



Public Document Pack

Arun District Council
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Littlehampton
West Sussex
BN17 5LF

This meeting will be live streamed – the link to watch the meeting will be published on our web pages soon

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5 July 2022

COUNCIL MEETING

To all Members of the Council

You are summoned to attend a meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 13 July 2022 at 6.00 pm** in the **Council Chamber, at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** to transact the business set out below:

A handwritten signature in black ink, appearing to read "James Hassett", is written in a cursive style.

James Hassett
Chief Executive

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's Committee pages.

1. Where a member of the public wishes to attend the meeting or 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, but of course can attend the meeting in person.
2. It is still *recommended* that all those attending take a lateral flow test prior to the meeting.
3. We request members of the public do not attend any face to face meeting if they 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, 6 July 2022** 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 - 44)

To approve as a correct record the Minutes from the following meetings held (as attached):

- Special Meeting of the Council – 3 March 2022 [Represented]
- Full Council – 11 May 2022
- Annual Meeting of the Council – 18 May 2022

7. CHAIR'S ANNOUNCEMENTS

To receive such announcements as the Chair 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.

ITEMS ADJOURNED FROM THE MEETING OF THE COUNCIL HELD ON 11 MAY 2022

9. **GENERAL QUESTIONS FROM MEMBERS [BY ADVANCE NOTICE] [30 MINUTES]** (Pages 45 - 48)

To consider general questions from Members already submitted in accordance with Council Procedure Rule 14.3 [as attached].

10. **COMMITTEE MEMBERSHIPS**

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

11. **REPRESENTATION ON OUTSIDE BODIES**

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

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

12. **PLANNING POLICY COMMITTEE - 7 JUNE 2022** (Pages 49 - 66)

The Chair, Councillor Bower, will present the Minutes containing recommendations from the meeting of the Planning Policy Committee held on 7 June 2022.

There is a recommendation for Council to consider at:

- Minute 52 [Arun Local Plan Update – Six Month Review] – the Minutes and the Officer's report are attached.

13. **POLICY & FINANCE COMMITTEE - 30 JUNE 2022** (Pages 67 - 74)

The Chair, Councillor Gunner, will present the Minutes containing recommendations from the meeting of the Policy & Finance Committee held on 30 June 2022.

Please note that the minutes containing recommendations for the Council to consider will be circulated separately to this agenda.

There will be recommendations for Council to consider at:

- [Supplementary Estimate to Defend Planning Appeals at Chandlers, Angmering (A/1101/21/PL) Rustington Golf Centre (A/129/21/PL), Worthing Road (A/168/21/PL) and Pagham Road (P/178/21/OUT) – the Officer's report is attached.
- [Combined Cleansing Services Contract Extensions – Financial Implications] – the Officer's report is attached.

14. **MOTIONS [30 MINUTES]**

To consider any Motions submitted in accordance with Council Procedure 15.

15. QUESTIONS FROM MEMBERS

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

16. COMMITTEE MEMBERSHIPS

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

17. 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 : 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 3 MARCH 2022 at 6.00 pm**

Present: Councillors Brooks (Chair), Mrs Staniforth (Vice-Chair), Bicknell, Blanchard-Cooper, Bower, Buckland, Caffyn, Catterson, Chace, Clayden, Mrs Cooper, Cooper, Coster, Dendle, Dixon, Edwards, Elkins, Mrs English, English, Gregory, Gunner, Hamilton, Mrs Haywood, Hughes, Jones, Lury, Madeley, Needs, Northeast, Oliver-Redgate, Oppler, Pendleton, Rhodes, Roberts, Mrs Stainton, Stanley, Thurston, Dr Walsh, Worne and Yeates.

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillors Jones and Needs – Minute 692 (Part). Councillor Needs – voting on the amendment and Councillor Jones – voting on the substantive recommendations.

685. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and Officers to this Special Meeting of the Council.

686. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Baker, Batley, Bennett, Charles, Chapman, Goodheart, Huntley, Kelly, Purchase, Seex, Tilbrook and Warr and from Honorary Aldermen Mrs Stinchcombe and Mr Dingemans.

687. DECLARATIONS OF INTEREST

Councillor Roberts declared a Personal Interest in Agenda Item 7 [National Highways Proposals for the A27 Arundel Improvements – response to Statutory Consultation (Grey route)]. This was because of where he lived, and he confirmed that the Bypass would be of benefit to him and his family. This was a personal benefit that would not influence his decision making. Councillor Roberts confirmed that he would be taking part in the debate and the vote on this item.

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.

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

688. PUBLIC QUESTION TIME

The Chair confirmed that this Council had been invited to respond to the Statutory Consultation put forward by National Highways. Until Councillors had considered the Officer report and taken part in a debate, it was not possible to anticipate if the recommendations would be adopted, rejected or amended.

Based on this, the Chair confirmed that he would be responding to the two questions put before the Council this evening as the meeting was meant to be deciding its response to the consultation of which the Officer report was merely a suggested response.

The Chair confirmed that two questions had been submitted – these have been very briefly summarised below:

1. From Councillor Vawer from Walberton Parish Council
2. From Mr Waller – Chair of OneArundel A27 ByPass Group

A supplementary question was asked by Councillor Vawer.

(A schedule of the full questions asked, and the responses provided can be found on the Public Question Web page at: <https://www.arun.gov.uk/public-question-time>)

The Chairman then drew Public Question Time to a close.

689. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

There were no Questions from Members with prejudicial/pecuniary interests.

690. CHAIR'S ANNOUNCEMENTS

The Chair confirmed that he felt that it was important this evening to mention the current situation in Ukraine. He stated that the thoughts and prayers were with all of those where their lives have been turned upside down and who had gone from living their normal daily lives to now living in fear and fleeing their homes. Many residents in Arun would be from Ukraine or Russia and would have loved ones there that they were concerned about and so the council's thoughts were with these community members.

The Chair confirmed that the council was flying the flag of Ukraine here at the Civic Centre and at the Bognor Regis Town Hall, and that it had lit these buildings in blue and yellow as a sign of support.

691. URGENT MATTERS

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

692. NATIONAL HIGHWAYS' PROPOSALS FOR THE A27 ARUNDEL IMPROVEMENTS - RESPONSE TO STATUTORY CONSULTATION (GREY ROUTE)

The Chair confirmed that this Special Meeting of the Council had been called to allow the Council to consider and respond to National Highways with a corporate response to the Statutory Consultation regarding the preferred route for the Arundel section of the A27 Trunk Road Improvements.

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The Interim Group Head of Law & Governance and Monitoring Officer reminded Members that the purpose of this meeting was to provide a response to National Highways as part of its statutory consultation. It was not for the Council to consider a case for choosing a route, but to make comment upon the National Highways' preferred route. It was important for Members to take this point into account.

The Chair then invited Councillor Gunner to propose the recommendations as set out in the Officer report.

Before proposing these recommendations, Councillor Gunner made a statement about the situation in Ukraine.

Turning to the Arundel Bypass he outlined how vital the improvements were to the Town of Arundel and to the district's overall economy including West Sussex and the South of England. The economic benefits were clear; the bypass was needed; this was millions of pounds of investment for the area; the population of Arun had grown significantly over time and so road infrastructure was essential. The grey route proposed was the infrastructure that was required. It was highlighted that the residents of Littlehampton and Bognor Regis would not appreciate the Council turning down a brand new road in the district. Economic growth in Arun was essential along with more car movement, more visitors and tourists to assist regeneration and in bringing more investment into the district's economy, stimulating growth, jobs and prosperity.

The grey route had been chosen by National Highways (NH) to work around the National Park as the South Downs National Park had opposed the previously favoured Magenta route. The Grey route had been chosen to reduce impact on woodland and the South Downs National Park. Councillor Gunner reminded Members that tonight the purpose of the meeting was not to debate what Councillors saw as their favourite route, it was an opportunity to pass comment on the route selected by NH, the Grey route.

Councillor Gunner stated that he supported the need for an Arundel bypass, to not have a bypass was not a viable option. He supported the need to have a Ford Road junction and maintained that the Council had to continue to work with WSCC and NH to ensure this would happen. Councillor Gunner supported all works to reduce congestion at the Fontwell roundabouts; he shared the concerns of residents of some of the villages and supported all work to reduce rat-running through Walberton; a Ford Road Junction would help but other access points had to be considered. He supported all and any work to mitigate and challenge flooding on the flood plain at Arun and he expressed his deep frustration over NH's inability to produce and provide up to date data and information to local communities.

He urged NH to urgently embrace greater transparency so that the most accurate information be made available. He had difficulty in understanding that the Grey route was the option for consideration in terms of the many problems that would not be faced had the Magenta route been selected. He did not understand why NH had ignored the information contained within the Local Plan and the projected housing growth which was substantially less than what the Council would be facing. Amongst all

of this, there were strong messages being expressed by residents. Arundel wanted the bypass and this message needed to be made clear to NH whilst at the same time firmly expressing the concerns and views of residents in Walberton and other nearby villages.

Councillor Gunner therefore confirmed that he was happy to propose the recommendations but with slight amendments. He looked forward to NH's response to the consultation and the council's comments hoping that these would be taken on board.

The Interim Group Head of Law & Governance and Monitoring Officer confirmed that the amendments to the recommendations in the report were largely technical additions which would allow Officers to respond to the planning inspectorate and to take part in the examination as required and to submit additional documents in relation to the adequacy of consultation and the local impact report. These were normal stages in such a process which had not yet been reached. These additional actions would only be required if NH decided to submit the application. If this did not occur, the Council would not be required to submit an adequacy of consultation response or a local impact report. The amendments gave authority and provided the appropriate delegations to allow officers to do that following tonight's meeting.

Councillor Pendleton then seconded the recommendations.

In line with the Council's Constitution [Council Procedure Rule 4.3 – Procedure for debates at Special Meeting] the Chair confirmed that before moving to a debate, where amendments could be made, he would be inviting Councillors to ask technical questions and to make statements first.

The Chair then invited technical questions from Members and statements.

The questions asked are summarised below:

- The Officer report referred to a study undertaken in 2013 suggesting an economic benefit to the district in excess of £700m but in a recent report from NH the economic benefit was £70m. Could this disparity be explained?
- Confirmation was sought that this meeting was to only focus on the preferred route, the Grey route.
- Why had an up to date analysis outlining the economic benefit not been provided?

The statements made are summarised below:

- Councillor Roberts' statement referred to applying 'beyond reasonable doubt' to the consideration of the Grey route based on the evidence provided within the consultation document. His Ward of Arundel & Walberton had divided views on the preferred route option. In deliberating it, he had based his views on consensus; focused on proper mitigation and the need to have openness and transparency in all communications.

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Had the consultation undertaken by NH been adequate and was their trust in NH to undertake the mitigation needed? Why had the Arundel alternative not been investigated further as a viable option? The cost benefit rationale represented low value for money and not high as confirmed by NH. Where would funding be found for the viaduct at a cost of £302m? The Ford Road Junction was an important aspect which appeared to not be accepted by NH and there was no business case available to confirm this need. The traffic figures used by NH were massively out of date in terms of confirmed houses to be built per annum in the district. The missing details for mitigation for Walberton were also missing for Arundel. NH had failed to identify and account for unreliable Stage 2 traffic assessments; failed to consult on options to prevent traffic diverting from the A29 and A27 at Fontwell to avoid congestion; failed to consult on options to prevent rat-running in Walberton; failed to correct misleading and Stage 2 advocacy material; failed to prevent misleading use of Stage 2 advocacy material at Stage 3; failed to update key stakeholders with the most recent BCR; and had failed to provide options appraisals or business cases for traffic modelling at the ford junction. Councillor Roberts outlined that he supported an offline bypass but that the evidence before him was questionable in the absence of a lot of information.

- Councillor Dendle referred to the history surrounding previous preferred routes for the A27 leading up to this point. He outlined that a mix of his constituents supported this by-pass and some opposed it. The arguments for not accepting the preferred route were difficult to accept as there was desperate need for this infrastructure to be delivered. NH had offered the only route left; the Grey route. The threat of not accepting this route was the real possibility that the Government could withdraw its funding. Economically the arguments to refuse were difficult to challenge as the areas of Bognor Regis and Littlehampton had been strangled by insufficient infrastructure for too long. If the district wanted economic vitality for its communities, then there was need to vote for a bypass and to support this route.
- Councillor Thurston's view was that the consultation provided by NH was flawed and she felt that the council should not accept it without more challenge and scrutiny. She outlined her reasons why the council should not endorse the recommendations stating that they did not fully reflect the views of Councillors and as there was inadequate traffic data making it difficult to reach a fully informed decision. The issues to consider were the effects that induced traffic would have on the entire western part of Arun. NH needed to provide a more robust and transparent evidence base across a number of areas already outlined earlier, including the traffic modelling to allow for environmental impacts to be better understood. A more robust response to the lack of a Ford Road junction needed to be given. Instead, a new transport hub at Ford Railway station should be considered to encourage new residents to the area to use other methods of public transport. The impacts on habitats; wildlife; cultural heritage and

the destruction that this route would cause had to be taken more seriously with the council being encouraged to challenge the untold harm to local communities.

- Councillor Walsh also referred to the history covering the A27 and referred to past routes. He outlined that the A27 was the major transport corridor for the South-East and had been scheduled to be a constant dual carriageway north of Newhaven and as far south as north of Bournemouth but there were 2-3 missing links in West Sussex, Arundel being one of those. There was undoubted interest for the district to ensure that the A27 improvements went ahead for residents, businesses, commuting, tourism, regeneration and the wider national economy – the improvements needed to be completed. As moves to phase out fossil fuels and electric vehicle usage increased, to cite a climate emergency could not be used as an excuse to oppose the bypass as electric and hydrogen powered vehicles would still need it. The South Downs National Park's attitude towards this road building scheme from the start had been regrettable. Councillor Walsh referred to the increasing benefits to formulating the need to get the bypass built and to relieve the A259, currently used as a rat run between Worthing and either Walberton and Fontwell to avoid current blockages at Crossbush and Arundel.

The Interim Group Head of Law & Governance provided advice reminding Councillors that the pre-application consultation had been conducted by NH and not by the Council. Councillors had to respond to the consultation based on the information provided by NH. If NH had provided figures on the economic benefits that was the figure that Members needed to be addressing, it was not a Council decision on whether to build the A27 bypass or not it was for the Council to confirm to NH its response to the preferred route option announced by NH.

