



Public Document Pack

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

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6 September 2022

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 15 September 2021** at **6.00 pm** in the **Council Chamber, at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** to transact the business set out below:

A handwritten signature in black ink, appearing to read "N. V. Lynn".

Nigel Lynn
Chief Executive

Any members of the public wishing to address the Council meeting during Public Question Time will need to email Committees@arun.gov.uk by **5.15 pm on Tuesday, 7 September 2021** in line with current Council Procedure Rules. It will be the Chief Executive's /Chair's discretion if any questions received after this deadline are considered.

For further information on the item to be discussed, please contact Committees@arun.gov.uk.

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are invited to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda, and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and Officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial interest
- c) the nature of the interest
- d) if it is a pecuniary or prejudicial interest, whether they will be exercising their right to speak under Question Time

3. PUBLIC QUESTION TIME

To receive questions from the public (for a period of up to 15 minutes)

4. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

To receive questions from Members with pecuniary/prejudicial interests (for a period of up to 15 minutes)

5. PETITIONS

To consider any petitions received from the public.

6. MINUTES (Pages 1 - 16)

To approve as a correct record the Minutes of the Meeting of the Council held on 14 July 2021, which are *attached*.

The Council is also asked, as this is its first physical meeting in the new Municipal Year, to ratify the following decisions made at the virtual Annual Meeting of the Council held on 19 May 2021, which could not be signed off by the Chief Executive in respect of the following minutes:

- ***Minute 6 [Appointment of Chair of the Council]***
- ***Minute 8 [Appointment of Vice-Chair of the Council and Chair-Elect]***
- ***Minute 10 [Appointment of the Leader and Deputy Leader of the Council]***
- ***Minute 11 [Review of Entitlement of Political Groups to Seats on Committees [Proportionality] and Appointments to Committees]***
- ***Minute 12 [Representation on Outside Bodies]***

For ease of reference by clicking on this link – you can access the Annual Council Meeting minutes here - [Annual Council Meeting – Minutes – 19 May 2021](#)

7. CHAIRMAN'S ANNOUNCEMENTS

To receive such announcements as the Chairman may desire to lay before the Council.

8. URGENT MATTERS

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

OFFICER REPORTS

9. **CHIEF EXECUTIVE'S RECRUITMENT & SELECTION PANEL [10 MINUTES]**

A report from the Council's Group Head of Law & Governance & Monitoring Officer will be circulated separately to this agenda.

10. **MOTIONS**

The following Motions have been submitted in accordance with Council Procedure 15.1 and 15.2:

MOTION 1

Proposer: Councillor Stanley

Seconder: Councillor Bennett

This Council requests an officer report be produced exploring how we can further enhance our performance regarding Empty Homes, with an aim to bring even more of them back into use.

This report should include but not exclusively contain:-

1. Council tax charged on Empty Homes with a view to exploring a potential sliding scale increase over time. A similar system is currently being used in Brighton and Hove.
2. Council tax charged on Holiday Homes with a view to encourage owners to utilise their properties on at least an annual basis.
3. A review of the incentives and services we (could) offer property owners to increase engagement with our Empty Homes Team and support tenant management issues and misconceptions.
4. A review of how we promote our Empty Homes service and how we communicate success stories.

This Council acknowledges the potential financial impact of this work (both costs and income streams) well as the potential impact on officer resource and requests this information is included in the report.

Finally this Council requests a letter is sent to the relevant minister and local members of parliament requesting consideration is given to including Empty Homes that are brought back into use into the Housing Delivery targets for Local Authorities, and an option to co-sign this letter be given to all District Council Groups Leaders.

MOTION 2

Proposer: Councillor Edwards
Secunder: Councillor Gunner

Motion about Southern Water

We are unfortunately hearing about the continuous discharges of untreated sewage in the sea which has directly affected our residents' opportunity to use the bathing waters, as well as affecting the wildlife in our harbours and waterways.

This is not just an issue for the Arun District either, it is affecting the coastline from Kent to Portsmouth. Residents along the coast are being constantly subjected to incidents where raw sewage is simply pumped directly into the sea.

Arun District Council believes that the health of residents is of the utmost importance, and this situation therefore must not be allowed to continue. It will also potentially affect our local economy if people are unable to use the seaside because of unsafe bathing water.

This Council urges Arun District Council to condemn this disgraceful practice in the strongest possible terms and calls upon Southern Water and Mr Andrew Griffith, MP and The Rt Hon Nick Gibb, MP to meet together with Arun District Council to agree specific timed commitments for ceasing the practice of discharging untreated sewage into our safe water system.

MOTION 3

Proposer: Councillor Dixon
Secunder: Councillor Thurston

The Coastal Plain in the Arun District is low lying and flat – making it vulnerable to the risks arising from climate change, particularly rising sea levels. This land was under the sea once (as evidenced by the district's raised beaches), and, if recent climate change forecasts are to be believed, it can be again.

There are already thousands of existing homes on the Coastal Plain. Also, the Council is compelled by government policy to build a further 20,000 new homes.

Normally, in districts at risk of flooding, it is possible to build on higher ground but in the Arun district our higher ground is National Park, where there is a presumption against development, and so we are prevented from doing this. New homes can only be built on the Coastal Plain.

On the 5 December 2019, the Prime Minister said:

“We've got to stop building on flood plains. We've got to stop building on areas which are vulnerable to flooding.”

And

“The other thing we've got to do, we've got to put in long-term flood defences ...

This Council supports these aims, as expressed by the Prime Minister.

The Council therefore calls on the government to recognise the flood risks to the Coastal Plain arising from climate change, by commissioning a full and comprehensive risk assessment for the Coastal Plain, utilising the most up to date and credible scientific data available, in order to identify what mitigation measures will be required to protect new and existing communities.

The Council instructs the Chief Executive to write to the Secretary of State for Housing, Communities and Local Government to request a meeting to discuss this.

MOTION 3

Proposer: Councillor Stanley

Seconder: Councillor Dixon

I wish to submit the following motion to rescind for September's Full Council, as a motion to rescind requires the support of at least 14 Councillors to be placed on the agenda I can confirm the following Councillors support both of these motions.

Councillors Batley, Bennett, Blanchard-Cooper, Gregory, Jones, Lury, Needs, Oppler, Purchase, Smith, Stanley, Tilbrook, Walsh, Warr, Worne, Yeates, Coster, Dixon, Hamilton, Haywood, Huntley, Catterson and Thurston.

In line with Council Procedure Rule 19.1 this is a motion to rescind a decision. I move that the decision at minute 176 of the Economic Committee Meeting of the 26 July 2021 be rescinded.

This being

- 1) Officers to immediately re-market the London Road Lorry Coach Park (Bognor Regis) for sale, and to report back a marketing and level of interest update to the next meeting of the Economic Committee.
- 2) When re-marketing, Officers are to advise interested parties that the Council would prefer a developer to retain 100 public car parking spaces, re-provide public toilets, and facilitate a quality entrance route to Hotham Park.
- 3) The land area under consideration incorporates the adjoining car park. In marketing the site, Officers will use an agent, and the terms of sale will be as before, with no end use defined.
- 4) Officers are given authority to exceed their £100,000 delegated authority in respect of a fee which could become payable to an agent

MOTION 4

Proposer: Councillor Bennett

Secunder: Councillor Haywood

I wish to submit the following motion to rescind for September's Full Council, as a motion to rescind requires the support of at least 14 Councillors to be placed on the agenda I can confirm the following Councillors support both of these motions.

Councillors Batley, Bennett, Blanchard-Cooper, Gregory, Jones, Lury, Needs, Oppler, Purchase, Smith, Stanley, Tilbrook, Walsh, Warr, Worne, Yeates, Coster, Dixon, Hamilton, Haywood, Huntley, Catterson and Thurston.

In line with Council Procedure Rule 19.1 this is a motion to rescind a decision. I move that the decision at minute 200 of the Audit & Governance Committee Meeting of the 29 July 2021 be rescinded.

This being that the Committee's start times for meetings for 2021/22 be 10.00 am

MOTION 5

Proposer: Councillor Thurston

Secunder: Councillor Walsh

Introduction

Whilst recognising the good intentions of the Council as expressed in the Energy Efficiency strategy 2020-25, for measures such as improved insulation and energy saving measures, this Council believes that action now needs to be stepped up if we are to meet our carbon reduction targets. We recognise two major difficulties: a high level of fuel poverty in the district; and the need to understand the new and emerging technologies required to address the carbon reduction targets. However, Arun District has declared a Climate Emergency and aims to be a carbon neutral authority by 2030. That is only eight years away.

In the last few years, Arun District Council has connected 200 council homes to the gas network, and in 2020, around 80 properties had gas boilers installed under the Safe and Warm Home grants scheme. And a few weeks ago, a special meeting of the Wellbeing and Residential committee was called at very short notice to authorise a communal heating gas boiler serving 70 homes to be replaced at Bersted Green Court. This boiler was known to be reaching the end of its life and its replacement had been planned.

Gas is a fossil fuel and causes high levels of carbon dioxide emissions. As we know, the government will be phasing out the use of gas for new housing in the next few years. It is still legally possible to carry on replacing boilers until around 2030 if they are assumed to last for up to twenty years; this would tie in with the government's target of reaching carbon neutral by 2050. However, at Arun we have set a higher target and so this does not set a good precedent. In fact, this decision alone will surely prevent us being a carbon neutral council by 2030 as we intended.

Motion

This Council requires that carbon neutral alternatives are found to replace heating systems in Council owned properties, rather than replacing gas boilers with new gas boilers. There are systems available and research for alternatives to suit a variety of properties should start now, so that Arun District Council is never again in the position of having to renew a gas boiler.

MOTION 6

Proposer: Councillor Walsh

Seconder: Councillor Stanley

This Council notes with great concern that Southern Water has been fined £90m for sustained sewage discharges into seawater and water courses in our region, after earlier repeated offences. It also notes that Macquarie, a company with a history of asset stripping and profit taking, have taken a majority stake in the company.

It RESOLVES to request the Chief Executive and Group Head of Planning write to them asking what plans and timescales they have to:

- a) Cease such illegal discharges causing risk to public and environmental health
- b) Separate rainwater drainage from sewage networks
- c) Accommodate all the proposed new house building with main sewer connection before a) and

If no satisfactory answers are received, it further RESOLVES to request the DCHLG to drastically reduce the Arun Local Plan housing delivery targets until safe sewage disposal and reasonable rainwater excess drainage can be achieved.

