



Public Document Pack

Arun District Council
Civic Centre
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Littlehampton
West Sussex
BN17 5LF

This meeting will be live streamed – the link to the webstream will be placed on the Council's web pages soon

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1 November 2021

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 10 November 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:

Philippa Dart
Acting Chief Executive

PLEASE NOTE: Subject to Covid-19 Risk Assessments members of the public are advised of the following:

Where public meetings are being held at the Arun Civic Centre, in order to best manage safe space available, members of the public are in the first instance asked to watch the meeting online via the Council's Committee pages.

- a) Where a member of the public has registered a request to take part in Public Question Time, they will be invited to submit the question in advance of the meeting to be read out by an Officer. There will be limited public access to this meeting and admission for public speakers will be by ticket only, bookable when submitting questions. Attendees will be asked to sit in an allocated seat in the public gallery on a first come first served basis. Only one ticket will be available for per person.
- b) It is recommended that all those attending take a lateral flow test prior to the meeting.
- c) All those attending the meeting will be required to wear face coverings and maintain safe distancing when in the building/meeting room.
- d) Members of the public must not attend any face to face meeting if they or a member of their household have Covid-19 symptoms.

Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on **Wednesday, 3 November 2021** in line with current Committee Meeting Procedure Rules. It will be at the Chief Executive's/Chair's discretion if any questions received after this deadline are considered.

For further information on the items 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 - 12)

To approve as a correct record the Minutes of the Special Meeting of the Council held on 13 October 2021, which are *attached*.

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.

9. MOTIONS

It is confirmed that no Motions have been submitted in accordance with Council Procedure 14.

OFFICER REPORTS

10. ECONOMIC COMMITTEE - 12 OCTOBER 2021 - MINUTE 361 [BEACH HUT REVIEW] - REPORT FROM THE GROUP HEAD OF LAW & GOVERNANCE AND MONITORING OFFICER - PROPOSAL TO AMEND RESOLUTION (1) PART (III) (Pages 13 - 16)

This report seeks amendments to the resolution agreed by the Economic Committee held on 12 October 2021. The report is being presented in line with the Monitoring Officer's statutory roles and responsibilities.

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

11. RESIDENTIAL & WELLBEING SERVICES COMMITTEE - 30 SEPTEMBER 2021 (Pages 17 - 30)

The Chair, Councillor Pendleton, will present the Minutes containing recommendations from the meeting of the Residential & Wellbeing Services Committee held on 30 September 2021.

There are two recommendations for Council to consider at Minute 319 [Empty Homes Council Tax Premium] - the minutes and the Officer's report are attached.

12. PLANNING POLICY COMMITTEE - 6 OCTOBER 2021 (Pages 31 - 52)

The Chair, Councillor Bower, will present the Minutes containing a recommendation from the meeting of the Planning Policy Committee held on 6 October 2021.

There is a recommendation for Council to consider at Minute 338 [Arun Local Plan Update]. The minutes from the meeting and the Officer's report is attached.

13. CONSTITUTION WORKING PARTY - 1 NOVEMBER 2021

The Chair, Councillor Bower, will present the Minutes containing recommendations from the meeting of the Constitution Working Party held on 1 November 2021, which will be circulated separately to this agenda.

14. GENERAL QUESTIONS FROM MEMBERS [BY ADVANCE NOTICE]

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

15. COMMITTEE MEMBERSHIPS

Any changes to Committee Memberships that need noting by the Council will be reported at the meeting.

16. 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
SPECIAL MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 13 OCTOBER 2021 at 5.00 pm**

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

The following Councillors were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillor Baker – Minutes 372 to 377 (Part) and Councillor Elkins – Minute 380 (Part) to Minute 384.

372. WELCOME

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

The Chair confirmed that he had received a request from the Leader of the Council to adjourn the meeting from 5.00 pm to 6.00 pm to allow for as many Councillors as possible to be able to attend.

Councillor Walsh then formally proposed that the meeting be adjourned to a start time of 6.00 pm and this was then seconded by Councillor Chapman.

On this being put to the vote, it was declared CARRIED.

The Council

RESOLVED

That the Special Meeting of the Council convened for 13 October 2021 with a start time of 5.00 pm be adjourned to commence at 6.00 pm.

The meeting was then adjourned to re-commence at 6.00 pm.

373. WELCOME

The Chair welcomed Councillors, representatives of the public, press and officers to the adjourned meeting commencing at 6.00 pm. He extended a special welcome to the Council's Honorary Aldermen watching the meeting live on-line.

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374. DECLARATIONS OF INTEREST

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

Name	Town or Parish Council or West Sussex County Council [WSCC]
Councillor Tracy Baker	Littlehampton
Councillor Kenton Batley	Bognor Regis
Councillor Jamie Bennett	Rustington
Councillor Paul Bicknell	Angmering
Councillor Billy Blanchard-Cooper	Littlehampton
Councillor Jim Brooks	Bognor Regis
Councillor Ian Buckland	Littlehampton and WSCC
Councillor David Chace	Littlehampton
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington
Councillor Sandra Daniells	Bognor Regis
Councillor David Edwards	WSCC
Councillor Roger Elkins	Ferring and WSCC
Councillor Paul English	Felpham
Councillor Steve Goodheart	Bognor Regis
Councillor Pauline Gregory	Rustington
Councillor June Hamilton	Pagham
Councillor Shirley Haywood	Middleton-on-Sea
Councillor David Huntley	Pagham
Councillor Henry Jones	Bognor Regis
Councillor Martin Lury	Bersted
Councillor Claire Needs	Bognor Regis
Councillor Mike Northeast	Littlehampton
Councillor Francis Oppler	WSCC
Councillor Jacky Pendleton	Middleton-on-Sea and WSCC
Councillor Vicky Rhodes	Littlehampton
Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Samantha Staniforth	Bognor Regis
Councillor Matt Stanley	Bognor Regis
Councillor Isabel Thurston	Barnham & Eastergate
Councillor James Walsh	Littlehampton and WSCC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

375. PUBLIC QUESTION TIME

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

376. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

No questions were asked.

377. MINUTES

The Chair requested Council to approve the Minutes of the Council Meeting held on 15 September 2021, which would be signed at the end of the meeting.

Councillor Coster confirmed that the minutes were not accurate. He referred to Minute 263 [Motions] Page 176 of the minutes [page 6 of the agenda pack], the second paragraph: The changes requested by Councillor Coster have been set out below with deletions shown using ~~strikethrough~~ and additions shown using **bold**:

Councillor Coster raised a Point of Order in relation to Council Procedure Rule 15.5 [How Motions will be dealt with] and he referred to sections (a) and (b) of that rule as outlined in the Constitution reading the rules out to the meeting. Councillor Coster suggested that **this matter** ~~the Motion without Notice from Councillor Roberts~~ be referred to the Constitution Working Party for consideration and ~~that this matter~~ should not be considered here.

Councillor Coster then formally proposed these amendments which were then duly seconded by Councillor Dixon.

On the amendments being put to the vote they were announced CARRIED.

A request was also made by Councillor Lury to remove his name on Minute 263 [Motions] on the same minute and page in the bottom paragraph of this page.

The minutes as amended were then proposed by Councillor Oliver-Redgate and were then seconded by Councillor Bower. On them being put to the vote they were then approved.

378. CHAIR'S ANNOUNCEMENTS

The Chair reminded those Councillors taking part in Remembrance Sunday Services across the District, to please remember to take away with them after the meeting their poppy wreaths which has been laid out in the Members clearly marked for collection.

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379. URGENT MATTERS

The Chair confirmed that there were no items for this meeting.

380. RECRUITMENT TO THE PERMANENT CHIEF EXECUTIVE OFFICER POSITION

The Chair invited the Acting Chief Executive to present a report which informed Members of the process to be followed for the recruitment and selection of a permanent Chief Executive.

Councillors' attention was steered towards the four recommendations set out in the report with the Acting Chief Executive confirming that he wished to expand and provide more detail with regard to Recommendation (4).

It was explained that this recommendation followed on from the meeting held of the Chief Executive's Remuneration Committee on 11 October 2021. This report had been written on the basis that there would be a natural flow of actions from meetings of the Chief Executive Recruitment & Selection Panel held in September 2021, which had also made recommendations to the Recruitment Committee of 11 October 2021. The purpose of Recommendation (4) was to endorse these recommendations and to bring them to this meeting for consideration. The minutes from the CEO Remuneration Committee held on 11 October 2021 had been circulated to all Members via email and had been uploaded to the Full Council web pages as a supplement earlier on in the afternoon. They contained recommendations (a), (b) and (c) as set out below:

- (a) A Members' Seminar be organised to explore what the Council could or could not do in terms of the appointment for a permanent Chief Executive Officer or Head of Paid Service allowing all options to be explored and all options in terms of salary in the current financial climate to be examined to ensure and achieve value for money for the District's residents. It was confirmed that this Seminar be organised for as soon as possible;
- (b) In looking at the remuneration for a permanent Chief Executive, that salary reviews move to the national pay award in the future as agreed by the "Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities; and
- (c) In appointing an Interim Chief Executive Officer, the day rate proposed by the Chief Executive Recruitment & Selection Panel equating to £1,543 per day be noted and left for Full Council to debate.

The Acting Chief Executive explained the reason for referring to these recommendations. This was because the Remuneration Committee [that had met on 11 October 2021] had recommended a different way forward challenging Recommendation (4) as outlined in the report. It was necessary now for the Council to consider a way forward. In assisting with this process, Officers had discussed how Members may wish to proceed. It was emphasised that whilst Officers were not making any amendments to

the recommendations in the report, Members might wish to consider making an amendment to recommendation (4) as set out below if Council wished to support the Remuneration Committee's proposal for a Members' Seminar:

"To agree to the recommendations of the Chief Executive Remuneration Committee ~~in terms of the remuneration package offered to the new Chief Executive~~".

The Acting Chief Executive stated that if Members wished to support the recommendations of the Recruitment & Selection Panel whose recommendations were submitted to the Remuneration Committee [supplied as background papers to the report] then Recommendation (4) could be amended as follows:

"To agree to the recommendations of the Chief Executive ~~Remuneration Committee~~ **Recruitment & Selection Panel** in terms of the remuneration package offered to the new Chief Executive Officer".

