



# Public Document Pack

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**Members are reminded to bring their Agendas from the Cabinet Meetings held on 3 June and 8 July 2019 with them to the meeting**  
**NOTE: This meeting will be webcast live**

3 July 2019

## 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, 17 July 2019 at 6.00 pm** in the Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, to transact the business set out below:

Nigel Lynn  
Chief Executive

## 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 - 8)

To approve as a correct record the Minutes of the Annual Council Meeting held on 22 May 2019, which are *attached*.

7. **Chairman's Announcements**

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

8. **Urgent Matters**

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

**REPORTS FROM CABINET, OVERVIEW SELECT, REGULATORY AND STANDARDS COMMITTEES, AND FROM WORKING PARTIES AND WORKING GROUPS**

9. **Special Audit & Governance Committee - 2 July 2019**

The Chairman, Councillor Mrs Erskine, will present the Minutes from the Special Meeting of the Audit & Governance Committee held on 2 July 2019.

*The Minutes from this meeting will be circulated separately and any recommendations will be presented to the meeting.*

10. **Overview Select Committee - 12 March 2019** (Pages 9 - 14)

The then Vice-Chairman, Councillor English, will present the Minutes from the meeting of the Overview Select Committee held on 12 March 2019. There are no recommendations.

11. **Licensing Committee - 22 March 2019** (Pages 15 - 18)

The then Chairman, Councillor Cooper, will present the Minutes from the meeting of the Licensing Committee held on 22 March 2019. There are three recommendations at:

- Minute 490 [Amendments to Arun District Council's Enforcement Policy for Environmental Health, Private Sector Housing Licensing and Cleansing] – to view the Officer's report – please click on this link: [Report](#) and [Appendix](#)

12. **Development Control Committee - 10 April 2019** (Pages 19 - 24)

The then Chairman, Councillor Bower, will present the Minutes from the meeting of the Development Control Committee held on 10 April 2019. There are no recommendations.

13. **Special Cabinet - 11 April 2019** (Pages 25 - 36)

In the absence of the then Chairman and Vice-Chairman, the former Cabinet Member for Community Wellbeing, Councillor Clayden, will present the Minutes from the meeting of Cabinet held on 11 April 2019. There are no recommendations.

14. **Cabinet - 3 June 2019** (Pages 37 - 52)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 3 June 2019. There are recommendations at:

- Minute 20 [Assets of Community Value – Policy and Procedures] – to view the Officer's report and the Appendixes, please click on these links: [Report](#) and [The Policy](#)
- Minute 22 [Tivoli Group Ltd, Admissions Agreement to Local Government Pensions Scheme] – to view the Officer's report – please click on this link: [Report](#)
- Minute 24 [Planning Appeal at Land North of Hook Lane, Pagham] – to view the Officer's report – please click on this link: [Report](#)

15. **Development Control Committee - 5 June 2019** (Pages 53 - 60)

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Development Control Committee held on 5 June 2019. There are no recommendations.

16. **Littlehampton Regeneration Sub-Committee - 13 June 2019** (Pages 61 - 64)

The Vice-Chairman, Councillor C Blanchard-Cooper, will present the Minutes from the meeting of the Littlehampton Regeneration Sub-Committee held on 13 June 2019. There are no recommendations.

17. **Planning Policy Sub-Committee - 18 June 2019** (Pages 65 - 72)

The Chairman, Councillor Mrs Yeates, will present the Minutes from the meeting of the Planning Policy Sub-Committee held on 18 June 2019. There are recommendations at:

- Minute 4 [Adoption of Policy in Relation to Surface Water in New Development] - to view the Officer's report, please click on this link – [Report](#)
- Minute 5 [CIL Draft Charging Schedule Consultation Responses] – to view the Officer's report and all of the appendices – please click on these links - [Report](#) and [Appendix 1](#), [Appendix 2](#) and [Appendix 3](#)

18. **Bognor Regis Regeneration Sub-Committee - 24 June 2019**

The Chairman, Councillor Stanley, will present the Minutes from the meeting of the Bognor Regis Regeneration Sub-Committee on 24 June 2019.

*The Minutes from this meeting will be circulated separately and any recommendations will be reported to the meeting.*

19. **Special Development Control Committee - 27 June 2019**

The Vice-Chairman, Councillor Ms Thurston, will present the Minutes from the meeting of the Special Development Control Committee held on 27 June 2019.

*The Minutes from this meeting will be circulated separately and any recommendations will be reported to the meeting.*

20. **Environment & Leisure Working Group - 4 July 2019**

The Chairman, Councillor Mrs Staniforth, will present the Minutes from the meeting of the Environment & Leisure Working Group held on 4 July 2019.

*The Minutes of this meeting will be circulated separately and any recommendations will be reported to the meeting.*

21. **Cabinet - 8 July 2019**

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 8 July 2019.

*The Minutes from this meeting will be circulated separately and any recommendations will be reported to the meeting.*

22. **Motions**

A Motion has been received in accordance with Council Procedure Rule 14.1. and 14.2 from the Conservative Group, the detail of which is set out below:

This Council supports the principle of developing supplementary planning guidance to improve the level of sustainability of new residential developments in comparison to the current position.

Officers are asked to prepare a report for the consideration of the Planning Policy Sub Committee on how this might be achieved including reference to the following, and the likely costs of doing so.

- 1) Guidance on renewable energy (both passive & active) for individual homes.
- 2) Improved standards for insulation and water usage.
- 3) Guidance for community renewable energy schemes
- 4) Guidance on designs for waste/recycling storage facilities

**23. Questions from Members**

To consider general questions from Members in accordance with Council Procedure 13.3.

**OFFICER REPORTS**

**24. Proposal for Arun District Council to Join The Greater Brighton Economic Board (Pages 73 - 86)**

This report seeks formal approval from Full Council for Arun District Council (ADC) to become a member of the Greater Brighton Economic Board (GBEB).