THE CHAIR WILL CONFIRM THAT IN ACCORDANCE WITH PART 5 - RULES OF PROCEDURE (MEETINGS) - SECTION 1 [COUNCIL PROCEDURE RULES] RULE 8 [CANCELLATION, POSTPONEMENT OR ADJOURNMENT OF MEETINGS] OF THE CONSTITUTION AND IN CONSULTATION WITH THE CHIEF EXECUTIVE THAT THE COUNCIL WILL NOW DEFER THIS MEETING TO ALLOW COUNCIL TO COMPLETE THE BUSINESS REMAINING FROM THE LAST FULL COUNCIL [14 JULY 2021] AS SET OUT BELOW IN ITEMS 11 TO 13. AFTER THIS, THE COUNCIL WILL RESUME THE BUSINESS OF THIS MEETING - ITEMS 14 TO 18

11. CONSTITUTION WORKING PARTY - REPORT TO FULL COUNCIL [5 MINUTES]

At the Full Council meeting on 14 July 2021, Full Council was asked to agree the recommendations of the Constitution Working Party held on 28 June 2021 on the suggested amendments to the Constitution following implementation of the Committee style of governance and following the first round of Committee meetings.

The meeting was adjourned prior to the vote on Recommendation 4 had been concluded.

The Council needs to conclude this item.

The Officer report and the minutes from the Working Party can be found by clicking on these links: [Constitution Working Party – Report to Full Council – 14 July 2021](#) and [Constitution Working Party Minutes – 28 June 2021](#)

12. CORPORATE POLICY AND PERFORMANCE COMMITTEE - 17 JUNE 2021 [30 MINUTES] (Pages 17 - 28)

The Chair, Councillor Gunner, will present the one outstanding recommendation from the meeting of the Corporate Policy and Performance Committee held on 17 June 2021, with the Council being informed that the recommendations contained in Minute 85 [Supplementary Estimate to Cover Costs Awarded Against the Council in Appeal P/58/19/PL and Minute 86 [Supplementary Estimate to Cover Costs for Defending Appeal on Land South of Barnham Station, Barnham] were taken via an urgent Chief Executive Decision on 22 July 2021, following full consultation with all Group Leaders.

This leaves one outstanding recommendation for Council to consider:

Minute 88 [Minutes from the meeting of the Planning Policy Committee – 1 June 2021 – Minute 42 – Delivery of West Bank Strategic Allocation] – to view the minutes from the Planning Policy Committee on 1 June and the Officer's report – please click on these links – [Report](#) and [Planning Policy Committee – Minutes 1 June 2021](#)

13. GENERAL QUESTIONS FROM MEMBERS [BY ADVANCE NOTICE] (Pages 29 - 38)

To consider the general questions from Members in accordance with Council Procedure Rule 14.3 – that were submitted for 14 July 2021 Council meeting, as attached. [30 minutes].

RECOMMENDATIONS FROM SERVICE COMMITTEES, REGULATORY AND STANDARDS COMMITTEES AND FROM WORKING PARTIES

14. PLANNING COMMITTEE - 21 JULY 2021 [30 MINUTES] (Pages 39 - 48)

The Chair, Councillor Chapman, will present the Minutes from the meeting of the Planning Committee held on 21 July 2021. There are a range of recommendations at:

Minute 36 [Planning Review Update Report and Future Actions] – to view the Officer's report and Appendices, please click on these links - [Planning Review Report](#); and [Appendix A](#); and [Appendix B – Officer Recommendations](#); and [Appendix C – Member Recommendations](#); and [Appendix D – Member-Officer Recommendations](#)

15. AUDIT & GOVERNANCE COMMITTEE - 29 JULY 2021 [30 MINUTES] (Pages 49 - 58)

The Chair, Councillor Clayden, will present the Minutes from the meeting of the Audit & Governance Committee held on 29 July 2021. There are a range of recommendations at:

- Minute 207 [Treasury Management Annual Report – 2020/21] – to view the Officer’s report and Appendices, please click on this link – [Report with Appendices](#)
- Minute 209 [Chair’s Annual Report to Council] – to view the Officer’s report and Appendix, please click on this link - [Report](#) and [Appendix](#)

16. QUESTIONS FROM MEMBERS [BY ADVANCE NOTICE] [30 MINUTES]

To consider general questions from Members in accordance with Council Procedure Rule 14.3.

Any questions received will be circulated in advance of the meeting.

17. COMMITTEE MEMBERSHIPS

The Leader of the Council will report the following changes in Committee Memberships which the Council is asked to note.

Corporate Support – Councillor Buckland has filled the Independent Independent seat and Councillor Warr has replaced Councillor Purchase

Planning Policy – Councillor Thurston has filled the Green seat

Residential & Wellbeing Services – Councillor Catterson has filled the Green seat

Environment & Neighbourhood Services – Councillor Thurston has filled the Green seat

Economic – Councillor Northeast has filled the Labour seat

Audit & Governance - Councillor Northeast has filled the Labour seat

Planning Committee – Councillor Thurston has filled the Green seat

Planning Committee – Named Substitutes - Councillors Catterson, Daniells, Hamilton, Clayden, Alison Cooper and Rhodes have been added

Licensing - Councillor Northeast has filled the Labour seat

CEO Remuneration Committee – Councillor Bennett has replaced Councillor Walsh

Constitution Working Party – The membership is now confirmed as Councillors Bower [Chair] Andy Cooper [Vice-Chair], Bennett, Chace, Daniells, P English, Haywood and Yeates.

Standards – Councillor Buckland has filled the Independent Independent seat.

18. **REPRESENTATION ON OUTSIDE BODIES**

The Council is asked to approve any changes to its representation on Outside Bodies.

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note : Where there are recommendations from other Committees, please refer to the e-link under the specific agenda item to access the Officer report.

Note : Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link [PART 8 - CP - Section 5 Filming Photographic Protocol.pdf \(arun.gov.uk\)](#).

Public Document Pack Agenda Item 6

Subject to approval at the next Full Council meeting

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

Present: Councillors Brooks (Chair), 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, Haywood, Hughes, Huntley, Kelly, Lury, Madeley, Needs, Oliver-Redgate, Oppler, Pendleton, Roberts, Seex, Smith, Stanley, Tilbrook, Thurston, 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 Seex – 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.

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.

Full Council - 14.07.21

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.

Name	Town or Parish Council or West Sussex County Council [WSSC]
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	WSSC
Councillor Jacky Pendleton	Middleton-on-Sea and WSSC
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.

113. PETITIONS

There were no petitions presented to this meeting.

Full Council - 14.07.21

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 challengeable 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 are 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.

Full Council - 14.07.21

- 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.

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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.

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 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
- (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.

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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.

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These proposed changes in name should not 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 at 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.

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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)

Public Document Pack Agenda Item 12

Subject to approval at the next Corporate Policy and Performance Committee meeting

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CORPORATE POLICY AND PERFORMANCE COMMITTEE

17 June 2021 at 6.00 pm

Present: Councillors Gunner (Chair), Pendleton (Vice-Chair), Cooper, Dixon, Oppler, Roberts, Seex, Stanley and Walsh.

Councillors Bower, Brooks, Clayden, Mrs Cooper, Coster, Edwards, Thurston and Worne were also in attendance for all or part of the meeting.

79. WELCOME

The Chair welcomed Members and Officers to this first and virtual meeting of the Corporate Policy and Performance Committee.

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.

80. DECLARATIONS OF INTEREST

Councillor Walsh declared a Personal Interest in Agenda Item 10 [Minutes from the Meeting of the Planning Policy Committee - 1 June 2021 – Minute 42 – Delivery of West Bank Strategic Allocation] as a Member of the Littlehampton Harbour Board, representing Arun District Council.

Councillor Pendleton also declared a Personal Interest in the same item as a Member of the Littlehampton Harbour Board, but in her capacity as a West Sussex County Councillor.

81. URGENT ITEMS - START TIMES

The Committee

RESOLVED

That its start times for meetings during 2021-22 be 6.00 pm.

82. PUBLIC QUESTION TIME

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

83. TERMS OF REFERENCE FOR THE CORPORATE POLICY AND PERFORMANCE COMMITTEE; MATTERS RESERVED; AND DELEGATION TO OFFICERS

The Chair invited the Interim Monitoring Officer to present his report. He provided a short introduction confirming the Committee's Terms of Reference as given by Full Council and he asked the Committee if it wished to make suggestions for change to the Constitution Working Party as appropriate. He outlined to Members that this report was different to others that had already been presented to other Committees where reference had been made to the Matters Reserved scheme. This Committee was different in that a large number of its Terms of Reference were policy matters which were reserved to Members, it was not necessary to have a reserved matters scheme unless Members wanted one.

No requests were made by the Committee to change its Terms of Reference, though in making reference to the Committee's Calendar of Meetings for 2021/22, the Chair proposed that the next meeting of the Committee scheduled for 2 September 2021 be moved to 1 September 2021, for a range of reasons. This proposal was seconded by Councillor Pendleton.

Following discussion around the need to make this change in date, Councillor Walsh proposed an amendment which was that the meeting date be 31 August 2021. This was seconded by Councillor Stanley.

Following some discussion around the need to ensure that any change in meeting date should be consulted with all Members of the Committee in advance, Councillor Walsh's amendment was put to the vote. As the result of this vote was split with 4 voting for and 4 voting against, the Chair used his casting vote and the amendment was declared NOT CARRIED. A vote was then held on the substantive motion to move the date to 1 September 2021, and on putting this to the vote, the result was again split with 4 voting for and 4 voting against. The Chair then used his casting vote and the substantive amendment was then declared CARRIED.

The Chair then returned to the substantive recommendations as outlined in the Interim Monitoring Officer's report.

The Committee

RESOLVED – That

- 1) the general Terms of Reference for Committees in Part 3 Paragraph 3 of the Constitution be noted and the specific Terms of Reference for the Corporate Policy and Performance Committee as established by Full Council on 19 May 2021 as set out in part 1 and Part 2 of Appendix 1 attached to the report be noted;

- 2) no suggestions were identified to be considered by Full Council through the Constitution Working Party (CWP) for clarifications of these Terms of Reference;
- 3) the schedule of Corporate Policy and Performance Committee meetings as set out in the Calendar of meetings provided as an e-link in the background papers section of this report be noted but as amended at the meeting in that the next meeting of the Committee be moved from 2 to 1 September 2021; and
- 4) it was confirmed that there were no matters to be on the matters reserved scheme whereby matters not reserved by Committee to itself are delegated to Officers by default and set out in Appendix 2 (attached).

84. CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT, 1960 - FIT AND PROPER PERSON TEST

The Chair invited the Group Head of Technical Services to present his report. He explained that in Arun there were over 1,100 households that lived in residential park homes and that most site owners managed these households effectively treating their residents well. It was confirmed that in 2017 the Government undertook two calls for evidence and that in 2018 it published its response. Part of this response included a package of measures which were committed to in policy to include introducing legislation to prevent exploitative service charges on residents and to prevent complex and opaque ownership structures from depriving residents of security of tenure. A Working Group had been established (which Arun participated in) to help promote awareness of rights amongst residents. In addition, the Government committed to engaging with Local Authorities through a forum which Arun had set up nationally which was the Site Licencing Officers Group which had a membership of over 200 Local Authorities. This had been an effective way to focus on best practice and to engage with the Government. The final piece of the Government's response was to introduce a 'fit and proper persons test' to protect the best interest of residents on sites and this was added to Local Authorities' existing powers in order to target the worst offenders in this sector.

The Group Head of Technical Services explained that in response to this, Officers had worked with the Site Licencing Officers Forum to commission barristers to help with the implementation of this new regulatory function which led to the production of two policies [the Fit & Proper Person Determination Policy and the Fit & Proper Person Fees Policy] which had been attached as appendices to the report for the Committee to approve so that they could be adopted. This new regime had to be implemented by local authorities on 1 July 2021. Legislation confirmed that applications could be received by local authorities from 1 July 2021 until midnight on 30 September 2021, with the local authority being able to recover costs, once the appropriate Fees Policy had been adopted.

The Chair then invited questions. One Member made reference to the part of the Policy that referred to the instance where if a site manager was unable or unwilling to submit a Fit and Proper Person Test then could the Council install its own Fit and Proper Person to then manage the site '*with the site owner's permission*'. This led to further questions being asked as to what would happen if the Council did not get this permission and what would be the consequences for that site. The same Member also asked if there was an ongoing rating mechanism after the initial judgement or whether this test happened annually to deal with future acquired criminal offences.

In response, the Group Head of Technical Services confirmed that as part of the technical consultation it was suggested to Government through the forum that Local Authorities should have powers to act in such circumstances and not be reliant upon site owners' cooperation but that this was not currently legislated for so in situations of non-cooperation the Council could revoke the licence meaning the site owner was committing a criminal offence by continuing to run a site without one and that penalties could be imposed by the Courts. He further confirmed that inclusion on the Fit and Proper Person Register would last for five years after which a new application would have to be submitted, but that if evidence was brought to the Council then a review of status and inclusion on the register could happen in the interim.

In response to another Member asking whether these were nationally drafted or local versions of policies, the Group Head of Technical Services explained that the Officer Forum provided template policies for all its member Local Authorities to assist in implementation and to ensure consistency where site owners had properties over several Districts' jurisdictions.

Councillor Walsh then proposed the recommendations which were then seconded by Councillor Stanley.

The Committee

RESOLVED – That

- 1) The Fit and Proper Person Determination Policy be adopted;
- 2) The Fit and Proper Person Fees Policy be adopted;
- 3) Delegated authority be given to the Group Head of Technical Services to have the ability to make minor revisions to the Fit and Proper Persons Fee Policy, including amendments to the fees schedule.

85. SUPPLEMENTARY ESTIMATE TO COVER COSTS AWARDED AGAINST THE COUNCIL IN APPEAL P/58/19/PL

The Chair invited the Director of Place to present his report. He explained that planning permission for application P/58/19/PL had been refused by the then Development Control Committee contrary to the advice of Officers from this Council, West Sussex County Council and the Council's appointed Highways consultant.

In deciding the subsequent appeal, the Inspector had concluded that the Council had acted unreasonably in refusing planning permission and had awarded costs against the Council. This report sought a supplementary estimate of up to a maximum of £26,000 to settle that award of cost.

The Chair then invited questions. One Member, commenting on the Planning Inspector's decision, asked whether the Council would have fared better if it had provided more photographic evidence and he asked how well the Council had performed in providing sound evidence for the appeal. In response, the Director of Place could not confirm if any specific photographs had been provided as part of the evidence submitted (but would confirm this outside of the meeting) but he did confirm that plentiful evidence had been provided to the Inspector and he invited Members to learn from what the Inspector had confirmed in Paragraph five of the decision letter, which was read out as follows:

'Committee Members are not bound by this advice, and I accept that they have important local knowledge. However, in this case the extensive professional evidence from both main parties prior to the determination of the application indicates that this application should have been permitted. Furthermore, as can be seen in my main decision, I have not been presented with evidence at appeal which leads me to disagree with the recommendations of these professionals at the application stage. Therefore, this application should clearly have been permitted. Consequently, refusing the application on this basis is unreasonable behaviour.'

He concluded that, though Members had the right to make a decision that was contrary to an Officer's recommendation, this had to be done in a reasonable manner and the Planning Inspector had come to the view that the decision taken was unreasonable. Further confirmation was sought in terms of where the fault for this decision laid and whether the appeal had been defended robustly enough. The Director of Place was asked if, after consulting the appeal paperwork, to circulate to all Committee Members his response regarding the inclusion of photographs.

Another Member asked for clarification on whether the report concerned a single application or multiple applications, and how the figure of £26,000 had been established as settlement negotiations were still on-going. Concern was expressed as to whether such negotiations could be weakened on the Council's side as it had publicly declared a maximum figure it would be prepared to settle at. The Director of Place confirmed that this report related to one application [P/58/19/P] and that a figure had been set although Officers were still in discussion with the appellant around agreement on what the reasonable costs associated with the reasons for refusal were. The Member, having been given the right to respond by the Chair, suggested that the wording in the recommendation be amended so that it was clear that it related to just one planning application. Concern was expressed that confirming an award sum in a public setting was 'perhaps declaring the Council's hand' and could weaken Officers' power of negotiation. A suggestion was made as to whether this item should be deferred until further evidence gathering had taken place.

The Director of Place explained that the costs discussed in the report were a debt because the Council's actions had been deemed to be unreasonable. He urged Members not to defer this matter to the next meeting of the Committee as the Council would run the risk of being legally challenged for not meeting its debt. A Member spoke about there being lessons to be learnt by Officers and Members of the Development Control Committee in accepting Officer advice and ensuring decisions made were robust enough to stand up to inspection.

The Interim Monitoring Officer outlined the awarding of costs process for Members' clarity confirming that when a Planning Inspector made a decision that costs should be awarded the amount was not quantified at that stage but agreed through subsequent negotiation which, if unsuccessful, returned for determination. He acknowledged that publicly agreed budgets could pose a risk to negotiations but also indicated to the appellant that that was all the money available, and that there might be the case to hold some of these type of discussions in the exempt part of the agenda. The Director of Place confirmed that this was an upper estimate but as correspondence with the appellant was still ongoing was reluctant to give further details in the meeting.

A non-Committee Member raised possible contradictions within the Planning Inspector's written decision which could have suggested the need for a judicial review but that the Council's Solicitor was not asked to explore this and only considered the issue of appropriate assessment which was not an issue when the planning application went to the Development Control Committee and was not discussed. The Director of Place explained that he had believed a judicial review, whether a decision maker had got something wrong in law sufficiently that the decision be substantially flawed, was not justified. Legal advice had been sought which confirmed there were no reasonable grounds to pursue a judicial review and that this had previously been explained separately to the Member.

In response to the Chair, the Interim Group Head for Corporate Support confirmed that a figure did need to be set as the report was budget related and the budget would need to be regularised. In concluding the discussion, the Chair suggested that these matters be dealt with under Exempt business going forward.

Councillor Roberts then proposed the recommendation which was then seconded by Councillor Cooper.

The Committee

RECOMMEND TO FULL COUNCIL

That approval be given to a retrospective supplementary estimate of up to a maximum of £26k to settle the award of costs in respect of application P/58/19/PL (equivalent to a Council Tax Band D of £0.42) in order to regularise the budget position.

86. SUPPLEMENTARY ESTIMATE TO COVER COSTS FOR DEFENDING APPEAL ON LAND SOUTH OF BARNHAM STATION, BARNHAM

The Chair invited the Director of Place to present his report. He explained that the Council had refused an application for substantial development south of Barnham railway station and that there had been ten sound reasons for this refusal. As a result, the applicant had appealed against the decision and it was confirmed that the appeal would be heard by way of a Public Inquiry that was estimated to last eight days later in 2021.

The Council now needed to fund its legal representation to include Counsel costs and costs associated with the appointment of planning consultants and any specialist consultants to assist with defending the appeal. A supplementary estimate of £50,000 was requested in this respect.

The Director of Place outlined that there was no alternative to defending the appeal, but that Council Officers could defend the appeal instead of appointing planning consultants but that they did not have the capacity to undertake such a huge task and that if this option was suggested as an alternative it would mean that Officers would be taken away from their normal activities to act as the Council's witness for this appeal. Notwithstanding that, a supplementary estimate of some form would still be needed to pay for the services of an Advocate to act on the Council's behalf in this matter. The Director of Place confirmed that the £50,000 was the approximate cost of the Advocate and a total of £30,000 was for expert witnesses with these sums representing a worst case scenario for budgeting purposes.

In response to Members, the Director of Place confirmed that the application had been refused by Officers under Delegated Authority and not by the Development Control Committee, the reasons for this application not being presented to Committee were explained.

Another non-Committee Member implored Members to allow the Council to make the strongest possible representation by approving this recommendation.

Following further discussion, Councillor Stanley then proposed the recommendation which was then seconded by Councillor Oppler.

The Committee

RECOMMEND TO FULL COUNCIL

That approval be given to a supplementary estimate of £50,000 for costs associated with defending the appeal in respect of application BN/142/20/OUT. These include Counsel costs and costs of the appointment of planning consultants and any specialist consultants to assist with defending the appeal. A supplementary estimate of £50,000 equates to a Band D equivalent Council Tax of £0.80.

87. CORPORATE PLAN 2018-2022 - QUARTER 4 AND END OF YEAR PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2020 TO 31 MARCH 2021 FOR THE CORPORATE PLAN AND SERVICE DELIVERY PLAN INDICATORS

The Group Head of Policy presented this report confirming that the commentary for each indicator set out the extent to which each target had achieved for the period covering 1 April 2020 to 31 March 2021 with an explanation where necessary and also setting out which indicators required special monitoring in 2022.

It was explained that there was an error in the report at Paragraph 1.14 [Actions] where it had been suggested that the targets for SDP 16 [Business Rates Collected] and SPD 18 [Cost of Emergency Accommodation] be changed for 2021/22. There were no recommendations to change these indicators.

