

**MINUTES
OF A
VIRTUAL MEETING OF THE ARUN DISTRICT COUNCIL
HELD ON 26 NOVEMBER 2020 AT 6.00 PM**

Present: Councillors Mrs Worne (Chairman), Brooks (Vice-Chairman), Bennett, Bicknell, Blanchard-Cooper, Bower, Buckland, Mrs Catterson, Charles, Clayden, Mrs Cooper, Cooper, Coster, Mrs Daniells, Dendle, Dixon, Edwards, Elkins, English, Mrs Erskine, Goodheart, Mrs Gregory, Gunner, Mrs Hamilton, Mrs Haywood, Hughes, Huntley, Kelly, Lury, Northeast, Oliver-Redgate, Oppler, Mrs Pendleton, Miss Rhodes, Roberts, Miss Seex, Smith, Stanley, Tilbrook, Dr Walsh, Mrs Warr and Mrs Yeates

Honorary Alderman Mr Norman Dingemans and Mrs Patricia Stinchcombe were also in attendance for all or part of the meeting.

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated: - Councillor Oliver-Redgate – Minute 343 (Part); and Councillor Mrs Erskine – Minute 343 to Minute 347 (Part)].

343. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and officers to the Council Meeting. A special welcome was extended to Honorary Aldermen Mrs Stinchcombe and Mr Norman Dingemans.

The Chairman confirmed that as the meeting on 18 November 2020 had been adjourned at Item 12 – Minute 19 [Proposed Constitutional Update of Standing Orders Relating to Financial Procedures], following the vote on the amendment to Recommendation (2), this meeting, once the standing items covering Apologies and Interests had been covered, would commence at Item 12 – Minute 19 [Proposed Constitutional Changes – Update on Standing Order Relating to Financial Procedures] in terms of Recommendations (1) and (2).

344. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Batley, Mrs Caffyn, Chapman, Jones, Mrs Madeley, Miss Needs, Purchase, Mrs Staniforth and Ms Thurston and from Honorary Aldermen Mrs Goad and Mrs Morrish.

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345. DECLARATIONS OF INTEREST

Councillor Smith declared a Pecuniary Interest in Agenda Item 15 – Cabinet – 21 September 2020 in relation to Minute 211 [Financial Support to Leisure Operating Contract] as he was an employee of Freedom Leisure. Councillor Smith confirmed that he would not take part in the debate or vote on this item and would ask to be placed in the Waiting Room whilst this item was being considered.

The Declaration of Interest Sheet set out below confirms those Members who had made a declaration of their personal interest as a Member of a Town or Parish Councillor or a West Sussex County Councillor, as confirmed in their Register of Interest as these declarations could apply to any of the issues to be discussed at the meeting.

Name	Town or Parish Council or West Sussex County Council [WSCC]
Councillor Tracy Baker	Littlehampton
Councillor Kenton Batley	Bognor Regis
Councillor Jamie Bennett	Rustington
Councillor Paul Bicknell	Angmering
Councillor Billy Blanchard-Cooper	Littlehampton
Councillor Jim Brooks	Bognor Regis
Councillor Ian Buckland	Littlehampton and WSCC
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington
Councillor Sandra Daniells	Bognor Regis
Councillor David Edwards	WSCC
Councillor Roger Elkins	Ferring and WSCC
Councillor Paul English	Felpham
Councillor Inna Erskine	Bognor Regis
Councillor Steve Goodheart	Bognor Regis
Councillor Pauline Gregory	Rustington
Councillor June Hamilton	Pagham
Councillor Shirley Haywood	Middleton-on-Sea
Councillor David Huntley	Pagham
Councillor Henry Jones	Bognor Regis
Councillor Martin Lury	Bersted
Councillor Claire Needs	Bognor Regis
Councillor Mike Northeast	Littlehampton
Councillor Francis Oppler	WSCC
Councillor Jacky Pendleton	Middleton-on-Sea and WSCC
Councillor Vicky Rhodes	Littlehampton

Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Samantha Staniforth	Bognor Regis
Councillor Matt Stanley	Bognor Regis
Councillor Isabel Thurston	Barnham & Eastergate
Councillor James Walsh	Littlehampton and WSCC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

346. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

There were no questions asked.

347. CONSTITUTION WORKING PARTY - 12 OCTOBER 2020

The Chairman, Councillor Mrs Yeates reminded Councillors of where the last meeting of Full Council [18 November 2020] had ended which was at the conclusion of the amendment put forward by Councillor Roberts in relation to Recommendation (2) at Minute 19 [Proposed Constitutional Changes – Update of Standing Orders Relating to Financial Procedure Rules].