The Chair then returned to the recommendations in the report. An adjournment was called to allow amendments to be prepared to share to the meeting.

Councillor Gunner then proposed the following amendments – as shown below – additions have been shown in **bold**.

- (1) To authorise the Chief Executive to respond specifically in respect of the Grey Route proposal Statutory Consultation as follows:
 - (a) Welcome the opportunity to comment upon the proposals for the off-line 'Grey Route' bypass proposals.
 - (b) Notwithstanding the Council's preferred option: the Magenta route, not being taken forward, support is given to the Grey route subject to the following (c) & (d)
 - (c) The current discussions regarding inclusion of a south facing Ford Road Junction with the new A27 road continue between all relevant partners.

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- (d) National Highways strive to further mitigate to reduce rat-running and increased traffic in local villages, especially Walberton
- (e) Suggest that a high-level deck is the most appropriate form for the viaduct across the River Arun valley and flood plain providing there is no compromise in respect of a Ford Road Junction**
- (f) In regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses
- (g) Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project
- (h) Reiterate the Council's comments made in respect of the previous consultation (October 2019), to consider all potential opportunities, which would further reduce the impact on residents and the environment.**

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- (a) authorises the Director of Place, where the Director considers it necessary, to respond to any further stages of pre-submission consultation, in consultation with the Chair of Planning Committee in support of the formal response approved under Recommendation 1.**
- (c) if an application for a Development Consent Order is submitted, authorises the Director of Place where the Director considers necessary, to:**
 - (i) approve the Council's 'adequacy of consultation' response;**
 - (ii) prepare and submit the Council's written representation and Local Impact Report; to negotiate with the applicant on the DCO requirements, any S106 Agreement, and the preparation of a Statement of Common Ground; and to comment on the written representations of third parties – all in support of the formal response approved under Recommendation 1;**
 - (iii) attend the examination hearings and answer the Examining Authority's questions in support of the Council's position; and**
- 3. That representation be made to Government (Department for Transport (DfT) and Department for Levelling Up, Housing and Communities (DLUHC), to urge a resolution to the mis-match in guidance and methodologies for traffic modelling thus cost benefit analysis, for new road schemes and development projections.
and
- 4 Note that a business case is being developed in partnership with West Sussex County Council and encourage the continuation of partnership working with National Highways in addressing the Council's concerns over the Ford Road Junction

Councillor Pendleton then seconded these amendments.

The Chair then invited debate on this amendment.

Councillor Dixon confirmed that he wished to make an amendment. This is shown below with additions shown in **bold** and deletions shown using ~~strikethrough~~:

(1) To authorise the Chief Executive to respond specifically in respect of the Grey Route proposal Statutory Consultation as follows:

(a) Welcome the opportunity to comment upon the proposals for the off-line 'Grey Route' bypass proposals;

~~(b) Notwithstanding the Council's preferred option: the Magenta route, not being taken forward, support is given to the Grey route subject to the following (c) & (d);~~

Notes that none of the Council's Members supported the Grey Route and regrets that the National Highways decision to proceed with the Grey Route has, in essence, usurped local democracy;

~~(e) Notwithstanding the Council's~~ **The current discussions regarding inclusion of a south facing Ford Road Junction with the new A27 road continue between all relevant partners; support for an offline A27 Arundel bypass the Council believes that the very considerable damage that will be caused to the local environment and biodiversity and in particular to the communities of Binsted, Fontwell and Walberton by the Grey Route renders it unacceptable**

~~(d) National Highways strive to further mitigate to reduce rat-running and increased traffic in local villages, especially Walberton;~~ **are required to constructively reconsider in detail all remaining alternatives**

~~(e) Suggest that a high-level deck is the most appropriate form for the viaduct across the River Arun valley and flood plain;~~ **the current discussions regarding inclusion of south facing Ford Road junction with the new A27 road continue between all relevant partners**

~~(f) In regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses;~~ **If National Highways persists with pursuing the Grey Route there must be an undertaking not to proceed until the problems of rat running and increased traffic in local villages, especially Walberton, have been fully discussed and agreed with representatives of those villages and this Council. Also a scheme acceptable to local villages and this Council to solve the bottlenecks at the East and West Fontwell roundabouts is in hand for prompt completion.**

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- ~~(g) Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project~~ **Suggest that a high level deck is the most appropriate form for the viaduct across the River Arun Valley and flood plain.**
- (h) If National Highways persists with pursuing the Grey Route and in regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses.**
- (i) Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project.**

2. That representation be made to Government (Department for Transport (DfT) and Department for Levelling Up, Housing and Communities (DLUHC), to urge a resolution to the mis-match in guidance and methodologies for traffic modelling thus cost benefit analysis, for new road schemes and development projections; and

3 Note that a business case is being developed in partnership with West Sussex County Council and encourage the continuation of partnership working with National Highways in addressing the Council's concerns over the Ford Road Junction

Councillor Coster seconded this amendment.

Councillor Dixon then explained his amendment and his concerns over the intolerable pressure this route would inflict onto other village areas. Binsted would be destroyed and the village of Walberton would become an unbearable rat-run. The Council also needed to receive assurances about the impacts for the Fontwell roundabouts before the project should proceed. The main argument for not accepting his amendment seemed to be a fear over what NH or the Government might do next. It was vital for the council to make decisions for the right reasons not over concerns that the funding for the bypass might be withdrawn, as had been the case for Chichester. Councillor Dixon was sure that this would not be repeated in this situation and so the council needed to fight for what was right and needed to ensure that it would make the right decision for the district. There was a complete lack of transparency in terms of the consultation conducted by NH and the message to NH was that it should rethink its proposals.

The Chair then invited debate on this amendment.

Although there were Councillors that agreed with much of what Councillor Dixon had said in proposing his amendment, they questioned the statements made and the evidence that went with it. The key thread in speeches made opposing the amendment was that the district needed a bypass. The whole of the economy of the district relied upon its provision to support employment, regeneration and tourism. The risk of what happened at Chichester could not happen here.

There were Councillors who stated that they could not support the amendment as the purpose of this meeting was not to redesign a preferred route, that proposal had been made by NH.

Others thought that the amendment was negating the original motion because it was confirming that although the Council wanted a bypass, it wanted one on different terms. This was not possible as there were no other route options. It was necessary for the Council to make the right decision for the whole of the district and the fact was that this was about accepting the overwhelming need for the bypass.

Other Councillors pointed out that the matters of concern expressed did need to be addressed and that this would be covered by the Planning Inspector, this was still a very early stage of the process. There was no alternative proposal. Councillors understood the passions in presenting alternative proposals; and the implications for all residents in Arun and businesses in the Southeast were not fully understood, however, the risk of the scheme not being delivered had far greater implications.

Some Councillors confirmed that they were sympathetic to some elements of the amendment such as addressing rat-running in nearby villages. The biggest risk was the fear of NH withdrawing from this scheme. The proposals were better than no options and Councillors needed to be mindful of what had happened at Chichester. Other Councillors were of the view that this decision should not be made based on fear, this would not happen. This decision was not about saying that a bypass was not wanted or needed but about the need to better the whole economy, ensuring that the right mitigation was undertaken and the need for a Ford Road junction accepted. The council had to stand hard and had to ensure that the proposals were right for the district. The environmental damage and biodiversity impact also had to be considered and it was strongly felt that the council had to express support to the residents that would be affected and should have the courage to say what it was not prepared to tolerate. An argument was made for the provision of a Fontwell flyover.

Councillor Coster, as seconder to the amendment, urged Councillors to support it as it represented supporting residents that would be adversely affected. The Council could not accept the damage the bypass would do by destroying residents' homes and communities and to the environment and biodiversity. Irreparable damage would be done to the western villages due to rat-running which could not be accepted to just save 6 minutes of journey time. This did not justify the damage that would be made. The congestion that would occur at the Fontwell roundabouts could not be accepted, there were many disbenefits that the Grey route would bring to the district. There were alternatives and the amendment proposed called for closer consideration of these alternatives.

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Councillor Dixon, as proposer of the amendment, confirmed that the Grey route was the most damaging environmentally. It was longer than the other route options and would destroy more habitat. The priority was protecting local communities not conifer plantations. Ancient woodland was being destroyed to make way for other forms of infrastructure around the country and so why was this plantation so sacrosanct? There was no answer to this question. The council was being asked to give its retrospective approval to the Grey route. Councillor Dixon felt that this should not happen and that the council should standby residents and seek a route that did not damage communities. He felt that NH and SDNP were not acting on behalf of their communities and so the council needed to stand up and support its residents. Councillor Dixon was keen to see an offline bypass but was not prepared to see a bad option.

A recorded vote had been requested on this amendment.

Those voting for it were Councillors Buckland, Coster, Dixon, Hamilton, Haywood, Northeast, Thurston and Worne (8). Those voting against were Councillors Bicknell, Bower, Caffyn, Chace, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Gunner, Hughes, Madeley, Oliver-Redgate, Pendleton, Rhodes, Roberts, Staniforth (20). Councillors Blanchard-Cooper, Brooks, Gregory, Jones, Lury, Oppler, Stainton, Stanley, Walsh and Yeates abstained from voting (10).

The amendment was therefore declared LOST.

Councillor Walsh confirmed that he wished to make an amendment. He confirmed his wish and support for the Magenta route to be reconsidered and confirmed his reluctance in supporting the Grey route, but this was the only remaining option. It was his view that for Recommendation (1) Parts, (b), (c) and (d) these needed amending because many Councillors believed strongly and had spoken to support the inclusion of a junction at Ford Road. This needed to be stated more forcibly, the recommendations should leave the option open to impress upon NH for a junction with Ford Road was essential for local residents and by the business community. Looking at (d), he supported the concerns of residents at Walberton along The Street which would be met by huge congestion along a narrow road with no proper pavements. Councillor Walsh also referred to the roundabout capacity at the top of Fontwell Avenue and eastern junction coming down from Slindon, they were crucial to the A27 delivering its benefits. Balancing this, there was threat that NH might walk away and take its funding elsewhere. The council therefore needed to reflect the mood of this meeting in that it was not entirely happy but subject to the rest of the amendment and the other conditions proposed it could support his amendment which would enable the motion to give qualified support.

The wording of this amendment is set out below – with additions shown using **bold** and deletions shown using ~~strikethrough~~:

- (1) To authorise the Chief Executive to respond specifically in respect of the Grey Route proposal Statutory Consultation as follows:

- (a) Welcome the opportunity to comment upon the proposals for the off-line 'Grey Route' bypass proposals;
- (b) **The Council re-states its previously expressed overwhelming support for** ~~Notwithstanding the Council's preferred option: the Magenta route. It reluctantly gives qualified support for the less satisfactory~~, ~~not being taken forward, support is given to the Grey route, subject to much more detailed information from National Highways on environmental considerations for local residents and natural habitat and to the following~~ (c) & (d);
- ~~(c) The current discussions regarding inclusion of a south facing Ford Road Junction with the new A27 road continue between all relevant partners;~~ **inclusion of a junction with Ford Road and the new A27**
- (d) **Further mitigation** ~~National Highways strive to further mitigate to reduce rat-running and increased traffic in local villages, especially Walberton; and also traffic management, including roundabout capacity, at the Fontwell A29 junctions.~~
- (e) Suggest that a high-level deck is the most appropriate form for the viaduct across the River Arun valley and flood plain;
- (f) In regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses;
- (g) Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project

Councillor Jones seconded this amendment confirming that he did not support any route that did not have a Ford Road Junction. He strongly believed that the Council needed to be steadfast stipulating certain assurances otherwise the strength of support and need for a junction and proper mitigation for Walberton would be lost.

Councillor Gunner as proposer to the substantive recommendations confirmed that he would be prepared to accept this amendment subject to some minor tweaking. The Chair allowed a few minutes for rapid consultation within the Chamber amongst Councillors. The finalised wording to the suggested amendments to Recommendation 1 (b) was then agreed.

- (b) **The Council re-states its previously expressed overwhelming support for** ~~Notwithstanding the Council's preferred option: the Magenta route. It reluctantly gives qualified support in principle for the less satisfactory~~, ~~not being taken forward, support is given to the Grey route subject to much more detailed information from National Highways on environmental considerations for local residents and natural habitat and to the following~~ (c) & (d);

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This further amendment was seconded by Councillor Pendleton as the seconder to the substantive recommendations. Councillors Walsh and Jones confirmed that they supported these further changes.

The Chair then invited debate on the amendment. This achieved support from most Members as it provided a stronger request to resolve the environmental concerns and seek detailed mitigation.

Following further debate, Councillor Gunner proposed that “the question be now put” and this was seconded by Councillor Edwards. The Chair confirmed that he felt that the matter had been adequately discussed and put this Motion without Notice to the vote. This was declared CARRIED.

The Chair then invited Councillor Pendleton, as seconder to the substantive recommendations, to speak. She confirmed that she very much welcomed the cross party debate and support showing that Councillors were working together for the benefit of the district’s residents. She believed that the proposed new road was essential to support the district’s economy, even though Grey was not this council’s preferred option. It was the only option and so Councillors now had to work hard to resolve all of the issues raised. She therefore urged Councillors to support the substantive recommendations.

The Chair invited Councillor Gunner, as proposer of the substantive recommendations, to speak. He thanked Members for the debate and for their full and detailed reviews and urged Councillors to support the recommendations.

A recorded vote had been requested on the substantive recommendations. Those voting for were Councillors Bicknell, Blanchard-Cooper, Bower, Caffyn, Chace, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Gregory, Gunner, Hughes, Lury, Madeley, Northeast, Pendleton, Stainton, Staniforth, Stanley, Walsh and Yeates (25). Those voting against were Councillors Coster, Dixon, Hamilton, Haywood, Thurston and Worne (6). Councillors Brooks, Buckland, Oliver-Redgate and Roberts abstained from voting.

