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

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Tel: (01903 737500)
Fax: (01903) 730442
DX: 57406 Littlehampton
Minicom: 01903 732765

e-mail: committees@arun.gov.uk

23 May 2023

ANNUAL COUNCIL MEETING

To all Members of the Council

You are summoned to attend the Annual Meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 31 May 2023 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:

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, they are to be seated in the Public Gallery.
2. We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms.

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

3. MINUTES (Pages 1 - 12)

To approve as a correct record the Minutes of the Meeting of the Council held on 15 March 2023, which are attached.

4. URGENT MATTERS

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

5. APPOINTMENT OF CHAIR OF THE COUNCIL FOR THE MUNICIPAL YEAR 2023-2024

In accordance with Part 3 [2.0 – Full Council], Paragraph 13 and Part 5, Section 1, Council Procedure Rule 20.9 of the Constitution, to appoint Councillor Alison Cooper as Chair of the Council for the ensuing year. This will be conducted by ballot.

The newly elected Chair will then make and subscribe the statutory declaration of acceptance of office.

6. VOTE OF THANKS FOR THE RETIRING CHAIR

To propose a vote of thanks to Councillor Samantha-Jayne Staniforth for the services rendered by her as Chair of the Council during the last year.

7. APPOINTMENT OF VICE-CHAIR OF THE COUNCIL FOR THE MUNICIPAL YEAR 2023-2024 AND CHAIR ELECT FOR 2024-2025

In accordance with Part 3 [2.0 – Full Council], Paragraph 13 and Part 5, Section 1, Council Procedure Rule 20.9 of the Constitution, to appoint a Vice-Chair of the Council for the ensuing year. This will be conducted by ballot.

The newly elected Vice-Chair will then make and subscribe the statutory declaration of acceptance of office.

8. NEW CHAIR'S ANNOUNCEMENTS

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

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

To appoint the Leader and Deputy Leader of the Council in accordance with Article 6 of the Constitution.

10. REVIEW OF ENTITLEMENT OF POLITICAL GROUPS AND NON-ALIGNED COUNCILLORS TO SEATS ON COMMITTEES

This report will be circulated separately to the meeting.

11. REPRESENTATION ON OUTSIDE BODIES

To appoint the Council's representatives on Outside Bodies in line with Council Procedure Rule 30.1 [Nomination to Outside Bodies].

This report will be circulated separately to the meeting.

12. APPOINTMENT OF COUNCILLOR DIRECTORS OF ANY COUNCIL OWNED PROPERTIES

There are no appointments to confirm to this meeting.

13. APPOINTMENT OF GROUP LEADERS (Pages 13 - 14)

To note the appointment of other Group Leaders, as attached.

OFFICER REPORTS

14. REPORT FROM THE RETURNING OFFICER OF THOSE PERSONS ELECTED AS DISTRICT COUNCILLORS FOR ARUN DISTRICT COUNCIL ON 4 MAY 2023 (Pages 15 - 16)

The Returning Officer will report to the Council on the result of the District Council Election held on 4 May 2023.

15. FORD PARISH COUNCIL AND LYMINSTER AND CROSSBUSH PARISH COUNCIL - CO-OPTION OF DISTRICT COUNCIL MEMBERS (Pages 17 - 20)

To ensure that both Ford Parish Council and Lyminster and Crossbush Parish Council are quorate and able to return to full functionality and co-opt members to their respective authorities.

16. ARRANGEMENTS FOR THE APPOINTMENT OF AN INTERIM HEAD OF PAID SERVICE AND CHIEF EXECUTIVE OFFICER (Pages 21 - 26)

The current Head of Paid Service and Chief Executive Officer, James Hassett, has resigned from his position at Arun District Council and his last working day will be 31 May 2023. The legal requirement for the Council is that we have a Head of Paid Service in post at all times. The post of Chief Executive is designated as Head of Paid Service under Arun District Council's Constitution. For the purposes of this report this role is referred to as CEO. The report makes recommendations on interim arrangements pending the permanent appointment to the post of Head of Paid Service and Chief Executive Officer.

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 \(arun.gov.uk\)](#).

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**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 15 MARCH 2023 AT 6.00 PM**

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

759. WELCOME

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

760. FORMER COUNCILLOR TONY WILLIAMSON AND FORMER COUNCILLOR AND HONORARY ALDERMAN PAT STINCHCOMBE

The Chair stated that sadly she had to commence this meeting by announcing the deaths of two former Councillors.

