

**MINUTES  
OF A  
VIRTUAL MEETING OF THE ARUN DISTRICT COUNCIL  
HELD ON  
14 JULY 2021 at 6.00 pm**

Present: Councillors Brooks (Chair), Mrs Staniforth (Vice-Chair), Bennett, Bicknell, Blanchard-Cooper, Bower, Buckland, Caffyn, Catterson, Chapman, Chace, Charles, Clayden, Mrs Cooper, Cooper, Coster, Daniells, Dendle, Dixon, Edwards, Elkins, Mrs English, English, Goodheart, Gregory, Gunner, Hamilton, Mrs Haywood, Hughes, Huntley, Kelly, Lury, Madeley, Needs, Oliver-Redgate, Oppler, Pendleton, Roberts, Seex, Smith, Stanley, Tilbrook, Thurston, Dr Walsh, Warr, Worne and Yeates.

Honorary Alderman Mrs Stinchcombe was also in attendance at the meeting.

[Note: The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-  
Councillor Mrs Baker, Councillor Jones, Councillor Northeast, Councillor Purchase and Councillor RhodesSeex – Minute 118 (Part) to Minute 120].

107. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and officers to the meeting. He extended a special welcome to the Council's Honorary Aldermen present.

The Chair confirmed that this meeting was being held in accordance with the resolution made at the Extraordinary Council Meeting held on 12 May 2021 (Minute 551) which continued Section 5 Part 5 of the Constitution (The Virtual Meeting Procedure Rules) and declared the use of Council powers, under Section 111 of the Local Government Act 1972, and the general power of competence under Section 1 of the Localism Act 2011, for making advisory decisions, as appropriate.

108. FORMER MEMBER OF STAFF PENNY RENDELL

The Chair announced the death of former member of staff Penny Rendell who sadly passed away on 12 July 2021 and had worked for Arun from 1993 until she retired in 2012 on the Benefits reception desk at the Arun Civic Centre.

The Chair asked all those in attendance to take part in a minute's silence to her memory and the Council's condolences were passed onto Penny's family and friends.

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**109. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Baker, Jones, Northeast, Purchase and Rhodes and from Honorary Aldermen, Mrs Goad and Mr Dingemans.

**110. DECLARATIONS OF INTEREST**

Councillor Elkins declared a Personal Interest in Agenda Item 8 [urgent Matters – Recommendations from the Special Meeting of the Development Control Committee – 18 May 2021 – Minute 577 (Fitzalan Link Road Acoustic Fence) in his capacity as a Member of West Sussex County Council.

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.

<b>Name</b>	<b>Town or Parish Council or West Sussex County Council [WSSC]</b>
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 WSSC
Councillor David Chace	Littlehampton
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington
Councillor Sandra Daniells	Bognor Regis
Councillor David Edwards	WSSC
Councillor Roger Elkins	Ferring and WSSC
Councillor Paul English	Felpham
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

111. PUBLIC QUESTION TIME (BY ADVANCE NOTICE)

The Chairman invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the rules of the Council's Constitution and the Virtual Meeting Procedure Rules amended by the Council on 15 July 2020 and extended by the Extra-ordinary Meeting of the Council on 12 May 2021.

The Chairman confirmed that five questions had been submitted – these have been very briefly summarised below:

1. From Mr Cosgrove to the Chair of the Economic Committee regarding the Council's bid to the Levelling-Up Fund.
2. From Mr Meadmore to the Chair of the Planning Committee, Councillor Chapman regarding increasing incidences of discharges of untreated wastewater and sewage into its waterways.
3. From Mr Hagger to the Chair of the Economic Committee, Councillor Cooper regarding Regeneration in Bognor Regis.
4. From Mr Cosgrove to the Chair of the Economic Committee, Councillor Cooper regarding Levelling-Up Fund
5. From Mr Cosgrove to the Chair of the Economic Committee, Councillor Cooper regarding the Levelling-Up Fund.

Supplementary questions were asked by Mr Cosgrove and Mr Hagger.

*(A schedule of the full questions asked and the responses provided can be found on the Pubic Question Web page at: <https://www.arun.gov.uk/public-question-time> and Full Council Web Page – Public Question Time Schedule*

The Chairman then drew Public Question Time to a close.

112. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS (BY ADVANCE NOTICE)

No questions were asked.