The Council

RESOLVED – That

(1) The Chief Executive be authorised to respond specifically in respect of the Grey Route proposed Statutory Consultation as follows:

(a) Welcomes the opportunity to comment upon the proposals for the off-line ‘Grey Route’ bypass proposals;

- (b) The Council re-states its previously expressed overwhelming support for the Magenta route. It gives in principle support for the less satisfactory Grey route subject to much more detailed information from National Highways on environmental considerations for local residents and natural habitat and to the following (c) & (d);
 - (c) Inclusion of a junction with Ford Road and the new A27;
 - (d) Further mitigation to reduce rat-running and increased traffic in local villages, especially Walberton and also traffic management, including roundabout capacity, at the Fontwell A29 junctions;
 - (e) Suggest that a high-level deck is the most appropriate form for the viaduct across the River Arun valley and flood plain;
 - (f) In regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses;
 - (g) Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project;
 - (h) Reiterate the Council's comments made in respect of the previous consultation (October 2019), to consider all potential opportunities, which would further reduce the impact on residents and the environment.
- (2) That Full Council
- (a) authorises the Director of Place, where the Director considers it necessary, to respond to any further stages of pre-submission consultation, in consultation with the Chair of Planning Committee in support of the formal response approved under Recommendation 1.
 - (b) if an application for a Development Consent Order is submitted, authorises the Director of Place where the Director considers necessary, to:
 - (i) approve the Council's 'adequacy of consultation' response;
 - (ii) prepare and submit the Council's written representation and Local Impact Report; to negotiate with the applicant on the DCO requirements, any S106 Agreement, and the preparation of a Statement of Common Ground; and to comment on the written representations of third parties – all in support of the formal response approved under Recommendation 1;
 - (iii) attend the examination hearings and answer the Examining Authority's questions in support of the Council's position; and

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3) That representation be made to Government (Department for Transport (DfT) and Department for Levelling Up, Housing and Communities (DLUHC), to urge a resolution to the mis-match in guidance and methodologies for traffic modelling thus cost benefit analysis, for new road schemes and development projections; and

4 Note that a business case is being developed in partnership with West Sussex County Council and encourage the continuation of partnership working with National Highways in addressing the Council's concerns over the Ford Road Junction.

693. MOTIONS

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

(The meeting concluded at 10.06 pm)

Public Document Pack

Subject to approval at the next Full Council meeting

583

MINUTES OF A MEETING OF THE ARUN DISTRICT COUNCIL HELD IN THE ARUN CIVIC CENTRE On 11 MAY 2022 AT 6.00 PM

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

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillor Needs and Northeast – Minute 843 (Part) to Minute 846;
Councillors Batley, Madeley, Stainton, Rhodes, Thurston, Worne and Warr – Minute 844 (Part) to Minute 846].

834. WELCOME

The Chair welcomed Councillors, representatives of the public, press and officers to the meeting.

835. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Catterson, Charles, Jones, Purchase, Seex and Tilbrook and from Honorary Aldermen, Mrs Stinchcombe and Mr Dingemans.

836. 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 [WSSCC]
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

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Councillor Ian Buckland	Littlehampton and WSCC
Councillor David Chace	Littlehampton
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington and WSCC
Councillor Sandra Daniells	Bognor Regis
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 Will Tilbrook	Littlehampton
Councillor James Walsh	Littlehampton and WSCC
Councillor Jeanette Warr	Bognor Regis
Councillor Gillian Yeates	Bersted

There were no Declarations of Interest made.

837. PUBLIC QUESTION TIME

The Chair confirmed that six public questions had been submitted, all of which were from Mr Cosgrove – these have been very briefly summarised below:

- (1) To the Chair of the Policy & Finance Committee, Councillor Gunner regarding the Levelling-Up Fund project in Bognor Regis;
- (2) To the Chair of the Policy & Finance Committee, Councillor Gunner in relation to the setting up of a Working Party to look at Regeneration presentations;
- (3) To the Chair of Policy & Finance Committee, Councillor Gunner in relation to the Levelling-Up Fund project in Bognor Regis;
- (4) To the Chair of the Policy & Finance Committee, Councillor Gunner, in relation to the Levelling-Up Fund and consultation;

- (5) To the Chair of the Housing & Wellbeing Committee, Councillor Pendleton, in relation to the Bognor Regis Youth and Community Centre at Westloats Lane, Bognor Regis; and
- (6) To the Chair of the Economy Committee, Councillor Andy Cooper, regarding local fisherman in Bognor Regis.

Supplementary questions were asked and responded to at the meeting.

(A schedule of the full questions asked, and the responses provided can be found on the Public Question Web page at: <https://www.arun.gov.uk/public-question-time>)

838. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

No questions were asked.

839. PETITIONS

The Chair confirmed that there were no petitions to present to this meeting.

840. MINUTES

The Chair asked Members to approve as a correct record the Minutes from the meetings held below:

- Special Meeting of the Council on 23 February 2022
- Special Meeting of the Council on 3 March 2022
- Full Council on 9 March 2022
- Extraordinary Meeting of the Council on 14 April 2022

Having been proposed by Councillor Gunner and seconded by Councillor Bower the minutes from the meeting of the Special Council held on 23 February 2022 were approved as a correct record with the Chair confirming that he would sign these at the end of the meeting.

The Chair then turned to the Minutes from the Special Meeting of the Council held on 3 March 2022. Councillor Elkins challenged the accuracy of the minutes in relation to Minute 692 [National Highways' Proposals for the A27 Arundel Improvements – Response to Statutory Consultation (Grey Route)] in that the amended recommendations on Page 25, Item E did not match the resolutions on Page 27 Item E and he sought an explanation. Given the detailed nature of the challenge, the Interim Group Head of Law & Governance confirmed that this entry would be reviewed with a view to the minutes being re-tabled at the next meeting of the Full Council on 13 July 2022.

The Chair then turned to the Minutes from the Full Council meeting held on 9 March 2022. Councillor Walsh challenged Minute 719 [Appointment of Vice-Chair of the

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Council for the Municipal Year 2022/23] where it had been reported that the Monitoring Officer had confirmed that there had been 7 spoilt ballot papers. Councillor Walsh stated that this was not accurate and that the number of spoilt papers had been challenged following the conclusion of that meeting. Based on this fact, he felt that the minutes should reflect that the ballot papers had been challenged.

Councillor Gunner, as Leader of the Council, responded by outlining that Councillor Walsh was not challenging the accuracy of the minutes he was challenging the outcome of that meeting. Councillor Gunner sought legal advice as to whether Council could proceed with voting to approve these minutes.

The Interim Group Head of Law & Governance and Monitoring Officer outlined that the purpose of presenting minutes for approval was to confirm that the minutes recorded proceedings not whether the outcome was acceptable to everyone. The minutes accurately reflected what had been announced at the meeting by the Monitoring Officer.

Following further discussion, Councillor Gunner proposed that the minutes be approved with this being seconded by Councillor Bower. A request was then made that the voting to approve these Minutes be recorded.

Those voting for were Councillors Bicknell, Bower, Caffyn, Chace, Chapman, Clayden, Mrs Cooper, Cooper, Daniells, Dendle, Edwards, Elkins, Mrs English, English, Goodheart, Gunner, Hughes, Kelly, Madeley, Oliver-Redgate, Pendleton, Rhodes, Roberts and Staniforth [24]. Those voting against were Councillors Batley, Coster, Dixon, Gregory, Hamilton, Haywood, Huntley, Lury, Needs, Oppler, Stanley, Thurston, Walsh, Warr, Worne and Yeates [16]. Councillors Brooks, Buckland, Northeast and Stainton abstained from voting [4].

The Council therefore approved the minutes from the meeting of Full Council on 9 March 2022 as an accurate record of the meeting.

Having been proposed by Councillor Gunner and seconded by Councillor Edwards, the Minutes from the Extraordinary Meeting of the Council held on 14 April 2022 were approved by the Council as a correct record.

841. CHAIR'S ANNOUNCEMENTS

The Chair outlined that he was delighted to have the opportunity to celebrate Alderman Mrs Stinchcombe's twenty first anniversary on being made an Honorary Alderman for the District.

842. URGENT MATTERS

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

843. REPORT OF CONSTITUTION WORKING PARTY - COMPLETING THE TRANSITION TO A COMMITTEE SYSTEM

The Chair invited Councillor Bower, as Chair of the Constitution Working Party, to present and propose the recommendations from the meeting of the Constitution Working Party held on 11 April 2022 which had been circulated to Members at the meeting, having previously been circulated in advance of the meeting electronically.

The minutes accompanied a report from the Interim Group Head of Law & Governance and Monitoring Officer containing a range of recommendations from the Constitution Working Party on continuing amendments to the Constitution designed to smooth the transition from Cabinet to a Committee system form of governance.

Councillor Bower reflected upon the Member seminars that had been delivered by external consultants in January and March 2022 assisting Officers with the review of the new Committee style Constitution. As these had not been attended by every Member of the Council, he had decided to postpone consideration of some of the more controversial items such as proposals for the reduction in the number of Committees and the reduction in the number of Full Council and Committee meetings. The Working Party had agreed to defer their consideration until after the first cycle of meetings in the new Municipal Year.

The Interim Group Head of Law & Governance and Monitoring Officer then presented his report confirming that it set out the recommendations for Council to consider from the meeting of the Constitution Working Party held on 11 April 2022. The purpose of the recommendations was to continue the decision made by Members to move from the Cabinet form of governance to the Committee form of governance. It was important that the Constitution mirrored that proposed transition. The report also contained recommendations previously made by the Working Party on 7 February 2022 relating to changes to the procedure for organising Planning Committee site visits. The proposals for change had been agreed by the Planning Committee at its meeting held on 2 February 2022, with the proposed changes then being reported to the Working Party on 7 February and again on 11 April 2022. Other recommendations for change related to organisational and other legislative changes designed to ensure that the Constitution was keeping on track in terms of accuracy.

The Chair confirmed that there were twelve recommendations for consideration which were briefly explained. Members would then be invited to ask questions.

The recommendations before Members were:

- (1) Amendments to the Articles (Part 2 Article 14.2) (Changes to the Constitution) – as set out in Annex 1 and Appendix 1 of the report.
- (2) That Full Council accepts the amendment to the Articles (Part 2 of the Constitution 1.0 to insert the following sentence after the first sentence “no person shall be eligible for nomination as Chair or Vide-Chair for as long as

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they hold a position of responsibility as Leader or Deputy Leader within a Political Group (Appendix 1)

On a Point of Order about the procedure to be followed, the Chair confirmed that there would be a general discussion and questions and that following this, each of the recommendations would then be debated to allow for any amendment to be proposed or further request for clarification to be made.

A Point of Order was raised by Councillor Coster. He felt that there were errors and inconsistencies in the report and that it should not be discussed and debated in this form. Councillor Coster was of the view that it would be impossible for Full Council to cover all of the issues in appropriate detail tonight and so he formally proposed that the recommendations be referred back to the Constitution Working Party for it to arrange a seminar or briefing or Special Council Meeting to allow all Councillors to consider all of the matters in more detail and with more time. Councillor Coster confirmed that he had a seconder in Councillor Walsh. The proposal was not seconded at this time.

The Chair responded stating that the Officer presentation would take place first with questions and that each recommendation would then be considered one by one to allow for full debate and amendments.

The Interim Group Head of Law & Governance then continued with his presentation:

- (3) That Full Council accepts the amendment to Part 3 (Responsibility for Functions) to include a power for each Service Committee to appoint an Urgency Sub-Committee composed of the Chair, Vice-Chair and one other member of the Committee. The purpose was to deal with those urgent matters which could not wait until the next cycle of the committee.
- (4) That Full Council accepts amendments to the Committee Procedure Rules (Part 5 – Section 2 Paragraph 8.1) to reduce the default length of meetings to three hours (from four and a half hours)
- (5) With exception of council tax meetings, Full Council accepts amendments to the Council Procedure Rules (Part 5 – Section 1 Paragraph 17.5) and Committee Procedure Rules (Part 5 Section 2 Paragraph 13.3) to reduce the length of speeches for ordinary council and committee meetings from 5 minutes to 3 minutes.
- (6) That Full Council accepts amendments to Part 5 – Section 1 Paragraph 12 to make provision for valid Public Questions which in the opinion of the Monitoring Officer relate to the terms of reference of a Council Committee to be accepted at Full Council and be automatically referred by Full Council without discussion or debate to the relevant committee
- (7) That Full Council accepts the amendment to Part 4 – Section 1 (Chief Executive and Directors) and the deletion of Part 4 – Section 2 (Chief Executive and Directors) and Part 4 – Section 3 (Group Heads). This meant that Part 4 Sections 2 and 3 would be removed from this part of the Constitution and placed

in Part 7 (Management Structure) (Appendix 2). The matters reserved scheme would not be continued in its present form.

- (8) That Full Council accepts the changes to Part 6, Section 4 – Purchasing Procurement Contract Rules (Appendix 4)
- (9) That Full Council accepts the changes to Part 6, Section 3 – Financial Procedure Rules (Appendix3)
- (10) That Full Council accept the changes to Part 8 – Section 3 – Planning Protocol agreed by the Planning Committee on 2 February 2022 and agreed by the Working Party on 7 February 2022 relating to an updated protocol for Planning Committee Site Visits.
- (11) That Full Council accepts amendments to Part 9, Section 5 (Filming and Photographic Protocol) in that this protocol would apply to Councillors in the same way it applied to members of the public, permitting Councillors to record and film during meetings.
- (12) That Full Council notes the consequential amendments due to organisation and legislative changes.
- (13) To note that the Constitution Working Party would report back to Full Council on the postponed consideration of:
 - Part 3 (Responsibility for Functions) including proposals for the reduction in the number of committees and the reduction in the number of Full Council and committee meetings;
 - Referral and Recovery procedures
 - Amendment to the Petitions Scheme to clearly exclude planning and licensing related matters and to clarify that the Petition Scheme only applies to matters within the powers of the district council
 - Quorum and voting at hybrid meetings
 - Making provision for electronic voting (when the electronic voting system has been installed) and to clarify all voting procedures

The Interim Group Head of Law & Governance then returned to Recommendation (2) 2.2 and provided further explanation and clarity. Paragraph 1 of Article 14 had inserted a sentence to ensure that no person could be appointed to the role of Chair or Vice-Chair of the Council if they held a position of responsibility within a local political group.

The Chair confirmed that there would be one debate on all items covering recommendations 2.1 to 2.12 and he invited Members to confirm if they required any further clarification or questions answered. A vote would then be taken on each of the recommendations where amendments could be tabled.