In summary, what this meant was that there were two alternative sets of amendments that Members might wish to take forward. These either supported the recommendations from the Recruitment & Selection Panel [29 September 2021] or supported the recommendations from the Remuneration Committee held on 11 October 2021.

The Chair then invited debate. The first to speak was Councillor Gunner confirming that he wished to make an amendment to change Recommendation (4) in the Officer report to read as follows:

"To agree to the recommendations of the Chief Executive ~~Remuneration Committee~~ **Recruitment & Selection Panel** in terms of the remuneration package offered to the new Chief Executive Officer".

Councillor Gunner explained why he wished to propose this change. He outlined that it had been a difficult debate at the Remuneration Committee held on 11 October 2021. This was because this had been the second discussion forming part of this process following a meeting of the CEO Recruitment & Selection Panel [29 September 2021] which had received more detailed information than that supplied to the Committee. He emphasised that if Council decided that it could not proceed with the appointment of a permanent Chief Executive as outlined in the officer report, then an Interim Chief Executive [which would be discussed later at Item 12] would most likely need to be in place for a longer period until the permanent CEO recruitment process had been finalised. Based on this fact, he urged Councillors to support his amendment.

Councillor Pendleton then seconded the amendment.

The Chair then invited debate on this amendment where points of clarification were sought in terms of procedure. A Member asked whether the minutes from the CEO Remuneration Committee held on 11 October 2021 would be proposed and seconded first for consideration. It was felt that only then could amendments be made following this.

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The Chair invited the Group Head of Law & Governance and Monitoring Officer to provide advice. She confirmed that the officer report contained recommendations (1) to (4) for the Council to consider. The complication was that the Remuneration Committee had not been able to endorse the recommendations put to that meeting resulting in separate and alternative recommendations being put for Members to consider. The two potential amendments explained and suggested by the Acting Chief Executive had been outlined to assist Councillors through this complicated process. Councillors were urged to either consider Recommendations (1) to (4) in the report first and then if required to then consider the other options if these were not approved.

Following a short adjournment, the Acting Chief Executive referred to the Officer Report and its four recommendations and then the minutes from the Chief Executive Remuneration Committee from 11 October 2021 which were effectively being used as a reference for the matter referred to at Recommendation (4). Councillor Gunner had then proposed an amendment to that package of recommendations put forward as displayed. This was the appropriate way to proceed in terms of how to consider the amendment as part of that report. This was confirmed as being the correct process to follow by the Group Head of Law & Governance & Monitoring Officer.

Councillors asked if the minutes from the CEO Remuneration Committee, including its recommendations to Council, would be formally presented by the Chair of that Committee. The Acting Chief Executive confirmed that the minutes from that meeting did not form an exclusive agenda item for this meeting, they were being provided as a reference to consider as part of Recommendation (4) in the Officer report.

Advice was sought from the Monitoring Officer who confirmed that the amendment proposed by Councillor Gunner needed to be taken first before any recommendations from the Committee could be considered.

Following debate, it was agreed that the recommendations outlined in the Officer report be moved and seconded first (Recommendations 1 - 3) and that Recommendation (4) be considered separately.

Councillor Gunner confirmed that he would propose all four of the recommendations set out in the Officer's report and that he would later return to his amendment on Recommendation (4).

Councillor Pendleton seconded all four of the recommendations.

The Chair confirmed that the voting on each of these recommendations would be undertaken separately. Following this, the Council

RESOLVED – That

- (1) The process by which a new permanent Chief Executive Officer would be recruited was noted;
- (2) Agreement be given to Gatenby Sanderson, a specialist recruitment agency being used to undertake the recruitment process;
- (3) A General Fund supplementary estimate of £30k is approved (this equates to a Council Tax Band D of £0.48);

The Chair then invited Councillor Gunner to speak on his amendment to Recommendation (4), previously proposed and seconded. Councillor Gunner reminded Councillors that should Recommendation (4) be passed unamended, this would present a significant delay to the recruitment process. This was because if the recommendations from the Remuneration Committee to convene a Members' Seminar were approved, valuable time would be lost in arranging this causing a delay in the recruitment process and additional cost to the Council.

The Chair invited debate. Councillor Walsh spoke in support of Recommendation (b) from the Remuneration Committee which proposed moving how the Chief Executive's salary was reviewed by aligning this to the national pay award for Chief Executives as agreed by the Joint Negotiating Committee for Chief Executives of Local Authorities as this would apply fairness across the authority and in considering staff pay awards across the Council.

In response, Councillor Gunner as the original mover of the amendment confirmed that he had the right to be able to change his amendment to Recommendation (4) to read as follows:

“To agree to the recommendations of the Chief Executive Recruitment & Selection Panel, and recommendation (b) of the CEO Remuneration Committee ~~Remuneration Committee~~ in terms of the remuneration package offered to the new Chief Executive Officer:

- A salary of up to £125,000 per annum in line with the current Chief Executive's pay.
- This should be an all-inclusive salary with no additional allowances such as car allowance etc.
- Expenses can be claimed in line with Council Policy
- A one-off relocation allowance of up to £8000

This further amendment was seconded by Councillor Walsh.

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The Chair then invited debate on this further amendment. This saw some Councillors expressing concern over the annual salary for the permanent Chief Executive set at £125k. There was also caution over whether the Council needed a permanent Chief Executive and if a Head of Paid Service would suit the Council better as an alternative. This was why a Members' Seminar had been suggested to allow all Councillors access to the information they needed to ensure that the right decision could be made for the District. All possible options needed to be fully considered and explored before the Council committed to an annual cost of a salary that might not be required. Other Councillors spoke in support of the recommendations stating that sometimes the Council had to make difficult decisions, this was one of them.

Further discussion took place. This developed into Councillor Dixon suggesting that the proposed salary of £125k should be reviewed and reduced. It was hoped that some of the questions that could not be answered at the Remuneration Committee could be answered at this meeting. Other Councillors spoke confirming that this was the role of the specialist recruitment agency that the Council had already approved in resolving Recommendation (2).

Following some debate on procedural matters, Councillor Gunner confirmed that he wished to have placed on record his thanks to the Recruitment & Selection Panel, a cross-party group of Members, for working consensually and collaboratively. He paid tribute to them for the work undertaken and thanked them for their support in terms of the recommendations that that Panel had made.

Following further discussion, a request had been made that the voting on the amendment to Recommendation (4) be recorded.

Those voting for it were Councillors Baker, Bicknell, Bower, Chace, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Coster, Daniells, Dendle, Dixon, Edwards, Elkins, Mrs English, English, Goodheart, Gregory, Gunner, Hamilton, Hughes, Huntley, Kelly, Lury, Oliver-Redgate, Pendleton, Purchase, Roberts, Tilbrook, Thurston, Walsh, Warr and Worne (34). No Councillors voted against (0). Councillors Blanchard-Cooper, Brooks, Buckland, Staniforth, Stanley and Yeates abstained from voting (6).

The amendment to Recommendation (4) was therefore CARRIED.

The Chair then invited Councillors to discuss the substantive recommendations. Councillor Dixon confirmed that he wished to make an amendment to the salary proposed for the new permanent Chief Executive reducing this from £125k down to £120k. Councillor Coster then seconded this proposal.

Councillor Dixon then explained why he wished to make this amendment. He explained that it was because the Council had been through a long period of austerity resulting in the size of the Council in terms of staffing reducing from over 750 down to a headcount of over 300 staff since the Chief Executive had been recruited ten years ago. The salary needed to be adjusted taking these valid points on board but still providing a reasonable salary and placing the Council mid-range on the salary scale board.

In response, the point was made that the recommendation proposed a salary of up to £125k, this provided the Council with a chance to negotiate the salary, it did not mean that the full £125k would need to be awarded. There were therefore Councillors speaking against this amendment, stating that £125k provided a fair negotiation stance and opportunity to recruit the right candidate for the job. Points were made that Adur/Worthing Council was also recruiting for a new Chief Executive. Despite being a much smaller authority, it had set its Chief Executive's salary at £150k considerably higher than what Arun was suggesting. This confirmed the need to set the salary in line with the size of the job in hand not necessarily in line with the size of the authority. It was necessary to accurately meet the ambitions of the Council and to be able to not just recruit the right person but be also able to retain them.

Councillor Coster, as seconder to the amendment, was invited to speak. He acknowledged the concerns of residents in addressing concerns over areas of deprivation in the District and concerns over the amount of salary being awarded. He outlined that it was vital for the Council to be able to show that was being spent represented value for money. This proposed reduction in salary went some way to showing that Councillors were determined to run a tight ship.

Following further discussion, a request had been made that the voting on this further amendment be recorded.

Those voting for it were Councillors Blanchard-Cooper, Buckland, Coster, Dixon, Hamilton, Huntley, Stanley, Tilbrook, Thurston, Walsh, Warr, Worne and Yeates (13). Those voting against were Councillors Baker, Bicknell, Bower, Chace, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Daniells, Dendle, Edwards, Mrs English, English, Goodheart, Gregory, Gunner, Hughes, Kelly, Lury, Oliver-Redgate, Pendleton, Roberts (24). Councillors Brooks and Staniforth abstained from voting (2).

The amendment was therefore declared LOST.

The Chair then returned to the substantive recommendations which were proposed by Councillor Gunner and seconded by Councillor Pendleton.

Having received and answered questions regarding the relocation allowance, the Chair invited the proposer and seconder to speak. Councillor Gunner confirmed that he wished to thank Councillors for their views and that he felt that a strong and genuine debate had been held.

The Council

RESOLVED

That the recommendations of the Chief Executive Recruitment & Selection Panel, and recommendation (b) of the CEO Remuneration Committee in terms of the remuneration package offered to the new Chief Executive Officer be agreed as:

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- As a salary of up to £125,000 per annum in line with the current Chief Executive's pay.
- This should be an all-inclusive salary with no additional allowances such as car allowance etc.
- Expenses can be claimed in line with Council Policy
- A one-off relocation allowance of up to £8,000.