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113. PETITIONS

There were no petitions presented to this meeting.

The Chair confirmed that a petition relating to development in Pagham covering planning applications P/25/17/OUT, P/140/16 OUT, P/134/16/OUT and P/30/19/OUT had been received by the Council and required Full Council debate as the number of signatures exceeded the 1,500 stipulation set out in the Council's Constitution triggering a Full Council debate.

The wording of the Petition was shared to the meeting confirming that:

We, the undersigned, petition Arun District Council – Ref: P/25/17/OUT, P/140/16 OUT, P/134/16/OUT and P/30/19/OUT with the purpose of the petition being to ensure that the Full Council of Arun District Council give consideration to the revocation of the extant but unimplemented outline planning permissions as referred above under Section 97 of the Town and Country Planning Act 1990 (as amended) which reads as follows: 97 Power to Revoke or Modify Planning Permission.

A report from the Director of Place had been provided to Members to assist in debating the petition. The report had four appendices containing the following information. Appendix A [Statement - the case on behalf of the petitioners]: Appendix B [Briefing Paper on Revocation produced by the House of Commons Library]: Appendix C [Plan indicating four sites]; and Appendix D [Statements from parties representing each of the four sites). Councillors had also received external QC advice which had been circulated under legal professional privilege.

In line with the Council's Petition Scheme, set out in the Council's Constitution at Part 8 – Codes and Protocols, Section 4 – Petitions Scheme - Paragraph 5.0 Full Council debates, the Chair firstly invited the Petition Organiser, Mr Rawlins, to present the petition.

Mr Rawlins confirmed the purpose of the petition which was to ensure that the Full Council of Arun District Council gave consideration to the revocation or modification of extant unimplemented outline planning applications as listed in the report under Section 97 of the Town and Country Planning Act 1990, as amended. He explained how the petition had originally been submitted to the Council on 8 February 2021 with 2,192 signatures but Officers had claimed that the number of signatures were invalid preventing the petition from being presented to the meeting of Full Council held in March 2021. The petition had been resubmitted to the Council on 11 May 2021 with a total of 3,019 signatures, however, it had been confirmed that the petition could not be presented to either of the May Council meetings. Mr Rawlins claimed that the Officer report in response to the petition was seriously and legally flawed in that it misrepresented the petition and the options available to the Council regarding a response under the Council's Constitution. Mr Rawlins further claimed that the report was misleading in respect of the Development Plan and all of the material

considerations relevant to revocation and failed to provide all of the relevant facts, reliable evidence or information to support and justify the recommendations set out in the Officer report. In summing up, Mr Rawlins outlined that he had been independently advised that should the Council choose to approve the recommendations outlined in the report, these would represent legally changellable decisions. Since the Council was considering the revocation requested by the petition, and these were ones that the Planning Committee was required to make the final decision on, the only issue for the Council to consider was whether or not to refer the recommendations to the Planning Committee for further investigation which was seen as the safest and most sensible cause of action to take.

The Chair then invited the Chair of the Planning Committee to make a response to the petition.

The Chair of the Planning Committee, Councillor Chapman, stated that he would be responding to the petition in terms of the way that it had been written, not how it had been presented by the petition organiser. The petitioner's statement of case was unconvincing in terms of the Development Plan. It was clear from the Committee reports at Appendix C that for each of the planning permissions the decision was made in accordance with the Development Plan. The statement of case in the petition did not explain convincingly why they were in error or that there was a new Development Plan that would enable a different view to be taken. In terms of important material considerations, it was apparent that the contribution that these sites could make to the five year land supply and housing provision generally was vital both in the original determination and in any revocation. Councillor Chapman stated that the petition failed to deal with this point in a convincing way and he explained why. On the matter of compensation, this was a material matter in terms of the cost to the Council. Councillor Chapman confirmed that this was his initial response to the petition.

Councillor Chapman then formally proposed the four recommendations as set out in the Officer's report which were then seconded by Councillor Bower.

The Chair then invited questions on the Officer report from Members before inviting debate.

The questions asked have been summarised below:

- It had been hoped that the QC providing the external legal advice would have been present at this meeting to respond to questions on the advice provided.
- The advice had been received at too short notice and Members should have been presented with an opportunity to have had a private briefing with the QC.
- Suggestions were made that as the petition was about planning matters, then why had it not been considered by the Planning Committee where Members had received training on planning matters.