Councillor Coster returned to his proposal made earlier which addressed his belief that all of the recommendations were too onerous for the meeting to consider now and that he wished to make an amendment to refer the recommendations back to to the Constitution Working Party. This was not seconded at this time.

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As Chair of the Constitution Working Party, Councillor Bower moved the recommendations stating that these had been fully debated and agreed by the Working Party. As Chair of the Working Party, he had also agreed with the Monitoring Officer that a Members' Seminar would be arranged to deal with the deferred issues outlined in 2.13 of the report.

Councillor Cooper, as Vice-Chair of the Constitution Working Party formally seconded the recommendations from the Constitution Working Party.

The Chair then invited questions from Members. The following questions were raised:

- Recommendation 2.2 – an inconsistency in wording was highlighted on page 49 and clarification was sought. It was felt that the wording should make it clear that the intention was that this referred to any Councillor holding the position of Leader or Deputy Leader within a political group of the Council rather than local political group. The Interim Group Head of Law & Governance confirmed this to be the case and that he was happy to change the wording to meet that intention.

Following detailed discussion it was agreed that the recommendation would refer to a political group of this Council. It was also agreed to change the word nomination to appointment.

- Recommendation 2.7 was explained in more detail outlining that its intention was not to move everything deleted into Part 7 of the Constitution. It was for Chief Executive to determine his own authorisations.
- Recommendation 2.1 – it was felt that Members should have sight of the amendments to be made to the Constitution and this was the reason behind this provision.
- Recommendation 2.11 – A number of clarifications were sought about the scope of this proposal. It was clarified that Councillors had the same right to film/record the proceedings as anyone else. Councillors could not film confidential or exempt business. This related to the recording of meetings not the recording of papers on Members' desks. Members were bound by confidentiality rules to ensure that confidential business of the council was not leaked to the public – this would continue to apply.
- Returning to Recommendation 21. – following further discussion it was clarified that the three days should be reworded to mean 'working' days to allow more time for the amendments to be circulated to all Members prior to Full Council. Members wanted assurance that the requirement would be that at least three days would allow for the amendments to be circulated to all Members and that this needed to be made clear.
- Recommendation 2.3 – Urgency Sub-Committees – a number of clarifications were sought. In response to the request for clarifications, it was explained that each Committee that appointed an Urgency Sub-

Committee would look to what the political composition of the Committee was in terms of Chair and Vice-Chair and would then look to see who the third member should be. It was clarified that any Urgent Sub-Committee should meet physically and that agendas and minutes would be open to the public by default in the normal way. It was clarified that these Sub-Committees would only meet to consider exceptionally urgent business. Other Members of the Committee could attend if they wished, although there was no provision for other members to be invited. It was clarified that the Sub-Committees, once convened, could take a different view as to the urgency of the matter before them and decide to leave the matter to be dealt with by the next full service committee.

- Recommendation 2.4 – the guillotine. Clarification was sought and given that the three hours did not include the time when the meeting was temporarily adjourned and that failing agreement it would still be a requirement for the adjourned meeting to be in consultation with the Chief Executive and Group Leaders.
- Recommendation 2.8 – clarification was sought on the different contracts this referred to and if an explanatory note could be inserted into the Constitution.

The Chair then invited debate on the recommendations.

The first to speak was Councillor Coster in terms of his amendment proposed earlier. Councillor Walsh then seconded this amendment.

Councillor Coster explained that his amendment had been proposed due to the amount of detail in the report and as there were forty four different items which required full debate as well as points requiring clarification. As the Constitution was a vitally important document, he felt that the recommendations before Members were not items that could be skated over quickly and that they warranted further discussion by CWP before being very carefully considered by the council. The CWP should consider if a Members' Seminar or briefing be required; or a special council meeting, whichever route would allow review in detail. Councillor Walsh seconded this amendment.

Many Councillors supported this amendment in their speeches highlighting that this was an important issue that could not be rushed. It was felt that to hold a Members' Seminar would allow many of the questions and concerns to be ironed out ahead of decision making at council.

Following further debate, Councillor Cooper then proposed a Motion Without Notice that the Question Be Now Put and this was seconded by Councillor Chace.

Having sought legal advice from the Interim Group Head of Law & Governance & Monitoring Officer, the Chair confirmed that this Motion without Notice could not be accepted as it was not in keeping with the requirements of the Constitution. Following further debate, Councillor Chace then proposed a Motion Without Notice that the Question Be Now Put and this was seconded by Councillor Oliver Redgate. The Chair

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ruled that he felt that as there were still Councillors who had indicated a wish to speak, he would continue with the debate.

Other Councillors outlined that they could not support the proposal to refer this item back to the Working Party. This was because the proposed changes to the Constitution had been debated in full by the Working Party and now needed to be approved by the Council to allow the changes to be implemented.

Councillor Walsh, as seconder of the amendment, explained why he supported the proposal to defer. He felt that the detail of the various amendments for change had been received without allowing adequate time for Members to digest their contents. He also felt that to have only received the minutes from the Working Party in hard copy tonight did also not allow sufficient time to digest the contents properly and to allow Members time to raise inconsistencies. He conceded that the minutes had been circulated to Members in advance of the meeting electronically.

Councillor Coster, as propose of the amendment, re-emphasised his concerns over the number of inconsistencies that needed to be resolved and the need to avoid vagueness in the Constitution. He outlined that there were changes to figures that were questionable and there were issues around the openness and transparency with some of the proposals which he felt were leading towards cutting down or stifling debate.

The debate concluded and a recorded vote was requested on the amendment to refer this item back to the Constitution Working Party. Those voting for the deferral were Councillors Batley, Buckland, Coster, Daniells, Dixon, Gregory, Hamilton, Haywood, Huntley, Lury, Needs, Oppler, Stanley, Thurston, Walsh, Warr, Worne and Yeates [18]. Those voting against were Councillor's Bicknell, Bower, Caffyn, Chace, Chapman, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Goodheart, Gunner, Hughes, Kelly, Madeley, Northeast, Oliver-Redgate, Pendleton, Rhodes, Roberts, Stainton and Staniforth [25]. Councillor Brooks abstained from voting.

The amendment was declared NOT CARRIED.

The Chair then called a short adjournment.

The Chair confirmed that he would now take debate on each amendment in turn.

The following key points were raised on the recommendations listed:

- 2.3 - Urgent Sub-Committees – could assurance be provided that these committees would only deal with exceptional matters? Was there a valid reason to introduce Urgency Sub-Committees which restricted other Members from taking part in debate when Special and Extraordinary Meetings could be called.
- 2.4 – Reducing the default length of meetings – this would reduce historically long meetings

- 2.5 – mixed views were expressed over reducing speaking times from 5 minutes to 3. Some Councillors felt this change should apply only to council meetings and not committee meetings. Would Chair's discretion over speaking times be applied for those Councillors who had difficulty articulating themselves?
- 2.6 – concern was raised over the redirection of public questions as Full Council was seen as the place where the public did attend to submit and ask questions. To refer questions at Full Council onto Committees would not be a good public experience.
- 2.10 – Planning Protocol for Planning Committee site visits – this was supported
- 2.11 – proposals to allow Councillors to film in line with the Council's Filming and Photographic Protocol. Did this apply to Exempt items and did Councillors have to abide by the same sanctions as members of the public. Would Members be able to film from within the Council Chamber or only from the Public Gallery not in the Chamber.

Councillor Bower, as proposer of the recommendations, reassured Members that a Members' Seminar on all procedural items would be held and that this would be compulsory for Members to attend to ensure that they would understand Council and Committee procedure rules.

The Chair then returned to the recommendations and confirmed that the voting on these would be taken individually.

Before doing so, Councillor Stanley confirmed that earlier in the debate alternative wording had been agreed in respect of Recommendation 2.2. This related to the wording in (iv) the Monitoring Officer in written consultation with the Chair of the Constitution Working Party **and distributed to Members** at least three **working** days before the relevant Full Council meeting to propose that for any other reason the proposed change be put direct to Full Council for consideration and decision. This amendment was proposed by Councillor Stanley and seconded by Councillor Walsh. On this being put to the vote it was CARRIED.

Following a range of Points of Orders raised as to the procedure for dealing with amendments on the recommendations, the Chair called a short adjournment.

The Interim Group Head of Law & Governance explained the procedure which the Chair had outlined at the beginning in that amendments would be taken at the end of debate when considering each of the recommendations.

Following further Points of Orders raised on the procedure for the meeting, the Chair called a two minute adjournment.

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An amendment to recommendation 2.2 was then proposed by Councillor Roberts. This amendment is set out below with deletions shown using ~~strike through~~ and additions shown using **bold**:

- 2.2 That Full Council accepts the amendment to the Articles (Part 2 of the constitution Article 1.0 of the constitution) to insert the following sentence after the first sentence *“no person shall be eligible for ~~nominat~~ **appointment** as chair or vice chair for as long as they hold a position of responsibility as Leader or deputy leader within a political group **of this Council**”* (Appendix 1).

This amendment was seconded by Councillor Gunner.

Following further debate this was declared CARRIED.

An amendment to Recommendation 2.3 was then proposed by Councillor Walsh and seconded by Councillor Stanley. They in turn explained that although they were still uncomfortable with the principle behind the establishment of Urgent Sub-Committees the following additional wording was requested – as set out in **bold** below:

- 2.3 That Full Council accepts the amendment to Part 3 of the Constitution (Responsibility for Functions) to include a requirement that each service committee is to appoint an Urgency Sub-Committee composed of the Chair, Vice-Chair and one other Member of the Committee **one of whom would be an Opposition Member**.

Following some debate and clarifications this amendment was declared CARRIED.

An amendment to recommendation 2.5 was then proposed by Councillor Walsh which was seconded by Councillor Stanley. The wording is as set out below with deletions shown using ~~strike through~~.

- 2.5 That Full Council (with the exception of the Council Tax meeting) accepts amendments to the Council Procedure Rules (Part 5 Section 1 Paragraph 17.5) and ~~Committee Procedure Rules (Part 5 Section 2 Paragraph 13.3)~~ to reduce the length of speeches for ordinary council and ~~ordinary committee~~ meetings from 5 minutes to three 3 minutes.

Following some debate this amendment was put to the vote and was declared NOT CARRIED. The Chair therefore returned to the substantive recommendation to read:

That Full Council (with the exception of the Council Tax meeting) accepts amendments to the Council Procedure Rules (Part 5 Section 1 Paragraph 17.5) and Committee Procedure Rules (Part 5 Section 2 Paragraph 13.3) to reduce the length of speeches for ordinary council and ordinary committee meetings from 5 minutes to three 3 minutes.

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

The Chair then returned to the other substantive recommendations listed in the report. In there being no other amendments proposed each recommendation was put to the vote and

The Council

RESOLVED – That

- (1) It accepts the amendment to the Articles (Part 2 Articles 14.2 of the Constitution) (Changes to the Constitution) as set out in Annexe 1 and also Appendix 1;
- (2) It accepts the amendment to the Articles (Part 2 of the Constitution Article 1.0 of the Constitution) to insert the following sentence after the first sentence “no person shall be eligible for appointment as Chair or Vice-Chair for as long as they hold a position of responsibility as Leader or Deputy Leader within a political group of this Council (Appendix1)
- (3) It accepts the amendment to Part 3 of the Constitution (Responsibility for Functions) to include a requirement that each service committee is to appoint an Urgency Sub-Committee composed of the Chair, Vice-Chair and one other Member of the Committee one of whom would be an Opposition Member;
- (4) It accepts amendments to the Committee Procedure Rules (Part 5 Section 2 Paragraph 8.1) to reduce the default length of meetings to three hours (from four and a half hours);
- (5) It accepts (with the exception of the Council Tax meeting) amendments to the Council Procedure Rules (Part 5 Section 1 Paragraph 17.5) and the Committee Procedure Rules (Part 5 Section 2 Paragraph 13.3) to reduce the length of speeches for ordinary council meetings from five minutes to three minutes;
- (6) It accepts amendments to Part 5, Section 1, Paragraph 12 to make provision for valid Public Questions which in the opinion of the Monitoring Officer relate to the terms of reference of a Council Committee to be accepted at Full Council and be automatically referred by Full Council without discussion or debate to the relevant committee;
- (7) It accepts the amendments to Part 4 Section 1 (Chief Executive and Directors) and deletion of Part 4 Section 2 (Chief Executive and Directors) and Part 4 Section 3 (Group Heads). This means that Part 4 Sections 2 and 3 are removed from this part of the Constitution and

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placed in Part 7 (Management Structure). (See appendix 2). The matters reserved scheme will not be continued in its present form.

(8) It accepts the changes to Part 6, Section 4 – Purchasing Procurement Contract Rules (Appendix 4);

(9) It accepts the changed to Part 6, Section 3 – Financial Procedure (Appendix 3);

(10) It accepts the changes to Part 8, Section 3 – Planning Protocol agreed by the Planning Committee on 2 February 2022 and the Constitution Working Party on 7 February 2022 relating to site visits;

(11) It accepts amendments to Part 9, Section 5 (Filming and Photographic Protocol) to clarify that the protocol applies to Councillors as it applies to Members of the Public and allows Councillors to record and film during meetings; and

(12) The consequential amendments as a result of organisational and legislative changed be noted.

844. ECONOMY COMMITTEE - 29 MARCH 2022

The Chair, Councillor Cooper, presented recommendations from the meeting of the Economy Committee held on 29 March 2022.

Councillor Cooper alerted Councillors to three recommendations contained within Minute 781 [Littlehampton Public Realm Improvements – Phase 1 [Terminus Road Contractor Appointment] which he duly proposed. The recommendations were then seconded by Councillor Gunner.

The Council

RESOLVED – That

(1) It accepts and draws down £1.253 m from West Sussex County Council (WSSCC) to complete the Phase 1 (Terminus Road, Littlehampton) works and add the expenditure and funding to the 2022/23 Capital Programme.

(2) It approved authority to enter into a collaboration agreement with WSSCC that sets out the billing regime for the funds in Recommendation (1) approved by the Committee and approves the drawdown and expenditure of external funding and that the terms and conditions are agreed by Legal Services and in consultation with the Monitoring Officer; and

(3) As per Part 4 – Officer Scheme of Delegation (4.3 to 4.7 refers) and Under Part 7 of the Council’s Constitution, delegated authority be given to the Director of Place to plan, draw down and make budgetary decisions on the expenditure on this phase in accordance with the terms and conditions and in consultation with the Chair of the Economy Committee.