**25. Committee Memberships**

The following changes to Committee Memberships need to be noted by the Council as set out below – any further changes can be reported verbally at the meeting:

- Councillor Mrs Worne will replace Councillor Mrs Baker on the Development Control Committee
- Councillors Brooks, Mrs Haywood, Oppler and Tilbrook to be added to the list of named Substitutes for the Development Control Committee
- Councillor Mrs Worne will replace Councillor Mrs Baker on the Licensing Committee
- Councillor Bennett will become Vice-Chairman of the Standards Committee
- Councillor Dr Walsh will fill the Lib Dem vacancy on the Littlehampton Regeneration Sub-Committee
- Councillor Bennett will become the Chairman of the Housing & Customer Services Working Group and Councillor Coster will become Vice-Chairman

- Councillors Mrs Cooper, Charles, Hughes, Mrs Haywood and Mrs Pendleton will become Members of the Housing & Customer Services Working Group
- Councillors Chapman, Clayden, Gunner and Kelly will become Members of the Environment & Leisure Working Group
- Councillor Mrs Catterson will fill the Arundel & Walberton seat allocated to the Green Party on the Joint Western Arun Area Committee

## 26. **Representation to Outside Bodies**

The Council is asked to approve the following changes to its representation on Outside Bodies as set out below – further changes can be reported verbally at the meeting:

- (1) West Sussex Health and Adult Social Care Committee (HASC) – Councillor Bennett has replaced Councillor Mrs Worne
- (2) Age UK West Sussex - This will no longer be an Outside Body of the Council
- (3) LGA People and Places Board – This Council no longer has an appointed Member and so this Board will no longer be an Outside body of the Council
- (4) LGA Councillors' Forum – This Council no longer has an appointed Member and so this Forum will no longer be an Outside Body
- (5) North Littlehampton Advisory Group – Councillor Mrs Caffyn is no longer a Member

- Members are reminded that if they have detailed questions, would they please inform the relevant Cabinet Member/Chairman and/or Director in advance of the meeting in accordance with the Council Procedure Rules
- Copies of the reports on the recommendations from the Cabinet Meetings have been previously circulated to Members and Members are asked to bring their copies with them to the meeting. Further copies are available from the Committee Manager
- Copies of the reports on the recommendations from the other Committees are attached, where appropriate
- 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 – [Filming Policy](#)

**MINUTES  
OF THE  
ANNUAL MEETING OF THE ARUN DISTRICT COUNCIL  
HELD IN THE ARUN CIVIC CENTRE  
ON 22 MAY 2019 AT 6.00 PM**

Present: Councillors Gammon (Chairman), Mrs Baker, Batley, Bennett, Bicknell, B Blanchard-Cooper, C Blanchard-Cooper, Bower, Brooks, Buckland, Mrs Caffyn, Mrs Catterson, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Coster, Mrs Daniells, Dendle, Dixon, Elkins, English, Erskine, Goodheart, Gregory, Gunner, Mrs Hamilton, Mrs Haywood, Hughes, Huntley, Jones, Kelly, Lury, Mrs Madeley, Miss Needs, Northeast, Oliver-Redgate, Oppler, Mrs Pendleton, Purchase, Miss Rhodes, Roberts, Stanley, Mrs Stainton, Mrs Staniforth, Ms Seex, Smith, Ms Thurston, Tilbrook, Dr Walsh, Mrs Warr, Mrs Worne and Mrs Yeates.

Honorary Alderman Mrs Morrish, Mrs Stinchcombe and Squires were also in attendance at the meeting.

[Note: The following Councillors were absent during consideration of the matters referred to in the Minutes indicated – Councillor Stanley – Minute 1 to 4 [Part]; Councillor Mrs Pendleton – Minute 8 [Part] to Minute 13; and Councillor Hughes – Minute 12 [Part] to Minute 13].

1. WELCOME

Chairman Gammon welcomed Councillors, Officers, Honorary Aldermen and invited guests to the meeting.

2. FORMER COUNCILLOR MRS FLORENCE HARRISON

The Chairman announced with great sadness that former Councillor Mrs Florence Harrison had passed away on 23 April 2019. He confirmed that Mrs Harrison had been a much respected Member of the Council and had represented the Rustington South Ward having been elected on 15 July 1999 serving continuously until 7 May 2015.

Having received a tribute from Councillor Chapman, on behalf of the Conservative Group, the Chairman asked Members to join him in sending the Council's thoughts to Mrs Harrison's family and friends during this difficult time.

The Council then stood in silence to her memory.

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3. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor Edwards and from the Council's Honorary Alderman Mrs Goad, MBE.

4. REPORT FROM THE RETURNING OFFICER OF THOSE PERSONS ELECTED AS DISTRICT COUNCILLORS FOR ARUN DISTRICT COUNCIL ON 2 MAY 2019

The Council received and noted the report of the Returning Officer, as circulated to the meeting, of those persons nominated as District Councillors for the Arun District on 2 May 2019.

5. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The retiring Chairman, Alan Gammon, outlined that it had been a great honour to have been Chairman of the Council for the past year and that he had enjoyed his year in office enormously. Mr Gammon confirmed that his year as Chairman had started in raising the profile and awareness of Sussex Day and that much work had been undertaken to ensure that flags had been flown around the District to mark this important and special event and to raise awareness of the day. It had been a demanding year but with many memorable highlights such as the visit from the Duke and Duchess of Sussex to officially open the new Engineering complex at the Bognor Regis campus of the University of Chichester.

Mr Gammon having referred to the work that had been undertaken to raise funds for and the profile of Shopmobility in Bognor Regis and Littlehampton thanked Members and Officers for their support and for the many fundraising events held. A considerable amount of money had been raised for both branches of this organisation allowing them to continue providing valuable services to the local community.

6. APPOINTMENT OF CHAIRMAN OF THE COUNCIL FOR THE MUNICIPAL YEAR 2019/2020

In accordance with Article 4.2(b) of the Constitution, Procedure Rule 18.9, the Council was asked to consider nominations put forward by each of the Political Groups for the position of Chairman of the Council for 2019/20.

One candidate, Councillor Mrs Jeanette Warr, had been nominated for the role. Following a statement made from Councillor Dr Walsh as Group Leader of the Liberal Democrat Group in support of his respective candidate, a ballot was declared by the Chief Executive, who announced that Councillor Mrs Jeanette Warr had been elected for the appointment of Chairman of the Council for 2019/20.

Councillor Mrs Warr then made the Declaration of Acceptance of Office.



7. VOTE OF THANKS TO RETIRING CHAIRMAN OF THE COUNCIL

Councillor Dr Walsh formally thanked former Councillor Gammon for his tireless work as Chairman over the last year on behalf of the Liberal Democrat Group. He outlined that he had embraced the role with gusto and enthusiasm and had been an excellent public ambassador for the District.

These words of thanks were echoed by Councillor Chapman, on behalf of the Conservative Group and Councillor Dixon on behalf of the Independent Group.

8. APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL FOR THE MUNICIPAL YEAR 2019/2020 AND CHAIRMAN ELECT FOR 2020/21

In accordance with Article 4.2(b) of the Constitution, Procedure Rule 18.9, the Council was asked to consider nominations put forward by each of the Political Groups for the position of Vice-Chairman of the Council for 2019/20 and Chairman Elect for 2020/21.

One candidate, Councillor Mrs Amanda Worne, had been nominated for the role. Following statements made from Councillors Oppler and Dr Walsh on behalf of the Liberal Democrat Group in support of their Group's respective candidate, a ballot was declared by the Chief Executive, who announced that Councillor Mrs Amanda Worne had been elected for the appointment of Vice-Chairman of the Council for 2019/20 and Chairman Elect for 2020/21.

Councillor Mrs Worne then made the Declaration of Acceptance of Office.

9. MINUTES

The Minutes of the Council Meeting held on 13 March 2019 were approved by the Council as a correct record and were signed by the Chairman.