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- Other Councillors also asked for an explanation as to why the petition had not been presented to either the Planning Committee or Planning Policy Committee first. The Interim Monitoring Officer explained that as the petition had accumulated over 1,500 signatures, it was a constitutional requirement for the petition to be debated at a meeting of Full Council. This had also been the express wish of the petition organiser.
- Was it fair to characterise that the legal advice received backed up the information provided and views expressed in the Officer's report? The Interim Monitoring Officer and the Chief Executive both confirmed that the Officer report had been drafted based on internal legal advice. The external advice received strongly supported that internal legal advice and supported the conclusions outlined in the report.
- Once Councillor stated that the legal advice from the QC had not addressed or covered important matters such as exploration of land values which could be affected by many different issues such as the property market, climate change and flooding. Such issues elsewhere had been seen to make very significant effects upon land values and even to make land undevelopable.
- The same Councillor made a point that the Planning Inspector R J Jackson on the Bonhams Appeal had declared certain sites as undeliverable reducing the land supply down by 2.9 years. He opined that all of these issues had to be explored with the QC first via a private Members' Seminar and before the petition could be debated. He did not feel that Officers were able to answer these questions as the Officers were not the QC who had given the advice. He was disappointed that the QC was not available at the Council meeting to answer questions.

Prior to inviting Member debate on the petition, the Chair invited Councillor Chapman to speak as the proposer to the recommendations in the report. Councillor Chapman stated that in deciding whether in time it would be expedient to revoke any or all four of the planning permissions, it was important for Members to consider what the Development Plan said about the four sites. Firstly, Policy HSP1 made it clear that the Council's housing requirements for the plan period 2011 to 2031 was for 20,000 new homes. The same policy detailed which sites were allocated as strategic housing sites and the number of units to be built on each. Site SD1 Pagham South was scheduled to deliver 400 homes and SD2 Pagham North 800 homes. Policy HSP2 set out the criteria by which each site allocation should be assessed to achieve a comprehensively planned form of development. Policy HSP2 set out a more detailed policy environment for both sites. Finally, none of the sites in question were shown as Green Infrastructure on any plans linked to GISP1 as is stated in the petition. Councillor Chapman outlined that it was important to remember that the Local Plan had never been subject to legal challenge after it had been adopted in July 2018 and so it remained to be the development plan for the District including the Parish of Pagham. It needed to be afforded the legal status offered, in statute to adopted development plans. Revocation of any or all permissions was not an appropriate nor acceptable mechanism to amend the Local Plan. Two further important material considerations were outlined and brought to Members' attention. The statement in the petition that under the provision in Section

97 of the Town and Country Planning Act 1990 local planning authorities may revoke or modify permissions already granted when it was expedient to do so. One of the circumstances that had arisen with revocation and which was bound to arise because of this petition was that compensation would be payable to the landowners. If these permissions were revoked the compensation could potentially be in the region of £60 million and the Council did not have significant revenue sufficient for all or any of the sites which Officer's estimated could potentially be awarded at £50k per plot.

On this basis, Councillor Chapman confirmed that he commended the recommendations in the report.

Member debate firstly focused upon Arun's Local Plan and claims that it had been unsound when first submitted and that even after modification with the addition of new strategic locations (including the Pagham sites), it was alleged that the Local Plan when adopted by the Council following Examination was inherently unsound as the new sites were undeliverable. On the issue of revocation, it was claimed that the risk of missing housing targets and the risks of substantial compensation was overstated. It was felt that Full Council was not qualified to make quasi-judicial planning decisions and so the consideration of the petition should be referred to the Planning Committee. A further potential reason for revocation was the need to consider Coastal Change Management Areas (CCMAs) which identified vulnerable locations, Pagham was one of these and it was felt that this should have been considered before outline planning decisions had been decided.

Reference was made to the Council's Constitution in respect of the Petitions Scheme and Full Council debates. The Constitution stated that in considering a petition the Council could decide to take the action the petition was requesting; not to take the action; or to commission further investigation into the matter by a relevant Committee. It was felt that this relevant Committee should be the Planning Committee. The issue of compensated land values also required further debate and more detailed information supplied.

Following further discussion, Councillor Dixon proposed that the petition be referred to the Planning Committee. This was seconded by Councillor Coster.