Councillor Cooper then alerted Councillors to a recommendation at Minute 786 [River Road Garage Site Arundel, West Sussex] highlighting that this would provide much needed holiday accommodation within the community and would go some way to assisting tourism need in the area. Councillor Cooper then proposed the recommendation which was seconded by Councillor Gunner.

The Council

RESOLVED

That a supplementary estimate of £485,625 be included within the capital programme to carry out the demolition and replacement of the garages at River Road, Arundel with a holiday let property [Option 5].

845. POLICY & FINANCE COMMITTEE - 31 MARCH 2022

The Chair of the Policy & Finance Committee, Councillor Gunner, presented recommendations from the meeting of the Policy & Finance Committee held on 31 March 2022.

Councillor Gunner referred Councillors to three recommendations at Minute 805 [Council Vision – Performance Management 2022-2026 which he duly proposed. The recommendations were then seconded by Councillor Pendleton.

The Council

RESOLVED – That

- (1) The proposed indicators to measure the outcomes for the council vision key themes be agreed;
- (2) The proposed Key Performance Indicators be agreed; and
- (3) These KPIs be refined to include more customer relevant feedback at the earliest opportunity.

846. MOTIONS [30 MINUTES]

The Chair confirmed that one Motion had been submitted for this meeting.

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Points of Order were then raised by two Councillors seeking advice as to whether this Motion should stand deferred to an appropriate Service Committee. The Interim Group Head of Law & Governance outlined that as the subject matter of this motion did not fall within the terms of reference of any service committee it could be presented to and debated at Full Council.

Further Points of Orders were raised on whether this Motion should be presented or referred straight to the Housing & Wellbeing Committee. As the meeting was approaching the guillotine, the Chair ruled that the Motion was in order and that Councillor Staniforth should be allowed to present it.

Councillor Staniforth then presented her motion stating that this was an incredibly important matter which was particularly relevant at this time as it effected a certain age group within the district, being teenagers and young people, who were not quite adults, but old enough to be experiencing life's pressures.

Covid had undoubtedly affected this age group separating them from their peers during lockdown. They had missed a lot of school learning, and now had to endure extra sessions after school on weekdays and even on Saturdays and Sundays to catch up on work for upcoming exams, all adding extra pressure.

Half of all mental health conditions presented themselves by the age of 14, and three quarters by the age of 24 and so this was why early intervention was crucial. Often young people did not want to access school led services, meaning there was an enormous opportunity to help openly in the district's towns, and to bring mental health issues out of the shadows.

Mental health and suicide awareness was still not talked enough about, and sadly, there was still a link between mental health and social injustice, which often lead to isolation. This was why it was so necessary to bring this Motion to council now to show that the council wanted to offer support to people of this age, within the district.

There were many agencies that dealt with this issue with the County Council taking on a big role, but these services were hugely under-funded. As a district council, it was felt that the reliance should not just be on these agencies as there was much more that the council could do, including highlighting the help that was available; making services easy to find; and not expecting people to be passed from pillar to post to find support.

Another crucial element was that mental health pressures affected everyone at some point. Talking about this openly was key, as was to acknowledge what was happening and to try to see as a council, if further support could be offered.

Councillor Staniforth concluded by stating that she had undertaken some training with this council alongside the Samaritans, to further understand the issue. She wanted to see what the council could do in addition to the work of local agencies, to support young people with mental health and wellbeing. She therefore asked the council to support her Motion by initially asking for update from WSCC as to what services it was providing currently and what their plans were the future so that the council could identify some areas that it could support and develop by way of a presentation to all Councillors so that collectively the council could agree a wider plan as part of the Wellbeing strategy, of this Council's Vision.

Councillor Edwards then seconded the Motion and urged Members to support it.

The Chair invited debate. Councillor Walsh confirmed that he agreed with the Motion but wished to put forward some small amendments that would compliment it. The amendments are detailed below with deletions shown using ~~strikethrough~~ and additions shown using **bold**:

The Council recognises that responsibility for Mental Health Services for Young People is provided by both West Sussex County Council and Sussex Partnership NHS Foundation Trust.

It resolves to ~~My motion is to propose the Council~~ request a presentation from West Sussex County Council **and NHS Foundation Trust** ~~to outlining what the~~ services it currently **provided** for children and young people in the district and its plans for future provision. ~~We may~~ **ADC may wish to then** identify key priorities as a district council to **better** support the wellbeing of children and young people.

Councillor Walsh confirmed that he had been battling to enhance mental health support services for younger people for a very long time and was still pushing for this at West Sussex County Council. The problem always came down to funding and a lack of resource in terms of the priorities allocated to services for young people. Councillor Walsh confirmed that it was vital to have input from The NHS Foundation Trust and so he hoped that Councillor Staniforth and her seconder would accept the slight amendments made.

Councillor Bower then seconded this amendment.

Councillor Staniforth confirmed that she was happy to accept the amendments as was her seconder, Councillor Edwards.

Councillor Edwards was then invited to speak as seconder on the substantive. He outlined that youth services were still losing funding and that this affected not just children, but their siblings and parents. If there were residents in the district that needed help, the council should do all it could to assist. Councillor Staniforth echoes the points made.

The Chair then returned to the substantive motion.

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The Council

RESOLVED

That the Council recognises that responsibility for Mental Health Services for Young People is provided by both West Sussex County Council and Sussex Partnership NHS Foundation Trust.

It resolves to request a presentation from West Sussex County Council and NHS Foundation Trust outlining the services currently provided for children and young people in the district and its plans for future provision. The Council (ADC) may wish to identify key priorities to better support the wellbeing of children and young people.

In line with the Constitution at Part 5 – Rules of Procedure (Meetings) - Section 1 – Council Procedure Rules – Rule 11 [Duration of Meetings], a request was made for Councillors to vote on extending the meeting from 10.30 pm to 11.00 pm. At the voting on this was not carried, the meeting was adjourned.

(The meeting was adjourned at 10.31 pm)

Public Document Pack

Subject to approval at the next Full Council meeting

1

MINUTES OF A MEETING OF THE ARUN DISTRICT COUNCIL ANNUAL COUNCIL MEETING HELD IN THE ARUN CIVIC CENTRE ON 18 MAY 2022 at 6.00 PM

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

1. WELCOME

The Chair welcomed Councillors, representatives of the public, press and officers to the Annual Meeting of the Council.

The Chair announced that the Leader of the Council, Councillor Gunner, was delayed in attending this meeting due to being stuck in traffic behind what had been a serious car accident. The Chair therefore asked Council to approve an adjournment to delay the start of the meeting by 15 minutes.

As there was some disapproval expressed vocally, a recorded vote on the proposal to adjourn the start of the meeting for 15 minutes was requested.

Those voting for the adjournment were Councillors Baker, Bicknell, Bower, Caffyn, Chace, Chapman, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Goodheart, Kelly, Madeley, Oliver-Redgate, Pendleton, Rhodes, Roberts, Seex, Stainton and Staniforth [24]. Those Voting against were Councillors Batley, Bennett, Blanchard-Cooper, Buckland, Coster, Dixon, Gregory, Hamilton, Haywood, Huntley, Jones, Lury, Needs, Oppler, Purchase, Stanley, Tilbrook, Thurston, Walsh, Warr, Worne and Yeates [22]. Councillor Brooks abstained from voting.

The request to adjourn the meeting was therefore CARRIED.

The Chair then confirmed that the meeting would be adjourned for 15 minutes.

2. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Catterson, Charles, Hughes and Northeast and from Honorary Aldermen, Mrs Stinchcombe and Mr Dingemans.

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3. CHANGE TO THE ORDER OF THE AGENDA

The Chair confirmed that he wished to propose a change to the Order of the Agenda to bring forward the items of Declarations of Interest; Minutes and Urgent Items which, due to a system error, had been positioned wrongly in the agenda.

4. 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 and WSCC
Councillor Sandra Daniells	Bognor Regis
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

There were no Declarations of Interest made.

5. MINUTES

The Chair confirmed that the minutes from the Full Council Meeting held on 11 May 2022 were not ready to present to this meeting for approval and so they would be presented to the next meeting of Full Council on 13 July 2022.

Councillor Walsh asked to receive assurance that these minutes would be written to indicate that the meeting was adjourned and not completed.

It was confirmed that the Minutes would record what happened at that meeting.

6. URGENT ITEMS

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

7. RETIRING CHAIR'S ANNOUNCEMENTS

The Chair provided a summary of his year highlighting that, as had been the case with the previous two Chairs, Covid-19 had heavily impacted his year. He reminded Members of the changes that had occurred in moving from a Cabinet to a Committee form of governance with huge constitutional implications which the Council was still resolving. During all of this, the Chair had worked with two different Chief Executive Officers, two different legal advisers; and many staff members taking on new roles.

The Chair then thanked the Council's Officer team and his Vice-Chair, Councillor Staniforth, for their assistance and support during this immense period of change.

As Covid-19 had limited opportunities for fundraising for the two previous Chairs, the Chair reminded Members that he had made a commitment to raise money for all of the charities nominated since 2019. The Chair had chosen to support youth music; Councillor Worne had appointed PASCO (Parent and Carers Support Organisation); and Councillor Warr had appointed The Snowdrop Trust.

The Chair was happy to report that he had raised some funds to support all three of these charities and that he was hopeful that he would be able to organise a special event soon to raise more funds for these valuable causes.

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Finally, the Chair outlined that as Covid-19 restrictions had started to ease, it had been a privilege to have represented the Council at a range of local events where he had met many dedicated members of the community and these were briefly explained. He gave special praise to his Personal Assistant, Helen Perry, who had assisted him with the arrangements in attending these events.

Finally, the Chair wished Littlehampton Football Club success in their history making match which would be taking place on Sunday at Wembley which he would be attending with the Mayor of Littlehampton and many other Councillors supporting the club.

8. APPOINTMENT OF CHAIR OF THE COUNCIL FOR 2022/2023

The Chair reminded Members that Councillor Staniforth had been nominated for the position of Chair of the Council for 2022-2023 at the Annual Meeting of the Council on 19 May 2021.

He therefore proposed to proceed in confirming this appointment by going straight to the vote.

Councillor Walsh raised a Point of Order stating that the Constitution specified that the Chair of the Council should be elected by the Annual Meeting of the Council. Notwithstanding that the Council had indicated who it wanted this to be a year ago, the Constitution made the provision that the election should be carried out at the Annual Meeting of the Council.

Councillor Walsh stated that he wished to propose an alternative candidate which was Councillor Jeanette Warr. This was seconded by Councillor Dixon. Councillor Walsh also requested that the voting on this proposal be undertaken by secret ballot.

The Interim Group Head of Law & Governance explained to Members the process that would be followed in undertaking the secret ballot. The secret ballot to be undertaken would ask Members to confirm their preferred candidate which was either to be Councillor Staniforth or Councillor Warr. The process to be followed was confirmed by the Chief Executive.

A secret ballot was then undertaken with the counting of the votes being scrutinised by the Chief Executive.

The Chair announced the results of the secret ballot which were:

- Councillor Staniforth – 24 votes
- Councillor Warr – 23 votes
- There had been one abstention

The Council

RESOLVED

That Councillor Samantha-Jayne Staniforth be elected as Chair of the Council for 2022-2023.

Councillor Staniforth then made the Declaration of Acceptance of Office.

9. VOTE OF THANKS TO RETIRING CHAIR OF THE COUNCIL

Councillor Staniforth outlined that normally, at this point in the meeting, the retiring Chair would be presented with the Past Chair's Badge. Sadly, for tonight, the badge had not arrived in time and so arrangements would be made for Councillor Brooks to receive this at a later date.

Words of thanks were then echoed by Councillor Gunner, as Leader of the Council; Councillor Walsh, as Leader of the Opposition and Liberal Democrat Group; Councillor Dixon on behalf of the Independent Group; Councillor Goodheart on behalf of the Arun Independent Group; and Councillor Thurston on behalf of the Green Group.

Councillor Worne, as Chair of the Council for 2020-2021, also expressed her thanks to Councillor Brooks for when he was her Vice-Chair.

Finally, the new Chair formally extended her thanks to Councillor Brooks, stating how much she had enjoyed working with him over the last year.

10. APPOINTMENT OF VICE-CHAIR OF THE COUNCIL AND CHAIR ELECT FOR 2022-2023

The Chair firstly reminded Members that Councillor Alison Cooper had been nominated as Vice-Chair of the Council for 2022-23 and nominated as Chair-Elect for 2023-24 at the meeting of Full Council held on 9 March 2022.

The Chair therefore proposed to proceed in confirming this appointment by going straight to the vote.

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Before this could happen, Councillor Stanley stated that he wished to make another nomination for the position of Vice-Chair of the Council and that his nominated candidate was Councillor Oppler. Councillor Stanley made a request for a secret ballot to be undertaken to confirm the outcome of this appointment. This proposal was seconded by Councillor Thurston.

A secret ballot was then undertaken with the counting of the votes being scrutinised by the Chief Executive.

The Chair announced the results of the secret ballot which were:

- Councillor Cooper – 25 votes
- Councillor Oppler – 23 votes
- There were no abstentions

The Council

RESOLVED

That Councillor Alison Cooper be elected as Chair of the Council for 2022-2023 and Chair Elect for 2023-2024.

Councillor Cooper then made the Declaration of Acceptance of Office.

11. NEW CHAIR'S ANNOUNCEMENTS

The Chair confirmed that she had no announcements to make at this time.

12. APPOINTMENT OF THE LEADER AND DEPUTY LEADER OF THE COUNCIL

Councillor Pendleton formally proposed the appointment of Councillor Gunner to be Leader of Arun District Council. The proposal was then seconded by Councillor Bower.

Councillor Stanley formally proposed the appointment of Councillor Walsh to be Leader of the Council. This proposal was seconded by Councillor Dixon. Councillor Stanley made a request for a secret ballot to be undertaken to confirm the outcome of this appointment.

A Point of Order was raised by Councillor Gunner asking if it could be established where in the Constitution a secret ballot was stipulated for this appointment.