The Chair then invited debate and questions reminding Members that this item was being presented to this Committee so that it could fulfil its scrutiny role.

A range of questions were then asked, which have been summarised below:

- SDP 6 [Vacant Private Sector Dwellings Returned to Occupation] – praise was directed towards the Council’s Empty Homes Officer for achieving another award for her work undertaken. In the commentary it stated that much of that success had been due to the temporary provision of additional administration resource. It was hoped that this resource could continue to ensure that this valuable work could provide a long term solution to this problem.
- SDP 7 [Income received from general fund assets] – it was important for Arun to continue to have a strong presence as a landlord.
- SDP 1 [Major Applications Determined in 13 weeks] SDP 2 [Minor Applications determined in 8 Weeks] and SDP 3 [Other Applications Determined in 8 Weeks] – concern was expressed over the way the Council was measuring these indicators. They were being presented as successes when in fact the targets were failing in that they were only over-achieving by using extensions of time agreements. The Director of Place explained that an Extension of Time agreement was a voluntary agreement between the Council and the applicant to agree that rather than determine an application within the real time period of 8 or 13 weeks, an arrangement could be agreed for a longer determination time usually to allow time to iron out a wide range of issues, and examples were provided.

The point was made that if the Council was under performing in anything that the first stage in improving performance was to acknowledge that there was under performance and to then address the problem.

- CP7 [Homelessness Applications where Homelessness is Prevented] – what were the reasons for this target being below target, apart from Covid. The Director of Services explained that the reason for underperformance had mostly been attributed to Covid-19 but that there were other reasons in that the probate rented sector was stagnant; family relationships were under strain, partly due to the pandemic and subsequent on and off lockdowns. As a result, the ability to negotiate for people to remain living at home had become very limited.

88. MINUTES FROM THE MEETING OF THE PLANNING POLICY COMMITTEE - 1 JUNE 2021

The Chair introduced this item explaining that at Minute 42 [Delivery of West Bank Strategic Allocation] there were two recommendations for this Committee to consider. It was explained that the minutes had been provided to the Committee as a supplement pack which had been uploaded to web on 15 June 2021.

The Director of Place was invited to explain the recommendations to the Committee. He outlined that this item related to West Bank, Littlehampton and that this strategic site allocation in the Local Plan had not been delivered due to a variety of challenges and so consequently an alternative plan of action was now proposed which where the recommendations that had been resolved by the Planning Policy Committee on 1 June 2021. The issue for this Committee was that there was a cost associated with that alternative strategy which had not been budgeted for and so this was why this Committee was being asked to approve the funding required to allow the actions approved on 1 June 2021 to be taken forward. Members' attention was drawn to the second recommendation for it to consider which was for the Council to accept financial contributions from third parties to support the delivery of Recommendations (1) and (2) approved on 1 June 2021. The Director of Place confirmed that he had been in discussion with a number of third parties [third party landowners] and that financial commitments had been made totalling £50,000 towards the cost of this work and that there might be other contributions that could come forward in due course. Members were asked to reflect on this in considering the two recommendations which were before them.

(At this point in the meeting, Councillor Walsh redeclared his Personal Interest made at the start of the meeting).

There were key concerns expressed by several Members relating to spending £100k on this project despite this site being an allocation in the Council's Local Plan. The concerns were centred around the sea defences at Clymping breaking through and the flooding that had extended up to the A259 and to other parts of the road, making this land extremely floodable. Another issue was the cost of the required flood work which had been estimated to be in the £30-40m mark which would be an additional cost on top of buying the land and developing it. Based on such facts, there was great uncertainty that this land would ever be an attractive proposition and so there was a reluctance to spend up to £100k on what was seen as a risk. It was acknowledged that if the decision was made to not pursue this work, there was no alternative suggestion of where this housing might go if de-allocation was pursued. This was therefore a difficult

decision for the Committee to make and it had to consider the amount of money to be spent on potentially an undevelopable piece of land.

The Committee was reminded that £50k had since been committed from external funders and so the recommendation before the Committee needed to be amended in terms of the £100k supplementary estimate which should now read £50k.

Many of the points being raised by the Committee were a repeat of the debate that had taken place at the Planning Policy Committee on 1 June 2021. The Chair reminded Councillors that the matter before this meeting was to decide whether to recommend to Full Council that a supplementary estimate of £50k be approved, not the merits around whether this was a suitable site or not.

The Chair asked if this decision had to be considered today and whether it should be deferred pending the outcome of the bid made to the Community Renewal Fund. The Director of Place confirmed that any deferral would mean that four months of valuable work would be lost.

Following further discussion, Councillor Cooper then proposed the recommendations, amended to show a figure of £50k, and this was seconded by Councillor Roberts.

The Committee

RECOMMEND TO FULL COUNCIL – That

(1) should any application for funding for this project submitted to the UK Community Renewal Fund be unsuccessful, then a supplementary budget of up to £50,000 to fund the cost of recommendations (1) & (2) approved by the Planning Policy Committee on 1 June 2021, be agreed as the Council's contribution to the cost of the project; This equates to a Council tax equivalent of £0.80 for a Band D property; and

(2) the Council accept financial contributions from third parties to support the delivery of recommendations (1) and (2) approved by the Planning Policy Committee on 1 June 2021.

89. FEEDBACK FROM JOINT ARUN AREA COMMITTEES

Although there were no items for this meeting, the Chair provided the Committee with a brief update as he had been consulted by West Sussex County Council regarding the abolition of Joint Arun Area Committees. He was consulting with Group Leaders with regard to the response that should be sent back to West Sussex County Council.

90. OUTSIDE BODIES

The Chair confirmed that there were no feedback reports from Outside bodies to present to this meeting.

91. LOCAL COUNCIL TAX SUPPORT SCHEME

The Committee received a report from the Chief Executive confirming that in accordance with the provisions of the Officer Scheme of Delegation in the Council's Constitution, he had taken a decision to incur expenditure and to take urgent action to continue the Covid-19 Hardship Fund for claimants or the Local Council Tax Support Scheme for 2021-22. The Committee was being asked to ratify the decision made by the Chief Executive.

The Committee

RESOLVED – That

(1) the urgent decision to continue the Covid-19 Hardship Fund for claimants of the Local Council Tax Support Scheme for 202/21, which continued an additional discretionary discount of up to £150 per household for working age claimants be ratified and

(2) the funding of the proposal from the balance of the funding allocated in 202/21 (approximately £210k) be noted.

92. CONTAIN OUTBREAK MANAGEMENT FUND (COMF) GRANT

The Committee received and noted a report from the Interim Group Head for Corporate Support and Section 151 Officer which provided an update on the Contain Outbreak Management Fund (COMF) grant allocations.

A question was asked regarding the Settled Status Advisor and the deadline in place. The Interim Group Head of Corporate Support and Section 151 Officer confirmed that she would provide a written response to the Committee outside of this meeting.

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

The Committee received and noted a report from the Chief Executive which updated the Committee on the Council's response to the pandemic situation.

A range of questions were asked in terms of the arrangements in place to conduct a gradual return to staff working in the Civic Centre from 19 July 2021 onwards.

The Chief Executive confirmed that in preparing for the opening of the Civic Centre, the next meeting of the Planning Committee would be held physically, the date to be confirmed. This meeting would need to adhere to any Covid-19 restriction in place. Tests were underway to ensure that the webcasting equipment, cameras and projector were working sufficiently.

The Chief Executive was asked if all physical meetings would take place in the Council Chamber so that the webcasting equipment could be used moving forward. Other points made were the need to accept that as a result of the 15 month lockdown, many things would need to operate differently, such as the way in which the Council interacted with the public as demand would be different.

94. WORK PROGRAMME

The Chief Executive introduced the Committee's draft Work Programme for 2021-22 confirming that this was work in progress.

As a way forward, the Chair invited Councillors to have a think about future items and to email suggestions to him so that he could discuss these with Officers.

The Committee was reminded that one of its strategic aims was to address climate change by way of approving an Action Plan. This would be added to the work programme and would also be incorporated into the new Corporate Plan which was in the process of being developed via a series of Member workshops that would be held in July and August 2021. It would be this Committee that would oversee the development and adoption of a new Corporate Plan.

Having corrected when the Budget Monitoring Report would be reported to the Committee in February 2022 instead of 9 March 2022 and having received no further suggestions, the Chair thanked Members for their input.

(The meeting concluded at 8.41 pm)

COUNCIL MEETING – 14 JULY 2021

**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

Q1 Councillor Bennett to the Chair of the Corporate Support Committee, Councillor Dendle

Q1 In May 2021 at minute 567 Full Council rejected the Options to Progress Webcast Improvement Project, this was mainly rejected by the Conservative group with support from others, my understanding of this means that when we return to physical meetings the public will only be able to view Planning Committee and Full Council online as this Council has not approved the additional cost for our current provider to stream all Committee meetings. Can the Chair confirm this is the situation we are currently in, and does he agree this is a retrograde step for this Council?

A1 I understand that the Chief Executive has consulted with all Group Leaders and agreed to facilitate the webcasting of all Committee meetings for the time being.

Q2 Councillor Bennett to the Chair of the Corporate Policy and Performance Committee, Councillor Gunner

Q2 Can the Chair confirm what his administration has achieved since regaining control of the Council, and please can he share his plans for the next two years with the public and this Council.

A2 A verbal response will be provided at the meeting by Councillor Gunner.

Q3 Councillor Worne to the Chair of the Corporate Support Committee, Councillor Dendle

Q3 Why did you feel it was appropriate to support cutting the money designated for a Diversity and Equality Survey from £10,000 to £5,000? This survey and the remedial work which would have followed, would have provided support to the most vulnerable members of our District.

The sum itself is not significantly large but it would have made a significant difference to members of the public who need extra support to access services provided by the Council"

A3 A verbal response will be provided at the meeting by Councillor Dendle.

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**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

Q4 Councillor Walsh to the Chair of the Residential & Wellbeing Services Committee, Councillor Pendleton

Q4 In view of the public concern at the increasing level of anti-social and criminal behaviour, including persistent drunkenness and intimidation, drug dealing, vandalism (including smashed shop and car windows) in both Littlehampton and Bognor Regis, and the lack or paucity of visible policing, would the Leader of the Council agree to set up an urgent meeting between the Police and Crime Commissioner and Councillors to discuss the issue .

A4 Thank you Councillor Walsh for raising these concerns. I am happy to arrange a meeting with the Police to discuss the issue of visible policing in the District, but I feel that in the first instance this should be with the District Commander who is the senior officer responsible for policing in our locality. Chief Inspector Jon Carter has always expressed a willingness to attend meetings with Councillors and I am sure he will wish to respond directly to these concerns. However, if Councillors feel the answers they receive from the Chief Inspector are insufficient then I would be happy to escalate this matter and request a further meeting with Katy Bourne, the Sussex Police and Crime Commissioner.