The Chair asked the Interim Monitoring Officer to provide advice.

The Interim Monitoring Officer was asked to confirm if this amendment was a valid amendment to the original motion. He confirmed that the amendment was not a valid amendment. It was explained that in the Council's Constitution, the Petition scheme was a standalone scheme and that the Constitution clearly defined how any debate was to be conducted. That section of the Constitution made no reference to motions. The reason for Full Council debate under the Petitions Scheme to be standalone was to ensure that the issue in the petition be discussed and not avoided by procedural motions and other tactics. The 1500 petitioners had asked for the petition to be discussed at Full Council. They did not authorise the petition organiser to ask for or to be dealt with elsewhere or for their request for a discussion to be changed to something else.

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Debate then returned to the four recommendations outlined in the Officer's report. This returned to the legal advice received and why this had not been sent to Members more in advance of the meeting. Concerns were expressed over climate change siting why the development in Pagham was unsuitable. It was strongly stated that development to this scale was not wanted in Pagham. Arguments put forward for revoking each of the applications were that the Section 106 agreements were drawn up between Officers and developers with Pagham stakeholders not being permitted to discuss them. Further it was alleged that the Environmental and infrastructure requirements were ignored in granting the permissions and there were drainage and sewage problems that had also been largely ignored in granting the permissions. It was said that these developments were allowing building on a flood plain which would eventually result in other issues that the Council would need to address. Concerns were expressed over the likely compensation levels which the Council could not sustain.

Members were reminded that the housing targets were not set by the Council, the Council only decided where within the District those houses should be located. If Councillors chose to revoke these permissions, it was pointed out that this would not remove those sites from the Council's Local Plan. Even if the permissions were revoked, other developers could submit applications for these sites. Revocation did not delete these four sites as strategic allocations and so would not prevent any other applications coming forward. The Council had also received clear advice that it could be looking at a compensation level of up to £60m, this had been backed-up by the legal advice submitted by a QC. Such a sum would either bankrupt the Council or would result in every household in the District having to pay a substantial increase in Council Tax. Revocation would also mean that the number of not delivered houses on the four sites would have to be relocated elsewhere in the District.

A Point of Order was raised in relation to Part 5, Section 1, Council Procedure Rule 17.11 [Motions which may be moved during debate] (b) [to amend a Motion] where an explanation was sought from the Interim Monitoring Officer as to why this rule could not be applied. The Chair repeated that this matter had been dealt with earlier in the meeting and he urged that Councillor from continuing to pursue this issue. The Interim Monitoring Officer stated that the petitioners had asked for the Council to give consideration to revocation of the planning permissions. This was happening now and there was no need to consider any alternative as the petitioner's request was being met.

A statement was made that the Council's Local Plan had only become sound by accepting the inspector's modifications. The Director of Place was again requested to look up Planning Inspector R J Jackson's comments that appeared to say that the Pagham sites were undeliverable.

Councillor Bower, as seconder of the motion, responded to some of the points that had been made during the debate. On the issue of land values, he confirmed that this was irrelevant to planning applications and planning considerations. If the Council



were to agree to the Petition request, it would open the flood gates whereby any planning application approved by this Council could be petitioned against at any time. This would cause chaos as far as development in Arun was concerned and would destroy what the Council had in place in terms of its 5 year land supply.

Councillor Chapman, as proposer of the motion, stated that wishes of all who had signed the petition had been met as Full Council had now debated the petition request. Reflecting on the legal advice provided and the lateness of it, he confirmed that he had been pleased to have received it as it had provided support for the advice given by the Council's internal legal service and supported the Director of Place's report, which had been found to be sound. Based upon these facts, Councillor Chapman urged Councillors to think very carefully about the issue to revoke or not.

Following a request made earlier in the debate, the Director of Place read out Paragraphs 48 and 49 of T J Jackson's Appeal decision and explained that its citation was out of context and did not support the case for revocation or modification of the permissions.

A request had been made that the voting on the four recommendations be recorded.