381. MOTIONS

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

382. COMMITTEE MEMBERSHIPS

The Leader of the Council, Councillor Gunner, confirmed the following changes to Committee Memberships which were noted by the Council:

- Councillor Clayden had replaced Councillor Stainton on the Licensing Committee
- Councillor Staniforth had replaced Councillor Dendle on the Economic Committee
- Councillor Roberts had replaced Councillor Dendle on the CEO Remuneration Committee

383. EXEMPT INFORMATION

Having been proposed by Councillor Bower and seconded by Councillor Gunner, the Council

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

384. APPOINTMENT TO THE POST OF INTERIM CHIEF EXECUTIVE OFFICER [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO ANY INDIVIDUAL]

The Chair invited the Interim Group Head of Corporate Support & Section 151 Officer to present this report.

It was outlined that this report informed the Council of the process that had been followed by the Chief Executive Remuneration and Selection Panel [with that membership having been approved by Full Council on 15 September 2021] for the selection of an Interim Chief Executive Officer as recommended by that Panel following meetings held on 16 and 29 September 2021 and then considered and recommended by the Chief Executive Remuneration Committee [Recommendation (c) from its meeting held on 11 October 2021].

The recommendations before the Council had been set out with six recommendations being proposed with Recommendation (4) asking the Council to agree to the appointment of James Hassett as the Interim Chief Executive Officer, subject to the Council approving the salary to be paid.

Councillor Gunner, as Leader of the Council, in formally proposing the recommendations confirmed that he wished to make an amendment to Recommendation (3). He explained that following negotiation with the Leader of the Opposition [Councillor Walsh] and the Leader of the Independent Group [Councillor Dixon] he had undertaken further negotiation with the candidate earlier on in the day. The result of that negotiation confirmed that Mr Hassett had agreed to reduce his daily rate of pay down by £200 per day providing the Council with a saving totalling £25k.

An amendment to Recommendation (3) was therefore proposed to read:

“To approve a General Fund supplementary estimate of ~~£122k~~ **£97k** (this equates to a Council Tax band D of ~~£1.95~~ **£1.55**);

This amendment was seconded by Councillor Pendleton.

Councillor Gunner praised the cross-party working and the achievement that had been made in securing this reduced rate which had been re-considered in response to large public concern. This point was then echoed and praised by other Group Leaders. The majority of Councillors welcomed what would be a new start for Arun with the expectation that the new Interim Chief Executive would achieve best value for Arun and its residents delivering much needed change and pushing forward much needed regeneration.

There were a couple of Councillors who spoke against the recommendations confirming that payment of such a high salary was out of touch in view of the day to day financial struggles being experienced by residents.

Following further discussion, a vote on the amendment to Recommendation 3 was undertaken and this was confirmed CARRIED.

The Chair then returned to the substantive recommendations and invited debate. Extensive debate on the substantive recommendations took place.

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Following further discussion, a request had been made that the voting on the substantive recommendations be recorded.

Those voting for were Councillors Baker, Bicknell, Blanchard-Cooper, Bower, Buckland, Chace, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Coster, Daniells, Dendle, Dixon, Edwards, Mrs English, English, Goodheart, Gregory, Gunner, Hamilton, Hughes, Huntley, Kelly, Lury, Oliver-Redgate, Pendleton, Purchase, Roberts, Staniforth, Stanley, Tilbrook, Thurston, Walsh, Warr and Yeates (37). Councillor Worne voted against. Councillor Brooks abstained from voting.

The Council

RESOLVED – That

- (1) The process by which a new Interim Chief Executive has been recruited be noted;
- (2) Agreement be given to recruit an Interim Chief Executive on the terms and conditions as detailed within the report and as recommended by the Recruitment & Selection Panel until such a time that the Council is in a position to agree a permanent arrangement for the replacement of the Chief Executive Officer post;
- (3) A General Fund supplementary estimate of £97K be approved (this equates to a Band D Council Tax of £1.55);
- (4) Agree to the appointment of James Hassett as the Interim Chief Executive Officer;
- (5) Agreement be given to delegate Chief Executive Officer responsibility to the Director of Place and Director of Services from the period of Monday, 18 October to Sunday, 31 October 2021 inclusive with the Director of Services delegated for the first week and Director of Place delegated for the second week; and
- (6) Agreement be given to note the arrangements for the Interim Returning Officer.

(The meeting concluded at 8.42 pm)

ARUN DISTRICT COUNCIL

REPORT TO FULL COUNCIL

ON 10 NOVEMBER 2021

SUBJECT: Economic Committee – 12 October 2021 - Minute 361 - Beach Hut Review Report from the Monitoring Officer – Proposal to amend Resolution (1) Part (iii).

REPORT AUTHOR: Sameera Khan – Group Head of Law & Monitoring Officer
DATE: 1 November 2021
EXTN: 01903 737610

EXECUTIVE SUMMARY:

This report seeks amendments to the resolution agreed by the Economic Committee held on 12 October 2021. The report is being presented in line with the Monitoring Officer's statutory roles and responsibilities.

RECOMMENDATIONS:

Full Council is recommended to: -

1. Note the Monitoring Officer's Report; and
2. Agree the proposal to amend resolution of the Beach Hut review as set out in the body of this report.

BACKGROUND

Members will be aware that this report is being presented as part of the MO's statutory role.

The functions of the Monitoring Officer (MO) are set out in Part 2 of the Constitution (Articles) and this report is being presented to comply with the statutory key functions in accordance with Section 5(2)(a) Local Government and Housing Act 1989.

Members will be aware that it is the key responsibility of the Monitoring Officer to ensure that he/she report to Council in any case where he/she is of the opinion that any proposal, decision or omission by the Council or any of its Committees, Sub-Committees Working Parties or any member or officer of the Council has given rise to maladministration or illegality.

Members will be aware that a report was presented to Economic Committee on the 12 October 2021 regarding the Beach Hut Review. The report had extensive recommendations contained within it. For the purpose of this report, the recommendations are not illustrated here but a link is provided for Members to view the report for background context. I am informed that the minutes have also been published for which a link is provided below.

[Minutes – Economic Committee – 12 October 2021](#)

[Report](#) with [Option 1](#), [Option 2](#), [Option3](#), [Option 4](#), [Option 5](#), [Option 6](#), [Option 7](#), and [Summary](#)

After considerable deliberation and discussion members agreed the resolution Option 2 of the report which reads as follows: -

Following debate, the Committee

RESOLVED - to

1. Approve for the Council to proceed with the beach hut review as set out in Option 2, including information within the body of the report and the attached viability appraisal at Appendix 1, as amended:
 - i. To propose a 30% increase for new tenants and an annual uplift of 10% (in simple rather than compound interest terms) over the next three years for existing tenants [without change to recommendation 6 in the report – to approve for the Council to proceed with the inclusion of an annual rent increase clause (3%) within all beach hut leases issued as set out in the body of the main report (section 1.8)].
 - ii. That a report on the provision on new beach huts be brought back to Committee.
 - iii. That any new leases given only to be given to residents of the Arun district.

It is true to state that Members were in full agreement for all existing leaseholders to be given the right to renew their leases from 1 April 2022 regardless of whether they resided in Arun or not. All members sought to retain tenants and protect revenue, whilst also avoiding the unnecessary loss of 70 private beach huts from council land.

The resolution agreed in error at the Economic Committee was as outlined in Option 2 (1) (iii) above: -

“That any new leases given only to be given to residents of the Arun district.”

Members are requested to amend the resolution with immediate effect as consequence of the above policy change will effectively means: -

- a) All leases will come to an end on 31 March 2022;
- b) All new leases will then be renewed and granted only to residents of Arun and no others and

c) All private owned beach huts who refuse the new seven years lease (under the revised policy) would need to sell or assign their lease ahead of 31 March 2022 deadline or lose their Beach huts.

To correct that error, which I understand was not intended to be the case by members I propose that Option 2 (1) (iii) should be amended to read as follow: -

“All existing leaseholders are to be offered the opportunity of a new lease from 1st April 2022, on the agreed revised terms. Following this any subsequent new lease given will only be granted to person(s) whose main residence is within the Arun District and, in addition, permission for any licence to assign an existing lease will only be given where the proposed buyer(s) of the leasehold interest’s main residence is within the Arun District.”

2. PROPOSAL(S):

The proposal would be for the Council to exercise its “recovery” process to rectify the recommendation Option 2 (1) (iii) of the Committee. However, given the technicality of the process it was felt simpler to proceed by way of the MO report.

3. OPTIONS:

NA

4. CONSULTATION:

N/A

Has consultation been undertaken with?	YES	NO
Relevant Town/Parish Council		
Relevant District Ward Councillors		
Other groups/persons (please specify)		

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal		✓
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6. IMPLICATIONS:

This is a report to ensure members can make decisions which are legal as per Arun’s Council’s constitution.

7. REASON FOR THE DECISION:

N/A

8. BACKGROUND PAPERS:

Minutes and Economics Committee held on 12 October 2021 - [Minutes – Economic Committee – 12 October 2021](#)

Report of the Economics Committee – Beach Hut Review

[Report](#) with [Option 1](#), [Option 2](#), [Option3](#), [Option 4](#), [Option 5](#), [Option 6](#), [Option 7](#), and [Summary](#)

Public Document Pack Agenda Item 11

Subject to approval at the next Residential and Wellbeing Services Committee meeting

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RESIDENTIAL AND WELLBEING SERVICES COMMITTEE

30 September 2021 at 6.00 pm

Present: Councillors Pendleton (Chair), Gregory (Vice-Chair), Catterson, Mrs Cooper, Mrs English, Hughes, Seex (Substitute for Daniells) and Yeates

Councillors Gunner and Stanley were also in attendance for all or part of the meeting.

311. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Needs and Daniells.

312. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

313. MINUTES

The Minutes of the previous meeting held on 22 July 2021 and the Minutes of the Extraordinary meeting held on 19 August 2021 were approved by the Committee and signed by the Chair.

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

The Committee

RESOLVED

That Agenda Item 8 [Safer Arun Partnership Annual Review 2020-21] be heard after Agenda Item 5 [Public Question Time] due to the presence of a guest speaking on the item.

315. PUBLIC QUESTION TIME

The Chair invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the Council's Constitution. The Chair confirmed that two questions had been submitted. The questions were asked and responded to by the Chair.

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

The Chair then drew Public Question Time to a close.