Firstly, the Chair confirmed that it had just been brought to the Council's attention that former Councillor and Chair of the Council, Tony Williamson, had passed away at the end of February 2023. Tony Williamson had been Chair of the Council from 1998 to 1999 having first joined the Council on 3 May 1979 representing the Rustington Ward.

The Chair then confirmed that Alderman Mrs Pat Stinchcombe had passed away towards the end of last week following a period of illness. Mrs Stinchcombe had been elected to the Council on 6 May 1976 and had represented the Bognor Regis East Ward until May 1987 when she represented the Hotham Ward until she stood down. Alderman Mrs Stinchcombe had become an Honorary Alderman in 2000 in recognition of her great service to the district of Arun.

The Chair invited tributes from Members.

Many tributes were made to honour the work and commitment of Alderman Mrs Stinchcombe and former Councillor Williamson.

The Council then undertook a minute's silence to respect both of their passings.

761. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Bennett, Buckland, Jones, Needs, Northeast, Rhodes, Roberts and Tilbrook and from Honorary Alderman, Mr Dingemans.

762. 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.

The following Councillors all declared their Personal Interest in Agenda Item 9 [Use of Urgent Powers by the Chief Executive – Littlehampton Harbour Board]:

- Councillor Walsh [As Vice-Chair of the Littlehampton Harbour Board]
- Councillors Haywood, Bicknell and Pendleton all as Members of the Littlehampton Harbour Board

Councillor Stanley declared a Personal Interest in Agenda Item 16 [Audit & Governance Committee – 28 February 2023 – Minute 729 (Treasury Management – Strategy Statement and Annual Investment Strategy 2023/24)] in view of his employment.

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

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Councillor Shirley Haywood	Middleton-on-Sea
Councillor David Huntley	Pagham
Councillor Henry Jones	Bognor Regis
Councillor Martin Lury	Bersted
Councillor Stephen McAuliffe	Walberton
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 Will Tilbrook	Littlehampton
Councillor Isabel Thurston	Barnham & Eastergate
Councillor James Walsh	Littlehampton and WSCC
Councillor Sue Wallsgrove	Barnham
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

763. PUBLIC QUESTION TIME

The Chair confirmed that six public questions had been submitted for the meeting. The questions have been very briefly summarised below:

- (1) From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner, asking for a review of Parish arrangements.
- (2) From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner, regarding joint arrangements and restoring joint meetings with West Sussex County Council.
- (3) From Mr Cosgrove to the Chair of the Constitution Working Party, Councillor Bower regarding the functions of the Economy Committee and the Policy & Finance Committee.
- (4) From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman, regarding 'Land West of Fontwell Avenue'.
- (5) From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman, regarding 'Land West of Fontwell Avenue'.
- (6) From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman regarding 'Land West of Fontwell Avenue'.

The Chair then drew Public Question to a close.

(A schedule of the full questions asked, and the responses provided can be found on the Public Question Web page at: [Arun District Council](#))

764. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

No questions were asked.

765. PETITIONS

The Chair confirmed that no petitions had been received.

766. MINUTES

The Minutes of the Special Meetings of the Council held on 1 and 9 March 2023 were presented separately to the Council for approval. The Chair confirmed that these minutes had been circulated separately to the agenda and could be found in the supplement pack issued to Members on 14 March 2023.

In respect of the Special Council Meeting held on 1 March 2023, these minutes were approved as a correct record.

In respect of the Special Council Meeting held on 9 March 2023, several Councillors indicated that they wished to speak on the minutes.

Councillor Dixon stated that whilst the minutes were an accurate record of the meeting, he wished to challenge them. His view was that the minutes beyond the bottom of Page 22 were ultra-vires and were therefore unlawful. This was because the Council had no means by which it could rescind a decision. He strongly felt that the Council should not legitimise an unlawful action. Councillor Coster supported this statement.

A recorded vote was requested in terms of the voting to approve the minutes from the Special Meeting of the Council held on 9 March 2023.

Those voting for were Councillors Bicknell, Bower, Caffyn, Chace, Chapman, Clayden, Mrs Cooper, Cooper, Dendle, Elkins, Mrs English, English, Goodheart, Hughes, Oliver-Redgate and Pendleton (16). Those voting against were Councillors Brooks, Coster, Dixon, Gunner, Hamilton, Haywood, Huntley, Lury, Oppler, Purchase, Stanley, Walsh, Warr and Yeates (14). Councillors Batley, Blanchard-Cooper, Edwards, Gregory, Kelly, Madeley, McAuliffe, Stainton, Staniforth, Thurston, Wallsgrove and Worne abstained from voting (12).