10. DECLARATIONS OF INTEREST

The following Declarations of Personal Interest were made in relation to Item 11 [Representation on Outside Bodies] by:

- Councillors Dr Walsh and Buckland as Members of West Sussex County Council and Littlehampton Town Council
- Councillors Oppler and Purchase as Members of West Sussex County Council

11. CHAIRMAN'S ANNOUNCEMENTS

The new Chairman welcomed members of the public, guests and Honorary Alderman to the first meeting of Council in this new Municipal year and announced that she would make her formal speech at her first reception to be held at 4.30 pm on

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Wednesday, 17 July 2019 which would be held immediately prior to the next Full Council meeting.

Councillor Mrs Warr stated that she was delighted to have been made Chairman of the Council and that she considered this role to be a great honour and so thanked her fellow Councillors for giving her this opportunity. She extended her thanks to former Councillor Alan Gammon for fulfilling the role so well and she saw this meeting as a great chance to welcome so many new Councillors as well as re-elected Councillors to the Council. Councillor Mrs Warr stated that she wished to have placed on record her thanks for the hard work undertaken over so many years by Councillors who had not been successful at the Election held on 2 May 2019. Their service and dedication to the Council needed to be recognised and appreciated.

Councillor Mrs Warr confirmed that she had decided that during her year she would not support one specific charity but instead would be working with Arun's fundraising team called 'Ignite' to support many individual charities. These were nominated by staff on a monthly basis and she hoped that she would be able to provide much support to boost activities and events.

Councillor Mrs Warr stated that she was looking forward to the year ahead and that she hoped that she would have the support and co-operation of Members.

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

Councillor Oppler formally proposed the appointment of Councillor Dr Walsh to be Leader of Arun District Council and stated that it would take some time to outline why Councillor Dr Walsh was so qualified to undertake this role. He worked through a list of Councillor Dr Walsh's countless achievements to include his professional GP career to when he first commenced his political life undertaking many roles on behalf of West Sussex County Council and Littlehampton Town Council. The proposal was then seconded by Councillor Mrs Gregory.

Councillor Dixon spoke in support of this appointment on behalf of the Independent Group.

The Council

Resolved

That Councillor Dr Walsh be appointed Leader of Arun District Council.

Councillor Dr Walsh then confirmed that he was delighted to be able to propose that Councillor Francis Oppler be appointed Deputy Leader of the Council and this was seconded by Councillor Mrs Gregory.

The Council

RESOLVED

That Councillor Francis Oppler be appointed as Deputy Leader of the Council.

13. APPOINTMENT OF THE CABINET MEMBERS AND DEPUTIES TO CABINET MEMBERS

The Leader of the Council, Councillor Dr Walsh presented his report, as circulated to the meeting, asking the Council to note who he had appointed as Cabinet Members and the allocation of Portfolios to each Cabinet Member in accordance with Article 7(5) and (6) of the Constitution.

Councillor Dr Walsh confirmed that this was an extraordinary and humbling moment for his Group to now have minority control of the Council. It was clear that the electorate had put a huge vote of confidence in him and his Group and he confirmed that they would be listening and would be accountable to everyone.

Councillor Dr Walsh highlighted that the driving force of this new administration was that it would be open, more transparent and much more genuinely consultative on all matters with all of the District's residents. To this end it was hoped the webcasting of major Committee meetings would be possible and that electronic voting would be rolled out within the Council Chamber soon. The intention was to disband the existing Cabinet system and return to a Committee system where all members would be involved in decision making.

Finally, Councillor Dr Walsh announced a commitment to build more affordable homes over the next 10 years and to make sure that a real look at development in the District would take place ensuring that infrastructure would be in place ahead of any new housing.

The Council

RESOLVED

That the appointment of Cabinet Members made by the Leader of the Council be noted, as circulated at the meeting, a copy of which is *attached* to the signed copy of the Minutes.

14. APPOINTMENTS TO COMMITTEES

Councillor Dr Walsh proposed that the Appointments to Committees be approved. These had been set out in a report circulated at the meeting. Councillor Oppler then seconded this proposal.

The Council

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RESOLVED

That the schedule of Appointments to Committees for 2019/20, as circulated at the meeting be approved, a copy of which is *attached* to the signed copy of the Minutes.

15. REPRESENTATION ON OUTSIDE BODIES

Councillor Dr Walsh proposed the Appointments to Outside Bodies, which had been circulated to the meeting which were then duly seconded by Councillor Oppler.

Councillor Chapman raised a query in relation to Outside Body No. 10 [South Downs National Park Authority] in view of the fact that it was his understanding that the proposed appointed nominated representative was going to be Councillor Hughes. Councillor Chapman outlined that the National Park was surrounded by the Wards of Arundel and Walberton, Angmering and Findon; and Barnham all having Conservative Members and so in the interest of local demographics, a Conservative Councillor from either one of these Wards should be the Council's appointed representative.

Councillor Dr Walsh confirmed that consultation on the Outside Body placements had taken place in line with the Council's Constitution.

A request was then made for a recorded vote to be taken in terms of agreeing the appointed representative for the South Downs National Park – which had been circulated as being Councillor Ms Thurston.

Those voting for this were Councillors Mrs Baker, Batley, B Blanchard-Cooper, C Blanchard-Cooper, Brooks, Buckland, Mrs Catterson, Coster, Dixon, Mrs Erskine, Goodheart, Mrs Gregory, Mrs Hamilton, Mrs Haywood, Huntley, Jones, Lury, Miss Needs, Northeast, Oppler, Purchase, Ms Seex, Smith, Mrs Staniforth, Stanley, Tilbrook, Ms Thurston, Dr Walsh, Mrs Worne and Mrs Yeates (31). Those voting against were Councillors Bicknell, Bower, Mrs Caffyn, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Mrs Daniells, Dendle, Elkins, English, Gunner, Kelly, Mrs Madeley, Oliver-Redgate, Miss Rhodes, Roberts and Mrs Stainton (19). Councillor Mrs Warr abstained from voting.

The voting for Councillor Ms Thurston to be the Council's nominated representative on the South Downs National Park was declared CARRIED.

The Chairman then returned Members to the substantive recommendation.

The Council then

RESOLVED

That the schedule of Appointments of Representatives to Outside Bodies for 2019/20 as circulated at the meeting be approved, a copy of which is *attached* to the signed copy of the Minutes.

16. APPOINTMENT OF OTHER GROUP LEADERS

The Council noted the appointment of the other Group Leaders. A copy of which is *attached* to the signed copy of the Minutes.

Councillor Chapman, as Leader of the Conservative Group, confirmed that he looked forward to working with Councillor Mrs Warr as the new Chairman of the Council and he wished her well for her year in office.

Councillor Dixon, as Leader of the Independent Group, and Councillor Ms Thurston, as Leader of the Green Group, both spoke as newly elected Councillors stating that they both looked forward to working with everyone to ensure that the quality of life for residents in the District would continue to improve.