Q5 Councillor Dixon to the Chair of the Planning Policy Committee – Councillor Bower

Q5 On 1 November 2019 the House of Commons Environment Food and Rural Affairs Committee published a report called “Coastal Flooding and Erosion, and adaptation to climate change: Interim Report”. In essence, Defra’s select committee concluded that some local authorities are allowing "inappropriate development" in coastal areas which are at high risk from flooding and erosion, in order to achieve centrally-driven housing targets.

“The National Trust suggested that some local authorities were not designating areas at risk of coastal change over the next 100 years as Coastal Change Management Areas (CCMA) in their local plans, which would restrict development, because it would prevent them from meeting their targets for house building.”

A Coastal Change Management Area (CCMA) is an area identified in Local Plans as likely to be affected by coastal change (physical change to the shoreline through erosion, coastal landslip, permanent inundation, or coastal accretion).

Natural England commissioned a report Coastal Change Management Area – Environmental Opportunities” dated November 2015 and “Coastal Change Management Areas” dated August 2017. Natural England then commissioned

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QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

a report “Coastal Change Management Areas: Opportunities for more sustainable solutions in areas subject to coastal change” report first published January 2019. (This report incorporates the November 2015 and August 2017 reports).

Selsey to Pagham Beaches, Spit and Tidal Inlet is identified in the national top 10 potential CCMA's by Natural England.

This latter report was published before three of the four Pagham OPPs were decided. It seems to me that this report should have been a material consideration.

Question 1

- a) Were members of the Development Control Committee advised that Selsey to Pagham Beaches, Spit and Tidal Inlet is identified in the national top 10 potential CCMA's by Natural England before they determined the Pagham planning applications?
- b) If not, why not?

A5 Thank you for your question.

Firstly, you may recall that the Council has already agreed to explore the consideration of whether a CCMA is required (minutes from Full Council on 13 January 2021 refers – Minute 411). Secondly, the document is not directly relevant to any of the sites you mention as you acknowledge in your next question. Whilst there is an indicative redline for a potential CCMA it does not relate to any of these sites.

Q6 Councillor Dixon to the Chair of the Planning Policy Committee, Councillor Bower

Q6 It is important to recognise that the suggested CCMA covers the Pagham Beach area and not the development sites further inland.

- a) Given the obvious vulnerability of the Pagham Beach area is it possible that the proposed development sites could be impacted by a sea breach?
- b) Was this risk properly assessed after the new information became known in January 2019 and before the OPPs were determined?

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**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

A6 Thank you for your question.

I can confirm that each development site in the strategic allocation has been the subject of a flood risk assessment. You have copies of each Committee report which assesses the flood risk implications for these proposals in your agenda in respect of another matter on this agenda. I am unclear from your question what specific new information you are referring to from January 2019.

Q7 **Councillor Dixon to the Chair of the Planning Policy Committee – Councillor Bower**

Q7 Given that the Council has failed to respond in any significant way to a warning given 2 ½ years ago, do you agree that, for as long as the council remains inactive, Pagham residents will remain highly vulnerable?

A7 Thank you for your question. I am unclear from your question what alleged warning you are referring to but if it relates to a CCMA then I refer you to the response given earlier.

Q8 **Councillor Dixon to the Chair of the Planning Policy Committee – Councillor Bower**

Q8 I'm sure you will agree that it could be perceived that Arun is one of those councils not designating areas at risk of coastal change as Coastal Change Management Areas (CCMAs) in local plans, because it might prevent it from meeting targets for house building.

Cllr Lury former Cabinet Member advised me that *“The Shoreline Management Plan for this area is currently being reviewed and the relevant outcomes of this review will be brought before members in due course. Any consideration of the need to designate this area as a CCMA should follow (and not precede) this review”*.

Now here we are approx. 20 months later, not much appears to be happening, and the residents remain highly vulnerable.

- a) Do you agree with me that the council should take urgent steps to designate Pagham as a Coastal Change Management Area?
- b) If so, could this be achieved through a new Supplementary Planning Document or Development Planning Document?

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QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

Sources:

Source 1 - Coastal Flooding and Erosion, and adaptation to climate change: Interim Report –

see <https://publications.parliament.uk/pa/cm201920/cmselect/cmenvfru/56/56.pdf>

Source 2 - Royal Haskoning DHV 2019 Coastal Change Management Areas: Opportunities for more sustainable solutions in areas subject to coastal change. Natural England Commissioned Reports, number 275 – published January 2019) –

see <http://publications.naturalengland.org.uk/file/5869554089852928>

A8 Thank you for your question, but it appears to be a variation of one you asked earlier so I would refer you to the response offered earlier.

Q9 **From Councillor Dixon to the Chair of the Planning Committee – Councillor Chapman**

Q9 The Ford planning application for 1,500 houses is supported by the local community and Parish Council. It is probably the least controversial of our strategic locations. For a council failing to meet its 5-year housing land supply and housing delivery targets it should have been one of our easier sites to deliver. Instead it is turning into a shambles.

There are five factors influencing development proposals at Ford. They are:

- (1) a proposal for 1,500 houses,
- (2) a proposal for an incinerator,
- (3) a proposal for a school,
- (4) a “desire” for a junction where the proposed A27 Arundel Bypass crosses Ford Road,
- (5) a potential link road from the A259 to the A27 Arundel Bypass, bridging the railway line at Ford to provide a fourth and additional route in the west of the district between the Bognor Regis area and the A27.

Here are some of the problems as I see them:

- a) The cost of a junction on the Arundel Bypass where it crosses Ford Road can only be justified if it is used to help bring forward Ford as a potential location for future strategic growth and in order to help meet government housing policies. Otherwise how is it justified?
- b) Ford can only come forward as a location for future growth if the railway line is bridged. The railway line cannot be bridged unless a line is identified/protected for an A259 to A27 link road
- c) Without a link road Ford becomes less viable as a location for future strategic growth which, in turn, increases the pressure on other locations.

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- d) If the incinerator is consented before the housing proposal it will almost certainly make Ford less viable as a future option for strategic growth – who would want to buy a house adjacent to a giant incinerator?
- e) If the housing proposal is consented before the incinerator, then the new (bigger) incinerator proposal will be less likely and the much smaller (already consented) proposal will stand
- f) If housing proposals at Ford are impacted detrimentally then that may have a knock on effect on the viability/need for the school. If there is less housing at Ford can we still justify locating a school there? In any case, do we want a school so close to an incinerator?
- g) If the housing proposal for Ford fails, then so will the Local Plan.

The planning application was submitted in February 2020 and now 16 months later it remains undecided.

It seems to me that when the Development Control Committee deferred “endorsement” of the Ford Landings Masterplan pending “*Confirmation that there is agreement between a recognised education provider and the landowners regarding the transfer of land for the delivery of a new secondary school at Yapton/Ford.*” it ceded control of this strategic location to the recognised education provider and landowners.

Do you accept that the council has given away control of this important strategic location?

Does the council have any idea when a recognised education provider and the landowners might reach an agreement?

A9 Thank you for your question.

I am sure you will understand that as the Chairman of the Planning Committee it would not be appropriate for me to comment on the merits of a live planning application.

Q10 From Councillor Dixon to the Chair of the Planning Committee – Councillor Chapman

Q10 We know that Southern Water (SW) is required by the Water Industries Act to accommodate new development whatever the circumstances – and whether or not it overloads the system. SW can make recommendations for infrastructure improvements at the planning stage, but the onus is on the planning authority to set robust conditions when granting planning permission and to then enforce those conditions.

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At the same time the planning authority is under incredible pressure to meet government housing targets and tough conditions might conflict with this.

- a) Are the conditions imposed by the council on the Pagham strategic developments as originally recommended by SW in its consultation responses?
- b) The council does not have a good record on enforcement – will you give an assurance that any conditions will be robustly enforced?
- c) Will you give an assurance that there will be no tankering of sewage?
- d) As actual deliberate deception has been proven against SW, how can we possibly rely on their assurances of upgrading/improving their network and WWTW -- on which most of our strategic sites seem to depend – surely, in order to protect our local communities, we should be putting a hold on these sites until we see the work actually done and proven effective?

A10 Thank you for your four questions rolled up into one.

As indicated in response to a previous question you have the relevant committee reports on this agenda tonight and I would encourage you to re-read those. With regard to matters of enforcement there are currently no breaches of any conditions because none of the developments have commenced yet. Should there be any subsequent breaches, then I am sure that the Council's actions will be appropriate within the parameters laid down by regulation and guidance. To do anything else would put the Council at financial risk. With regard to tankering, the Council has no control over such matters.

Regarding the actions of Southern Water between 2010 and 2015 these matters have been dealt with in the courts and large fines applied. It would be a very foolish company who sought to repeat such unlawful acts.

Q11 **From Councillor Coster to the Chair of the Planning Committee – Councillor Chapman**

Q11 Cllr Chapman, I have major concerns in connection with the 'West of Bersted' proposed development, which is currently at Advisory Committee stage and will become a planning application within the not too distant future. These concerns have been expressed at the Advisory Committee stage by myself and others, but it is not apparent that they are being paid sufficient attention.

Firstly, there are serious concerns about the phasing of the development. Phase 1a is satisfactory, beginning at the North east corner of the site. But Phase 1b begins at the South West corner, which means that all construction traffic will approach via Chalcraft Lane or the Lower Bognor Road B2166, which

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will mean very considerable disruption, congestion and possible danger to residents.

It would be much more practical and considerate for Phase 1b to be swapped with Phase 2, which deals with the central part of the site and progresses from Phase 1a, which will allow for all construction traffic to approach from the A259 via the North East corner. The Developers appear to have no willingness to do this, and I am now asking you to ensure that our planning department is very firm in requiring this change to the phasing arrangements.

Secondly, it appears that the Highways and Transport assessments have paid no attention to the potential effect of this development on the B2166, which is little more than a narrow winding country lane leading from its junction with Chalcraft Lane up to its junction with Pagham Road. It frequently floods, the Pagham Road junction is potentially dangerous and often over capacity at peak hours.

It is quite obvious and inevitable that this road will receive much higher usage as a result of this development, with traffic going to the Free School and other Chichester area schools, plus traffic going westbound and seeking to avoid the A259 congestion at its junction with the A27. Yet there has been no proper assessment of the likely effects of this or of any potential mitigation. We have a responsibility not to allow WSCC Highways and the developers to simply ignore this, as they seem to be at the moment, and I am now asking you to ensure that our planning department pulls out all the stops to ensure that this matter is fully and carefully considered BEFORE any planning application is submitted.