This confirmed that the Minutes from the Special Meeting of the Council held on 9 March were approved as a correct record.

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The Chair confirmed that she would sign both sets of minutes at the conclusion of the meeting.

767. CHAIR'S ANNOUNCEMENTS

The Chair confirmed that she had no announcements to make.

768. URGENT MATTERS

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

769. USE OF URGENT POWERS BY THE CHIEF EXECUTIVE - LITTLEHAMPTON HARBOUR BOARD FUNDING

(Prior to the commencement of this item, Councillor Walsh redeclared his Personal Interest made at the start of the meeting).

The Council received and noted an information report from the Chief Executive detailing the use made of his urgent powers on 2 February 2023 [in accordance with the Constitution] so that match funding of £262,500 could be provided to the Littlehampton Harbour Board.

In noting the report, a statement was made by Councillor Walsh. He highlighted that there were likely to be further updates from the Littlehampton Harbour Board and requests for finance to this authority and West Sussex County Council (WSCC). It was therefore important for Councillors to be kept up to date by the Chief Executive, particularly as this was the last Council meeting before the May 2023 elections.

770. CALENDAR OF MEETINGS FOR 2023/2024

The Group Head of Law & Governance and Monitoring Officer presented the Calendar of Meetings for 2023-24 to Members for approval.

Councillor Pendleton then proposed that the calendar of meetings for 2023-24 be approved and this was seconded by Councillor Bower

The Council

RESOLVED

That in accordance with Council Procedure Rule 3.1 in the Council's Constitution, the Calendar of Meetings for 2023-24 be approved.

771. CORPORATE SUPPORT COMMITTEE - 19 JANUARY 2023

The Chair of the Corporate Support Committee, Councillor Dendle, presented recommendations from the meeting of the Corporate Support Committee held on 19 January 2023.

Councillor Dendle formally proposed the recommendations which were at Minute 594 [Pay Policy Statement 2022]. These recommendations were seconded by Councillor Cooper.

The Council

RESOLVED – That

- (1) The contents of the Pay Policy Statement 2023/24, as set out in Appendix 1 of the report, be noted;
- (2) The Pay Policy Statement 2023/2024 for publication on the Arun website by 1 April 2023 be approved; and
- (3) Delegated authority be given to the Group Head of Organisational Excellence to make changes to the Pay Policy Statement should the need arise because of new legislation being introduced or changes to the pay structure resulting from national pay negotiations during the forthcoming year.

772. HOUSING & WELLBEING COMMITTEE - 25 JANUARY 2023

The Chair of the Housing & Wellbeing Committee, Councillor Pendleton, presented a recommendation from the meeting of the Housing & Wellbeing Committee held on 25 January 2023.

Councillor Pendleton formally proposed the recommendation which was at Minute 606 [Housing Revenue Account Business Plan]. This recommendation was seconded by Councillor Mrs Cooper.

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On behalf of Councillor Bennett, who was absent from the meeting, Councillor Walsh asked if the information and questions asked by Councillor Bennett, which he had not received a response to, regarding the Housing Revenue Account budget could be sent to him. In response, Councillor Pendleton provided her assurance that she would follow this up on behalf of Councillor Bennett.

The Council

RESOLVED

That the annual update of the Housing Revenue Account Business Plan 2022/23 be noted.

773. PLANNING POLICY COMMITTEE - 26 JANUARY 2023

The Chair of the Planning Policy Committee, Councillor Bower, presented a recommendation from the meeting of the Planning Policy Committee held on 26 January 2023.

Councillor Bower formally proposed the recommendation which was at Minute 625 [Local Development Scheme (LDS) Update]. This recommendation was seconded by Councillor Hughes.

The Council

RESOLVED

That the draft Local Development Scheme January 2023 for the period 2023-2025 as amended be adopted.

774. POLICY & FINANCE COMMITTEE - 9 FEBRUARY 2023

The Chair of the Policy & Finance Committee, Councillor Gunner, presented a recommendation from the meeting of the Policy & Finance Committee held on 9 February 2023.

Councillor Gunner formally proposed the recommendation which was at Minute 677 [Anti-Slavery Pledge]. This recommendation was seconded by Councillor Cooper.

Following brief debate, the Council

RESOLVED

That the Anti-Modern Slavery Pledge be adopted.

775. STANDARDS COMMITTEE - 23 FEBRUARY 2023

The Chair of the Standards Committee, Councillor English, presented the first of two sets of recommendations from the meeting of the Standards Committee held on 23 February 2023.