(The meeting concluded at 7.23 pm)

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## OVERVIEW SELECT COMMITTEE

12 March 2019 at 6.00 pm

Present: Councillors Dingemans (Chairman), English (Vice-Chair), Mrs Bence, Blampied, Edwards, Hughes, Mrs Oakley, Oliver-Redgate, Mrs Rapnik, Warren, Dr Walsh and Wheal

Councillors T Bence, Charles, Clayden, Haymes and Wensley were also in attendance for all or part of the meeting.

Apologies: Councillors Stanley and Mrs Brown

### 446. DECLARATIONS OF INTEREST

No Declarations of interest were made.

### 447. MINUTES

The Minutes of the meeting of the Committee held on 29 January 2019 were approved by the Committee as a correct record and were signed by the Chairman subject to the following;

Attendance confirmation amendment that Councillors Wensley and Mrs Oakley (Part) were actually absent from Minute 382 and not 383 as recorded in the minutes.

### 448. RESCINDING OF ICM/058/310119 - REPORT TO CONSIDER APPROPRIATE ACTION REGARDING THE NON-PAYMENT OF A SECTION 106 AGREEMENT FOR AFFORDABLE HOUSING - LAND AT ST MICHAELS AND ALL ANGELS, QUEENS FIELD EAST, WEST MEAD, BOGNOR REGIS, WEST SUSSEX, PO21 5RN

The Chairman introduced this report to the Committee and explained that although Cabinet had already resolved this issue [Cabinet Minute 425], this item still required scrutiny.

The Chairman invited the Cabinet Member for Planning, Councillor Charles, to update the Committee. At this point the Chairman proposed and the Committee agreed to a change in the order of the agenda that agenda *Item 7 - Cabinet Member Questions and Updates* would also be discussed during this item.

The Cabinet Member for Planning, Councillor Charles started his update by answering the Chairman's question which was, *'In view of the aborted 'call in' on the s106 agreement for the development near West Meads what action has been taken or is proposed, to ensure such a situation does not happen again and to properly monitor and collect 106 payments in the future?'*

In responding Councillor Charles acknowledged that the monitoring processes were not satisfactory and that resources were insufficient to be able to adequately monitor planning obligations. This was recognised at that time by the Director of

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Planning & Economic Regeneration as changes were being considered to improve matters. It should also be recognised that there were around 650 planning obligations that either required obligations to be complied with or contributions spent. The task of monitoring all of these was huge. It was recognised in 2016 that resources needed to be directed to this area of work to significantly improve.

Discussions with the Cabinet Working Party in mid-2016 included directing more resources to the monitoring of strategic sites. Following this, Cabinet agreed in January 2017 to fund two delivery and monitoring posts within the Strategic Development Team. These were funded, in part, through the receipt of Planning Performance Agreement money (which the Council had sought in recent years). Further, as a result of the Group Head of Planning's restructure after his April 2017 appointment, there was now one post dedicated to s106 data and monitoring (where previously the post was also responsible for planning policy work as well). Therefore, such delays and oversights are less likely now.

The Chairman put forward a suggestion of placing bonds on developers to ensure that this would not happen again.

The Cabinet Member for Planning advised that he would need to take this suggestion away to investigate and report back in September 2019. The Chairman requested that an update also be given at this time.

The Committee were in support of the Chairman's suggestion and after some discussion the Chairman invited the Cabinet Member for Residential Services, Councillor Bence to speak.

Councillor Bence made the following statement that outlined as the Ward Member involved and having liaised with the ward residents immediately affected by this. He had looked into the suggestion of a Performance Guaranteed Bond (PGB) and found that these are widely used by Councils. As they were of huge benefit should the Council consider adopting this option for the smaller developments as a condition to granting planning permission in order to protect the s106 commitments. Councillor Bence confirmed that as Ward Member he had passed the information regarding these PGB's to the Cabinet Member for Planning.

The Chairman confirmed that all Members were in agreement with this suggestion so that when the Cabinet Member for Planning would attend a meeting of the Committee in September 2019 that he would return with a report showing the results of the improvement implementation.

Councillor Dr Walsh suggested that the Audit and Governance Committee should also have sight of this and should consider adding it to their Work Programme for 2019/2020. This was supported by the Committee.

The Committee RESOLVED that;

- 1) The Cabinet Member will investigate and report back to the Overview Select Committee in September 2019 and;



- 2) a bi-annual report to be provided to the Committee until it is satisfied that the new process had been properly embedded.

449. FEEDBACK FROM MEETINGS OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 1 FEBRUARY 2019

The Cabinet Member for Community Wellbeing, Councillor Clayden updated the Committee on the meeting that took place on 1 February 2019. The next meeting of the panel will be on 26 April 2019.

At this meeting the Panel discussed the Police Precept for 2019/20. The Panel were all in agreement that the Precept would be increasing, and the extra funds this increase would generate, would be used in particular for extra community Policing presence.

It was also highlighted that Sussex Police would be offering Apprenticeships to PCSO Recruits and Degree Apprenticeships to PC Recruits later this year (2019).

There was some discussion regarding the significant decrease in numbers of PCSO's and PC's potentially leading to a rise in petty crimes' inclusive of vandalism and that the news of recruitment for PCSO's and PC's was welcomed. However, Councillor Dr Walsh raised a significant concern that was supported by Committee Members regarding Police response time in relation to reported incidents along with the suggestion that members of the public were advised to report crimes online. Councillor Dr Walsh highlighted that online reporting was not always an option for all members of the public nor would it be the best option in an emergency. The 101 number still reported to have long waiting times before calls are answered. Councillor Dr Walsh then asked the Cabinet Member for Community Wellbeing to hold the Police Commissioner to account regarding faster response times to incidents and reduced waiting times on the 101 line.

The Cabinet Member for Community Wellbeing responded stating that he had not been made aware of these points prior to this meeting. He reiterated that the meeting had been a positive one and that all in attendance were in favour of the precept increase and the promises that had been made in that an improvement in the visibility of local policing in the area would be seen. Councillor Clayden also advised the Committee that recruitment on this level would take some time; recruitment had already started and was ongoing but there would not be an overnight resolution. Inclusive of this recruitment there was also a focus on recruiting for 101 call handlers to ensure that the waiting times and other response times on this contact channel would also be improved.

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Councillor Edwards provided further input stating that Sussex Police had tweeted recently that they had recruited 72 new PC's and this was a really positive news story so early on in the recruitment process.

As part of the debate Councillor Wheal asked the Cabinet Member for Community Wellbeing what had actually been achieved in the last year.

The Cabinet Member for Community Wellbeing responded stating that while he did not have the exact numbers to hand, approximately 200 Police Officers had been recruited over the last year. This year's increase was for extra PCSO's and PC's so there will be even higher numbers of visibility.