316. SAFER ARUN PARTNERSHIP ANNUAL REVIEW 2020-21

Upon the invitation of the Chair, the Community Safety Officer presented his report. He outlined the purpose of the report as the statutory annual scrutiny of the Safer Arun Partnership as Arun's Local Community Safety Partnership. He confirmed that the Committee in leading on this statutory function would legislatively be the Local Authority's Crime and Disorder Committee for the purposes of this report. In particular, he drew Members' attention to the Safer Arun Partnership Plan 2020-21 [Appendix C in the Agenda Pack] and its strategic priorities which formed the basis of the work undertaken to try to reduce crime and anti-social behaviour across the District.

The Chair re-welcomed Sussex Police's Chief Inspector Jon Carter, District Commander for Chichester and Arun, to the meeting. The Chief Inspector highlighted four findings from the report – the significant rise in anti-social behaviour over the period the report looked at in part due to the Pandemic and the restrictions imposed, the significant proportion violent crime continued to play in crime reported in the District, domestic abuse still accounting for a worrying percentage of all reported crime at about 22% and its impacts particularly to children and young people and links to homicide, and drugs harm and successes in tackling and disrupting county lines activity though this tactic did not account for all drug supply in the area.

The Chair expressed her thanks to the whole Safer Arun Partnership team and stressed that tackling domestic abuse was also the responsibility of Members through their community involvement. Councillor Mrs Cooper as Chair of the Safer Arun Partnership also offered her thanks to the team for the work involved in producing the report and to the wider membership of the partnership for their continued engagement.

Members then took part in a full debate on the item where a number of points were raised including:

- whether more education was needed to tackle some of the underlying issues, particularly around domestic abuse and drugs
- positive trends in the report, reference made to drugs trafficking and supply in the Strategic Intelligence Assessment 2021 Key Findings [Appendix B in the Agenda Pack]

The recommendations were then proposed and seconded.

The Committee

RESOLVED – to

1. Endorse the work of the Safer Arun Partnership and the importance of partnership working in contributing to reducing anti-social behaviour and addressing crime and disorder in Arun.
2. Recognise the work of the Safer Arun Partnership in contributing to the delivery of the Council's strategic priority "supporting you if you need help".

317. MOTION

The Motion was referred to the Committee by Full Council on 15 September 2021. Upon the invitation of the Chair, Councillor Stanley as the Motion's original proposer explained some background to the Motion (including that across the country there were 98,000 homeless families, 100,000 families in temporary accommodation and 268,000 empty homes), the need to review Arun's approach to bringing empty homes back into use and whether the Council was committing appropriate resource to the issue.

Members then took part in a full debate on the item where a number of points were raised including:

- empty homes not contributing to the local economy
- the need to look at the holiday homes discount scheme
- the need for long-term tenancies that could be provided by making empty homes available again and the positive effects to local economies
- the negative impact empty homes in poor condition have on neighbourhoods, and associations with anti-social behaviour and vandalism
- support for and the impact on homeless members of the community

The motion was then proposed and seconded.

The Committee

RESOLVED – That

1. Council tax charged on Empty Homes be reviewed 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 be reviewed with a view to encourage owners to utilise their properties on at least an annual basis.

The Committee

RECOMMEND TO ENVIRONMENT AND NEIGHBOURHOOD SERVICES COMMITTEE – That

1. A review be undertaken 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.
2. A review be undertaken of how we promote our Empty Homes service and how we communicate success stories.

318. BUDGET 2022/2023 PROCESS

Upon the invitation of the Chair, the Interim Group Head for Corporate Support and Section 151 Officer presented her report explaining that under the newly adopted Committee structure it was important that all Members be fully aware of the budget process. The process was approved by the Corporate Policy and Performance Committee at its meeting on 1 September 2021. She further explained that the report recognised the need for some resource switching in order to progress the Council's priorities, and that projects brought forward must deliverable in 2022-23, must aim to be cost neutral and mindful of limited Officer time and support. It was also highlighted that the report was concerned with the General Fund as the Housing Revenue Account had a separate Business Plan which was being worked on alongside the budget.

The Committee

RESOLVED

To note the budget setting process for 2022/23.

319. EMPTY HOMES COUNCIL TAX PREMIUM

Upon the invitation of the Chair, the Senior Revenues Assistant presented this report which asked Members to consider maximising the Council Tax premium for empty homes from April 2022, in line with legislation that came in in 2020 with an aim of getting empty properties back into use.

Members (and one non-Committee Member) then took part in a full debate on the item where a number of points were raised including:

- the benefits to residents rather than the Council as this was an incentive to get houses back into use
- questions around the logistics of policing the policy and how the Council knows about empty properties in the District
- specific types of property (retirement, for example) which could be difficult to sell but have restrictive criteria on purchasers
- which constituted 'furnished' in real and legislative terms

- whether other mechanisms, apart from homeowners applying for discounts, could be used for reporting empty homes, for example reporting by neighbours or whether utilities are connected
- not wanting to penalise those who have inherited a house but at the time having a finite cut-off that triggers them to act
- the importance of information in identifying opportunities to make houses available
- the leniency around exceptions and the importance of promoting the services the Council provides
- the shortness of timescales, particularly for houses vacant for a longer period of time that may require substantial work before being made available again
- the need to communicate effectively given the scale of the impact it could have on residents

The recommendations were then proposed and seconded.

The Committee

RECOMMEND TO FULL COUNCIL - That

1. An increase to the premium on long term empty properties be approved as follows:
 - 100% premium from 1 April 2022 for those properties which are empty for 2 years and over
 - 200% premium from 1 April 2022 for those properties which are empty for 5 years and over
 - 300% premium from 1 April 2022 for those properties which are empty for 10 years and over
2. The Head of Residential Services be given delegated authority in exceptional circumstances to waive any premium on a case by case basis.

320. COMPLIANCE POLICIES APPROVAL

The Chair welcomed the arrival of these policies and spoke of their benefit in ensuring residents could live safely in their homes and landlords met their legal and regulatory requirements. Upon the invitation of the Chair, the Interim Asset Manager presented his report explaining that the Council was under the regulatory notice of the Social Housing Regulator around compliance and building safety, that these policies aimed to be consistent and comprehensive and covered the Council's legal and regulatory obligations to its Social Housing tenants.

Members (and one non-Committee Member) then took part in a full debate on the item where a number of points were raised including:

- the Fire Safety policy and rules around furniture in foyer areas in sheltered housing
- that these policies only applied where the Council was the landlord
- praise for these policies being easy to understand

The recommendations were then proposed and seconded.

The Committee

RESOLVED - that

1. The Fire Safety, Gas Safety, Electrical Safety, Lift Safety, Asbestos management and Legionella policies be approved for publication
2. Delegated authority be given to the Group Head of Residential Services to make minor changes to the policies.

321. APPROVAL TO APPOINT A ROOFING CONTRACTOR

Upon the invitation of the Chair, the Interim Asset Manager presented his report.

The recommendation was then proposed and seconded.

The Committee

RESOLVED

To approve awarding a contract for roofing works for various properties and to approve the virement of £100,000 from the Kitchen and Bathroom programme budget to the Roofing budget to fund the project. Both of these budgets are in the Housing Revenue Account Capital Programme.

322. OUTSIDE BODIES

Councillor Mrs Cooper provided a verbal update on the Sussex Police and Crime Panel. A written version was made available on the meeting's webpage after the meeting.

323. WORK PROGRAMME

The Committee noted the Work Programme.

324. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

325. APPROVAL TO APPOINT A ROOFING CONTRACTOR - EXEMPT

Upon the invitation of the Chair, the Interim Asset Manager presented his report.

The recommendation was then proposed and seconded.

The Committee

RESOLVED

To approve awarding a contract for roofing works for various properties and to approve the virement of £100,000 from the Kitchen and Bathroom programme budget to the Roofing budget to fund the project. Both of these budgets are in the Housing Revenue Account Capital Programme.

326. AWARD OF SECTION 44A BUSINESS RATES

Upon the invitation of the Chair, the Senior Revenues Assistant presented this report which sought Members' approval to award Section 44A Business Rate relief.

The Committee

RESOLVED

That business rate relief of £2163.31 be awarded.

327. COUNCIL TAX INSOLVENCY WRITE OFFS OVER £5,001

Upon the invitation of the Chair, the Senior Revenues Assistant presented this report which sought Members' approval to write off outstanding council tax charges which were subject to insolvency action.

The Committee

RESOLVED

That outstanding council tax charges totalling £42,766.51 which were subject to insolvency action, which prevented the Council from pursuing the debtor for payment, be written off.

328. BUSINESS RATES INSOLVENCY WRITE OFFS OVER £10,001

Upon the invitation of the Chair, the Senior Revenues Assistant presented this report which sought Members' approval to write off outstanding business rate charges.

The Committee

RESOLVED

That outstanding business rates and BID charges totalling £83,669.91 which were subject to insolvency action, which prevented the Council from pursuing the debtor for payment, be written off.

(The meeting concluded at 7.56 pm)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF RESIDENTIAL & WELLBEING COMMITTEE ON 30 SEPTEMBER 2021

SUBJECT:	Council Tax - Empty Homes Discount
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REPORT AUTHOR:	ANDREW DALE – Revenues & Benefits Manager
DATE:	16 August 2021
EXTN:	01903 737630
AREA:	RESIDENTIAL SERVICES

EXECUTIVE SUMMARY:

Committee is asked to consider that the Council maximises the increased premiums payable for long term empty properties to be listed at Full Council for decision.

RECOMMENDATIONS: Committee is requested to:

The Residential and Wellbeing Committee is recommended to increase the premium on long term empty properties as follows:

- 100% premium from 1 April 2022 for those properties which are empty for 2 years and over
- 200% premium from 1 April 2022 for those properties which are empty for 5 years and over
- 300% premium from 1 April 2022 for those properties which are empty for 10 years and over

To give the Head of Residential Services delegated authority in exceptional circumstances to waive any premium on a case by case basis.

1.0 BACKGROUND:

- 1.1 Since 2013 Local Authorities have had discretion to vary the amount of Council Tax charged on long term empty properties, under the Local Government Finance Act 2012 (S11-13). The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings charged) Act 2018 now allows Local Authorities to increase the

Premium on long term empty properties. The purpose of this report is to consider the amount of premium the Council wish to charge going forward on long term empty properties.