Those voting for were Councillors Bicknell, Bower, Caffyn, Chace, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Goodheart, Gunner, Hughes, Kelly, Madeley, Oliver-Redgate, Pendleton and Roberts (22). Councillor Huntley voted against the recommendations. Those abstaining were Councillors Bennett, Blanchard-Cooper, Brooks, Buckland, Catterson, Coster, Daniells, Dixon, Gregory, Hamilton, Haywood, Lury, Needs, Oppler, Seex, Smith, Staniforth, Stanley, Tilbrook, Thurston, Walsh, Warr, Worne and Yeates (24).

The recommendations were therefore declared CARRIED.

The Council

**RESOLVED**

- (1) Not to consider further the revocation of planning permission P/25/17/OUT as it doesn't appear to the local planning authority that it is expedient to revoke or modify this permission to develop land;
- (2) Not to consider further the revocation of planning permission P/140/16/OUT as it doesn't appear to the local planning authority that it is expedient to revoke or modify this permission to develop land;
- (3) Not to consider further the revocation of planning permission P/134/16/OUT as it doesn't appear to the local planning authority that it is expedient to revoke or modify this permission to develop land; and

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- (4) Not to consider further the revocation of planning permission P/30/19/OUT as it doesn't appear to the local planning authority that it is expedient to revoke or modify this permission to develop land.

114. MINUTES

The Minutes of the Annual Meeting of the Council held on 19 May 2021 were approved by the Council as a correct record and would be signed by the Chair when normal office functions started again.

The previous Chair, Councillor Worne, asked if a slight adjustment could be made to her closing speech to reflect that she had completed two marathons.

115. CHAIR'S ANNOUNCEMENTS

The Chair then made a statement. This was that following the last Full Council meeting held on 12 May 2021, the Monitoring Officer had written to all Members about information and complaints he had received about Member conduct. One related to comments made during voting; one related to whether Members were in the meeting or in a restaurant; one related to whether Members should be eating or drinking during Zoom meetings. A Member had since written to the Monitoring officer explaining why they appeared to be in a café or restaurant and had offered his apology. The Chair confirmed that he had accepted the apology and now considered the matter as closed. The issue of eating and drinking during Zoom meetings had been referred to the Standards Committee to discuss whether a protocol was required.

The Chair confirmed that he would report back via email on events he had attended since the Annual Meeting of the Council. Via this meeting, he stated that if any organisation wished to invite him or the vice-Chair to an event, then they could use the Chair's invite form which could be found on the Council's web site.

116. URGENT MATTERS - RECOMMENDATION FROM THE SPECIAL MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON 18 MAY 2021

*(Prior to the commencement of this item, Councillor Elkins re-declared his interest made at the start of the meeting).*

The Chair confirmed that there was one urgent item to consider which was a recommendation from the Special Meeting of the Development Control Committee held on 18 May 2021 as this had been omitted from the agenda and required Council decision. The minutes from that meeting had been uploaded to the Full Council web pages on 5 July 2021.

The then Chair of the Development Control Committee, Councillor Bennett, formally proposed the recommendation at Minute 577 [Fitzalan Link Road Acoustic Fence] and confirmed that it was necessary to make an amendment to the amount of

supplementary estimate required from a figure of up to £15,000 to up to £25,000. This was because

Councillor Lury then seconded this amendment.

In discussing the amendment, this saw wide support from Members as it was accepted that this matter needed to come to a satisfactory conclusion, not just for the residents affected but also for the District Council, the County Council, and the developer.

Following some further discussion,

The Council

#### RESOLVED

That a supplementary estimate be agreed for up to £25,000 to fund the commissioning of an independent expert to undertake the following actions [this amount representing a Band D equivalent of Council Tax in the sum of £0.40:

- a) Review the decisions already taken to establish if there are any issues (process and judgement)
- b) Identify what legal options exist for securing changes to the acoustic fence
- c) What are the implications of the above, including financial (compensation) and legal.

#### 117. MOTIONS

The Chair confirmed that no Motions had been submitted for this meeting.

#### 118. ADOPTION (MAKING) OF THE ALDINGBOURNE NEIGHBOURHOOD PLAN 2019-2031

The Chair of the Planning Policy Committee, Councillor Bower, presented this report which confirmed that the Aldingbourne Neighbourhood Development Plan 2019-2031 has passed Examination in May 2021. The Examiner of this modified Plan had concluded that it had passed the Examination and that the material modifications did not change the nature of it and it did not therefore require a Referendum and so should proceed to be 'made'.