The Interim Group Head of Law & Governance provided advice. Following several Point of Orders raised, Councillor Bennet then proposed a Motion without Notice to suspend Council Procedure Rules to allow a secret ballot on this appointment to take place. This proposal was seconded by Councillor Coster.

The Chair then announced that she would proceed to a vote via a show of hands as to whether a secret ballot would be conducted for this appointment. The outcome of this vote was that a secret ballot would take place.

A secret ballot was then undertaken with the counting of the votes being scrutinised by the Chief Executive.

The Chair announced the results of the secret ballot which were:

- Councillor Gunner – 25 votes
- Councillor Walsh – 23 votes
- There were no abstentions

The Council

RESOLVED

That Councillor Gunner be appointed Leader of Arun District Council.

Councillor Gunner then formally proposed that Councillor Jacky Pendleton be appointed Deputy Leader of the Council and this was seconded by Councillor Bower.

The Council

RESOLVED

That Councillor Jacky Pendleton be appointed as Deputy Leader of the Council.

13. APPOINTMENT TO COMMITTEES

The Interim Group Head of Law & Governance presented this report confirming that the Council was required by Legislation to annually review its proportionality in terms of allocation of seats to Committees.

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As there had been no changes during the last Municipal Year, no further changes had been required since the comprehensive review undertaken in May 2021. The Council was being asked to approve the Appointments to Committees, to include the Chair and Vice-Chair of Committees, as had been set out in the appendix provided with the report.

Councillor Gunner, as Leader of the Council, in proposing the appointment to Committees, confirmed that in light of this evening's events, he would be making some amendments to the appointment to Committees, which have been set out below:

- Councillor Alison Cooper would replace Councillor Gregory as Vice-Chair of the Housing & Wellbeing Committee;
- Councillor Pendleton would replace Councillor Staniforth on the Environment Committee
- Councillor Chace would become the Vice-Chair of the Environment Committee, replacing Councillor Staniforth
- Councillor Pendleton would replace Councillor Staniforth on the Economy Committee
- Councillor Edwards would replace Councillor Lury as Vice-Chair on the Planning Committee
- Councillor Roberts would replace Councillor Staniforth on the Licensing Committee
- Councillor Roberts would replace Councillor Blanchard-Cooper as Chair of the Licensing Committee
- Councillor Paul English would replace Councillor Tilbrook as Chair of the Standards Committee
- Councillor Kelly would replace Councillor Paul English as Vice-Chair of the Standards Committee

Councillor Pendleton then seconded these amendments.

The Council

RESOLVED – That

(1) It be noted that there were no changes to the entitlement of political groups and non-aligned Councillors to seat on Committees, Working Parties/Panels based on proportionality rules; and

(2) Approval be given to the appointments to Committees, Working Parties and Panels for 2022-2023, as amended at the meeting, together with the confirmation of the Chair and Vice-Chair where relevant, as set out in Appendix 1 of the report.

14. REPRESENTATION ON OUTSIDE BODIES

The Interim Group Head of Law & Governance and Monitoring Officer presented this report setting out the proposed nominations to representations to Outside Bodies for 2022/2023.

Councillor Madeley requested an amendment to the nomination for the St Mary's Community Centre Management Committee stating that the nomination should be Councillor Stainton and not herself.

Councillor Gunner then proposed the recommendations, as amended, which were then seconded by Councillor Pendleton.

The Council

RESOLVED

That the schedule of Appointments of Representatives to Outside Bodies for 2022/23, as amended at the meeting be approved.

15. APPOINTMENT OF COUNCILLOR DIRECTORS OF ANY COUNCIL OWNED PROPERTIES

The Chair confirmed that there were no appointments to confirm.

16. APPOINTMENT OF OTHER GROUP LEADERS

The Council noted the appointment of the other Group Leaders.

(The meeting concluded at 7.44 pm)

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QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

Q1 Councillor Coster to the Chair of the Policy & Finance Committee, Councillor Gunner

Q1 I would like to know your own personal view, as Chair of Policy and Finance, and the view of your Conservative Group who usually vote *en bloc*, Cllr Gunner, on the item in the 17 March 2022 Housing and Wellbeing meeting re the approval of the increased budget for the proposed new Integrated Housing Management system. For the record ALL the committee members who are in your group – five of them - voted in favour of a budget increase from £600,000 to £1.2 million. But what about you Cllr Gunner, as Chair of Policy and Finance, are you in favour of the scheme and its budget increase, and are ALL the members of your group in favour of it? And if you personally are in favour of it please tell me your reasons why. But if you and/or your group are not in favour of it, what action will you take?

Please don't tell me you don't know, or say you are only the Leader and it is the committee that decides. It's your job to know, and you are paid public money to know, £6038 as Leader, not to mention £5004 as Policy and Finance Committee Chair and £1651 as Economy Committee Vice Chair, all of them special responsibility allowances, plus £5631 basic allowance - £18,324 in total. So, failing to provide a proper answer to the question is not an option, and I should be grateful for a clear answer now.

A1 Verbal response to be given at the meeting

Q2 Councillor Coster to the Chair of the Economy Committee, Councillor Cooper

Q2 I am pleased to note from your Economy Committee meeting on 29 March that you are addressing the matter of installing additional beach huts in the Arun District to provide much needed income for the Council. 17 are proposed at Littlehampton, I understand, although I also understand from an officer's report that we have a waiting list of over 200 people.

For 17 huts, from the officer's report it appears that the cost per hut is some £10,921, although it also indicates that they would be cheaper if ordered in greater numbers. Can you please tell me how much per hut it would be if we ordered 50 of them? Please ignore any re-design issues for the moment, and just focus on the regular basic huts.

Also, can you please tell me when those 17 huts are likely to be installed and providing income? I appreciate that there are accessibility and re-design issues to be dealt with, not to mention planning consent, but would they, say, be providing income by the beginning of the 2023 season? Or would it be later than that and, if so, when?

COUNCIL MEETING – 11 MAY 2022

QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

And finally, I am given to understand that there are many further potential sites for beach huts in the District. How many have been identified and for how many huts, what steps have been taken to exploit them, and when, as a rough estimate, could they be in place and providing income?

And please don't try to excuse yourself by saying you're only the Chairman. For that honour you receive a special responsibility allowance of £5004 on top of your regular allowance of £5631 – some £10,635 of public money, so it's your job to know the answers and to be ensuring that your committee is addressing the right issues in a proper manner. I should therefore be grateful if you would provide clear answers.

A2 I thank Cllr Coster for his question. The Councillor's insistence that the question is answered by the Chair of the committee at a full Council meeting is a failure on his part to appreciate how the committee system works. This is understandable as we are still in transition.

Beach Huts comes under the terms of reference of the Economy committee. The role of economy committee is to performance manage the work relating to the beach huts. Therefore, I will ask officers to submit a progress report to the Economy committee and to incorporate answers to your questions.

Q3 **Councillor Coster to the Chair of the Environment Committee, Councillor Edwards**

Q3 Re the Place St Maur, Bognor Regis. When the improvement works on this site commenced, we were given to understand that the intention was that the completed site would be ready by Easter this year.

However, there is clearly still some way to go with this as it still looks like a building site, which is a shame for holidaymakers visiting so far. Please can you tell us all when the works will be finally completed.

In addition, it was understood that sufficiently powerful electrical supply would be built in to power the Christmas Ice Rink, as it was felt that our carbon neutrality policy did not fit well with encouraging the use of the Ice Rink's powerful and polluting diesel generators there. Has that supply been installed, and if not, why not?

COUNCIL MEETING – 11 MAY 2022

QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

- A3** I thank Councillor Coster for his question. The Councillor's insistence that the question is answered by me at a full Council meeting is a failure on his part to appreciate how the committee system works. This is understandable as we are still in transition.

The Place St Maur comes under the terms of reference of the Environment Committee. The role of the Environment committee is to performance manage the work relating to this project. Therefore, I will ask officers to submit a progress report to the Environment Committee and to incorporate answers to your questions.

- Q4** **Councillor Coster to Chair of the Environment Committee, Councillor Edwards regarding the ecological considerations and to the Chair of the Planning Policy Committee, Councillor Bower regarding the planning considerations**

- Q4** Natural England has previously advised 32 LPAs that, where protected sites are in unfavourable condition due to excess nutrients, development should only go ahead if it will not cause additional pollution to sites. In March 2022, Natural England advised a further 42 Local Planning Authorities that their areas are covered by this advice.

The advice from Natural England means that new residential development must achieve 'nutrient neutrality'. It has had a significant negative impact on the number of homes granted planning permission in areas already affected.

In Arun we have protected sites, notably Pagham Harbour, where the Southern Water WWTW is known to have been frequently discharging untreated effluent into the ecosystem, and there are similar problems in other parts of our District.

Have we been in touch with Natural England for their advice as to whether we should put the brakes on development where problems are known to exist? Or if we have not, what steps are we currently taking to ensure that we are achieving nutrient neutrality throughout the District, and if we have none in hand, what steps are we taking to ensure that we will be achieving nutrient neutrality as soon as possible?

- A4** The Councillor will be aware that each planning application is considered on its merits and that Natural England is a statutory consultee who is expected to give advice on a site by site basis. As you will know the general advice given by Natural England is good guidance to developers to know which of their sites are likely to comply with Natural England Advice.

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Public Document Pack Agenda Item 12

Subject to approval at the next Planning Policy Committee meeting

29

PLANNING POLICY COMMITTEE

7 June 2022 at 6.00 pm

Present: Councillors Bower (Chair), Hughes (Vice-Chair), Chapman, Coster, Edwards, Elkins, Goodheart, Jones, Lury, Thurston and Yeates

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

47. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

48. MINUTES

The Minutes of the previous meeting held on 25 January 2022 were approved by the Committee and signed by the Chair.

49. 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 notified Members that there was to be a new consultation on the A27 looking specifically at the traffic in and around Walberton. This consultation was likely to occur before the Committee's next meeting on 27 July 2022 but at this stage there were no further details available to discuss at this meeting, and the Chair would therefore keep Members informed as to how they could make their comments and receive a response in due course.

50. PUBLIC QUESTION TIME

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

51. START TIMES

It was proposed and seconded that the start time for the remaining meetings of Planning Policy Committee for 2022/23 be 6pm.

The Committee

RESOLVED

That the start time of all remaining meetings of the Committee for 2022/23 would be 6pm.

52. ARUN LOCAL PLAN UPDATE - SIX MONTH REVIEW

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which briefed Members on matters arising from national policy and whether a decision should be taken by the Committee to resume the Arun Local Plan update or continue the current pause, previous agreed by Committee and Full Council, until 2023. He explained that a Planning for the Future White Paper (and an emerging Planning Bill) signalled some significant changes to the format and process of preparing Local Plans and the concern with proceeding with the update was due to the timetable involved and the risk the Local Plan Update would not be fit for purpose by the time it was ready. He further explained that, six months on from the decision to pause, much had changed including a new Secretary of State for Levelling Up, Housing and Communities and the Levelling Up White Paper having been published in February 2022 which signalled a move away from the aforementioned planning bill. He highlighted the four key themes of the Levelling Up white paper [on pages 10 and 11 of the Agenda Pack] and the change in emphasis on the role of planning, in that it was now more narrowly focused on making the best of the current system. He concluded that the above suggested to Officers that there was now no reason to delay and that the Local Plan Update should be resumed.

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

- the understanding from Government that the housing numbers target, and as a consequence the 5-year housing land supply, would be removed and whether in resuming the update the housing numbers target would have to be looked at again when the Council came to exploring the evidence base
- that by this time next year the Local Plan would not be up-to-date unless the revising of it is started within 5 years and the implications for determining planning decisions in this situation, and, therefore given the long lead times involved in the process, the need to resume the Update
- the lack of a timeframe within the recommendation with regards further detail being made public by Government on the Levelling Up bill and the difficulties in reaching a decision without the context of that roadmap
- the impact to housing targets if the Plan was resumed
- the unachievability of housing targets when considering what developers had managed to deliver and the increases in building prices
- the impacts for policies, such as biodiversity net gain and water conversation, and the consequences for future housing developments if the Plan was not updated with the most up-to-date evidence and practices
- the issues caused by 'planning by appeal' in areas outside of those identified for development and whether any assurance could be gained for residents that the Update and its evidence base would offer some level of protection against this
- a review of the local plan not reducing the number of houses already committed to in the current Local Plan, and any Update most likely involving an increase rather than a decrease in that number

- the process of engaging residents within the Update to the Local Plan and the Statement of Community Involvement
- regret that the Update was delayed in part on the conjecture and guesswork of Committee and non-Committee Members rather than established facts
- any Update needing to be based on facts and reality, including around appropriate housing numbers and infrastructure capacity
- that Arun does not have a failing Local Plan, but that the current Local Plan was allowing the Council to be held to ransom by developers who were not building the approvals they already had and instead applied for more planning permissions which they knew would be overturned on appeal if refused by Committee
- the issue of the 5-year land supply and how it was being kept artificially low due to builders not building and whether as the Local Planning Authority there was more that we could be doing to make these happen
- the planning system being weighted towards developers
- concerns about supporting the resumption of the Update if it meant an increase in the housing numbers required
- the imposition of housing numbers by a Government not familiar with the local area
- whether the Local Plan had to be reviewed anyway as it had not been able to identify a 5-year housing land supply
- the need for the housing stock to be able to respond to the challenges of climate change now
- energy and food security issues, and the need for land use to be optimised
- whether energy saving and technological standards were part of the Local Plan or building codes
- the issue of affordable housing for local residents and the need for more affordable schemes run with Local Housing Associations

The Planning Policy Team Leader and Group Head of Planning provided Members with responses to all points raised during the debate, including:

- any Local Plan under the new system would still have to set out a housing requirement and that the Government's standard housing methodology would provide the starting point though housing numbers would ultimately be determined by the economic and sustainability ambitions and evidence of the Local Plan
- the proposal in the Levelling Up bill to remove the need to demonstrate a 5-year housing land supply but that only relating to those Authorities with an up-to-date Local Plan
- the lack of detail from Government around timeframes within the Levelling Up bill and, due to the significant changes made of the previously proposed bill, a considerable amount of uncertainty for planning at the moment
- the need for a 15-year housing trajectory under the current rules if the Plan were resumed
- how getting a Local Plan adopted would offer protection against unsustainable, unwanted or 'by appeal' development, and that this would be for a longer period of time under the proposals in the Levelling Up bill

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- confirmation that within the Housing policy section of the Local Plan adopted in 2018 there was a requirement to ensure delivery of housing numbers over 2 years and that failure to do so was a trigger to review the Plan, which was completed in 2019 and led to Full Council's resolution to update the Local Plan
- that different standards for energy consumption etc could come under the Local Plan if the appropriate evidence was obtained and the Council was able to convince an Inspector that it was viable to impose different standards
- that whilst the Local Plan may be unattractive to Members for political reasons, Officers believed the benefits of preparing one outweighed these reasons
- that the details around housing numbers were a discussion for a later date and were not a reason to stop the recommencing of the progress as they were simply not knowable, beyond an indication, at this stage
- that if the Council chose not to pursue a Local Plan Update that did not mean it would not necessarily end up with one as Government could impose one which it might find less favourable, and the decision to not resume might ultimately take power away from the Council

Following the debate, a request was been made that the voting on the recommendation be recorded. The recommendation was then proposed by Councillor Thurston and seconded by Councillor Coster.