Debate returned to the substantive recommendations (1) and (2).

Looking at Recommendation (1) some concerns were expressed over the financial controls of the Council in terms of how this would work under the new Committee structure. Currently, either a Cabinet Member or Group Head had authority to make budgetary decisions. The concern was that each of the new Service Committees would have the authority to make expenditure decisions to the sum of £100k and would also be able to take a similar sum from its reserves. Questions were asked in terms of how this could be permissible and how could the Council approve a Budget that could then be changed if each Service Committee could make decisions to money from reserves and allow virements to occur outside of the budgetary process.

The Locum Lawyer responded stating that the way that the new 2021 Constitution was written allowed for the Budget and Policy Framework to be decided by Full Council. When the Budget was being prepared the Corporate Policy and Performance Committee (CPPC) would consult the Service Committees and so that it could then make recommendations to Full Council in terms determining the Council's Budget. Each Service Committee would not be able to spend over and above its threshold.

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Despite receiving this explanation there was still concern that the areas raised had not been answered in terms of protecting the Council's reserves and the ability of each Service Committee to be able to draw from the Council's reserves. It was also felt that the wording in this section proposed for the new Constitution was not clear.

Following lengthy debate, it was agreed that this item [Minute 19] would be deferred and considered again at the next meeting of the Constitution Working Party.

Councillor Mrs Yeates then presented the next set of recommendations at Minute 20 [Proposed Constitutional Update of Standing Orders Relating to Financial Procedure Rules] which she formally proposed. The recommendations were then seconded by Councillor Mrs Gregory.

The Council

RESOLVED – That

- (1) The proposed changes to the Constitution at Part 6 – Procedure Rules (Other) Section 6, Purchasing, Procurement Contracts and Disposals be approved; and
- (2) The Monitoring Officer be authorised to make any further consequential changes to the Constitution.

Councillor Mrs Yeates then proposed the recommendations set out in Minute 22 [Draft 2021 Constitution – Parts 6, 7, 8 and 9] which were seconded by Councillor Mrs Gregory.

The Council

RESOLVED – That

- (1) The proposed revisions to be incorporated into the new 2021 Constitution at Part 6, Section 1 [Access to Information Procedure Rules] be approved;
- (2) The proposed revisions to be incorporated into the new 2021 Constitution at Part 6, Section 5 [Officer Employment Procedure Rules] be approved;
- (3) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 3 [Protocol on Member and Officer Relations] be approved;
- (4) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 5 [Petitions Scheme] be approved; and
- (5) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 6 [Filming and Photographic Protocol] be approved;

Councillor Mrs Yeates then alerted Members to the next set of recommendations at Minute 23 [Part 2 – Articles of the Constitution- Joint Arun Area Committees] which she duly proposed. The recommendations were then seconded by Councillor Mrs Gregory.

The Council

RESOLVED – That

- (1) Part 3 of the Constitution [Responsibility for Functions at 11.0 – Joint Arun Area Committees be amended to remove the functions listed for Joint Arun Area Committees; and
- (2) In view of Recommendation (1) above, that Part 2 – Articles of the Constitution, as presented to Full Council on 16 September 2020 be approved.

Councillor Mrs Yeates then formally presented the next set of recommendations at Minute 25 [Changes to Public Question Time [for the Remainder of this Municipal Year] which she formally proposed. The two recommendations were then seconded by Councillor Mrs Gregory.

There was much debate on these recommendations with some Councillors expressing their view that this appeared to be a ‘knee-jerk’ response following Public Question Time at the September 2020 Full Council meeting. It was accepted that there had been a lot of questions submitted from one member of the public, yet these had added value. The recommendations proposed seemed to be introducing a form of censorship which was seen to be wrong. Many Councillors felt strongly that Public Question Time should not be restricted in any way and should be encouraged and that the Chairman should have discretion to extend Public Question Time to any appropriate time suitable to that meeting.

In response to the comments made, Councillor Mrs Yeates stated that she would be happy to withdraw the recommendations asking the Constitution Working Party to take a further look at the matter.

This item was then withdrawn.

Councillor Mrs Yeates then alerted Councillors to the final recommendation at Minute 26 [Limit on the Length of Council Meetings [Guillotine] which Councillor Mrs Yeates duly proposed. The recommendation was then seconded by Councillor Mrs Gregory.

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Debate on this item saw many views being expressed. Firstly, it was felt that to postpone or adjourn a meeting was already in the power of the Chairman and so questions were asked as to why this was necessary. Other Councillors supported this proposal as it would assist those Councillors working to not have to sit in attendance at meetings that would run into the early hours of the morning. It was felt that in view of the lateness of recent meeting, the guillotine had become a necessary tool. Councillors were also reminded that all Political Group Leaders had been consulted and that there had been widespread support for this across the Council. The guillotine was also very commonly used in other local authorities and so the point was made why this Council could not support introducing the discipline of a fixed time. It was also pointed out that staff welfare also needed to be addressed and the guillotine went some way in assisting with this.