The 'making' of this Plan would give it legal force and it would form part of the statutory Development Plan for that area. Consequently, decisions on planning applications in the neighbourhood area would need to be made in accordance with the Neighbourhood Development Plan, unless material considerations indicated otherwise.

Councillor Bower formally proposed the 'making' of this Plan which was seconded by Councillor Hughes.

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In considering this matter, congratulations were extended to Aldingbourne Parish Council and to the work of Arun's Planning Officer and her team.

The Council

RESOLVED

That it 'makes' the Aldingbourne Neighbourhood Plan 2019-2031 and it becomes part of the Development Plan for Arun District Council.

119. ADOPTION (MAKING) OF THE WALBERTON NEIGHBOURHOOD PLAN - 2019-2031

The Chair of the Planning Policy Committee, Councillor Bower, presented this report which confirmed that the Walberton Neighbourhood Development Plan 2019-2031 had passed Examination in February 2021. Given the nature of the Policies in the submitted review, the Examiner's report had concluded that subject to making the modifications recommended, the Plan had met the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning Referendum.

The referendum had taken place on 6 May 2021 and 91.9% of voters had casted a 'Yes' vote. This meant that under Section 61E (4) of the 1990 Act, the Council now needed to 'make' [adopt] the Plan.

The 'making' of this Plan would give it legal force and it would form part of the statutory Development Plan for that area. Consequently, decisions on planning applications in the neighbourhood area would need to be made in accordance with the Neighbourhood Development Plan, unless material considerations indicated otherwise.

Councillor Bower then formally proposed the recommendation which was seconded by Councillor Hughes.

Having received words of congratulations from Councillors extended to Walberton Parish Council and the Council's Planning staff, the Council

RESOLVED

That it 'makes' the Walberton Neighbourhood Plan 2019-2031 and it becomes part of the Development Plan for Arun District Council.

120. CONSTITUTION WORKING PARTY REPORT TO FULL COUNCIL

The Chair of the Constitution Working Party, Councillor Bower, presented a report from the Interim Monitoring Officer requesting the Council to agree the recommendations from the meeting of the Constitution Working Party held on 28 June 2021.

The recommendations suggested that amendments be made to the Council's Constitution following the implementation of the Committee style of governance and following the first round of Committee meetings.

In proposing the recommendations, Councillor Bower suggested that each recommendation be debated and voted upon separately.

The first recommendation to be debated was Recommendation 2 in the report [Agree to the name changes of Committees set out in Appendix 1, Part 1.]

Councillor Bower explained that the Working Party had received a request to consider changing the names of 4 out of the 6 new Service Committees to provide better understanding of what that Committee did and to make those Committees more understandable to members of the public.

The changes presented were:

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

Councillor Bower outlined that at the Working Party meeting he had been disappointed to learn that no change of name had been proposed for either the Planning Policy or Planning Committee and that he strongly believed that the Council should not have two Committees containing the word 'Planning' which was confusing for the public and could cause misunderstanding with regard to each Committee's functions. In view of this, Councillor Bower confirmed that he had proposed an amendment to change the name of the Planning Committee to the Development Management Committee based upon recommendations contained within the Hannaby report reviewing the Planning service. The Council therefore also needed to consider this additional change in name. The name changes of Committees were then seconded by Councillor Cooper.

In debating this there were Councillors who disagreed with the change in name proposed for the Planning Committee since the Council was the Planning Authority and that the Planning Committee determined planning applications. Its name was therefore not misleading. Other concerns were expressed in terms of the name changes proposed for the Residential and Wellbeing Services and Environment & Neighbourhood Services Committees. The new names cut out reference to other services which could cause confusion and did not therefore provide the full benefit of what each of those Committees did. These proposed changes in name should not

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therefore change as they were seen to be a misrepresentation of what those Committee's functions were.

Following further debate, the Chair of the Planning Committee, Councillor Chapman, asked the Interim Monitoring Officer is there was merit in considering deferring making a decision on the future name of the Planning Committee as the recommendations from the Hannaby review would be considered at the next meeting of the Planning Committee on 21 July 2021, one of those recommendations covered what the name of the Planning Committee should be. The Planning Committee could consider this and present its recommendation to the next meeting of Full Council in September 2021. The Chief Executive responded stating that this would make logical sense.