The Committee noted the contents of the feedback report.

#### 450. CABINET MEMBER QUESTIONS AND UPDATES

The Cabinet Member for Residential Services was invited to give an update to the Committee. He advised the Committee that Housing Revenue Account Business Plan (HRABP) had recently been reviewed for the forthcoming year and that it now allowed for 275 houses to be purchased or built during the life of the plan. In achieving this assurance was given that the required borrowings would not exceed the original borrowing figures prior to the borrowing cap being removed.

In relation to the Council House Fraud initiative the Arun Fraud Officer had now returned a total of 42 properties over the last 2.5 years. Fifteen of which had been returned to legal occupation in the last year representing a total value of £1.4 million. The Cabinet Member for Residential Services outlined that this officer had worked tirelessly in liaison with other Councils and her achievements had been remarkable. In view of this the Cabinet Member suggested to the Committee that it added this to its Work Programme for 19/20.

Finally the Cabinet Member confirmed the Council's Local Plan also allowed for a further 5000 plus affordable properties to be built within the Arun district.

Councillor English (Vice Chairman) asked The Cabinet Member for Residential Services if an update on the HRA could be provided at the September meeting of the Committee to allow it to address some of the outstanding issues surrounding Homelessness in the area.

The Cabinet Member for Residential Services confirmed he would do this.

The Committee therefore RESOLVED that:

- 1) An HRA update report be submitted to the September 2019 meeting of the Committee

#### 451. IDEAS FOR WORK PROGRAMME - 2019/2020

The Group Head of Policy reminded the Committee that the Councils Constitution required it to report annually on its future work programme to Full Council for approval. This would take place at the Full Council meeting in June 2019.

The Committee was asked to consider its work programme for 2019/2020 year identifying any issues to develop or review, whilst working to the key themes of the Committee's responsibilities, so that these could be included within a draft work programme.

In discussing the possible topics that Members might wish to review, the following observations were made:

- Overpaid Housing Benefit Policy
- Homelessness Reduction Act
- Empty Homes Officer update – tying in with the discussion the Committee had previously discussing the HRA

The Work Programme 2018/19 was then noted by the Committee.

#### 452. VOTE OF THANKS

The Chairman Councillor Dingemans thanked the Members for their contributions to this Committee over the last year.

As this was the last meeting of the Committee in this Municipal Year, as Vice-Chairman, Councillor English stated that he wished to take this opportunity to thank the Chairman, Councillor Dingemans, for all his work and mentorship over the years, as he would not be standing for re-election at the District Elections on 2 May 2019.

He thanked the Chairman for his 24 years of continuous service as a District Councillor, including the four years he had spent as Leader of the Council which was from 2002 – 2006. Alongside his role as a District Councillor, Councillor Dingemans had taken on the roles of Chairman for the Licensing and Enforcement Committee in 2016/17 and was currently Chairman for this Committee and Vice-Chairman of the Littlehampton Regeneration Sub-Committee as well as the Council's nominated Outside Body representative on the South Downs National Park Authority and the Leader-South Downs and Coastal Plain Action Group.

(The meeting concluded at 7.05 pm)

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## LICENSING COMMITTEE

22 March 2019 at 9.30 a.m.

Present : Councillors Cooper (Chairman), Wheal (Vice-Chairman) Cates, Clayden, Dillon, Hitchins, Mrs Oakley, Oliver-Redgate and Warren.

[Note: Councillor Oliver-Redgate was absent from the meeting during consideration of Minutes 487 to 490 (Part)].

### 487. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Mrs Daniells.

### 488. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### 489. MINUTES

The Minutes of the meeting held on 14 December 2018, which were circulated at the meeting, were approved as a correct record and signed by the Chairman.

The Committee also received and noted the Minutes of the meeting of the Licensing Sub-Committee held on 22 February 2019, as circulated to the meeting.

### 490. AMENDMENTS TO ARUN DISTRICT COUNCIL'S ENFORCEMENT POLICY FOR ENVIRONMENTAL HEALTH, PRIVATE SECTOR HOUSING LICENSING AND CLEANSING

The Group Head of Technical Services confirmed that this report was being represented to the Committee so that it could make recommendations to Full Council to adopt amendments to the existing Enforcement Policy for Environmental Health, Private Sector Housing, Licensing and Cleansing.

The Policy included an additional enforcement option covering Civil Penalty for Housing Act 2004 offences. Minor amendments had also been made to reflect changes in job descriptions or structures within teams. All amendments had been clearly highlighted in the Policy using tracked changes for ease of reference.

It was explained that where there was sufficient evidence that certain Housing Act 2004 offences had arisen, civil penalties could be issued as an alternative to prosecution. If these penalties were not paid, they could be pursued as a civil debt in the Courts. Examples of such offences were provided including where there was failure to comply with an improvement notice where standards of accommodation had fallen short in terms of what was deemed to be safe.

In addition, the report sought approval for setting a Fixed Penalty Notice fine level of £100 as an alternative to prosecution for the offence of breaching a Community Protection Notice. It was explained that Community Protection Notices were already served by the Council in instances where unreasonable behaviour of a continuing or persistent nature was having a detrimental effect on the quality of life of those in the locality. The Notices required the recipient to either do something or not do something, for example to not cause a noise nuisance.

The main advantage of this introduction was that it would be a more efficient process to operate rather than having to instigate a complex prosecution.

In considering the Policy, various questions were asked by the Committee. Firstly, concern was expressed that the £100 Fixed Penalty Notice would not be a big enough deterrent for repeat offenders. The Group Head of Technical Services explained that repeat offences of anti-social behaviour matters would be escalated to prosecution stage. It was also explained that civil penalties of up to £30k could be issued for when there had been deliberate acts causing significant harm in relation to Housing Act offences. The scale of the civil penalty was dependent on culpability and harm. Other queries related to the level of anti-social behaviour and what this might cover. Would one-off minor offences come under this new introduction and how would the Council respond to constant harassment issues. The Group Head of Technical Services explained that very minor one-off incidents such as noise from a garden party would not apply. He explained instances in which the issuing of a fixed penalty notice would apply.

Following some further discussion,

The Committee

RECOMMEND TO FULL COUNCIL – That

- (1) The amended Enforcement Policy for Environmental Health, Private Sector Housing, Licensing and Cleansing be adopted;
- (2) The setting of a Fixed Penalty Notice fine level at £100 for breaches of a Community Protection Notice, as an alternative to prosecution be approved; and
- (3) Approval be given to the Group Head of Technical Services, or his nominated representative, to be given delegated authority to make any necessary consequential changes to the amended Enforcement Policy for Environmental Health, Private Sector Housing, Licensing and Cleansing as a result of new legislation or alternative practices.

#### 491. LICENSING FEE SETTING

The Licensing Team Manager presented this report which set out proposed licensing regimes for approval so that these could be adopted from 1 April 2019.