Thank you for your attention.

A11 Thank you for statement.

I will ensure that your comments are passed onto the appropriate officer so that they can reconsider the points you make and bring them to the attention of WSCC and the site promoters.

Q12 From Councillor Coster to the Chair of the Planning Policy Committee, Cllr Bower

Q12 On 19 May at the Annual Council meeting, Cllr Gunner made a glowing speech telling us a few wonderful things that will happen under his leadership. And now is the time for his Group to begin to deliver.

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Among all that, he said that he will be looking at health care provision across the District – which I've always been under the impression is the responsibility of the NHS and the relevant trusts. Be that as it may, he said he would be "seeking opportunities" with the NHS as to how that can be delivered.

So here is your first challenge: we have a strategic site in Bognor Regis, known as 'West of Bersted,' which will contain some 2,500 homes, possibly 5,000 people, and the developers are providing space for a health facility to serve all those people. The planning application will be arriving at our offices soon.

Yet the CCG have quite clearly said that they will NOT be providing that health facility, and that all those people will be expected to travel some considerable distance to the Grove House surgery in Nyetimber (which will NOT be directly served by a bus route from West of Bersted) and which is already over capacity. And which, furthermore, will also be expected to serve the thousands of people from our strategic sites in Pagham.

The 'West of Bersted' Advisory Group have expressed their concern at this abdication of responsibility by the CCG for the healthcare of the thousands of people who will be living in the new development, but the CCG is resolutely ignoring these concerns. I have no doubt that the public, when they become aware of this, will be considerably less than impressed as well.

"Health care across the District," you said – and "seeking opportunities," you said. So, will you please now exercise your magic and not only seek the opportunity, but ENSURE that the CCG provides proper NHS care for those thousands of people at the space provided within this development.

I do not have to tell you that this problem has to be solved quickly. The planning application will be with us soon, and it would be very wrong of us to approve such an application without adequate healthcare facilities. Please keep us posted as to your progress.

Thank you for your attention.

- A12** I am grateful to Councillor Coster for drawing this matter to my attention and I am writing to the CCG to understand their reasons for not seeking health facilities in the development.

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Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

21 July 2021 at 2.00 pm

Present: Councillors Chapman (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Charles, Coster, Kelly, Thurston, Tilbrook and Mrs Cooper (Substitute for Edwards)

131. WELCOME

The Chair opened the meeting and welcomed Members of the Committee, the Public and Press, other Members and Officers participating in this meeting of the Planning Committee, noting that it was the first in person since the easing of restrictions.

132. APOLOGIES FOR ABSENCE

An Apology for Absence had been received from Councillor Edwards.

133. DECLARATIONS OF INTEREST

Councillor Bower declared a Personal Interest in Agenda Item 6 as a resident on the same estate as the application and as a Member of the Residents' Association. The Interest was Personal due to the distance from his residence to the application site but confirmed that he would abstain during the vote.

134. MINUTES

The Minutes of the meeting held on 26 May 2021 were approved by the Committee.

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

The Chair confirmed that under the new Constitution adopted in May 2021, the Planning Protocol at Part 8, Section 3, Paragraph 11 detailed the procedure for Public Speaking at Planning Committees, in particular paragraphs 11.4 and 11.5 which make it clear that there is a time limit of 3 minutes for each group of speakers (namely Ward Councillors, Parish Councils, objectors, applicants/agents or supporters) and not as previously where the time limit was 3 minutes for each speaker. He explained that unfortunately this had not been relayed to the Public Speakers who have registered to speak at this meeting and their expectation was that they would each have 3 minutes to speak. He confirmed he was using his discretion as Chair to allow those who had registered to speak at this meeting to each have 3 minutes.

Planning Committee - 21.07.21

The Chair also confirmed that the running order of the meeting would vary from that of the published agenda due to the Covid-19/Health and Safety restrictions in place at this meeting, and the new running order would be as follows [published agenda item numbers in brackets]:

6. AB/135/20/OUT [Item 8]
7. AL/28/21/PL [Item 9]
8. CM/16/21/PL [Item 11]
9. CM/18/21/PL [Item 12]
- 10.M/47/21/HH [Item 13]
- 11.P/38/21/PL [Item 14]
- 12.BR/85/21/HH [Item 10]
- 13.EP/16/21/PL [Item 6]
- 14.Appeals [Item 17]
- 15.FG/19/21/PL [Item 7]
- 16.Planning Review - Update Report and Future [Item 18]

P/50/21/PL [Item 15] and P/57/21/PL [Item 16] had been withdrawn ahead of the meeting.

The Group Head of Planning confirmed that an updated version of the National Planning Policy Framework (NPPF) had been published since many of the application reports had been written and would, under delegated authority, amend as necessary any paragraph numbering in decisions to applicants.

136. AB/135/20/OUT - LAND AT FORD ROAD, ARUNDEL

5 Public Speakers

Cllr James Stuart – Arundel Town Council
Alison Wilkinson – Objector
Andrew Scrimgeour – Objector
Guy Dixon – Agent
Darrell Gale – Supporter

Outline application with some matters reserved (except for access) for the development of 90 dwellings & associated amenity land, including land allocated for a community building & for a community allotment. This application affects the setting of listed buildings & affects the character & appearance of the Arundel Conservation Area.

The Strategic Development Team Leader presented her report with updates. This was followed by 5 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including the need for housing and affordable housing in particular, the use of a green field site, the lack of mitigation for traffic in an area already experiencing traffic issues, the conflict applications can create between parishes if traffic is increased in surrounding settlements, the need for a linked up planning transport strategy, the speed limit of surrounding roads, the difficulties of approving

outline planning before knowing more of the detail provided at the Reserved Matters stage of the planning process, part of the application site being outside of both the Neighbourhood Plan and Local Plan, the need for improved public transport, concerns over parts of the site being in flooding zones and being mindful of heritage issues as mentioned in the NPPF.

The Strategic Development Team Leader provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the Planning Committee delegate to the Group Head of Planning (in consultation with the Chair and the Vice Chair) authority to authorise the execution and completion of the Section 106 Agreement and grant planning permission subject to conditions and the Section 106 Agreement.

137. AL/28/21/PL - THE GRANGE, WESTERGATE STREET, WESTERGATE PO20 3SQ

1 Public Speaker

Kerry Simmons - Agent

Demolition of 2 No. outbuilding & erection of 2 No 1.5 storey dwellings, detached garage block & associated scheme of hard & soft landscaping. This site falls within Strategic Site SP2, CIL Zone 1 (Zero Rated).

The Planning Team Leader presented his report with updates. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised including the impact on a bat foraging area and whether complacency with development could lead to their disappearance from the area, the design being boring but an improvement on the current site and the removal of trees with Tree Preservation Orders.

The Planning Team Leader provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

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

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138. CM/16/21/PL - BAIRDS FARM SHOP GARDEN CENTRE, CROOKTHORN LANE, CLIMPING BN17 5SN

5 Public Speakers

Cllr Colin Humphris – Climping Parish Council

Tracy Villa – Objector

Wendy Robinson – Objector

Cllr Amanda Worne – ADC Ward Member, but speaking in capacity as Climping Parish Council Councillor

Brad Hanson – Applicant

Convert existing on site storage to picnic area with fast food Café. This application may affect the setting of a Listed Building. This application is in CIL Zone 5 (Zero Rated) as other development.

The Group Head of Planning presented his report. This was followed by 5 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including the aesthetics of shipping containers in a rural setting, the increase in traffic on the A259 and into the site, whether a traffic flow management plan was required, improvements to the A259 discussed at Planning Policy Committee and issues of compatibility with this application, the extent that this business would remain 'small scale' and how that was defined, impacts to the heritage of the area and nearby property, lack of disabled parking, concerns over setting a precedent for drive-thru's, repurposed shipping containers being new to this area but used in other parts of the country, the containers as an example of a contemporary way of recycling, the popularity of the business and whether a larger site elsewhere would be more suitable and questions over signage.

The Group Head of Planning provided members with answers to all points raised during the debate.

The Committee

RESOLVED

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

139. CM/18/21/PL - LAND ADJACENT TO MISTLETOE FARM, HORSEMERE GREEN LANE, CLIMPING BN17 5QZ

1 Public Speaker

Cllr Colin Humphris – Climping Parish Council

Erection of 1 No. 3 bed dwelling. This application is within CIL Zone 3 and is CIL liable as new dwelling.

The Group Head of Planning presented his report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised including Horsemere Green Lane being inadequate for the increase in traffic levels, the lack of a footpath contribution in the application and whether there would be a new access required.

The Group Head of Planning provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

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

140. M/47/21/HH - 22 TUDOR CLOSE, MIDDLETON-ON-SEA PO22 6DN

3 Public Speakers

Andrea Coleman – Objector
Francesca Lester – Applicant
Chris Moore – Agent

Removal of existing roof structure, new first floor accommodation and pitched roof above and replacement rear two storey extension and new front porch extension.

The Planning Team Leader presented his report with updates. This was followed by 3 Public Speakers.

The Committee

RESOLVED

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

141. P/38/21/PL - LITTLE SEFTER FARM, PAGHAM ROAD, PAGHAM

2 Public Speakers

Cllr Peter Atkins – Pagham Parish Council
Julian Marks – Applicant

Extension to existing agricultural barn. This site may affect the setting of a listed building and is in CIL Zone 5 (Zero Rated) as other development.

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The Planning Team Leader presented his report. This was followed by 2 Public Speakers.

The Committee

RESOLVED

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

142. BR/85/21/HH - 12 CAVENDISH ROAD, BOGNOR REGIS PO21 2JW

1 Public Speaker

Paul Smith – Applicant

Proposed flat roof balcony and open framed and top glazed veranda unit.

The Planning Team Leader presented his report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised including issues with privacy and whether conditions could be included to limit this, the materials used in the sound barrier and its aesthetics, and issues of noise and whether action can be taken retrospectively if issues did arise.

The Planning Team Leader provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

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

143. FG/19/21/PL - FIRST FLOOR FLAT, 60 FERRING STREET, FERRING BN12 5JP

1 Public Speaker

Mrs Myall - Agent

Change of use of flat above restaurant to a bar. This site is in CIL Zone 4 (Zero Rated) as other development

The Planning Team Leader presented his report. This was followed by a Public Speaker.