Councillor English drew Members' attention to and formally proposed the recommendation which was at Minute 699 [Review of Local Assessment Procedure and Assessment Panel Procedure]. This recommendation was seconded by Councillor Kelly.

Having received a couple of questions which were responded to by the Monitoring Officer, the Council

RESOLVED

That the revised Local Assessment Procedure and Assessment Panel Procedure be adopted.

Councillor English then alerted Members to the next recommendation at Minute 700 [Review of Social Media Guidance] which he formally proposed. This recommendation was then seconded by Councillor Kelly.

The Council

RESOLVED

That the revised Social Media Guidance be adopted.

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776. AUDIT & GOVERNANCE COMMITTEE - 28 FEBRUARY 2023

The Chair of the Audit & Governance Committee, Councillor Clayden, presented recommendations from the meeting of the Audit & Governance Committee held on 28 February 2023.

Councillor Clayden referred Members to the recommendations at Minute 729 [Treasury Management – Strategy Statement and Annual Investment Strategy 2023-2024]. In formally proposing these recommendations, Councillor Clayden confirmed that there was one slight correction that needed to be made which was that Recommendation (4) should have been resolved by the Committee and should not have formed a recommendation to this meeting. Councillor Clayden confirmed that the minutes would be corrected to reflect this for presentation to the next meeting of the Audit & Governance Committee in the new municipal year. Councillor Chapman seconded the recommendations, as amended.

The Chair then invited debate. Those that spoke expressed concern over Environmental, Social and Governance (ESG) issues and the importance that the Council placed on these when placing any investment. There was concern that the Council valued security, liquidity and yields as a priority over the ethical element of an investment. It was appreciated that the Council had many things to consider in looking at its investments, but the idea of yield versus the ethical side of investments were a concern. There was also concern over banks and their investments into fossil fuels and as banks were accelerating those investments in the fossil fuel industry despite making claims and aspirations that they were looking to achieve net zero targets. Although the Council approved the removal of the Banks of Abu Dhabi and Qatar National Bank from its counterparty listings, the Council still had investments with banks that fell within these concerns which was holding the ethical importance part of the investment below the yield. It was felt that the Council should be looking at investments adopting a more equal footing and so a request was made that the voting on Recommendation (1) be taken separately.

Other Councillors spoke in support of the statements made. This was because some of the banks that the Council had investments with were still making considerable investments in fossil fuel industries and this contradicted the current ESG guidance for investments. It was hoped that an ethical policy could be developed to investigate this more thoroughly.

Those speaking against the statements made confirmed that it was critical for the Council to protect its investments by looking at the safety of banks and the quality of returns. It was acknowledged that protecting the environment was very important but so were the Council's investments, decisions to change investment strategies should not be rushed.

As seconder of the recommendations, Councillor Chapman referred Councillors to the wording in the report looking at ESG. This made it clear that in decision making for future investments, ethics would be a prime consideration. Councillor Chapman urged Councillors to support the recommendations and he stated that they should not be voted on separately.

The Group Head of Finance and Section 151 Officer echoed the comments made by Councillor Chapman and Councillor Gunner who had explained that this was a difficult balancing act for Officers to take. Officers had to comply with the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management (CIPFA). Members were urged to take this into consideration when considering the recommendations.

Councillor Clayden, as proposer of the recommendations, urged Councillors to support them and confirmed that a strategy would be presented to a future meeting of the Audit & Governance Committee. He asked that all the recommendations be taken together.

The Council

RESOLVED – That

- (1) The Treasury Management Strategy Statement for 2023/24 to 2025/26 be approved and adopted;
- (2) The Annual Investment Strategy for 2023/24 to 2025/26, including the addition of two new counterparties and removal of two, be approved and adopted:

Additions:

Australia and New Zealand Banking Group (ANZ)
National Bank of Canada

Removal:

Qatar National Bank
Abu Dhabi

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- (3) The Prudential Indicators within the TMSS and AIS for 2023/24 to 2025/26 as contained in Appendix 1 and the body of the report, be approved;

(During the debate held on this item, Councillor Stanley redeclared his Personal Interest made at the start of the meeting).

777. POLICY & FINANCE COMMITTEE - 7 MARCH 2023

The Chair of the Policy & Finance Committee, Councillor Gunner, presented a recommendation from the meeting of the Policy & Finance Committee held on 7 March 2023. The minutes from this meeting had been circulated separately to the agenda in the supplement pack provided to Members on 14 March 2023.

Councillor Pendleton formally proposed the recommendation which was at Minute 606 [Housing Revenue Account Business Plan]. This recommendation was seconded by Councillor Mrs Cooper.