The report provided Members with information as to how fees had been calculated and ensuring that the Council should seek to recover its costs in relation to the authorisation procedures and formalities of each specified regime. Members were advised that some fee regimes were set on a national basis which the Council had no power to amend. Some regimes allowed for the change of a reasonable fee to cover costs up to a capped limit set by Government and some statute permitted for the setting of local fees to recover costs.

An important influencing factor for this year's fee setting process had been the introduction of a new software system as this had changed the way in which applications were administered. As fees were calculated including the time taken to process and administer applications, this had had an impact on the fees charged. It was also likely that further changes to processes would continue over time as more efficient ways of working were introduced.

The Licensing Team Manager stated that it was also important to mention that there were a number of pieces of European Legislation that needed to be taken into consideration as these were applicable to some fee regimes but not all.

Finally, Members' attention was drawn to the response received with regard to the setting of street trading fees where it was explained that a response would be sent following this meeting confirming the decision reached by the Committee

In considering the fees proposed, mention was made that it would have been useful if Members could have been provided with the existing list of charges so that they could see the level and percentage of increases or decreases proposed.

Following a brief discussion,

The Committee

**RESOLVED**

That the fees for the licensing regimes set out in the Appendix to the report, as proposed by Officers, which had been calculated in accordance with the requirements of each regime and principles of cost recovery laid out in guidance be approved for adoption on 1 April 2019.

492. VOTE OF THANKS

As this was the last meeting of the Committee in this administration, the Chairman thanked Members and Officers for their support and hard work over the last four years.

(The meeting concluded at 10.20 am)



Subject to approval at the next Committee meeting

403

## DEVELOPMENT CONTROL COMMITTEE

10 April 2019 at 2.30 p.m.

Present: Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Mrs Rapnik and Mrs Stainton.

Councillors Ambler, Charles and Mrs Daniells were also in attendance at the meeting.

Note: Councillor Mrs Pendleton was absent from the meeting during consideration of the matters referred to in Minutes 493 to 496 (up to Planning Application FG/216/18/PL (part)).

### 493. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Northeast.

### 494. DECLARATIONS OF INTEREST

Declarations of interest were made as follows:-

Planning Application LU/330/18/PL – Councillor Haymes declared a personal interest as he was the Cabinet Member for Technical Services and, as the site was Council owned land, that was within the remit of his portfolio.

Planning Application AL/107/18/PL – Councillor Mrs Stainton declared a personal interest as she knew the applicant but had not discussed the matter with him.

### 495. MINUTES

The Minutes of the meeting held on 6 March 2019 were approved by the Committee and signed by the Chairman as a correct record.

Development Control  
Committee – 10.04.19.

496. PLANNING APPLICATIONS

WA/1/19/PL – Variation of condition 24 following the grant of WA/22/15/OUT (APP/C3810/V/16/3143095) to read ‘No more than 150 units hereby permitted shall be occupied for more than two years lapse from the date of first occupation of the development (whichever is sooner) until the completion of the improvements to the A27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 REV A – Proposed Roundabout Improvements’, Land East of Fontwell Avenue, Fontwell  
This application also lies within the parish of Eastergate. Having received a report on the matter, together with a verbal update that three additional objections had been received and that they had not raised any further issues that had already been raised and addressed in the report, the Committee was advised by the Principal Planning Officer that it was not felt that the variation to the condition would result in a severe cumulative impact on the road network.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

*(Prior to consideration of the following application, Councillor Haymes had declared a personal interest and remained in the meeting and took part in the debate and vote.*

LU/330/18/PL – Demolition of existing buildings & erection of 77 residential homes with associated access, car parking, cycle parking, refuse/recycling storage, landscaping, earthworks & infrastructure, Land South of Cornfield Close, Littlehampton Having received a report on the matter, together with the officer’s written report detailing 2 further objections received; the detail of the Heads of Terms contributions; a revised site plan; advice from County Highways that they did not consider that the proposal would have an impact on the scheduled A259 improvements; and amendment to conditions following discussion with the agent, the Committee

RESOLVED - That

(1) the application be approved as detailed in the report and the officer report update; and

(2) if, after four months of the date of the resolution, the s106 has not been completed and signed, authority be delegated to the Group Head of Planning to refuse the application for the following reason:-

Subject to approval at the next Committee meeting

405

Development Control  
Committee – 10.04.19.

“The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.”

*(During the course of discussion on the following item, Councillor Haymes declared a personal interest as comment was made relating to licensing regulations, which came under his remit as Cabinet Member for Technical Services.)*

FG/216/18/PL – Application for variation of condition 11 following grant of planning permission FG/16/12 to allow for additional opening hours for the Christmas period to include 24 hour opening from 20 December to 24 December annually, Asda Stores Limited, Littlehampton Road, Ferring Having received a report on the matter, together with the officer’s written report update detailing the opening hours for Sainsburys, Rustington, as requested by Members, the Committee was advised by the Planning Team Leader that a temporary permission was being proposed to enable the situation to be reviewed in the future due to concerns around the potential for noise and disturbance to nearby dwellings.

The Committee participated in some discussion on the matter, following which it was

RESOLVED

That the application be approved as detailed in the report.

FG/228/18/PL – Additional office space & supporting facilities (amendment to FG/39/18/PL) This application is a Departure from the Development Plan, Yeomans Worthing Peugeot, Garage Premises, Littlehampton Road, Ferring Having received a report on the matter, the Committee was advised by the Planning Team Leader that, given the previous approvals on the site, what was being proposed represented a marginal increase and was therefore being recommended for approval by officers.

Following brief comment from Members both for and against the application, the Committee

RESOLVED

That the application be approved as detailed in the report.

Subject to approval at the next Committee meeting

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Development Control  
Committee – 10.04.19.

*(Prior to consideration of the following application, Councillor Mrs Daniells spoke in her role as a member of Bognor Regis Town Council.)*

BR/273/18/PL – Change of use from Hotel (C1 Hotels) to 4 No. flats (C3 Dwelling House) including enlarged dormer & additional door on SE elevation, The Gables Hotel, 28 Cresecent Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional condition relating to the need for a pre-commencement noise survey to be undertaken, Members acknowledged that it was disappointing to lose a small hotel in the centre of the town due to the unviability of the business. The Committee

RESOLVED

That the application be approved as detailed in the report and the report update.

A/114/18/PL – Demolition & erection of 70 bed care home within Use Class C2 (replacing building 4 approved by A/27/16/PL), access, parking, landscaping and other associated works, Broadlees, Dappers Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing a lower S106 contribution of £33,026 towards general health care in Angmering following a consultation response from the NHS; and amended refined wording relating to conditions 2, 3, 4, 6, 7, 8, 9, 11, 13, and 18 as a result of discussions with the agent, Members raised issues around extra care provision and car parking, which were addressed at the meeting by the Planning Team Leader.