1.2 From 1 April 2019 onwards, the government with new legislation are allowing councils to charge higher premiums in addition to the normal council tax bill. The premium increases the longer the property is left empty as below:

	2020/2021	2021/2022
Empty for up to 2 years	0%	0%
Empty for between 2 and 5 years	100%	100%
Empty for between 5 and 10 years	200%	200%
Empty for over 10 years	200%	300%

1.3 The council can choose to apply a premium up to the amount shown in the table. This means that a property left empty for over 10 years could pay up to quadruple (400%) council tax from April 2021.

1.4 The premium does not apply to any empty property qualifying for a Council Tax exemption, for example while waiting for probate to be granted or where the owner is now in a care home.

1.5 The intention of the change is to encourage owners of long-term empty properties to bring them back into use.

2.0 PROPOSAL

2.1 We are proposing that we implement these changes to our empty long term premiums as the intention of the discretionary power is to help local authorities increase the volume of their local housing stock by incentivising property owners to bring long term empty homes back into use to provide safe, secure and affordable homes. This will support local communities by increasing the supply of affordable housing available in the district.

- a) A certain level of empty homes is inevitable due to housing market churn; however, long term empty properties are more likely to deteriorate and may result in associated anti-social behaviour in an area.
- b) We are conscious that there are a variety of reasons why properties remain empty, but it is important to try and encourage homeowners to bring empty properties back into use particularly with the current pressure on finding housing for residents.

c) There are currently 171 properties which have been unoccupied and unfurnished for more than two years within the district and therefore are already subject to an Empty Homes Premium.

d) Bringing a home that is subject to the Premium back into use reduces the liability and potential receipt of that property

2.2 The proposal is to increase the Empty Homes premium from 1 April 2022 to:

	2022/2023
Empty for up to 2 years	0%
Empty for between 2 and 5 years	100%
Empty for between 5 and 10 years	200%
Empty for over 10 years	300%

2.3 Exceptions to the empty property premium

2.3.1 The local discretionary Council Tax relief policy at Arun District Council provides support for customers who are suffering hardship or other exceptional circumstances affecting their ability to pay council tax. Where a customer is having trouble selling a property, payment of council tax can be deferred until the sale and in some exceptional cases, with the approval of the Head of Residential Services, the empty property premium will be waived.

2.3.2 There are however some rare occasions where it may be appropriate to reduce or waive the premiums that are not currently covered by the discretionary relief policy. It is proposed that the policy is amended to allow consideration where a property already attracts the premium and is purchased by someone intending to live there but unable to do so immediately due to its condition or where the property is going through structural repairs and there are exceptional circumstances. Any exception period would be determined by the Council on receipt of the relevant evidence and/or documentation for the approval of the Head of Residential Services.

2.4 Policy Context

2.4.1 Full Council approved the charging mechanism for empty homes from 1st April 2013. The Council currently charges long term empty dwellings at the previous maximum rate of an additional 50% after having been empty for 2 years. The Premium aims to assist Local Authorities in the implementation of local Empty Homes Strategies. It was designed to persuade owners of registered long term empty homes to take steps to bring those homes back into use.

a) From April 2019 the Premium charge can be increased to an extra 100% of the occupied Council Tax

b) From 1st April 2020 for properties empty between 5 & 10 years the Premium can be increased to 200%.

c) From April 2021 properties empty for more than 10 years the Premium can be increased to 300% of the occupied Council Tax.

2.4.2 It is important that we provide maximum financial help to local people to help them secure housing and help the local economy. It is also key that we adopt policies for these additional funding streams that will ensure fairness and that funding from the Government is maximised to help the vulnerable in our district by freeing up empty properties that can be brought back into use.

3.0 OPTIONS:

3.1 That the Council increases its empty premium in line with new legislation as follows:

a) 100% premium from 1 April 2022 for those properties which are empty for 2 years and

b) 200% premium from 1 April 2022 for those properties which are empty for 5 years and

c) 300% premium from 1 April 2022 for those properties which are empty for 10 years and over

3.2 OTHER OPTIONS CONSIDERED

3.2.1 Stop the Premium charge

3.2.2 Leave the Premium charge at the existing level (50%)

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

6.0 IMPLICATIONS:

6.1 Financial:

6.1.1 There are currently 171 properties in the borough that have been empty for over 2 years. The current premium generates an additional income for the authority above the current standard Council Tax charge of £191.52.

6.1.2 Increasing the premiums in line with the maximum amounts set out in the legislations could generate additional income for ADC of £34,878 in 2021/22

6.2 The above forecasts are subject to the number of empty properties remaining the same would reduce if the proposed implementation of the increased premium has the desired effect of reducing the number of long-term empty properties. The figures exclude any allowance for non-collection (assumed to be 1% in the tax base calculation). The table below summarises the annual additional income attributable to the Council (excluding preceptor elements):

Long Term Empty Properties	A	B	C	D	E	F	G	H	Total	Band D equivalent
Empty between 2 and 5 years	27	38	30	24	14	7	9	1	150	142.5
Empty between 5 and 10 years	6	3	5	1	3	2	0	0	20	18.3
Empty over 10 years	0	0	0	1	0	0	0	0	1	1

6.3 The breakdown of long-term empty properties based on the equivalent of a Band D property is shown below, alongside the potential increases in the tax base and council tax income.

	Increase 2022/23
Empty between 2 and 5 years	142.5 @ 100%
Empty between 5 and 10 years	18.3 @ 200%
Empty over 10 years	1 @ 300%
Band D Council Tax	191.52
Additional Income (Arun DC)	£34,878

7.0 REASON FOR THE DECISION:

7.1 To reduce the number of long term empty properties in the district and maximise available income from Council Tax.

8.0 BACKGROUND PAPERS:

8.1 [The Rating \(Property in Common Occupation\) and Council Tax \(Empty Dwellings\) Act 2018](#)

Public Document Pack Agenda Item 12

Subject to approval at the next Planning Policy Committee meeting

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PLANNING POLICY COMMITTEE

6 October 2021 at 6.00 pm

Present: Councillors Bower (Chair), Hughes (Vice-Chair), Chapman, Clayden (Substitute for Charles), Coster, Elkins, Jones, Lury, Thurston and Yeates

The following Member was absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillor Jones - Minute 338 (Part) to Minute 342.

Councillor Gunner was also in attendance for all or part of the meeting.

329. APOLOGIES FOR ABSENCE

An Apology for Absence had been received from Councillor Charles.

330. DECLARATIONS OF INTEREST

Councillor Coster made an Open-minded Declaration in regard of Agenda Item 6 [Motion] and made the Committee aware he may have made comments on previous occasions in connection with the subject matter of the motion. He confirmed those were the views he held at the time however he had an open mind regarding this item, and would listen and consider all the relevant issues and interests presented to the Committee and reach his decision on merit.

331. MINUTES

The Minutes of the previous meeting held on 20 July 2021 were approved by the Committee and signed by the Chair.

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

The Chair confirmed that there were no urgent items.

333. PUBLIC QUESTION TIME

The Chair confirmed that there had been no questions from the public submitted for this meeting.

Planning Policy Committee - 6.10.21

334. MOTION

At the beginning of this item, the Chair proposed a Motion to proceed to next business (as per Part 5, Section 2, 13.11 iii) of the Constitution) as the original proposer had asked that the Motion referred from Full Council on 15 September 2021 to this Committee be withdrawn and the action referred to in the Motion had been taken. This was seconded by the Vice-Chair.

The Committee

RESOLVED

To proceed to next business.

335. BUDGET 2022/2023 PROCESS

Upon the invitation of the Chair, the Group Accountant presented this report explaining that under the newly adopted Committee structure it was important that all Members be fully aware of the budget process. He further explained that the Council continued to face net expenditure pressures due to ongoing financial uncertainties and the report recognised the need for some resource switching in order to progress the Council's priorities and continue to meet statutory requirements. Any growth proposals would have to clearly state their financial implications and resource switching as appropriate.

The Chair raised the matter of the budget and how it was divided between this Committee and the Planning Committee especially when matters that went across the two Committees such as the Planning Review were considered, and whether the whole of the budget should be the responsibility of this Committee as the Service Committee for planning matters.

The Committee

RESOLVED

To note the budget setting process for 2022/23.

336. COASTAL CHANGE MANAGEMENT AREAS

(During the debate, Councillor Elkins declared a Personal Interest as the Council's representative on the Local Government Association's Coastal Special Interest Group.)

Upon the invitation of the Chair, the Engineering Services Manager presented his report which contained a draft consultants' brief for endorsement by Members to investigate the introduction of a Coastal Change Management Area (CCMA) following a decision by Cabinet in October 2020 to allocate £30,000 for this undertaking. The report also sought endorsement of how planning applications in the Pagham area would be dealt with in the meantime. The Engineering Services Manager highlighted the dynamic nature of the coastal erosion in Pagham and the risk of flooding.

Members then took part in a full debate on the item where a number of points were raised including:

- whether the CCMA should cover an area wider than illustrated in Appendix 1 of the report, and how it might impact the strategic sites in Pagham in the Local Plan
- the nature of the consultation process and involvement of environmental agencies (Natural England etc) because of the sensitivity of sites in Pagham being Sites of Special Scientific Interest
- the need for an indication of timescales, particularly in relation to concerns over flooding at Pagham harbour due to the unpredictable movement of the spit and the potentially significant consequences of this
- the need to treat the introduction of a CCMA as a matter of urgency due to events at Climping and widen the area to cover from West of the river Arun to Pagham
- statements in the NPPF which state that developments have to be safe for their lifetime, and Members not knowing without the evidence of the CCMA consultation if that would be the case for new or existing development
- whether Officers had all the recommendations they needed to proceed with the study in the report or whether further approvals would be needed between Committee meetings
- whether other vulnerable areas were looked at in the preliminary stages of this report and would be brought forward for their own CCMA's
- the involvement and implications for the Council's Planning team
- the need for a refresh of the shoreline management plan and areas whose inclusion might need re-examination

The Engineering Services Manager provided Members with answers to all points raised during the debate. He confirmed to Members that the report looked at the implications of having a CCMA rather than suggesting the introduction of one at this stage, but agreed with the urgency raised by Members.

The recommendations were then proposed and seconded.