Those voting for the recommendation were Councillors Coster, Goodheart, Jones, Lury, Thurston and Yeates [6]. There were no votes against and Councillors Bower, Chapman, Edwards, Elkins and Hughes abstained from voting [5].

The Committee

RECOMMEND TO FULL COUNCIL

That the Arun Local Plan update be resumed.

53. ARUN INFRASTRUCTURE TOPIC PAPERS - A27 JUNCTION IMPROVEMENTS; WASTEWATER CAPACITY; WATER NEUTRALITY; HOUSING MARKET ABSORPTION

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which provided a progress update on the emergent infrastructure issues affecting plan making under the 'Duty to Cooperate', to be addressed as part of the preparatory work to inform Arun's Local Plan update, when this resumed. It was confirmed that the Housing Market Absorption Study was no longer part of this report and would not be brought to this meeting. He highlighted:

- the ongoing work involved in the Duty to Cooperate with Chichester District Council given Chichester's changed approach and potential impacts to infrastructure and housing number requirements
- continuing talks with Southern Water about wastewater capacity

- establishing communication with Natural England and the Environment Agency about water and nutrient neutrality
- non-strategic development infrastructure, accumulative impact and its role in traffic mitigation
- for the Local Plan update, that the topic papers where appropriate become Statements of Common Ground, to set out clearly with our infrastructure partners and Local Authority neighbours, what we do and do not agree with and where any evidence gaps are, and these then can be used at examination to support the Plan in cases of dispute.

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

- the 'Duty to Cooperate' not being in the Levelling Up bill but common sense to discuss these matters with our neighbours. The closed Oving crossing on the A27 was given as an example of the impacts on traffic and infrastructure across wider areas
- concerns over the actions of Southern Water on water neutrality in exporting water outside of the District, the 'Duty to Cooperate' being paramount and the need for assurances that Arun fully understands Southern Water's forward capital programme and that it supports the Council's endeavours
- the extended timescales of many third party providers and the challenges in delivering multi-party projects
- recognition of the current work involved with achieving water and nutrient neutrality and what still needed to be done (removing rainwater from the sewage system, technological improvements into new housing, water efficiency and the Water Cycle Study, nutrient neutrality in Pagham)
- the need to engage with Portsmouth Water seeking clarification and resolution of their self-confessed network capacity issues
- Pagham Harbour and the need for nutrient assessment in order to work towards achieving nutrient neutrality
- the difficulty of getting a meeting with Natural England regarding nutrient neutrality
- surface water penetration into the sewage system being an issue particularly for older properties and reducing the amount of older housing stock as a solution to this infringement

The Planning Policy Team Leader and Group Head of Planning provided Members with responses to all points raised during the debate, including:

- Officers having been engaged with Southern Water for the last year on their strategic 25-year drainage and wastewater management plan, of which a draft version would shortly be open to consultation. It was hoped that a consultation response could be reported to the next Committee meeting on 27 July 2022
- explanation that a Water Cycle Study would look at the building regulations needed to achieve the efficiency standard of 110 litres per person per day, and what consequences might follow any breaches to the Water Framework Directive on water quality and abstraction

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- there were indications that Natural England had started work on Pagham Harbour in terms of trying to work out what gaps in information they had regarding the quality issues, but that due to the timescales involved the Council expected not to hear anything further until next year
- the securing of a meeting with Natural England was ongoing

The recommendations were then proposed by Councillor Bower and seconded by Councillor Hughes.

The Committee

RESOLVED – To

1. Consider the progress made and outstanding matters in relation to the infrastructure topics;
2. Agree that officers continue to engage with providers on clarifying issues and to identify potential solutions via drafting Statements of Common Ground, which will support consultation responses to plan making authorities and infrastructure providers and help to identify the resources needed to ensure that necessary evidence (e.g., water neutrality) is procured to support Arun's Local Plan update (when it resumes) under the 'Duty to Cooperate'.

54. ARUN HOUSING DELIVERY TEST RESULT 2021

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which briefed the Committee on the annual Housing Delivery Test result for November 2021 which was published by Government on 14 January 2022. It was the national indicator on housing delivery and compared the previous three years' housing delivery to the housing requirement over the same period.

Members then took part in a full debate on the item where a number of points were raised and responded to by the Planning Policy Team Leader, including:

- being pleased to hear that a consultant was being taken on to look at outstanding planning permissions with the aim of moving them along the system
- the impact of the 20% buffer in delivering the revised housing numbers

The Committee noted the report.

55. ARUN LOCAL PLAN UPDATE - TOURISM HOSPITALITY AND VISITOR ECONOMY STUDY

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which provided a summary of a review undertaken into Arun's visitor economy. The study sought to provide a review of the provision of tourism infrastructure across

the Arun District planning area alongside an assessment of future demand, including how the sector might grow and the spatial implications of this growth in supporting emerging planning policy in the new Local Plan. He highlighted the findings of a study done on the tourism and visitor accommodation sector and its importance to the local economy, with the District receiving 4 million visitors and direct spend of £221 million supporting over 4,000 full-time equivalent jobs.

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

- the rise in the number of AirBNB accommodation in the area, especially in Arundel
- the impact of the District's demographics on the accommodation requirements of visitors
- the lack of mentioning significant stakeholders in the report (the Town Councils, the Regeneration Board, Bognor Regis BID) who are coming together to support regeneration across the District
- Bognor Regis having needed a mid-range mid-priced hotel for a long time
- support for appropriate AirBNB accommodation in the area as it was what people wanted
- an increase in the Leisure and Hotel sector resulting in a corresponding increase in jobs whilst unemployment in the area was significantly below the national average, and the need to coordinate to ensure a labour supply (with the past experience of Butlins having to accommodate additional staff in order to expand given as an example)
- the need to reinvigorate relations with Northbrook College which offered a range of Leisure and Hotel sector courses
- previous difficulties in attracting hotels to the area and whether a specific allocation of a budget could be used to help facilitate interested parties
- concern for holiday accommodation development in the countryside and a preferred focus on town development
- the need to support the delivery of good quality events with good quality accommodation and associated infrastructure (for example, park and ride)
- the need to consider different types of people and the different types of experiences they may be seeking
- support for smaller developments that could be countryside-based (e.g. camping, glamping)
- the need for any development to take onboard Arun's key theme of sustainability
- from a planning perspective, the lack of hotels in the area could be telling us something about the market and the need to know more about the expected demand and what needed to be catered for before decisions on what and where could be made
- a clear indication that the Council was seeking to support tourism across the District

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Following further discussion Cllr Thurston proposed an amendment, that 'sustainable' be added to recommendation 2 before 'tourist accommodation development' so that the recommendation would read:

2. The Council take a 'pro-active' approach (as set out in section 1.7 bullet 4) to bring forward sustainable tourist accommodation development through working with stakeholders to identify suitable sites opportunities, including examining the Council's own estate;

This was seconded by Cllr Jones. The amendment was then debated by Members where a number of points were raised including:

- defining 'sustainability' in the ecological sense as defined by the Council's greener initiatives and carbon pledges, rather than financial sustainability, and businesses willing to work in that way
- problems with narrowing the definition of 'sustainable' and limiting or excluding other things that might also be necessary to a business' sustainability

Following a vote, the amendment was NOT CARRIED.

The substantive recommendations were then proposed by Councillor Bower and seconded by Councillor Hughes.

The Committee

RESOLVED – That

1. The Tourism Hospitality & Visitor Economy Study form part of the evidence base for the Local Plan Update and be published on the Council's evidence web pages;
2. The Council take a 'pro active' approach (as set out in section 1.7 bullet 4) to bring forward tourist accommodation development through working with stakeholders to identify suitable sites opportunities, including examining the Council's own estate;
3. The Council support the future provision of a new large scale holiday site either through an allocation in the Local Plan Update, or through the use of an appropriately worded policy;
4. The Council support policies within the Local Plan update that encourage the forms and range of hotel and visitor accommodation identified under section 1.10 of this report;
5. The Study be referred to the Economy Committee to consider and agree appropriate economic recommendations.

56. BIODIVERSITY NET GAIN STUDY - UPDATE

The Chair confirmed that this item was now withdrawn and had been deferred to the next meeting of the Committee on 27 July 2022. The Chair explained that it was deferred because there was a need to check the cross boundary implications of the study with neighbouring authorities and stakeholders before the item could be properly considered. In addition, there were some recent initiatives on nature recovery projects that related to Arun that were not yet reflected in the study and it was considered that these would be helpful for inclusion.

57. OUTSIDE BODIES

The Committee noted one report from Councillor Thurston on the South Downs National Park Authority.

58. WORK PROGRAMME

The Planning Policy Team Leader noted that Southern Water's Drainage and Wastewater Management Plan consultation started in June and a consultation response might need to be added to the Work Programme. He also confirmed that work relating to the Local Plan update timetable via the Local Development Scheme (LDS) would be coming to the next meeting. One Member suggested the inclusion of a seminar for Members on the issues of sustainability.

The Committee then noted the Work Programme.

(The meeting concluded at 8.15 pm)

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY COMMITTEE ON 7 JUNE 2022

SUBJECT: Arun Local Plan Update – Six Month Review

REPORT AUTHOR: Kevin Owen – Planning Policy Team Leader

DATE: 20 May 2022

EXTN: 737857

PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY: This report briefs Members on matters arising from national policy and any other matters that would inform whether a decision should be taken by the Planning Policy Committee to resume the Arun Local plan update or continue the current pause until 2023.

RECOMMENDATIONS:

The Committee is asked to recommend to Full Council that:

1. The Arun Local Plan update be resumed.

1. BACKGROUND:

- 1.1 Members agreed in October 2021 (Background paper 1) to: -

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.

- 1.2 The decision to pause the plan was taken because of significant risks and uncertainties pending planning reforms signalled in the Planning Bill in 2021. This report, therefore, presents the 6 months review on the position and whether the pause should be reconsidered.

- 1.3 This report updates members on the position nationally and locally with respect to plan making and potential legislative and policy changes. The context for the decision to pause plan making included: -

- Slippage in the Local Plan timeable arising from not being able to agree a Vision and Objectives with which to steer the work on the Local Plan;

- Government reforms signalled in ‘Planning for the Future’ consultation (6 August 2020) were anticipated in the Planning Bill (Queens’ Speech 11 May 2021) to be voted on in Parliament summer 2021;
- A limited number of Local Plan update evidence studies had been committed which advance the Council’s climate change priorities, however, a significant number of further evidence studies to be commissioned would be put on hold to minimise the risk of abortive expenditure.

1.4 Members agreed Option 3 of the Committee Report which was to pause the preparation of a revised Local Plan until details of the new plan making system were agreed.

1.5 In the interim, a number of Topic Papers would be progressed to explore local issues that may impact on the Local Plan update, identified under the ‘Duty to Cooperate with respect to A27 transport mitigation; Wastewater Capacity; Water Neutrality; and non-strategic infrastructure (reported separately on the agenda).

National Planning Reforms

1.6 In the Planning for the Future white paper, the Government recognised a number of weaknesses in the current planning system. This included the limitations around managing growth at a strategic scale, and specifically, ensuring that spatial planning decisions are aligned with infrastructure prioritisation and delivery. Although the White Paper proposed the abolition of the Duty to Cooperate (the main mechanism for managing planning across local planning authority boundaries), it did not include any fully formed alternative.

1.7 Since the initial proposals were published in the White Paper in August 2020, it has been reported in the planning and national press in early 2022 that Michael Gove, the Secretary of State for Levelling-up Housing and Communities (replacing Robert Jenrick in September 2021) stated that the government will not now proceed with the Planning Bill proposed in the Queen's Speech in May 2021. It is considered this is partly to address some of the criticisms raised through the consultation, particularly in relation to the impact some of the proposals would have on democratic accountability and on community engagement in planning

1.8 It is worth noting that after almost 1.5 years since the Planning White Paper, the Government has not yet issued its response to the consultation. However, it is understood that the role of planning is still being kept under review.

1.9 In the interim, more modest planning changes will be incorporated into the ‘Levelling-up and Regeneration Bill’ which was proposed in the ‘Levelling-up’ White Paper published earlier this year (2 February 2022). The Levelling-Up Bill will focus more on ‘overlooked families and unvalued’ communities, seeking to address regional inequalities and improving people’s prospects.

1.10 The Levelling up White Paper provides details of 12 new missions (see Appendix 1: Annex A: The 12 Missions to Level Up the UK) across four broad areas: -

1. boosting productivity and living standards by growing the private sector
2. spreading opportunities and improving public services
3. restoring a sense of community, local pride and belonging
4. empowering local leaders and communities

1.11 It commits to further consultation on the metrics used to measure the success of these missions and to creating a statutory responsibility on Government to report on their progress.

Reforming the Planning System in England

1.12 Within the 305-page Levelling up White paper, there are only 4 mentions for Local Plan preparation. Page 227 states that: -

“Only 39% of local authorities have adopted a plan within the last five years, which limits effective community engagement about development. Local plans will be made simpler and shorter, and improved data that underpins plans will ensure that they are transparent, understandable and take into account the environment that will be developed. All of this will result in a system that is easier to engage with and works more efficiently, with communities having more of a say and more councils agreeing local plans.”