The Committee then

RESOLVED - That

(1) the application be approved as detailed in the report and the officer report update; and

(2) if, after two months of the date of the decision, the S106 has not been completed and signed, authority be delegated to the Group Head of Planning to refuse the application for the following reason:-

“The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.”

AW/315/18/HH – Retention of fence on front, side and rear elevation, 14 Churchill Avenue, Aldwick Having received a report on the matter, together with the officer's written report update detailing withdrawal of the Parish Council's objection

Subject to approval at the next Committee meeting

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Development Control  
Committee – 10.04.19.

and online comment from the applicant relating to the position of the fence to the front of the dwelling, the Committee

RESOLVED

That the application be approved as detailed in the report.

AL/107/18/PL – Application for continued use for 3 No. approved permanent showpersons plots (temporary permission granted under AL/119/10 & permanent permission granted under AL/10/14/PL, planning permission for a further 8 No. plots consisting of 4 No. existing & 4 No. new plots (to a maximum of 11 plots) with associated hard & soft landscaping, boundary treatment, lighting & associated works, Nyton Stables, Nyton Road, Aldingbourne Having received a report on the matter, together with the officer's written report update detailing a consultation response from Chichester District Council and comment from a nearby resident, the Committee participated in some discussion on the proposal.

A number of questions were asked relating to:

- Plot sizes
- Access
- Landscaping
- Enforcement of conditions
- Lighting
- Compliance with the Neighbourhood Plan

The Principal Planning Officer and the Group Head of Planning addressed the issues raised at the meeting and the Committee then

RESOLVED

That the application be approved as detailed in the report.

#### 497. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

#### 498. APPEALS MONITORING REPORT

The Committee received and noted this report which set out the detail of the Council's appeal performance and costs for the period 1 January 2018 to 31 December 2018 and participated in a brief discussion on its contents.

Subject to approval at the next Committee meeting

408

Development Control  
Committee – 10.04.19.

499. VOTE OF THANKS

As this was the last meeting of the Committee for this administration, the Chairman thanked Members and officers for their support and input to the working of the Committee during the year. He also wished those Members well who were standing down and good luck to those who would be contesting the local elections on 2 May 2019.

(The meeting concluded at 4.45 p.m.)

409

## SPECIAL CABINET

11 April 2019 at 5.00 pm

Present : Councillors Mrs Brown (Chairman), Bence, Charles, Clayden, Haymes and Wotherspoon.

Councillors Edwards, Mrs Madeley, Mrs Oakley, Mrs Pendleton, Dr Walsh and Wheal were also in attendance at the meeting.

### 500. WELCOME

The Chairman welcomed Councillors, Officers and members of the press and public to the meeting.

### 501. APOLOGY FOR ABSENCE

An Apology for Absence had been received from Councillor Wensley [Deputy Leader of the Council and Cabinet Member for Corporate Governance].

### 502. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### 503. PUBLIC QUESTION TIME

The Chairman confirmed that no public questions had been received.

### 504. URGENT ITEM – AMENDMENT TO PREVIOUSLY AGREED APPROACH TO LEASING THE LOOK & SEA CENTRE BUILDING, LITTLEHAMPTON

The Chairman confirmed that there was an urgent item to consider and she invited the Cabinet Member for Technical Services, Councillor Haymes, to present this report. He stated that prior to closure, the Look & Sea Centre had been an important and popular destination in its own right. Following decisions made by Cabinet at its meeting held on 15 October 2018, a lease had been advertised for A3 (café/restaurant/bar) use for the whole of the building.

Councillor Haymes confirmed that the Council had received offers that included A3 use of the ground floor but these indicated that there was not a market for A3 use of the upper floors at the present time. It was therefore proposed that Cabinet be asked to agree to amend the delegations to Officers to negotiate heads of terms and enter into a lease on the revised basis that the ground floor remained in A3 use providing a Lessee flexibility to find

appropriate commercial uses of the upper floors, subject to planning and other approvals.

Councillor Haymes announced that this report was being presented as a matter of urgency as it was only a decision by Cabinet today that would allow flexibility relating to the upper floors that would enable any realistic chance of securing a Lessee that would operate the café/restaurant at the Look & Sea during the 2019 summer season. Councillor Haymes stated that this was something that he would like to see happen.

As this item was being dealt with as an urgent matter, the usual arrangements requiring it to be published with five clear days' notice and the call-in arrangements did not apply as set out in the Council's Constitution at Part 3 – Responsibility for Functions, Rule 2.3 and Part 5 – Cabinet Meeting Procedure Rules, Rule 3.2. The Chairman of the Overview Select Committee, Councillor Dingemans, had been consulted on the proposals and had given his agreement.

The Group Head of Technical Services was then invited to provide his input to the report. He confirmed that it was good news in that the site had been marketed by the Council's appointed Agents since February 2019 and that offers had been submitted for A3 use of the ground floor, with one of the offers including access for customers to the viewing platforms. The delegations approved by Cabinet back in October 2018, envisaged an A3 use of the whole building. The bids received fell outside of this requirement. It was therefore necessary to seek Cabinet's approval that the lease arrangements for the Look & Sea could be revised on the basis that the ground floor remained in A3 use allowing a Lessee flexibility to find appropriate commercial uses for the upper floors, subject to planning and other approvals. Without Cabinet's approval to adjust its decision made in October 2018, there would be no realistic chance of securing a Lessee that could operate the café/restaurant for the 2019 summer season. Obtaining Cabinet approval would allow negotiations to commence to obtain the best consideration for the Council.

In considering the report, the Chairman asked the Group Head of Technical Services if he could provide a potential date when the Look & Sea Centre might re-open? It was confirmed that it was hoped that the café/restaurant would be operational by early summer.

Other comments made were that it was clear from the market testing undertaken that there was no interest in leasing the whole of the building. Looking at the options available, further marketing could take place but with the real threat that the building would remain empty for a long period of time. By agreeing this small adjustment to the previous decision to the building, it would hopefully mean that the café/restaurant could be occupied for the summer, re-establishing a much needed tourist attraction for Littlehampton.



Questions were asked as to whether any Lessee would be allowed to lease the remaining floors of the building. It was important for the Council to still obtain income in this respect. The Group Head of Technical Services responded stating that it was proposed that the lease would be for the whole building with the Lessee to then find uses for the upper floors.

The Cabinet

RESOLVED – That

- (1) It be agreed that the Look & Sea Centre building can be leased on the revised basis that the ground floor remains in A3 use but providing the Lessee flexibility to find appropriate commercial uses of the upper floors, subject to planning and other approvals; and
- (2) Other than the above, the original decisions, including Officer delegations within Cabinet Decision C/020/151018 made on 15 October 2018 to remain operative.

The Cabinet then confirmed its decision as per Decision Notice C/052/110419), a copy of which is attached to the signed copy of the Minutes.

#### 505. MINUTES

The Minutes of the meeting held on 4 March 2019 were approved by the Cabinet as a correct record and signed by the Chairman.