Following Points of Orders raised,

The Council

RESOLVED

That the Constitution be updated to include applying a limit of 4.5 hours onto the length of meetings for all meetings of the Council unless a majority of Councillors present vote to extend the meeting for a further half an hour at which time the meeting will stand adjourned, apart from the Development Control Committee.

348. DEVELOPMENT CONTROL COMMITTEE - 2 SEPTEMBER 2020

The Chairman, Councillor Bennett, presented the Minutes from the meeting of the Development Control Committee held on 2 September 2020.

349. ENVIRONMENT & LEISURE WORKING GROUP - 3 SEPTEMBER 2020

The Chairman, Councillor Mrs Warr, presented the minutes from the meeting of the Environment & Leisure Working Group held on 3 September 2020.

Councillor Mrs Warr alerted Councillors to one recommendation at Minute 27 [Work Programme] which she duly proposed. The recommendation was the seconded by Councillor Brooks.

Concerns were expressed by some Councillors that some items that had been recommended for inclusion by Members on the Work Programme, earlier on in the year, had not been featured. These had included matters such as more updates on climate change; parks and open spaces; recycling, pollution; and the coast and foreshores. Questions were also asked as to why the Place St Maur appeared on the Work Programme on multiple occasions. Based on the Work Programme proposed, there were many Councillors who felt that they could not support approving it in its current form.

Other points raised were that the Place St Maur should be a matter for the Bognor Regis Regeneration Sub-Committee and not for this Working Group.

Based on other comments made. It was suggested by Councillor Dixon that the Work Programme be referred back to the Working Group for further consideration. This suggestion was then seconded by Councillor Roberts.

Having received an explanation from the Director of Services as to why the Place St Maur had been allotted to the Working Group's Work Programme, further discussion took place on the role of the Regeneration Sub-Committee compared to that of the Working Group.

Various Points of Orders were raised, and having heard from Councillors Brooks and Mrs Warr that the Work Programme should be referred back to the Working Group for further consideration and having heard from the Interim Monitoring Officer, it was agreed that the Work Programme for the Working Group be referred back for further consideration.

The Chairman then called a short adjournment.

350. CABINET - 21 SEPTEMBER 2020

(Prior to the consideration of this item, Councillor Smith redeclared his Prejudicial/Pecuniary interest made at the start of the meeting and requested to be placed in the waiting room for the duration of this item.)

The Chairman, Councillor Dr Walsh, presented the Minutes from the meeting of Cabinet held on 21 September 2020.

Councillor Dr Walsh alerted Members to a recommendation at Minute 211 [Financial Support to Leisure Operating Contract] which he formally proposed. The recommendation was then seconded by Councillor Oppler.

Following a lengthy debate,

The Council

RESOLVED

That a supplementary estimate for a sum up to £191,000 (Band D equivalent of £3.07) to support the Council's Leisure Operating Contract from October to December 2020 be approved.

The Chairman then alerted Members to the next two and final recommendations at Minute 214 [Options to Progress Webcast Improvement Project]. Councillor Dr Walsh then formally proposed these two recommendations which were then seconded by Councillor Stanley.

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There was much debate on this item. Many Councillors confirmed that they could not support the cost of £65k for this project at this time and in view of the financial situation that the Council found itself in as a result of the Pandemic. There were other more vital priorities to address which was to continue in supporting residents and businesses in the area. It was also felt that the technical issues experienced in the past could be overcome. What was required was a more flexible approach to the webcasting of meetings and that a hybrid option should be investigated to provide flexible resilience allowing some Councillors to be present in the Council Chamber and others attending virtually and in view of the fact that it was likely that virtual meetings would continue for some time.

Others spoke in support of the recommendations confirming that the upgrades were required to allow the Council to continue webcasting some of the Council meetings once normality returned – this being a physical presence again in the Council Chamber, especially as the public had become used to being able to watch all meetings live.

Following a lengthy debate, and in view of the fact that it could be some time before meetings could resume in the Council Chamber, it was felt that this project should be looked at again in line with what other guidance might be available in terms of hybrid and virtual meetings. Requests were also made to receive the viewing figures of meetings since lockdown and if these could be compared to viewing figures from the year before as this would then indicate how vital this service was to the viewing public.