1.13 In related respects, the Levelling-Up White paper sets out a sense of ensuring natural beauty is accessible to all will be central to the planning system, with improved Green Belts around towns and cities, supported by Local Nature Recovery Strategies reflected in plan making, and woodland creation supported across the UK; with the emphasis about regenerating 20 of our towns and cities. Other proposals set out which will help to shape the emphasis and delivery of planning include: -

- Tackling poor housing quality, overcrowding and a reliance on temporary accommodation for vulnerable families which contribute to unnecessarily poor health and quality of life for many;
- Building more housing in England including more genuinely affordable social housing;
- A new drive on housing quality to make sure homes are fit for the 21st century;
- Empowering local leaders and communities through devolution across England so that by 2030, every part of England (that wants one) will have a devolution deal with a simplified, long-term funding settlement (Mission Twelve);
- Sharper and clearer accountability across the local government sector
- Strengthen transparency for local people; and
- Publish rigorous, comparable data on performance.
- A new independent body will be set up to drive this, empowering citizens, strengthening local leaders’ knowledge of their services, and increasing central government’s understanding of the sector

What happens next		
1.14 The Government is expected to publish the second report on how government departments are working to support; levelling up in rural areas; rural proofing in England, this spring.		
1.15 Future publications are signalled that will be setting out further detail on a number of these policy commitments. In addition, legislation will be introduced to Parliament to underpin the changes fundamental to levelling up, alongside wider planning measures.		
Conclusions		
1.16 Officers consider that is highly unlikely that significant scale planning reforms signalled in the Planning bill will proceed. The Levelling up White Paper signals a more modest set of proposals for improving the effectiveness, legibility and transparency of Local Plans. While the matter of planning reform is still subject to review, there will be a significant timescale to bringing back any significantly amended proposals including further consultation and response, in addition to the necessary primary and secondary legislation that would be needed. Officers, therefore, suggest that given the significant risks of not having an up-to-date Local Plan, that the Local Plan update should proceed because the risk of abortive work with radical changes to the planning system, no longer applies.		
2. PROPOSAL(S):		
That the local Plan update is resumed in order to ensure that the development of Arun and the impact on communities is sustainable and supported by necessary infrastructure.		
3. OPTIONS:		
To note the; or not to note the.		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify) Chairman and vice Chairman of Planning Policy Committee.	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:

The resumption of the Local Plan update will help to deliver sustainable patterns of development within Arun, serving local communities and will require the allocation of budgeted resources for procuring the necessary evidence base, community consultation and engagement.

7. REASON FOR THE DECISION:

To ensure that the development of Arun and the impact on communities, is sustainable and supported by necessary infrastructure planning and provision.

8. BACKGROUND PAPERS:

Background Paper 1: Item 10 Local Plan update 6 October 2021: -

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=349&MId=1458>

Appendix 1: Annex A: The 12 Missions to Level Up the UK

1. By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally competitive city, with the gap between the top performing and other areas closing.

2. By 2030, domestic public investment in Research & Development outside the Greater South East will increase by at least 40% and at least one third over the Spending Review period, with that additional government funding seeking to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.

3. By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.

4. By 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.

5. By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third.

6. By 2030, the number of people successfully completing high-quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high-quality skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.

7. By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.

8. By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.

9. By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.

10. By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.

11. By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.

12. *By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.*

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF POLICY & FINANCE COMMITTEE ON 30 JUNE 2022

SUBJECT:

Supplementary Estimate to defend planning appeals at Chandlers, Angmering (A/1101/21/PL), Rustington Golf Centre (A/129/21/PL), Worthing Road, (A/168/21/PL) and Pagham Road (P/178/21/OUT). This will also cover the costs award at Shripney Road (BE/109/19/OUT). It will also cover costs associated with further technical work that Planning Committee have requested on the Fitzalan acoustic barrier.

REPORT AUTHOR: Neil Crowther – Group Head of Planning

DATE: 1 June 2022

EXTN: 01903 737839

AREA: Place

EXECUTIVE SUMMARY:

Normally, the Council may get one appeal to be heard by way of inquiry every 1 – 2 years. There are currently four planning appeals to be heard by way of public inquiry that have all been submitted in the space of a few months. Officer time in carrying out the work necessary in defending these appeals would be significant and would result in time that would otherwise have been available for determining of planning applications not being available.

A budget is also requested to continue the technical work that has been requested by Planning Committee on the Fitzalan acoustic barrier.

RECOMMENDATIONS:

That the Policy & Finance Committee recommends to Full Council that:

(1) A Supplementary Estimate of £100,000 is agreed in order to defend decisions at appeal taken on planning applications A/110/21/PL, A/168/21/PL, A/129/21/PL & P/178/21/OUT, to cover the Costs award in respect of BE/109/19/OUT and to carry out further work required on the Fitzalan Acoustic Barrier.

The Band D equivalent for £100,000 supplementary estimate is £1.58.

1. BACKGROUND:

Appeals

- 1.1 The Planning Department has a relatively small budget to use on external consultants and other miscellaneous costs over the course of a year. Typically, this budget would be used for dealing with the occasional appeal or instructing a consultant to carry out a specific bit of work on our behalf and the budget allocated is sufficient for this purpose.
- 1.2 We are only a few months into the 22/23 financial year and it is obvious that this budget will be significantly exceeded this year due to the following appeal costs;

Application/Site		Likely cost
BE/109/19/OUT Shripney Rd	Appeal against decision to refuse. Application was refused contrary to the officer recommendation and the appeal allowed. The Inspector allowed a partial award of costs due not being able to provide any evidence on settlement boundary and flood risk issues. This appeal had already cost nearly £10k to defend that was from a previous Supplementary Estimate.	£20 - £30k
A/110/21/PL Chandlers, Angmering	Appointed consultants to present the Council's case at the appeal inquiry as well as the need to appoint legal representation.	£25k
A/168/21/PL Littlehampton Rd/Worthing Rd	To be heard by way of Inquiry. legal representation being appointed and a need to appoint external consultants to represent the Council due to officer time constraints.	£30k
A129/21/PL Rustington Golf	To be heard by way of Inquiry. There will be a need to appoint legal representation and it is likely that we will need to appoint external consultants to represent the Council due to officer time constraints.	£20k - £30k
P/178/21/OUT Pagham Road, Pagham	To be heard by way of Inquiry. There may be a need to appoint legal representation and it is likely that we will need to appoint external consultants to represent the Council due to officer time constraints.	£20k - £30k

- 1.3 The above current appeals have all been refused under delegated authority but, due to day-to-day work dealing with planning applications, case officers simply do not have sufficient time to dedicate to a long and detailed appeal process and present the Council's case as well as possible.
- 1.4 The Group Head of Finance has been consulted and they have confirmed that there is no corporate underspend available at this time, so a supplementary Estimate needs to be sought to cover these costs.

Fitzalan Acoustic Barrier

- 1.5 On 25 May 2022, Planning Committee resolved to instruct further technical work in respect of the Fitzalan acoustic barrier. This will involve expert advice into the potential for future compensation claims, detailed discussions with the applicant (Persimmon Homes) and West Sussex County Council around quantifying costs associated with any revised planning application and undertaking the work and legal advice on modifying the planning permission.
- 1.6 This work will require specialist advice and will need to be managed by a suitably qualified professional. These are specialisms that the Planning Department do not have and do not have experience of. There are also significant issues around having the internal capacity to manage these elements of work. It is therefore proposed to instruct a suitably qualified person with relevant experience to manage this process and to advise the Planning Committee at future meetings.
- 1.7 A previous Supplementary Estimate for £25,000 was agreed. There remains £17,000 in this budget but this will not be sufficient to carry out all the work required and appoint a consultant to manage the process.

Summary

- 1.8 It is expected that a supplementary estimate of £100,000 would be sufficient to cover all these costs. This Supplementary Estimate is essential so that other work can progress from the Departmental budget throughout the rest of the year. Any costs over and above these would be covered by the Departments current budgets.

2. PROPOSAL(S):

That a Supplementary Estimate is agreed if these appeal decisions are to be defended at appeal and so that the work required by Planning Committee can progress.

3. OPTIONS:

The Council could choose not to agree to the Supplementary Estimate, and it would have two options in respect of appeals;

- i. Officers would defend the appeals. This would have a significant impact on the day-to-day work required in determining planning applications and consequently on performance.
- ii. Chose not to defend the appeals and offer no defence.

In respect of work on the Fitzalan Acoustic Barrier, the Council could choose to work within existing budgets and get some initial advice only and it could work with existing staff resources. This will mean that the work would have to be carried out alongside other competing priorities.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x

Relevant District Ward Councillors		x
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	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)		
6. IMPLICATIONS: There are significant financial implications for the Council. This expenditure is required to defend the decisions taken by the Council and to progress the work requested by Planning Committee.		

7. REASON FOR THE DECISION:
Having taken the decision to refuse permission for these planning applications, the Council is duty bound to defend this decision at an appeal.

8. BACKGROUND PAPERS:
25 May 2022 Planning Committee agenda.

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF POLICY AND FINANCE COMMITTEE ON 30 JUNE 2022

SUBJECT: Combined Cleansing Services Contract extension – Financial Implications

REPORT AUTHOR: Carolin Martlew, Interim Group Head of Corporate Support and Section 151 Officer

DATE: May 2022

EXTN: 01903 737558

AREA: Corporate Support

EXECUTIVE SUMMARY:

The Environment Committee considered a report 'Combined Cleansing Services Contract' at its meeting on 19 May 2022. The Environment Committee report contained a number of recommendations which have significant financial implications for the Council. Under the Council Constitution, the Environment Committee resolution is subject to Policy and Finance Committee and Full Council confirmation of finances being available. This report requests that the Policy and Finance committee recommend a supplementary estimate to Full Council to regularise the budget position for 2022/23 and future years.

RECOMMENDATIONS:

The Policy and Finance Committee recommends to Full Council to approve:

- (1) A supplementary revenue budget of £180k in 2022/23 to fund the increase in cost of the contract indexation as agreed for year 6 of the current contract and 2 months of the new contract. This equates to a Band D equivalent Tax of £2.86; and
- (2) A further supplementary revenue budget of £109k (£655k full year effect) plus appropriate indexation in 2022/23 to fund the increased cost of continuing current weekly refuse collections in February and March 2023. The £109k for 2022/23 equates to a band D equivalent Council Tax of £1.73 (and the £655k equates to a band D Council Tax of £10.40).

1. BACKGROUND:

On 19 May 2022, the Environment Committee considered a report 'Combined Cleansing Services Contract' which outlined the negotiations between the Council and its Contractor for an extension to the current contract arrangement for the Contract from 1 February 2023. This Committee chose the option to continue with the current weekly refuse collection arrangements as per the current contract from 1 February 2023. However, should New Burdens Funding be made available by central government to cover the cost of a weekly residual food collection service, this would be implemented together with an alternate weekly residual waste collection, using provision of a 240 litre residual waste bin.

The implementation of this option involves significant increased budgets and it falls to this Committee and ultimately Full Council to approve the funding for the recommendations.

2. PROPOSAL(S):

As referred to in Background above, the Environment Committee recommended that from 1 February 2023 the Council continue current weekly refuse collection arrangements as per the current contract from 1 February 2023.

As part of the current Combined Cleansing Services Contract (year 6), which is the final year, allowed for a negotiated position to be determined in respect of the contractual indexation to be applied as of 1 February 2022. Previous years of the contract (and the budgetary position included) were explicit that the indexation was based on a CPI calculation, but capped at 2%. Following further negotiation, it was determined and agreed that a true CPI linked based increase should be applied. This has now been agreed at 5.14%. and the additional funding required is stated above.

The implementation of these arrangements require provision to be made in budgets and the Medium Term Financial Strategy (MTFS) that were not included when these were considered between October 2021 and February 2022. This report therefore recommends the appropriate additions be made to the Council's revenue budget to enable implementation of the Environment Committee recommendations.

Should New Burdens Funding become available, alternate weekly residual collection, using provision of a 240 litre residual waste bin will be introduced alongside a weekly food waste collection service (using food caddies) for all street level properties in the district. The implementation of this will be the subject of further reports when the information becomes available.

3. OPTIONS:

Policy and Finance Committee has the following options available:

- a. Agree the recommendations and forward the supplementary budgets to Full Council for approval;
- b. Not approve the recommendations.

4. CONSULTATION:

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:

Financial Implications

The recommendations have significant financial implications which are contained in the report:

- i. It should be noted that the weekly residual waste service delivery option chosen by the Environment Committee results in a recurring revenue budget increase of £655k per annum (plus appropriate indexation with effect from 1 April 2023). The fortnightly residual waste collection service delivery option, rejected by the Environment Committee, would have resulted in an increase of £429k per annum (£397k additional contract costs plus £132k annual cost of wheelie bins). This cost of the fortnightly residual option is £226k lower than the weekly residual collection service delivery model (£655k less £429k). This equates to a potential additional increase of £678k over the 3 year contract extension as the timing and amount of any New Burdens Funding is not certain. It should be noted that the increase in cost of either option has not been reflected in the Council's Medium Term Financial Strategy (Financial Prospects report considered by this committee on 14 October 2021) and will place further financial pressure to balance the budget including additional future year savings.
- ii. The supplementary revenue budget of £180k is requested as the 2022/23 budget did not include sufficient provision for the increase for indexation due to its commercial sensitivity. In addition, a supplementary recurring revenue budget is required for 2022/23 of £109k (plus indexation) to fund the increased cost of the contract for February and March 2023. The total supplementary revenue supplementary estimate required for 2022/23 is £289k plus appropriate indexation.

The full year effect of weekly residual waste collection is summarised in the table below:

Item	£'000	Full year
Additional Annual Cost	109	655
Additional Annual Cost indexation	180	180
Additional recurring revenue cost	289	835

The Council has a duty to ensure its expenditure can be met by its income, inclusive of reserves. These recommendations will increase the Council's revenue expenditure. The increase must be met from ongoing income or savings in other areas. It is not sustainable to fund ongoing revenue spending from reserves.

7. REASON FOR THE DECISION:

To provide funding for the recommendations approved by the Environment Committee on 19 May 2022.

8. BACKGROUND PAPERS:

[\(Public Pack\)Agenda Document for Environment Committee, 19/05/2022 18:00 \(arun.gov.uk\) \(Item 7\)](#)