The Committee

RESOLVED

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

144. APPEALS

The Group Head of Planning introduced the list of Appeals, noting an appeal against P/1/21/PL had been dismissed and an award of costs was made in favour of the Council as the Inspector concluded the proposal had no prospect of success, and that an appeal against FG/123/20/PL had been allowed.

The committee noted the Appeals list.

145. EP/16/21/PL - LAND EAST OF 1 THE WAY, EAST PRESTON BN16 1QJ

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

[Councillor Bower redeclared at the beginning of this item his Personal Interest made at the start of the meeting.]

4 Public Speakers

Cllr Christine Bowman – East Preston Parish Council

David Sawers – Objector

David Smith – Objector

Dominic Lynch - Applicant

Replacement garage. This site is in CIL Zone 4 (Zero Rated) as other development.

The Planning Team Leader presented his report with updates. This was followed by 4 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including the proximity to the road and the drainage ditch, the proposed materials which were not replacing like with like and whether they were out of keeping with the existing street scene, whether this was a replacement garage or a new building on the site of a garage, issues of height and increased size, the width of the road, vehicular access to the garage and the need for a site visit.

It was proposed and seconded that a site visit was necessary to answer questions over vehicular access.

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The Committee

RESOLVED

That the application be deferred depending a site visit by Committee Members to consider vehicular access.

146. PLANNING REVIEW - UPDATE REPORT AND FUTURE ACTIONS

[Councillors Blanchard-Cooper and Goodheart left the meeting at the beginning of this item.]

Upon the invitation of the Chair, the Chief Executive presented his report to the Committee. He explained that this planning review was commissioned in late 2019 following a series of difficult Development Control Committee meetings. The review started in March 2020 just as the Covid-19 pandemic began and the report was therefore delayed but completed in November 2020. In December 2020 a Members Working Party met and Member recommendations were signed off by Cabinet. He commented that progress had been made on all items and was ongoing. He also corrected a couple of typographical errors in the report – 1.4 it should read '14 December 2020' or '14 December 2021' and in recommendation v) it should read 'Planning Committee' rather than 'Planning Policy Committee'.

The Chair welcomed the report and stressed that the cycle of Member review to work through the report's recommendations needed to start sooner rather than later and would take place at 6-monthly single item Special Planning Committee meetings. He asked that the first meeting be held in early October in order that a second meeting in the cycle could be held before the end of the municipal year.

Opening up the debate, Members raised points regarding where responsibility for actioning these recommendations lay (Planning Committee or Planning Policy Committee) and how that was to be determined, the need for Member training and input from Members of what training they felt they needed (more focussed and less general training was suggested with material considerations and its weighting in decision making specifically mentioned), bridging workshops with consultees to improve communication in a less formal setting, the possibility of going further than the recommendations and considering other aspects of the report, and whether the report was 'live' and that issues previously deemed as requiring no further action could be brought back for discussion if the situation changed.

The recommendations were then proposed and seconded.

The Committee

RESOLVED to

- (i) Note the Member Recommendations/Action Plan (Appendix C)
- (ii) Note the Officer Recommendations/Action Plan (Appendix B)
- (iii) Approve a virement of £130k (from the Covid-19 catch up reserve) to enable the Officer recommendations from the report to be implemented.
- (iv) Support the need for continued Member training on planning matters, as outlined within the Planning Review (Appendix D)
- (v) Agree that the Planning Review recommendations should be reviewed, by the Planning Committee, initially six monthly (if the Recommendations are agreed by Full Council), to satisfy themselves that the actions are being followed through.

The Committee

RECOMMEND THAT FULL COUNCIL

- (vi) Agree the Review's recommendations for the Council (as a whole).

(The meeting concluded at 6.10 pm)

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Public Document Pack Agenda Item 15

Subject to approval at the next Audit & Governance Committee meeting

137

AUDIT & GOVERNANCE COMMITTEE

29 July 2021 at 6.00 pm

Present: Councillors Clayden (Chair), Chapman (Vice-Chair), Bennett, Chace, Goodheart, Haywood, Oliver-Redgate and Staniforth

195. WELCOME

The Chair opened the meeting and welcomed Members of the Committee, the Public and Press, and Officers participating in this meeting of the Audit & Governance Committee, noting that it was the first in person since the easing of restrictions.

196. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Northeast and Councillor Tilbrook.

197. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

198. MINUTES

The Minutes of the meeting held on 25 February 2021 were approved by the Committee.

199. PUBLIC QUESTION TIME

The Chair confirmed that no questions were submitted for this meeting.

200. START TIMES

The Chair proposed that start times for the Audit & Governance Committee meetings for 2021/22 be 10.00am. This was seconded by Councillor Chapman.

After a short debate, the proposal was put to the vote and there being an equality of votes, the Chair used his casting vote in favour of the motion.

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The Committee

RESOLVED

That its start times for meetings for 2021/22 be 10.00 am.

201. COMMITTEE TERMS OF REFERENCE

The Chair invited the Interim Monitoring Officer to present his report, who introduced the Terms of Reference for the Committee. He explained that as the Council had transitioned from a Cabinet form of governance, to a Committee form of governance, the first meeting of the Committee in the municipal year consisted of going through the Terms of Reference. This was for Members to see what the Terms of Reference of the Committee were, for clarification to be sought, and for any suggestions for change that Members had to be taken to the Constitution Working Party (CWP).

There were no questions from Members.

The recommendations were then proposed by Councillor Chapman and seconded by Councillor Bennett.

The Committee

RESOLVED – that

- 1) the general Terms of Reference for Committees in Part 3 paragraph 3 of the Constitution be noted, and the specific Terms of Reference of this Audit and Governance Committee as established by Full Council on 19 May 2021 as set out in part 1 and Part 2 of Appendix 1 be further noted.
- 2) the schedule of Audit and Governance Committee meetings set out in the Calendar of meetings attached be noted.

202. RESPONSE TO ERNST & YOUNG ON ANNUAL ASSURANCE LETTER REGARDING GOVERNANCE ARRANGEMENTS

The Chair invited the Internal Audit Manager to present his report, who explained that each year as part of the preparation for their annual audit, the Council's external auditors, Ernst & Young LLP, requested information from the Chair of the Audit & Governance Committee, as well as the Section 151 Officer and the Internal Audit Manager.

There were no questions from Members.

The Committee agreed that they had received and noted the response sent to the external auditors by the 2020/21 Vice-Chair of the Committee.

203. AUDIT PLANNING REPORT

The Chair invited the Associate Partner, Kevin Suter and the Audit Manager, James Stuttaford, from Ernst & Young LLP to present the Audit Planning Report.

The Associate Partner explained that the plan was being presented to the Committee later than normal, and it usually would have been presented in March. This was due to a backlog that had been created by the Coronavirus pandemic. Changes to last years timetable had occurred and the deadlines had all moved backwards. They had also had difficulties auditing in the current environment. They had a large backlog, an issue that was affecting all public sector auditors. He advised Members may be interested in the Public Accounts Committee's recent summary of the issues and challenges facing public sector audit. They had to take a very difficult decision, which he recognised would be unpopular, to prioritise audits and schedule those according to when they had resources available. They had decided to schedule their major local audits first, which maximised their contribution to the National Audit Office. They would then schedule the smaller audits afterwards. He explained they had moved the audit back to November this year.

The Audit Manager drew attention to page 29, the Audit Strategy for the year. He noted that most risks on file remained the same as in previous years. One of significant risks in the previous year was the valuation of land and buildings, due to Covid-19 and lockdown, which led to the expert valuer recording a material valuation of uncertainty in the report. This year the risk has been reduced, it was maintained at an inherent risk due to property plant and equipment valuation still representing a significant balance in the Council's accounts, and there was an inherent estimation of uncertainty involved. The pension liability valuation remained an inherent risk. A new area of focus was around the accounting for Covid-19 relating to grant income. This was because it was a significant amount of money that had been passed down to the Council, and was a new area of accounting for this year. He also highlighted Value for Money arrangements which had changed slightly for this year. On page 41 it noted there was a new 2020 Code of Audit Practice, which had resulted to a change in Value for Money arrangements. Instead of giving a Value for Money conclusion, there would now be a Value for Money commentary. They would be supplying this in the Auditors Annual Report instead of the Annual Audit Letter.

The Chair invited questions from Members. It was asked what the delay in auditing would mean for the Group Head for Corporate Support and the finance team. The Group Head for Corporate Support explained that the rescheduling of the Audit would use more financial resources at a time when they would be very busy. However, she trusted their working papers would be up to standard and the audit would be completed as soon as possible.

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The Chair was disappointed with the delay, however he understood these were difficult times. He noted the additional demands on the Group Head for Corporate Support's department and said she should inform the Committee if there was anything that could be done to assist.

The Committee noted the delay in the scheduled external audit to November 2021, and the remainder of the Audit Planning Report.

204. ANNUAL AUDIT FEE LETTER

The Chair invited the Internal Audit Manager to present his report. He explained that at the February meeting of the Committee, Ernst & Young LLP presented their Annual Audit Letter which advised of additional fees requested for work on the 2019/20 Accounts. The increase had to be approved by the commissioning body, Public Sector Audit Appointments Ltd (PSAA Ltd), and if approved some of the increase would then be applied to the future years fee base. The Committee had expressed its concern at the level of the proposed increase and requested that a letter be sent from the Chair to PSAA as the commissioning body, to express its dissatisfaction with the situation. It was not yet known whether PSAA had agreed the proposed increase, but it was understood that a similar situation would exist at other Councils. In the covering report at page 66, there was also a note about the Independent Redmond Review recommendations which would change the local audit, and transparency of local authority reporting in the future.

The Chair asked whether a reply had been received to the letter. It was thought that a reply had not been received.

Upon the Chair inviting questions from Members, it was suggested that a follow-up letter be sent to PSAA Ltd by the Chair, which was agreed by the Committee.

205. ANNUAL GOVERNANCE STATEMENT 2020/21 AND CODE OF CORPORATE GOVERNANCE 2021/22

The Chair invited the Internal Audit Manager to present his report. He highlighted that the Annual Governance Statement was a mandatory document to accompany the Accounts covering the 2020/21 period. The document was based on the Chartered Institute of Public Finance and Accountancy (CIPFA) framework and had been updated for the year including input from management, CMT and the Leader. The most notable changes related to the delay in the audit of the 2020/21 Accounts; the change to the committee system of governance; changes through 2020/21 in relation to the pandemic. The Internal Audit Manager drew Members' attention to page 85 of the pack. He stated the Council had distributed well over £50,000,000 of Government grants to local businesses under various schemes in operation since March 2020, which had involved a tremendous amount of work by staff in the Revenues section for mandatory grants to ratepayers and in the Economy section for discretionary grants to other business significantly impacted by the pandemic.