Planning Policy Committee - 6.10.21

The Committee

RESOLVED - that

1. The outline brief for the Coastal Change Management Area (CCMA) study (as set out in 1.14 to 18 as appropriate) be approved.
2. The timing of the study be scheduled for a start of procurement beginning October 2021, in order to accommodate the outcome of the Southern Regional Flood and Coastal Committee's decision on whether to provide extra funding and consequently, the final scope of the study.
3. The Engineering Services Manager in consultation with the Planning Policy Committee Chair and Group Head of Planning, be delegated authority to proceed with the necessary administrative procedures and procurement processes based upon Southern Regional Flood and Coastal Committee's funding decision.
4. The guidance as set out in the report under 'Interim Approach' be used to assess the development merits of all Planning Applications coming forward on the Pagham Beach Estate, with reference to the plan at Appendix 1 (as a material consideration) until such time as the Planning Policy Committee decides whether to introduce a CCMA.
5. The draw-down of any further Local Levy monies granted by the Southern Regional Flood and Coastal Committee be authorised for the CCMA work.

337. INFRASTRUCTURE FUNDING STATEMENT

Upon the invitation of the Chair, the Planning Policy and Conservation Team Leader presented his report and explained that the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) included a requirement for all planning obligation collecting authorities to prepare an annual Infrastructure Funding Statement to be published on the web site at the end of the calendar year reporting planning obligation income and CIL and expenditure from the previous financial year.

Members then took part in a full debate on the item where a number of points were raised including:

- whether funding could be provided for a school bus programme with its benefits of reducing congestion and pollution, and whether as a County Council responsibility they could take it on as a CIL commitment
- the terminology of funds 'not been formally allocated' and greater detail on where these might be allocated

The Planning Policy and Conservation Team Leader and Group Head of Planning provided Members with answers to all points raised during the debate. The Group Head of Planning confirmed that all Section 106 receipts were identified for a project by law (which were detailed in the appendices) but that planning terminology used 'unallocated' until funds had been received.

The recommendation was then proposed and seconded.

The Committee

RESOLVED

That the Arun Infrastructure Funding Statement 2020/21 be agreed and published on the Arun District Council website in accordance with Regulation 121A of the Community Infrastructure Regulations 2010 (as amended).

Planning Policy Committee - 6.10.21

338. ARUN LOCAL PLAN UPDATE

(Councillor Jones left the meeting during this item.)

Upon the invitation of the Chair, the Planning Policy and Conservation Team Leader presented his report which updated Members on the issues affecting the progress of the Local Plan update and progression of the Vision and Objectives whilst also anticipating significant Government planning and regulatory reforms. He outlined a number of options Members might have wished to consider on the approach to take for the Local Plan update and supporting evidence work, in view of the pending national planning reforms and also emergent critical issues arising under the 'Duty to Cooperate' affecting plan making and particularly delivery of development to the west of Arun in the A27 corridor.

The options put before the Committee were:

- 1) Continue with Full Plan Preparation as per previous resolutions
- 2) Continue with Full Plan Preparation but with an Extended Timescale
- 3) Pause the preparation of a revised Local Plan until details of the new plan making system were agreed.

Members (and one non-Committee Member) then took part in a full debate on the item where a number of points were raised including:

- the recent change in the Secretary of State and indications made that he already wished to review and revise aspects of the bill, and the resultant delay this might cause
- knowledge of other local planning authorities who had suspended progress of their Local Plans because of the imminent changes in the White Paper, so precedent for option 3
- previous experiences with the development of Local Plans during periods when planning rules were changing and the added costs involved, and the possibility of spending on a Local Plan that would have to be reviewed as circumstances have changed
- a lot of time spent time doing the Vision and Objectives earlier in the year, disappointment and uncertainty over why they were abandoned, and how could the Council proceed with the Local Plan update if a basic vision could not be agreed upon
- the evidence base previously commissioned having been extremely useful and reluctant to waste the money spent on it
- support for option 1 and proceeding with the original plan due to concerns over the risks involved with waiting or the process becoming stop/start
- the efficacy between options 2 and 3, and whether there was any work that it would be safe to proceed with in an extended timescale
- the possibility of the removal of the 5-year housing supply and the objective assessed housing need figure derived from it, and so unnecessarily planning for housing numbers that may not be required

- concerns over deferral (option 3) and whether the situation should be reviewed by Committee on a regular basis to be more proactive due to the changing nature of policies
- the Local Plan being classed as failing by the Authority Monitoring Report, so other issues that needed to be address in addition to 5-year housing supply
- whether the Council exposed itself to risk from neighbouring Local Authorities due to delays in evidence updates, for example through 'Duty to Cooperate' agreements with no up-to-date data on what the District could or could not accommodate
- the significant quantity of planning approvals waiting to be implemented across the District and concerns developers were submitting speculative applications outside of strategic site allocations in the Local Plan at the same time
- support for a review of the White Paper as indicated by the new Secretary of State, though concerns over the number of what/ifs in a possible impending review
- support for options 1 and 2 as both kept the process moving forward, and for some of the studies indicated in the report that it would be useful to undertake regardless of the planning system eventually adopted
- clarification whether it was full plan preparation or an extension of five years to the existing plan that was sought, and if an extension of five years then the Local Plan would be out of date by the time of adoption which would be a waste of time and money
- the need to sort out the issues with the current Local Plan first to avoid these being carried over into a new Local Plan
- the additional housing a review of the existing Local Plan would add under the current planning system, suggestions this could be as much as 5,000-8,000 new homes over the 5 years the plan would have to be extended by
- the intention of Government to give Councils stronger powers to enforce 'build out'
- the current 'out-of-control' position of having to accept planning applications wherever they may be, and even inviting them due to land supply issues
- whether Committee could make decisions based upon assumptions of what future planning rules may be, and whether it would be better to bring this report back in a few months times once more is known about how the Government is progressing with its plans
- statements and responses by the Secretary of State being material considerations in planning applications
- if option 3 were the preferred option of the Committee, the need to review the situation in six months times
- whether the possible lifting of the Local Land Supply would apply to the current Local Plan, and if this would be accompanied by the removing of the Housing Delivery Test which has also been problematic
- the need for the evidence base generated from the proposed list of studies in the report to deal with issues such as the climate emergency, and whether the option to pause could be explored down the line depending the outcome of the research

Planning Policy Committee - 6.10.21

Councillor Hughes moved a motion that Option 3, that the Plan be paused, be put to the Committee as its preferred option due to knowing the planning reforms were going to change and therefore be unable to continue working towards AND that it be reviewed in six months time. This was seconded by Councillor Clayden. Following a vote of the Committee, the motion was declared CARRIED.

The Planning Policy and Conservation Team Leader provided Members with answers to all points raised during the debate and stressed the risks involved in each option, many already known and set out in the report, but that a direction of travel was needed by Officers from the Committee.

The substantive recommendations were then proposed and seconded.

The Committee

RESOLVED

That the Local Development Scheme and Statement of Community Involvement be reported back to the next Committee meeting.

The Committee

RECOMMEND TO FULL COUNCIL

Option 3 to pause the preparation of a revised Local Plan until details of the new plan making system be agreed, and that the pause be reviewed in six months' time.

339. DEVELOPMENT MANAGEMENT POLICIES ENGAGEMENT FEEDBACK

Upon the invitation of the Chair, the Planning Policy and Conservation Team Leader presented his report which provided an update on engagement work on the draft list of Development Management Polices identified for potential review.

One Member paid tribute to the contributions of parishes to this process and the comments made, and also highlighted the Environment Agency's comment regarding a possible rise in temperature of 3-4% by the end of the century as demonstrating the scale of the challenge faced and how the Council must take this seriously.

The recommendation was then proposed and seconded.

The Committee

RESOLVED

To consider the feedback received and agree the report be used to inform future plan making.

340. WEST SUSSEX TRANSPORT PLAN 2022-2036 CONSULTATION

(At the beginning of the item, Councillor Elkins declared a Personal Interest as a Member of West Sussex County Council.)

Upon the invitation of the Chair, the Planning Policy and Conservation Team Leader presented his report which sought agreement for its content to form the basis of a formal response from the Council to the West Sussex Transport Plan 2022-2036 Consultation.

Members (and one non-Committee Member) then took part in a full debate on the item where a number of points were raised including:

- acknowledgement in the report that Arun was the most densely populated part of the County
- the need for road improvements between Bersted to Chichester, in the short rather than the medium term, and Pagham Road
- the need to include the journey time between Angmering and Horsham by train which involved a change at Barnham
- the need for the Arundel Chord railway
- references to viable transport alternatives to the car and the Arun Active Travel Study but no mention of a school bus programme which would be a big step to reducing congestion and carbon emissions
- the need for a bridge west of Ford Station and a A27/A259 link opening up the possibility of development in the Ford area
- previous Section 106 contributions having been declined by Highways England that could have contributed to these improvements
- concern over the ordering of priorities and fears that once the roads had been built there would not be any money left for any of the other improvements, that the Transport Plan would therefore not meet its objectives of de-carbonising transport and did not demonstrate how targets would be achieved
- the need for the formal response to contain stronger wording to reflect the seriousness of the situation and the Council's concerns

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

The recommendation was then proposed and seconded.

The Committee

RESOLVED

To agree the comments set out in sections 1.8 to 1.12 of the report as the basis for Arun District Council's formal response to the consultation document Draft West Sussex Transport Plan 2022-2036.

Planning Policy Committee - 6.10.21

341. DUTY TO COOPERATE - STATEMENT OF COMMON GROUND BETWEEN HORSHAM DISTRICT COUNCIL AND ARUN DISTRICT COUNCIL

Upon the invitation of the Chair, the Planning Policy and Conservation Team Leader presented his report which sought Members' agreement that the Chair of Planning Policy Committee be authorised to sign the joint Statement of Common Ground with Horsham District Council.

The recommendation was then proposed and seconded.

The Committee

RESOLVED

That the Chair of Planning Policy Committee be authorised to sign the joint Statement of Common Ground with Horsham District Council.

342. WORK PROGRAMME

The Planning Policy and Conservation Team Leader noted that decisions made at the meeting would impact future projects currently appearing on the Work Programme so some work would need to be undertaken to update it. One Member suggested the possibility of including the Outside Body reports that were expected from Members at future meetings. After discussion, the Committee noted the Work Programme.