Having again made points that this was not the right time to be spending money on anything other than services that were vital to the public, the proposer, Councillor Dr Walsh, confirmed that he was happy to withdraw this item and he asked Officers to reconsider the proposals and to find the most technically up to date solution for further consideration by a future meeting of Cabinet.

Councillor Gunner then made a Statement in accordance with Council Procedure Rule 13.2 in relation to Minute 220 [London Road Coach Lorry Park - Exempt – Paragraph 3 – The Supply of Goods and Services]. Councillor Gunner referred to the sum that could have been received which would have delivered much needed investment in Bognor Regis from students. Councillor Gunner outlined that this money could have been invested into other regeneration schemes, but that Cabinet had turned the offer down. This had been why a Call-In had been requested which had been unsuccessful and so Councillor Gunner urged Cabinet to look at this decision again.

The Interim Monitoring Officer reminded Councillors of the need to respect Exempt items and their confidentiality and requested Councillor Gunner to put his request for reconsideration back to Cabinet in writing and he strongly urged the Councillor to not to continue to debate this item.

Various Points of Order were then raised where it was stated that this was an important matter that needed further debate and for questions to be asked and answered which were responded to by the Interim Monitoring Officer.

The Interim Monitoring Officer urged Councillors to refrain from raising any further questions on this confidential matter. If this request was refused; it would be necessary for the meeting to move into Exempt business to protect confidential information and the Council from any future challenge. Councillors were reminded that this was not an opportunity for them to attempt a further Call-In process.

This advice was disputed with Councillors urging that the matter be debated further tonight. Councillors were reminded by Councillor Dr Walsh that the preferred bidder had withdrawn its offer.

This point was disputed by some Councillors who made further Points of Order.

Councillor Dr Walsh provided further explanation and confirmed that discussions were continuing with the Police and that the suggestions made by some Councillors that the Police were not interested were far from the truth, negotiations were still ongoing. Councillor Dr Walsh confirmed that he would accept a written statement from Councillor Gunner which he would respond to confirming when the matter could be discussed further under Exempt Business rules and in line with the Constitution.

Councillor Gunner urged Councillors to move into Exempt business now and that if this could not happen that he would write to Councillor Dr Walsh as an assurance had now been made that some form of debate would take place.

Councillor Tilbrook then made a Statement in accordance with Council Procedure Rule 13.2 in relation to Minute 216 [The Council's Response to the Covid-19 Pandemic Situation] where he praised the work of the Working Party and he hoped that all twelve of its recommendations would be processed soon.

This developed into a debate in terms of the Working Party's Recommendation (8) where an update was requested.

Councillor Dr Walsh confirmed that these recommendations were being progressed but as the minute highlighted, it was necessary to consider, in prioritising them, the Council's financial position and the amount of available Officer time to take projects forward.

A further statement was then made by Councillor Dendle in accordance with Council Procedure Rule 13.2 on the recommendations approved by Cabinet from the Covid-19 Working Party in relation to the Sussex by the Sea website and the rebranding of this web site.

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351. PLANNING POLICY SUB-COMMITTEE - 22 SEPTEMBER 2020

The Chairman, Councillor Mrs Yeates, presented the minutes from the meeting of the Planning Policy Sub-Committee held on 22 September 2020.

Councillor Mrs Yeates alerted Councillors to a recommendation at Minute 14 [Arun District Council Infrastructure Funding Statement (IFS) 2019/20 which she formally proposed. The recommendation was then seconded by Councillor Lury.

In conducting the named vote on this recommendation, the Committee Services Manager was interrupted by comments made by Councillors.

Following some comments made by Councillor Dendle, the Chairman confirmed that she wished to not hear further from Councillor Dendle for the remainder of the meeting. This was seconded by Councillor Mrs Warr.

In response, a Vote of No Confidence in the Chairman of the Council was immediately proposed by Councillor Bower and this was promptly seconded by Councillor Cooper.

The Interim Monitoring Officer confirmed that he would need to check the Constitution on this matter.

The Chairman therefore called a short adjournment.

The Interim Monitoring Officer confirmed that a vote of no confidence in the Chairman could not be legally heard and he then issued a stern rebuke to Councillors in terms of their conduct and behaviour he had seen during this meeting on several occasions. In view of this, the Interim Monitoring Officer confirmed that the Chairman had absolute discretion to decide if she did not wish to hear further from a Councillor. He also stated that the Chairman needed to consider if the meeting could continue on this basis.

The Chairman confirmed that it was her wish to adjourn the meeting and she consulted with the Chief Executive who confirmed that in line with Council Procedure Rule 8 [Cancellation, Postponement or Adjournment of a meeting] that the meeting was now adjourned.

(The meeting concluded at 10.00 pm)