The Council

RESOLVED

That the Capital Strategy 2023/24 to 2027/28 be approved.

778. MOTIONS

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

779. QUESTIONS FROM MEMBERS [WITH ADVANCE NOTICE - 30 MINUTES]

The Chair referred Councillors to the Questions from Members that had been submitted in line with Council Procedure Rule 14.3 and the schedule of questions that had been circulated to the meeting. This confirmed that six questions had been received, as bullet pointed below:

- (1) From Councillor Walsh to the Chair of the Planning Committee, Councillor Chapman regarding housing development in Littlehampton and the East of Arun since the closure of the Littlehampton Hospital in 2005
- (2) From Councillor Walsh to the Chair of the Planning Committee, Councillor Chapman, regarding developer contributions in the Littlehampton and East of Arun since 2005 for primary health care facilities
- (3) From Councillor Walsh to the Chair of the Planning Committee, Councillor Chapman regarding what additional primary health care facilities had been provided within the East of Arun via the planning process as a result of housing development since the closure of the Littlehampton Hospital
- (4) From Councillor Walsh to the Chair of the Planning Committee, Councillor Chapman regarding holding the NHS to account regarding their broken promises to reopen the Littlehampton Hospital
- (5) From Councillor Chace to the Chair of the Economy Committee, Councillor Cooper asking what that Committee had achieved over the last two years
- (6) From Councillor Chace to the Chair of the Policy & Finance Committee, Councillor Gunner asking what that Committee had achieved over the last two years.

780. COMMITTEE MEMBERSHIPS

The Chair confirmed that there were no changes to Committee Memberships to report to the meeting.

781. REPRESENTATION ON OUTSIDE BODIES

The Chair confirmed that there were no changes to representation on Outside Bodies for the meeting to consider.

(The meeting concluded at 7.44 pm)

ARUN DISTRICT COUNCIL

ANNUAL COUNCIL MEETING – 31 MAY 2023

APPOINTMENT OF GROUP LEADERS AND DEPUTY LEADERS – 2023-24

The Council is

RECOMMENDED – To note the appointment of the other Group Leaders and their Deputies as follows:

(1) Deputy Leader of the Liberal Democrat Group – Councillor Martin Lury

(2) Leader of the Opposition and Conservative Group – Councillor Shaun Gunner

Deputy Leader of the Opposition and Conservative Group – Councillor Jacky Pendleton

(3) Leader of the Labour Group – Councillor Mike Northeast

Deputy Leader of the Labour Group – Councillor Roger Nash

(4) Leader of the Green Group – Councillor Sue Wallsgrove

Deputy Leader of the Green Group – Councillor Carol Birch

(5) Leader of the Independent Group – Councillor David Huntley

Deputy Leader of the Independent Group – Councillor Jim Brooks

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ARUN DISTRICT COUNCIL

ANNUAL COUNCIL MEETING – 31 MAY 2023

REPORT OF RETURNING OFFICER

I, the Returning Officer, hereby declare that the following persons were elected as Members of Arun District Council at the Elections held on 4 May 2023:

James Hassett
Chief Executive

District Ward	Person Elected	Description
Aldwick East	Trevor Bence Ashvin Patel	Conservative Conservative
Aldwick West	Claire Needs Guy Purser	Liberal Democrats Conservative
Angmering & Findon	Paul Bicknell Andy Cooper Amelia Worne	Conservative Conservative Liberal Democrats
Arundel & Walberton	Carol Birch Stephen McAuliffe Mel Penycate	Green Green Green
Barnham	Paul Ayling Anita Lawrence Sue Wallsgrove	Green Green Green
Beach [Littlehampton]	Billy Blanchard-Cooper Bob Woodman	Liberal Democrats Liberal Democrats
Bersted	Kier Greenway Martin Lury Gill Yeates	Conservative Liberal Democrats Liberal Democrats
Brookfield [Littlehampton]	Jill Long James Walsh	Liberal Democrats Liberal Democrats
Courtwick with Toddington	Maralyn May Mike Northeast Freddie Tandy	Labour Labour Labour
East Preston	Ricky Bower Philippa Bower Paul Kelly	Conservative Conservative Conservative
Felpham East	Joan English Thomas Harty	Conservative Independent [Ungrouped]
Felpham West	Gill Madeley Elaine Stainton	Conservative Conservative
Ferring	Roger Elkins Mark Turner	Conservative Conservative
Hotham [Bognor Regis]	Stephen Goodheart Jeanette Warr	Independent [Ungrouped] Liberal Democrats

