Party and he confirmed that the meeting had been very constructive with everyone sharing widespread experiences. There had been lots of support around training for Members and that there needed to be better understanding of both Member and Officer roles. There had also been much support and the importance of parishes in this process acknowledged. Discussion had also taken place on how Members felt that the Advisory Groups were working and the need to remove barriers for the public to enable them to interact and comment and to encourage public interaction and engagement. It was hoped that this would be an item for discussion at the next meeting of the Working Party planned for early February 2021.

A non-cabinet Councillor then raised a concern to the amendment that had been made, but not mentioned, in terms of Recommendation 58 as it was his view that this required further investigation. Following discussion, it was agreed that this recommendation would be referred back to the Working Party for further consideration.

The Cabinet

RESOLVED – That

- (1) A further meeting of the Planning Review Working Party be convened for February 2021; and
- (2) That the list of recommendations from the Planning Review Report, as attached to the report as Appendix A, be pursued with the exception of the amendments made at the meeting – being that:
 - Recommendation 52 (i) [Amend the ‘call-in’ procedure to require the planning reason to be agreed by the Director of Place, in consultation with the Chair] be removed along with points 3, 4 and 5, as set out in Appendix A; and
 - Recommendation 58 be referred back to the next meeting of the Planning Review Working Party for further consideration.

The Cabinet confirmed its decision as per Decision Notice C/041/14122020, a copy of which is attached to the signed copy of the Minutes.

382. HOUSING AND CUSTOMER SERVICES WORKING GROUP - 5 NOVEMBER 2020

Cabinet considered the minutes from the meeting of the Housing & Customer Services Working Group held on 5 November 2020 and were alerted to a range of recommendations.

The Cabinet Member for Technical Services, Councillor Stanley, confirmed that at Minute 12 [Additional and Selective Licensing Schemes for Houses in Multiple Occupation] there were two recommendations to consider. Councillor Stanley provided some background to this item by reminding Councillors that earlier in the year, Full Council had approved a motion requesting Officers explore options for introducing controls on (1) the quality of HMOs; and (2) the number of HMOs. A separate report produced by the Planning Policy team had been considered by the Development Control Committee on 25 November 2020 regarding the number of HMOs. The Committee had agreed to make a recommendation to Full Council.

What was for Cabinet to consider was a recommendation by the Housing and Customer Services Working Group which related to the quality of HMOs in the District. The private sector housing team currently undertook proactive inspections to identify and assess the significance of hazards only in those HMOs that fell within the mandatory HMO licensing regime. Simply put, the HMOs that currently required a licence were those with five or more people from more than one household sharing facilities. The cost of undertaking these inspections could be recovered by the Council by way of licence fee payable by the HMO landlord. Where significant hazards were identified, the team required landlords to make improvements.

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The private sector housing team had not undertaken proactive inspections of the private rented sector properties outside of the mandatory HMO licensing regime since 2012. The inspection programme that existed prior to that time had been ended in response to a need to make savings. HMOs were however inspected where concerns were raised by tenants. Expanding the inspection programme would increase the number of HMOs where Officers could ensure housing standards met the minimum legal requirements.

There were two potential licensing regimes that could be introduced to do this: Additional Licensing (of HMOs) and Selective Licensing (of the whole private rented sector within a specific area). Each regime allowed the resourcing of the inspection programme to be recovered by way of a licensing fee from the private sector landlords. Each licensing regime had different criteria which must be satisfied in order to introduce it. At present there was insufficient evidence that the criteria were satisfied.

Given the potential improvements that could be made to the quality of HMOs from expanding the inspection programme by introducing a licensing regime, it had been recommended by the Working Group that *[paraphrased rather than verbatim]* (1) Cabinet agree Officers continue to research and gather evidence to establish if the criteria for either is satisfied, and (2) that Cabinet asks Full Council for a supplementary estimate of 20K in order to procure data modelling services for which licensing regime is met work on exploring.”

The Cabinet

RESOLVED

That Officers continue to research and gather further evidence to help support whether additional HMO Licensing (Housing Act 2004, s.56-60) or selective licensing of the private rented sector (Housing Act 2004, s 80-84) is justified.

The Cabinet also

RECOMMEND TO FULL COUNCIL

That approval be sought for a supplementary estimate of up to £20,000 (which equates to a Band D Council Tax equivalent of £0.32) to commission the services and expertise to undertake the appropriate research and collation of data in order to support whether additional HMO Licensing or selective licensing of the private rented sector is justified.

The next recommendation for Cabinet to consider was at Minute 14 [Water Hygiene Policy and Management Plan] which was presented by the Cabinet Member for Residential Services, Councillor Mrs Gregory.

The Cabinet

RESOLVED – That

- (1) The Water Safety Policy 2020 be adopted; and
- (2) Delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the Policy and Plan.

Councillor Mrs Gregory then alerted Cabinet to the final set of recommendations at Minute 15 [Gas Safety Policy and Management Plan.

The Cabinet

RESOLVED – That

- (1) The Gas Safety Policy – October 2020 be approved; and
- (2) Delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services and the Chairman and Vice-Chairman of the Housing & Customer Services Working Group to make minor changes to the Policy.

The Cabinet confirmed its decision as per Decision Notice C/042/14122020, a copy of which is attached to the signed copy of the Minutes.

383. OVERVIEW SELECT COMMITTEE - 1 DECEMBER 2020

The Chairman then referred to an extract from the minutes of the Overview Select Committee held on 1 December 2020 that contained a recommendation for Cabinet to consider in relation to the Local Council Tax Reduction Scheme 2021/22.

Councillor Mrs Gregory presented this recommendation, as the Cabinet Member for Residential Services, and it was explained that this minute extract had been uploaded to the web as a supplement on 14 December 2020 and circulated separately to Members.

Subject to approval at the next Cabinet meeting

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The Cabinet

RECOMMEND TO FULL COUNCIL

That Option 2 [to retain the current scheme for 2021 in respect of the Council Tax Reduction Scheme but to allow for an increase in the income banding] be approved.

The Cabinet confirmed its decision as per Decision Notice C/043/14122020, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 6.44 pm)