(The meeting concluded at 8.47 pm)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY COMMITTEE ON 6 OCTOBER 2021

REPORT

SUBJECT: Arun Local Plan Update

REPORT AUTHOR: Kevin Owen, Planning Policy Team Leader
DATE: 21 June 2021
EXTN: x 37853
AREA: Planning

EXECUTIVE SUMMARY:

This report updates members on the issues affecting the progress of the Local Plan update and progressing a Vision and Objectives while anticipating significant Government planning and regulatory reforms. There are consequently, a number of options members may wish to consider on the approach to take for the Local Plan update and supporting evidence work, in view of the pending national planning reforms and also emergent critical issues arising under the 'Duty To Cooperate' affecting plan making and particularly delivery of development to the West of Arun in the A27 corridor.

Following discussion and decision, there will need to be consequent further reports to the next meeting on an update to and adoption of the Local Development Scheme (LDS) which is the Council's formal plan making timetable and the approach to updating the Council's Statement of Community Involvement (SCI which sets out how Arun communities will be consulted (and both documents published on the Council's web site).

RECOMMENDATIONS:

That the Planning Policy Sub Committee recommends to Full Council one of options 1 to 3 below plus recommendation 4. Officers would recommend Option 1.

1. Option 1 - Continue with Full Plan Preparation as per previous resolutions.
2. Option 2 - Continue with Full Plan Preparation but with an Extended Timescale; or
3. Option 3 - Pause the preparation of a revised Local Plan until details of the new plan making system are agreed; and
4. That the LDS and SCI be reported back to the next meeting.

1. BACKGROUND:

- 1.1 The Planning Policy Sub-Committee (PPSC) on 23 February considered but did not agree a Vision and Objectives with which to steer the work on the Local Plan update, pending undertaking further work and discussion. In June Planning Policy Committee agreed that early engagement work could start on a list of Development Management policies.
- 1.2 A further progress report on the Local Plan Update is therefore necessary for this meeting - given the slippage in the timetable and need to consider a number of matters arising that are likely to have a material impact on the Council's approach to the Local Plan update.

Planning Reform

- 1.3 The Government signalled significant planning reforms last year in the 'Planning for the Future' consultation (6 August 2020) and in May 2021 indicated it is pushing forward on the Planning Bill (Queen's Speech 11 May 2021) which may be voted on in Parliament at the end of the summer. The reforms propose to fundamentally change the way plans are made, their format, scope and content being based on zoning all land (i.e. as either growth, renewal or protection areas), a 'top down' housing target (based on the Standard Housing Methodology) a raft of national development management policy standards (no longer to be locally derived), together with a national infrastructure levy. Should the reforms be enacted, they will also require secondary legislation. Transitional arrangements are considered as part of the reforms in order to protect progress on plans that achieve certain milestones (e.g. Regulation 19 publication or submission stage) ensuring a smooth transition and that existing permissions and any associated planning obligations can continue to be implemented as intended. However, the timescale for this is yet to be clarified but is anticipated reforms may be in place in 2024/25.
- 1.4 There has already been significant delay on the Arun Local Plan update timetable set out in the adopted Local Development Scheme (July 2020) which schedules the submission stage in summer 2023 when there is at least a 12-month slippage. Much of this delay relates to the Council not yet agreeing to the Vision & Objectives. Therefore, there is a significant risk that planning reforms will impact significantly on the Arun Local Plan update and miss any transitional safeguards. This scenario could result in abortive costs and need to comprehensively redo work under the new arrangements. The cost of preparing the Local Plan update is significant, involving the commissioning of evidence, public consultation and preparation stages including the Local Plan examination.
- 1.5 Given the significant risks and challenges going forward, it is an appropriate time to consider options for a more flexible approach to the update of the Arun Local Plan. This may realise efficiencies in resource use and help to minimise risks (e.g. scope for rationalising evidence commissioning costs and preparation stages over the next 18 months).
- 1.6 A budget has already been approved for the Local Plan update and a number of studies have been commissioned and are in the pipeline.

Commissioned Studies

- Arun Active Travel Study (Phase 1 complete)
- Arun Arun Transport Model (A259 – District Wide) (underway)
- Arun Tourism & Visitor Accommodation Study (inception/early evidence gathering)
- Biodiversity Net Gain study (inception/early evidence gathering)
- Masterplanning
- Climate Change/Sustainable Design Study (currently being put to ‘Invitation To Tender’)

Pending Studies

- Sustainability Appraisal/SEA/HRA (including early scoping Objectives)
- Placemaking Study (20 minute communities)
- Housing Economic Development Needs Assessment (HEDNA) Study
- Arun Transport model Phase 2
- Strategic Flood Risk Assessment (SFRA)
- Active Travel Study Phase 2
- Retail Study
- Landscape Study
- Green Infrastructure Study
- Heritage and Conservation Area studies
- Infrastructure Development Plan
- Viability Study

Local plan Update Options

- 1.7 The total budget of circa £830k for the Local Plan update includes £145.6k currently committed up to this year (2021/22) and further £30k imminently to be commissioned this year (i.e. Climate Change - Sustainable Design) totalling circa £175.6.
- 1.8 The Pending Studies above therefore, account for £654.6k uncommitted spend. Officers propose that there are consequently, three broad options that members may wish to consider based on the potential benefits and risks which are summarised below (but further amplified in Appendix 1: Table 1):-

Option 1 Full Plan Preparation (12-month slippage)

1. Full Plan preparation which would entail committing the full £830k budget to plan evidence commissioning, consultation, submission, and examination through to adoption under the current planning system. However, based on the current timetable slippage (including that the plan Vision and Objectives still need member agreement) at the earliest, publication and submission may be possible by summer/autumn 2024. The main risks would be abandonment of the Local Plan, wasted expenditure and having to start again with a similar budget, should transitional arrangements be missed due to any further slippage:-
 - 2021/22=£80.6k
 - 2022/23=£282k
 - 2023/24=£292k

Option 2 Full Plan Preparation Extended Timescale (24 months)

2. Full plan preparation by committing the full £830k budget but over an extended revised timetable. This approach may provide room for flexibility to amend the format of the Local Plan and spend profile (if feasible) to accommodate the new planning system. However, there remain significant risks in terms of the prolonged plan making timetable, the shelf life of the commissioned evidence studies, the need to top up or significantly fix studies already programmed and this approach may still be subject to additional contingent budget growth to implement the new planning reforms and new evidence requirements:-

- 2021/22=£80.6k
- 2022/23=£0k
- 2023/24= £0k
- 2024/25= £282k + Unknown
- 2025/26= £292k + Unknown

Option 3 Pause Plan Making

3. Pause plan making at the current committed studies circa £175.6k of the budget (paragraph 1.7 above). This would result in an underspend of £654.6k allocated to the Pending Studies which would not be progressed. The underspend could be a potential saving in the short to intermediate term. The evidence already commissioned would still need to be progressed and could potentially help to form the basis for a resumption of plan making activity in 2023/24 focussing on the new planning system together with delivering the Council's current priorities e.g. the challenges arising from the Climate Change Emergency; carbon reduction; post Covid-19 regeneration; transport and water quality infrastructure including flood risk; and implementing 'Biodiversity Net Gain'. The resumption of plan making in 2023/24 can recast the budget and timetable at that time to fit the new plan making requirements:-

- 2021/22=£0k
- 2022/23=£0k
- 2023/24=£Unknown

1.9 There are advantages and disadvantages with each of the options as set out in Appendix 1: Table 1. Members will need to weigh up the need for speedy plan making progress to enable sustainable local decision making with that of demonstrating prudent use of public resources. Not least, that a plan is fit for purpose and future proof if subjected to further slippage, and any new plan making requirements. Officers recommend continuing with the current plan update because of national policy expectations on making plan progress although it is recognised that this now entails significant risks because of the existing and likely slippage. Members are also advised that whichever option is preferred, there will be a need to ensure that other background work is progressed alongside the committed evidence studies. For example, high level topic papers will be needed to scope the strategic issues and options that should be addressed as part of normal plan making but also emergent issues arising under the 'Duty to Cooperate'. This will also steer any subsequent evidence commissioning when plan making resumes, including evidence needed based on the requirements of the new planning system. Some of this work could clearly entail a call on budget provision, impacting on any assumed £654.6k underspend under option 3.

Commissioned Evidence Base

- 1.10 There are long lead times between evidence commissioning, preparation, and study outputs. The commissioned evidence studies listed in paragraph 1.6 above, will continue as they will best reflect the Council's priorities including the declared 'Climate Change Emergency' (January 2020) and help deliver momentum on addressing carbon reduction and energy efficiency (e.g. Climate Change and Sustainable Design study), including enabling work on the need for post Covid-19 economic regeneration (e.g. Tourism and Visitor Accommodation Study). In addition, this work will support local implementation (e.g. developing an Arun Biodiversity Action Plan) of national measures being introduced this year to protect and enhance biodiversity through a Biodiversity Net Gain metric which will need a significant amount of local data capture on habitats and species.
- 1.11 The A259 Corridor – Arun Transport Model Study has already been commissioned jointly with West Sussex County Council. This work will evidence the A259 corridor improvements as well as establish a District-wide Arun Transport Model (ATM). The ATM can be used for testing development scenarios for the Local Plan update. Under options 2 and 3 the scenario testing phase (and costs) will be put on hold, pending the resumption of the Local Plan Update.
- 1.12 Similarly, the Arun Active Travel Study (ATS) Phase 1 has been completed and was agreed as a material consideration at the PPC meeting of 1 June 2021. Phase 2 of the study (and costs) to test local plan development scenarios, will be put on hold under options 2 and 3 pending the resumption of the Local Plan Update.

Topic Papers

- 1.13 There will be a need to prepare Topic Papers as part of scoping the Issues and Options for any local plan update. These would cover the main key topics – for example (this list is non-exhaustive):-
- **Standard Housing Methodology** - components of population and household change - demographics of an ageing population etc.
 - **Affordable Housing** - average incomes and house prices ratio
 - **Economy and Employment Land:** - post covid recovery, role of employment land and new 'E use class' and 'green economy'
 - **Transport:** - Modal shift, Electrical Vehicles, Road Infrastructure
 - **WasteWater Capacity and water quality and efficiency:** to serve development while ensuring discharge consents and pollution meet standards and avoid harm to aquatic habitats
 - **Greenspace and Leisure and Health and Wellbeing:** There is increasing emphasis on the importance of and need to integrate Health and Wellbeing objectives within place making at the local and national level, through plan making and decision making. West Sussex County Council and Public Health England issued recent guidance on this in 2020 (Background Paper 2).
 - **Housing Market Absorption Study:** Similar to work published by Horsham District Council (i.e. Housing Delivery Study), examining the ability of the local housing market to sustain high levels of housebuilding and the downward effect on house prices (in terms of supply and demand) and willingness of developers to

build out consents as profit margins are squeezed, impacting on local housing delivery and performance. Such evidence can be used to shape housing trajectories and housing target numbers that can be realistically accommodated by the market in an emerging Local Plan.