The Internal Audit Manager said that in view of the delay in the presentation of the audited Accounts, it was likely that it would be appropriate for some minor changes to be made to the final version of the AGS when it was presented. In addition, at page 109, there were some very minor changes to the Council's underlying Local Code of Corporate Governance.

The Committee noted the Council's draft Annual Governance Statement for 2020/21, pending approval of the final version later in the year.

206. UPDATE ON TENANCY FRAUD

The Chair invited the Neighbourhood Services Manager to present her report, who explained that tenancy fraud was a very common problem for local authorities, and it could be very difficult to detect without specialist investigations, which often involved visiting people in their homes. The post of Fraud Investigation and Enforcement Officer, previously the Housing Investigator, became vacant in January 2020. They had now successfully recruited to the post and were delivering a service, which they were reviewing to develop a robust approach, to detect and investigate all reports of tenancy fraud.

A discussion took place around whether an update report should be provided in 6 months rather than in 12 months. This was proposed by Councillor Chapman and seconded by Councillor Haywood.

The Committee

RESOLVED – that

- 1) the report be noted.
- 2) an update report comes back to the Committee in 12 months, with an additional update report in the February 2022 Committee meeting.

207. TREASURY MANAGEMENT ANNUAL REPORT 2020/21

The Chair invited the Senior Accountant (Treasury) to present her report, who highlighted a few areas in her report as follows:-

- Page 116, the Member briefing held on 13 July 2021, carried out by the Treasury Management Advisor, Richard Bason from Link Group, which she understood Members found informative.
- Page 120 and 125, it mentioned Returns on Investments, which had been challenging due to the low interest rate environment, however investments with CCLA Diversified Fund, introduced to Arun in August 2020 helped the returns.

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There were also additional funds from the Covid Grants, which increased the monetary value on the returns. The rates dropped significantly from the budgeted rates, due to Covid-19. The budgeted rates of 1.26% dropped to an actual rate of 0.86%, however the monetary value was at £550,000 on the budget, but £627,000 had been achieved, which was an additional £77,000. They survived negative rates.

- Page 122 the base rate expectations by advisors in November 2020 was to stay at 0.1% until after March 2024, whereas pre-Covid-19 it was expected to be at 1.25% in March 2023.
- Page 124 the borrowing stood at £44,000,000 with £8,860,000 due to be paid off on 28th March 2022 leaving £35,000,000 million at 28th March 2022.

There were no questions from Members.

The recommendations were then proposed by Councillor Bennett and seconded by Councillor Chapman.

The Committee

RECOMMEND TO FULL COUNCIL – that

- 1) the actual prudential and treasury indicators for 2020/21 contained in the report be approved
- 2) the annual treasury management report for 2020/21 be noted
- 3) the treasury activity during 2020/21 which has generated interest receipts of £627,000 (0.86%), budget £550,000 (1.26%) be noted.

208. HOUSING BENEFIT SUBSIDY CLAIM 2019/20 CERTIFICATION

The Chair invited the Internal Audit Manager to present his report, who explained that Ernst & Young LLP undertook this work on behalf of the Council and reported the results to the Department for Work and Pensions (DWP). In the past they had provided a summary report which has been presented to the Committee. However, they now only provided a technical report to Revenues & Benefits management, a 'summary' then had to be drafted separately by Officers. The results were a credit to the work of the Benefits and Benefits Subsidy staff involved with a small number of minor items being reported. While this had resulted in a small final adjustment to the claim submitted to the DWP and a qualification letter being raised, this was basically a standard for when any errors were noted as part of the certification and, as had been advised to the Committee previously, was not a significant issue in the same way that a qualification from the audit of the Council's main Accounts would be. The Committee's view was sought on whether it wished to receive a similar report each year as it now had to be prepared by Officers, or whether it would be happy that a report was only presented in future if significant issues were identified as part of the certification.

Members expressed the view that whilst it was nice to be able to thank Officers, they understood that time would be better spent only bringing the matter to Committee in future if there were significant issues.

Councillor Bennett proposed that a report regarding the Housing Benefit Subsidy Claim Certification was only presented in future if significant issues were identified as part of the certification. This was seconded by Councillor Staniforth.

The Committee

RESOLVED

That a report regarding the Housing Benefit Subsidy Claim Certification would only be presented to Committee in the future if significant issues were highlighted

209. CHAIR'S ANNUAL REPORT TO COUNCIL

The Chair invited the Internal Audit Manager to present his report. He pointed out that CIPFA best practice was that an annual report was provided to Full Council by the audit committee of local authorities. His report summarised the meetings and activity of Arun's Audit & Governance Committee in the municipal year 2020/21 and it was requested that the Committee agree that it was presented to Full Council. As the 2020/21 Chair was no longer a member of the Council, with the agreement of the Committee it would be presented by the current Chair who was a member of the Committee through the period.

The recommendation was then proposed by Councillor Chace and seconded by Councillor Oliver-Redgate.

The Committee

RESOLVED

To endorse the content of the report and to recommend its presentation to Full Council by the Committee Chair.

210. COUNTER-FRAUD REPORT 2020/21

The Chair invited the Internal Audit Manager to present his report, who highlighted that the Audit & Governance Committee was responsible for the oversight of the Council's counter-fraud arrangements.

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The Internal Audit Manager explained that as part of the distribution for Government grants to local businesses for support during the pandemic, there had been mandatory requirements provided by the Department for Business, Energy & Industrial Strategy (BEIS) for pre- and post-payment checks to protect these funds against fraud and to ensure that they were received by the appropriate recipients. This had been a time-consuming exercise across several areas of the Council. This had been against a backdrop where Government had required funds to be distributed to qualifying businesses at pace, with multiple schemes and changing eligibility and requirements through the various lockdowns, tiered restrictions and re-opening periods since March 2020. Although final payments for the last remaining mandatory grant schemes must be made by 30 July 2021, the Additional Restrictions Grant Scheme of Discretionary Payments extended to March 2022, with payments now being made under allowable wider business support schemes as approved by Members at the Economic Committee.

There were no questions from Members.

211. INTERNAL AUDIT ANNUAL REPORT & OPINION 2020/21

The Chair invited the Internal Audit Manager to present his report, who highlighted that the Audit & Governance Committee had oversight on the work of internal audit and this annual report summarised the work of the section through 2020/21. Through the Covid-19 period, staff had been working to support other areas of the Council, such as on completion and scrutiny of financial returns and on grants checking. Because of this there was less true audit work undertaken in 2020/21 and CIPFA had provided a national instruction that where internal audit functions had been affected in this way then a limitation of scope comment should be applied to the audit opinion, covered on page 183. Whilst it was felt that overall governance and risk management had been covered through the period, there had been less work on the control environment, although no significant concerns had been raised by CMT/senior management in respect of their areas. CIPFA also recommended that self-assessments on both internal audit and the audit committee were maintained. These had been updated, discussed with the Chair and were presented for the Committee's information as Appendices 2 and 3.

There were no questions from Members.

212. REVISED INTERNAL AUDIT PLAN 2021/22

The Chair invited the Internal Audit Manager to present his report. He provided background to his report and explained at the February meeting the Committee had been presented with an outline audit plan reflecting the 2 Full Time Equivalent (FTE) staff available at that time, with the caveat that should there be any significant change then a revised plan would be provided. The senior auditor had moved within the Council from April 2021 and the revised plan now reflected the current 1 FTE. The focus would therefore be on mandatory and other key work pending the consideration of options for

resourcing the section going forwards for a decision by senior management. Although this effectively currently halved the amount of time available, there should still be more work undertaken on the control environment than in 2020/21 as the Covid-19 support grants, etc. work was winding down as we moved out of most of the restrictions.

There were no questions from Members.

213. PROGRESS AGAINST THE AUDIT PLAN

The Chair invited the Internal Audit Manager to present his report. He outlined that the report was a summary of work undertaken against the high-level audit plan.

This was noted by the Committee.

214. UPDATE ON THE COUNCIL'S USE OF POWERS UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

The Chair invited the Internal Audit Manager to present his report. He explained that it was a requirement of the Investigatory Powers Commissioners Office (IPCO) that the appropriate oversight body at the Council should be kept informed of the Council's arrangements in respect of the Regulation of Investigatory Powers Act (RIPA). There had been no use by the Council of powers under RIPA that would require the approval of a Magistrate in the 2020/21 municipal year.

There were no questions from Members.

The Committee noted that the Council did not make any use of its powers under RIPA in the 2020/21 municipal year.

215. INFORMATION / ADVISORY DOCUMENTS RECEIVED

The Chair invited the Internal Audit Manager to present this item. He summarised the Council participated in an annual fraud survey conducted by CIPFA and the most recent results had been published in its Fraud & Corruption Tracker Report. A link to this on their website was provided for Members. The Council monitored these reports for new fraud areas or trends.

216. WORK PROGRAMME

The Chair explained that the Audit & Governance Committee meeting on 7 October 2021 had been removed from the calendar prior to Committee noting the calendar dates, as it was thought this meeting would not be required. This Committee meeting date was now required to be reinstated as, in line with the Council's Constitution, the organiser of the Pagham Petition had asked for the Audit &

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Governance Committee to review how the Council had dealt with the petition. This would therefore be added to the Work Programme for the meeting on 7 October 2021.

Clarification was sought on the Paghams Petition being brought to the Audit & Governance Committee. It was confirmed by the Chair that this was for the Committee to review the processes, and to look into whether these processes had been followed correctly, and whether the Constitution had been appropriately applied. Details of the actual Petition and decision would not be discussed. The Monitoring Officer would provide a report, and the findings would be discussed at the Committee meeting on 7 October 2021.

It was noted that some Council Members had questioned whether it was appropriate to accept petitions that were moved as part of a planning application, which was something that needed to be discussed, and recommendations needed to be made on how petitions that touch on concern of planning application would be treated in future.

The Chair then Invited the Internal Audit Manager to present the Work Programme to the Committee. He explained that as has been advised by the Chair, the meeting of 7 October would now be reinstated for the Paghams Petition item, and as per the update from the external auditors at an earlier agenda item, a Special meeting would be added in January 2022 to consider the Accounts and the auditor's report. The date for this had yet to be agreed, but once finalised he would circulate an updated version of the workplan to members of the Committee. As decided earlier in the meeting, there would be an additional update on tenancy fraud at the February Meeting, and an annual report on this at the July meeting next year.

(The meeting concluded at 7.12 pm)