Marine [Bognor Regis]	Jim Brooks Matt Stanley	Independent Liberal Democrats
Middleton-on-Sea	Shirley Haywood Jacky Pendleton	Independent Conservative
Orchard [Bognor Regis]	Kenton Batley Francis Oppler	Liberal Democrats Liberal Democrats
Pagham	David Huntley June Hamilton	Independent Independent
Pevensey [Bognor Regis]	Simon McDougall Roger Nash	Labour Labour
River [Littlehampton]	Alan Butcher George O'Neill Christine Wiltshire	Labour Labour Labour
Rustington East	Alison Cooper Shaun Gunner	Conservative Conservative
Rustington West	Lynne Edwards Lesley-Anne Lloyd Peggy Partridge	Conservative Conservative Conservative
Yapton	Henry Jones Amanda Worne	Liberal Democrats Liberal Democrats

Arun District Council

REPORT TO:	Annual Meeting of the Council – 31 May 2023
SUBJECT:	Ford Parish Council and Lyminster & Crossbush Parish Council – Co-Option of District Council Members
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law and Governance
LEAD MEMBER:	Leader of the Council
WARDS:	Yapton and Arundel & Walberton Wards
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: This report seeks to enable two Parish Councils to continue to fulfil their duties to their residents.	
DIRECTORATE POLICY CONTEXT: Responsibility for these matters sits within the remit of the Monitoring Officer.	
FINANCIAL SUMMARY: There are no financial implications associated with this report.	

1. PURPOSE OF REPORT

- 1.1 To ensure that both Ford Parish Council and Lyminster and Crossbush Parish Council are quorate and able to return to full functionality and co-opt members to their respective authorities.

2. RECOMMENDATIONS

- 2.1 The Council is asked to resolve as follows:
 1. To temporarily appoint Councillor Henry Jones to Ford Parish Council, to make it quorate and therefore fully functional, for six months; and
 2. To temporarily appoint Councillor Penycate and Councillor McAuliffe to Lyminster and Crossbush Parish Council to make it quorate and therefore fully functional, for six months.

3. EXECUTIVE SUMMARY

- 3.1 Following the 4 May 2023 local elections, both Ford Parish Council and Lyminster and Crossbush Parish Council have found themselves short of the numbers of elected parish councillors required for their meetings to be quorate under their Standing Orders.

- 3.2 At full complement, Ford Parish Council has seven parish councillors and needs three in order for its meetings to be quorate. Two councillors were elected and so they would need at least one councillor to be appointed by the District Council in order to be quorate.
- 3.3 At full complement, Lyminster and Crossbush Parish Council has eight parish councillors and needs three in order for its meetings to be quorate. One parish councillor was elected and so they would need at least two councillors to be appointed by the District Council in order to be quorate.
- 3.4 Section 91 of the Local Government Act 1972, which is entitled ‘Temporary appointment of members of parish and community councils’, provides a temporary solution whereby Arun District Council is able to exercise its statutory power to make quorate both Parish Councils through the temporary appointment of sufficient District Councillors under Section 91 of the Local Government Act 1972 to enable them to meet and to proceed with any co-options and other fundamental business that it needs to transact.

4. DETAIL

- 4.1 Following the 4 May 2023 local elections, Ford Parish Council and Lyminster and Crossbush Parish Council have both found themselves in the position of being short of the number of elected parish councillors required under their Standing Orders to be quorate and therefore to meet at all.
- 4.2 Section 91 of the Local Government Act 1972, which is entitled ‘Temporary appointment of members of parish and community councils’, provides a temporary solution.

Subsection (1) states that:

“Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council [or Welsh principal council] may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.”

- 4.3 Two copies of every order made under Section 91 shall be sent to the Secretary of State.
- 4.4 This would be a temporary provision. Both Parish Councils would then declare the vacancies through a notice of vacancy. A by-election would then be triggered if ten electors, together or separately from the parish, requested that such an election is held within fourteen working days of the publication of the notice of vacancy. If the election were triggered, then it would have a polling day within 60 working days of the publication of the notice of vacancy. If no such election were triggered, then Clapham Parish Council would be able to fill the vacancies by co-option.

- 4.5 It is proposed that the Council resolves to appoint, temporarily, one District Councillors to For Parish Council and one District Councillor to Lyminster and Crossbush Parish Council for six months to make them quorate and ensure that they are fully functional. It is proposed that the District Councillors appointed are from the Yapton Ward which covers the parish of Ford, and from Arundel & Walberton Ward which covers Lyminster and Crossbush parish. Councillors Henry Jones, Mel Penycate and Stephen McAuliffe have given their agreement to take on this role.