In view of the many issues presented on the suggested name changes, the Chair asked Councillor Bower if he would consider referring this matter back to the Constitution Working Party for reconsideration. Councillor Bower confirmed that he would be prepared to propose this referral back. Councillor Cooper, as seconder, confirmed that he would be happy to propose but urged Councillors to conclude this matter swiftly so that the remaining business on the agenda could be concluded.

The Interim Monitoring Officer was asked to provide advice. He reminded Councillors that there were four recommendations to consider and that it was Recommendation 2 that was now being proposed be referred back to the Working Party. The remaining three could be debated and voted on.

Following Points of Clarification raised, the Chief Executive confirmed that Recommendation (2) [Agree to the name changes of Committees set out in Appendix 1 Part 1] had been withdrawn and would be referred back to the Constitution Working Party for further discussion.

This meant that Recommendations 1, 3 and 4 could now be discussed and voted on.

Councillor Bower then formally proposed Recommendation 1 which was promptly seconded by Councillor Cooper.

The Council

RESOLVED

That it agrees to revise the general Terms of Reference as set out in Appendix 1 Part 2 so that Committees are required to have regard to their value for money not ongoing savings and efficiencies.

Councillor Bower then formally proposed Recommendation 3 which was seconded by Councillor Cooper.

The Council

#### RESOLVED

The changes to the Articles set out in Appendix 1 Part 3 be agreed.

Councillor Bower was invited to present Recommendation 4 and he explained that the Working Party, after much discussion, had agreed to defer the proposal to introduce a Member Question Time as a standing item on each Service Committee agenda. This was because it had been felt that the increased attendance at all meetings from non-Committee Members seemed to be a by-product of virtual [Zoom] meetings and so it had been felt prudent to delay this proposal to allow time to assess the return to physical meetings and how this may impact non-Member participation. The proposal would be reconsidered by the Working Party in six months' time. Councillor Cooper then seconded this recommendation.

There was much debate on this item with some Councillors disagreeing the proposal to delay this option. It was felt that this needed to be introduced now.

It was felt that this proposal would secure allowing non-Committee Members the opportunity to ask question at Committee meetings which currently was subject to the permission of the Chair and so there were instances when some Councillors did not get the opportunity to ask question as meetings. Comments were also made with regard to the suggested procedure in place for the management of this process where it was felt that to have to give 5 working days' notice was too great, this should be shortened along the lines of Member Questions for Council meetings.

Debate continued where it was strongly felt that this option was necessary so as to allow non-Committee Councillors the opportunity to ask any question at a Committee meeting with that question not having to relate to what was featured on the agenda for that meeting. With these points in mind, Councillor Dixon confirmed that he wished to make an amendment which was to read as follows – deletion have been shown using ~~strikethrough~~ and additions have been shown using **bold**.

"The option to (a) add Member Question Time as a standing item on each Service Committee agenda be ~~deferred~~ **agreed**. ~~for period of six months to allow time to assess the impact of non-Committee Member attendance at physical meetings and~~ (b) ~~when reviewed in six months' time, the procedure set out in Appendix 1 Part 4 be considered.~~

This amendment was seconded by Councillor Coster.

The Committee Manager brought to Members' attention that should the amendment be approved, then it was necessary to ensure that a procedure be in place for its management. This had not been debated by the Working Party and so would require debate and agreement as part of the amendment just proposed.

Full Council - 14.07.21

In response, Councillor Bower confirmed that he would be prepared to withdraw this item for further consideration by the Constitution Working Party.

This statement triggered Points of Order in that there was an amendment that had been proposed and duly seconded. Councillor Dixon as the proposer to the amendment confirmed that in response to the Committee Manager's observation he would be happy to add to his amendment the words "the process for Member Question Time be based on the process in place for Member Questions at Full Council".

Councillor Bower reconfirmed his wish to have Recommendation 4 withdrawn.

Following a range of Point of Orders raised, the Chair was advised by the Interim Monitoring Officer that in line with Council Procedure Rule 11 [Duration of Meeting] – Rule 11.2, the Council needed to determine if it wished to adjourn the meeting at 10.30 pm or whether it wished to extend the meeting to 11 pm, at which time it would then stand adjourned.

Having undertaken a vote to extend the meeting to 11.00 pm, this was declared LOST.

The meeting was therefore confirmed as adjourned by the Chair.

(The meeting was concluded at 10.31 pm)