1.14 In addition through consultations on emerging plans in neighbouring authorities and under the 'Duty to Cooperate', a number of other critical issues are being identified that have implications that may equally apply in Arun District – particularly affecting the West of the district. These matters will need to be addressed in updating the Local Plan and may pose similar soundness and timetable implications for Arun - whichever option is chosen. These are described below and will form the basis for Topic Papers aimed at scoping high level issues from existing evidence (but also identify whether additional evidence may need commissioning):-

- **A27 Infrastructure Improvements – Capacity and Viability:** Chichester District Council (CDC) consulted on their Regulation 18 Local Plan (Preferred Approach) in 2018. CDC have since, been progressing further evidence work to support the 'preferred approach' with a view to publishing their Local Plan (Regulation 19) at the end of 2021. In particular, under the 'Duty to Cooperate', liaising with Highways England, transport consultants and other stakeholders, CDC have been working on an A27 mitigation scheme. The cost would be upwards of £65m and the full mitigation package is currently unviable without public sector funding. CDC have looked at securing external funding from a number of sources and so far have been unsuccessful, with no anticipated funding accessible before the plan is submitted. These A27 improvements are critical to delivering CDC's proposed spatial development strategy, housing numbers and strategic housing allocations around Chichester. A special meeting of CDC members (Background paper 1) considered a report on this issue (29 July 2021). The report identified that unless external funding was secured, the required A27 improvements would be unviable and therefore undeliverable. The implications being that the housing numbers could not be supported and potentially a lower number may be included in the plan. This figure could be reviewed in 5 years should a national scheme of A27 improvements materialise. The CDC Regulation 18 Local Plan (Preferred Approach) in 2018 factored in Arun's adopted Local Plan Strategic Allocations material to their transport modelling work and the necessary A27 improvements (e.g. mitigations identified within the Arun Transport Study and Arun Infrastructure Capacity Study Development Plan). The implications of CDC's recent work on the viability of A27 junction improvements is not yet fully understood for Arun. For example, does this work raise similar A27 junction improvement viability and deliverability issues for Arun's existing strategic allocations around the Bognor Regis, Bersted and Barnham areas which share and connect to the A27 in the West of the district, particularly if CDC plan for lower housing numbers. This will also need to be understood for the Local Plan update because of the particular impact on development and infrastructure capacity, on the west side of Arun.
- **Water Quality Standards:** CDC have had further extensive engagement with Southern Water and the Environment Agency on waste water infrastructure capacity because of the impact of pollutants such as nitrates from housing developments discharging waste water which enters Chichester Harbour (e.g

the risk of Eutrophication adversely affecting aquatic plants and species). These discussions (Background paper 1) have concluded that while engineering solutions exist and are feasible to accommodate future housing growth “environmental limitations are a constraint particularly in the western part of the plan area”. While a ‘Statement of Common Ground’ is being progressed, Southern Water have been unable to clarify how or when Waste Water Treatment Works can be upgraded or provided with the necessary infrastructure to support the CDC Local Plan, leading to significant uncertainty on housing delivery and plan formulation. Southern Water will not conclude this work until consultation and adoption of a District Water Management Plan (DWMP) in 2023. Arun has similar, potential issues that may arise with respect to Pagham Harbour which may affect developments within Chichester and Arun District that need to connect to the Waste Water Treatment Works discharging to that area.

Local Development Scheme

1.15 Which ever option is preferred, there will be a consequent need to update the Council’s Local Development Scheme (LDS) adopted in July 2020. The LDS sets out the Councils’ plan making timetable and needs to be kept up to date because it is subject to Local Plan examination and is monitored by the Planning Inspectorate, developers, and the local communities within Arun. A revised LDS based on the Committees decision, can be brought to the 30 November meeting and for subsequent adoption by Full Council on 12 January 2022.

Statement of Community Involvement

1.16 The Statement of Community Involvement (SCI) 2018 (adopted by Full Council in January 2019) sets out how the Council consults residents, businesses, and organisations in Arun, can help to shape plan making and decision making. The SCI must be prepared in accordance with the plan making regulations (Town and Country Planning (Local Planning) (England) Regulations 2012) and needs to be kept up to date (also being subject to the examination of the plan).

1.17 Whichever option is selected as the preferred option by members, a further report will be presented to the next meeting on the appropriate approach to an SCI update.

2. PROPOSAL(S):

To agree on a preferred option for taking forward plan making and the prudent allocation of public finance for Local Plan evidence preparation and commissioning; agree that subject to the preferred option chosen, the LDS timetable will be updated and brought to the next meeting prior to adoption at Full Council in January 2022; should option 1 or 2 be chosen a further report will be made to the next meeting to update the SCI.

The following options are available to Members:

1. To agree the report;
2. Not to agree the report.

4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability	x	
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
6. IMPLICATIONS:		
<p>The options all have advantages and disadvantages as describe in the report section 1.7 - 1.9 and Appendix 1: Table 1. Each option involves rescheduling the plan making timetable which will make best use of public finances and benefit from commissioned studies and proposed topic papers. This will also aid local decision making and ensure that development is sustainable and meets the Council's aspirations, including securing the steps necessary to address the Climate Change Emergency. The commissioning of evidence has a financial impact on the authority however, this has been budgeted for.</p>		

7. REASON FOR THE DECISION:

To ensure that ensure the Local Plan update is fit for purpose, uses resources and finances, efficiently and ensures that progress can be maintained on delivering the adopted Arun Local Plan.

8. BACKGROUND PAPERS:

Backround paper 1: Chichester District Council All Member Session Thursday 29 July 2021
<https://chichester.moderngov.co.uk/documents/b5230/Public%20Question%20and%20Answer%20Sheet%20-%20All%20Member%20Session%20-%2029%20July%202021%20Thursday%2029-Jul-2021%2009.30%20AI.pdf?T=9>

Background paper 2: WSCC and Public Health England: Creating Healthy Places - a public health and sustainability framework for West Sussex
<https://westsussex.moderngov.co.uk/documents/s21906/Agenda%20Item%209%20-%20Appendix.pdf>

Appendix 1: Table 1 Local Plan Options Comparison

Option 1: Full Plan Preparation (12-month slippage)		
Considerations	Advantages	Disadvantages
Budget	Allocated	May need to re-start plan making from beginning and allocate new plan making budget as no scope to fix the plan
Evidence Work	Commenced and programmed	
Flexibility		No. Timetable needs urgent updating - at least 12 months slippage – no guarantee on agreeing Vision and Objectives quickly
Future proof		No - based on the current planning system
National Policy	Meets Government policy expectations on maintaining progress on plan making	Substantial risk that the Plan will not achieve Reg 19 Publication consultation or Submission by transitional period and therefore, not meet the requirements of the signalled new planning system
Local decision making	Planning positively to try to address housing land supply	'Soundness' issues should the plan be overtaken by the new planning system requirements and examination be unable to fix the plan
Neighbourhood Development Plan	Provides a framework for NDP reviews/update	Risk to NDP preparation including abortive costs if slippage and plan is abandoned
Option 2 Full Plan Preparation Extended Timescale (24 months)		
Budget	Allocated	However, likely to require additional budget to correct evidence and/or the format of the Local Plan under the new planning system because of existing and 24-month slippage
Evidence Work	Commenced but more flexibility on timing of spend	Large scale expensive studies with long lead times, may no longer be fit for purpose with significant timetable delay 24 months+ 2 Risks to ability to fix evidence. Additional evidence likely to be needed under the new planning system
Flexibility	Yes some work may be slowed or paused	As above.
Future proof	Potentially	Depends on degree of slippage and how far existing technical studies can be topped up or fixed
National Policy	Maintains some progress on plan making meeting government policy expectations and also	Does not meet Government policy for timely progress on plan making. Need to amend plan format risks

	potentially the new plan making requirements	further delay plan adoption for decision making (including risk of intervention through Secretary of State default powers)
Local decision making	Maintaining some progress on positively addressing housing land supply	Delayed plan adoption would lead to uncertainty for decision making and significant reliance on Interim Housing Statement and HELAA
Neighbourhood Development Plan	NDP reviews work to adopted Arun Local Plan and Standard Housing Methodology	Greater evidence burden on NDP preparation and uncertainty on strategic matters with delayed Local Plan update, may risk to NDP preparation including additional evidence costs
Option 3 Pause Plan Making		
Budget	Minimum committed spend. Underspend potential budget saving and efficient use of public finance/resources in the short and intermediate term as low risk of abortive work	New plan making system likely to require additional plan making budget at the appropriate time. Topic papers may generate need for evidence commissioning against budget underspend
Evidence Work	Committed evidence may serve earlier resumption of plan making and help to deliver Council priorities	
Flexibility	Flexibility to accommodate new plan making system	Some slippage
Future Proof	Yes – update commence in 2023 based on delivering a new format plan and evidence under the new planning system and as an integrated update (i.e. avoids two separate processes for strategic and DM policies updates)	Potential reputational damage through pausing plan making when unable to demonstrate a 5-year housing land supply (but faster resumption of plan making and fit for purpose)
National Policy	Prudent use of resources – faster resumption of plan making – fit for purpose under new planning system	Does not meet Government policy for timely progress on plan making (including risk of intervention through Secretary of State default powers)
Local decision making	Facilitates early resumption of plan making	Slippage not positively addressing housing land supply and reliance on Interim Housing Statement and HELAA in the short term
Neighbourhood Development Plan	NDP reviews work to adopted Arun Local Plan and Standard Housing Methodology – although, earlier resumption of Plan making likely to assist strategic matters	Greater evidence burden on NDP preparation and uncertainty on strategic matters in the short term

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