5. CONSULTATION

- 5.1 The Group Head of Law and Governance has consulted with the clerk to both Parish Councils (which share a clerk) and with relevant District Ward Councillors.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 The Full Council could refuse the provision to temporarily appoint District Councillors, although this would leave the Parish Councils unable to transact any business on behalf of their parishioners and to meet their legal obligations.

7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1 There are no financial implications associated with this report.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 The risk to the Parish Councils is that they are unable to transact any business on behalf of their parishioners and to meet their legal obligations.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 The legal and governance position is set out within the body of this report.

10. HUMAN RESOURCES IMPACT

- 10.1 None associated with this report.

11. HEALTH & SAFETY IMPACT

- 11.1 None associated with this report.

12. PROPERTY & ESTATES IMPACT

- 12.1 None associated with this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1 None associated with this report.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 None associated with this report.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 None associated with this report.

16. HUMAN RIGHTS IMPACT

16.1 None associated with this report.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None associated with this report.

CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance

Contact Number: 01903 737607

BACKGROUND DOCUMENTS:

None.

REPORT TO:	Annual Meeting of the Council – 31 May 2023
SUBJECT:	Arrangements for the Appointment of an Interim Head of Paid Service and Chief Executive Officer
LEAD OFFICER:	Jackie Follis, Group Head of Organisational Excellence
LEAD MEMBER:	Leader of the Council
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: <p>It is a legal requirement to have a Head of Paid Service in post at all times. The Chief Executive is designated within the Constitution as the Head of Paid Service, providing the leadership that is essential to delivery of the Council Vision 2022-2026:</p> <ul style="list-style-type: none"> • improving the wellbeing of Arun • delivering the right homes in the right places • supporting our environment to support us • fulfilling Arun's economic potential 	
DIRECTORATE POLICY CONTEXT: <p>The Council's three directorates sit under the Chief Executive and therefore the strategic leadership provided by the post applies to each directorate.</p>	
FINANCIAL SUMMARY: <p>The cost of the recommendation to appoint internally to the post of Head of Paid Service and Chief Executive Officer, can be met within the budget for the CEO post.</p>	

1. PURPOSE OF REPORT

- 1.1 The current Head of Paid Service and Chief Executive Officer, James Hassett, has resigned from his position at Arun District Council and his last working day will be 31 May 2023. The legal requirement for the Council is that we have a Head of Paid Service in post at all times. The post of Chief Executive is designated as Head of Paid Service under Arun District Council's Constitution. For the purposes of this report this role is referred to as CEO. The report makes recommendations on interim arrangements pending the permanent appointment to the post of Head of Paid Service and Chief Executive Officer.

2. RECOMMENDATIONS

- a) That Philippa Dart, Director of Environment and Communities and Karl Roberts, Director of Growth are jointly appointed as Interim Head of Paid Service and Chief Executive Officer until such time as the Council agrees alternative interim arrangements and/or a permanent replacement is in post. Should either of the individuals resign from the interim post the other one will continue until an alternative is agreed.
- b) That the Chief Executive's Recruitment and Selection Panel and the Chief Executive's Remuneration Committee are convened once their membership has been confirmed at the Annual Council meeting on 31 May 2023, with their terms of reference as set out in the Constitution.

3. EXECUTIVE SUMMARY

- 3.1 The current Head of Paid Service and CEO leaves Arun District Council on 31 May 2023 and the Council must have a new postholder in post from the following day, that is 1 June 2023
- 3.2 The recruitment process and approval timescale for both an interim and permanent replacement requires the initial internal appointment to the post.

4. DETAIL

- 4.1 In any planned absence of the CEO, an acting CEO will be appointed to cover the period of absence. It is normal for this to be covered by either of the Council's Directors. However, an Acting CEO can only deputise for the permanent CEO with the authority of that permanent CEO. Where there will be no permanent CEO in place from 31 May 2023, only Full Council can confirm the interim arrangements as Full Council is confirming the appointment of a CEO for a defined period.
- 4.2 Due to the timing of the local elections in May 2023, the first opportunity for Council to agree interim arrangements has been the Annual Council meeting on 31 May 2023, which is the last day of service of the current CEO.
- 4.3 It will take a number of months to recruit a permanent CEO and, assuming a three-month notice period for any successful candidate, it is likely that this individual would not be in post until around Christmas 2023, hence there being both a legal and practical imperative to agree interim arrangements at this meeting.
- 4.4 Any permanent appointment to the post of Head of Paid Service and CEO would take place via the Chief Executive's Recruitment and Selection Panel. The Panel would then make recommendations to Full Council. There are two issues with this route for the immediate interim arrangements:

- a. The role of Leader and the membership of the Recruitment and Selection Panel will be confirmed, along with other member roles, at the Annual Council meeting on 31 May. Under the Constitution, the Panel is comprised of the Leader of the Council and four other members nominated by them. The Leader will therefore not have had the opportunity to nominate four members ahead of the Leader's appointment at the meeting on 31 May 2023
 - b. As set out in paragraph 4.1 of this report there is no alternative but to appoint an immediate Interim Head of Paid Service and Chief Executive Officer with effect from 1 June 2023 and the first and last opportunity to do this is at the meeting on 31 May 2023.
- 4.5 It is therefore recommended that Philippa Dart, Director of Environment and Communities and Karl Roberts, Director of Growth are jointly appointed as Interim Head of Paid Service and Chief Executive Officer. A shared arrangement for this limited period will allow both Directors to continue with their existing roles without backfilling.
- 4.6 This to be in place until the Chief Executive's Recruitment and Selection Panel make recommendations to Full Council on either alternative interim arrangements or how they wish to proceed with the permanent appointment to the post and these have been implemented. In the short term this also offers knowledgeable leadership and continuity to an organisation which has been through a period of sustained uncertainty. Should one of the directors resign from the role of Interim Head of Paid Service and Chief Executive Officer the other half of the job share will continue in post until alternative arrangements are implemented.
- 4.7 There will need to be appropriate financial recognition of additional responsibilities, but this will be at no cost to the organisation as it will be met from the salary of the vacant CEO post.
- 4.8 It is also recommended that the Chief Executive's Recruitment and Selection Panel is convened as soon as possible after 31 May 2023 for an informal briefing on the decision-making process to be followed for the permanent appointment and for its first formal meeting. Formal meetings of the panel would be conducted under exempt business given the sensitive nature of the discussions.
- 4.9 The Chief Executive's Remuneration Committee will also meet concerning the permanent appointment, following a report from the Chief Executive's Recruitment and Selection Panel. An informal briefing will be arranged for this Committee prior to its first meeting. The Remuneration Committee will make recommendations to Full Council on the remuneration for the post. Whilst the Chief Executive's Remuneration Panel may meet each year if required, the Recruitment and Selection Panel will only meet when a new CEO is to be recruited.

5. CONSULTATION

- 5.1 Philippa Dart and Karl Roberts have confirmed their willingness to undertake the shared role of Interim Head of Paid Service and Chief Executive Officer.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 Given the timescales as set out in 4.1 there is no alternative option.

7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1 The 2023/24 budget for the CEO post, including salary on-costs, is £172,900 of which £28,800 will have already been spent by 31 May 2023. The remaining budget of £144,100 will fund the costs of the proposals in this report and any remaining underspend will go towards funding the costs of recruiting a new CEO.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 The Council is required to have a Head of Paid Service in place at all times as set out at paragraph 9 below, and should it fail to do so would run a significant risk of being unable to exercise the functions invested in the Head of Paid Service by statute and by the Constitution.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 Under section 4 of the Local Government and Housing Act 1989 it is the duty of the Council to designate an officer as Head of Paid Service and to provide that officer with such staff, accommodation and resources as are, in that officer's opinion, sufficient to allow their duties to be performed.

- 9.2 The duties set out within the 1989 Act:

- a. the manner in which the discharge by the authority of their different functions is co-ordinated;
- b. the number and grades of staff required by the authority for the discharge of their functions;
- c. the organisation of the authority's staff; and
- d. the appointment and proper management of the authority's staff.

- 9.3 Under the Local Authorities (Standing Orders) Regulations 2001, this appointment has to be approved by the Full Council and cannot be delegated to a committee or a sub-committee of the Council. The Head of Paid Service, in addition to their statutory role, undertakes all the functions listed in the Council's constitution, including overall responsibility for the delivery and direction of Council services.

10. HUMAN RESOURCES IMPACT

Not applicable

11. HEALTH & SAFETY IMPACT

Not applicable

12. PROPERTY & ESTATES IMPACT

Not applicable

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

Not applicable

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

Not applicable

15. CRIME AND DISORDER REDUCTION IMPACT

Not applicable

16. HUMAN RIGHTS IMPACT

Not applicable

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

Not applicable

CONTACT OFFICER:

Name: Jackie Follis

Job Title: Group Head of Organisational Excellence

Contact Number: 01903 737580

BACKGROUND DOCUMENTS: None