#### 506. BUDGET VARIATION REPORT

There was no item for this meeting.

#### 507. AUTHORITY TO ACT ON BEHALF OF WEST SUSSEX COUNTY COUNCIL – SECTION 42, LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Cabinet Member for Community Wellbeing, Councillor Clayden, introduced this item stating this report was seeking the Cabinet's approval to formalise delegation of powers from West Sussex County Council allowing Arun Officers to respond to matters relating to rough sleeping in Bognor Regis Town Centre.

The Chairman then invited the Group Head of Community Wellbeing to provide further input. He confirmed that this authority provided Arun Officers with the tools that were missing to deal with such matters as they related to highway matters and would be used to deal with those individuals who refused to engage with Officers in various locations surrounding the centre of Bognor Regis.

The Cabinet Member for Residential Services, Councillor Bence, supported the recommendations stating that the authority granted from WSCC would massively assist the anti-social behaviour problems that were increasing in certain parts of Bognor Regis relating to rough sleeping and homelessness. He thanked the Council's anti-social behaviour team for their hard work and engagement with numerous groups and charities in dealing with rough sleepers camping down on pavements and on roads. Thanks were also extended to WSCC's Legal Department for acting so quickly to get these terms of agreement in place to deal with the matter and for street cleansing to then be able to take place.

The Cabinet Member for Planning, Councillor Charles, asked if there were plans to roll this agreement out to other areas in the District as there were also rough sleeping hot spots elsewhere in Arun.

The Cabinet then

RESOLVED - That

(1) The authority to act on behalf of West Sussex County Council, as defined in the Order dated 19 March 2019, to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 until 31 March 2020 or until revoked earlier by the County Council in relation to land designated as highway land and located in the Town Centre of Bognor Regis be accepted; and

(2) The Group Head of Community Wellbeing, the Community Manager and the Senior Anti-Social Behaviour Caseworker be given authority to exercise the powers granted by West Sussex County Council by Order made on 19 March 2019 to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) ACT 1982 in relation to land designated as highways land and located in the town centre of Bognor Regis and shall be limited to those areas of highway land in Bognor Regis Town Centre in London road precinct, Bedford Street, London Road and the High Street as confirmed within the Order until 31 March 2020 or until revoked earlier by the County Council.

The Cabinet then confirmed its decision as per Decision Notice C/053/110419), a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 5.14 pm)

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**ARUN DISTRICT COUNCIL**

**DECISION NOTICES FROM THE SPECIAL CABINET MEETING HELD ON  
11 APRIL 2019**

<b>REF NO.</b>	<b>DECISION</b>
C/052/110419	<p>Urgent Business – Approval of Lease for the Look &amp; Sea Centre, Littlehampton</p> <p><b>In line with Responsibility for Functions Rule 2.3, the proposal to present this report as a matter of urgency to Cabinet has been agreed with the Chairman of the Overview Select Committee.</b></p> <p><b>As this is being dealt with as an urgent matter, the usual arrangements requiring this report to be published with ‘five clear days’ notice and the call-in arrangements will not apply.</b></p>
C/053/110419	Authority to Act on Behalf of West Sussex County Council – Section 42, Local Government (Miscellaneous Provisions) Act 1982

**PLEASE NOTE THAT DECISION C/052/110419 WILL COME INTO IMMEDIATE EFFECT AS IT IS AN URGENT DECISION AND NOT SUBJECT TO CALL -IN**

**THE REMAINING DECISION [C/053/110419] WILL COME INTO EFFECT FROM 10.00 A.M. ON WEDNESDAY 23 APRIL 2019 UNLESS THE CALL-IN PROCESS IS APPLIED**

If a Councillor wishes to request a call-in of any of the decisions taken above, they will need to take the following steps in line with the Scrutiny Procedure Rules at Part 6 of the Constitution – Scrutiny Procedure Rules (Other)

They will need to:

- Submit their request in writing for a Call-In to the Group Head of Policy & Scrutiny and identify who will act as the lead Member of the Call-In
- Specify which decision is to be the subject of the Call-In
- Explain which of the criteria for the Call-In apply

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 13.18 OF THE SCRUTINY PROCEDURE RULES</b>	<b>YES</b>
<b>SUBJECT: Amendment to Previously Agreed Approach to Leasing the Look &amp; Sea Centre Building, Littlehampton</b>	
<b>OFFICER CONTACT: Nat Slade – Group Head of Technical Services</b> Extn: 01903 737683 e.mail: <a href="mailto:nat.slade@arun.gov.uk">nat.slade@arun.gov.uk</a>	
<p><b>EXECUTIVE SUMMARY:</b> In October 2018 Cabinet authorised Officers to seek conditional offers for a lease of the whole Look &amp; Sea Centre building, for café/restaurant/bar (A3) use (excluding the youth hostel). The site has been marketed and offers have been received for an A3 use on the ground floor only. It is therefore proposed that Cabinet support the Look &amp; Sea Centre building being leased on the revised basis that the ground floor remains in A3 use and provide a Lessee flexibility to find appropriate commercial uses of the upper floors, subject to planning.</p> <p>This report is being presented as a matter of urgency for decision by Cabinet because the offers made are the only realistic chance of securing a Lessee that will operate the café/restaurant during the 2019 summer season. The lease needs to be commenced by 9 May 2019 to meet the terms of one of the offers made. The Chairman of the Overview Select Committee has been consulted on the proposals and has given his agreement.</p> <p>The decision will therefore not be subject to the call-in procedure as set out in the Scrutiny Procedure Rules at Part 6 of the Council’s Constitution.</p>	
<p><b>DECISION:</b></p> <p>The Cabinet</p> <p>RESOLVED - That</p> <p>(1) It be agreed that the Look &amp; Sea Centre building be leased on the revised basis that the ground floor remains in A3 use and provides a Lessee flexibility to find appropriate commercial uses of the upper floors, subject to planning and other approvals; and</p> <p>(2) Other than the above, the original decisions including officer delegations within Cabinet Decision on 15 October 2018 Ref No C/020/151018 to remain operative.</p>	
<p><b>REASON FOR THE DECISION:</b> The lease on the premises has been surrendered and it currently stands unoccupied. The offer submitted is for a lease of the whole Look and Sea Centre building (excluding the youth hostel) with A3 use on the ground floor only. The Lessee will have flexibility to use the remaining floors for other commercial uses, provided that they obtain all necessary planning and other consents. It is important that the Council secures a new Lessee as soon as possible to enable the popular café/restaurant to begin to operate during summer 2019 at this important riverside location. Leasing the building as soon as possible will also reduce the Council’s expenditure and ensure that it begins to benefit from rental income at the earliest opportunity.</p>	

**OPTIONS CONSIDERED BUT REJECTED:**

That Cabinet does not agree that the Look & Sea Centre building can be leased on the revised basis that the ground floor remains in A3 use and provide a Lessee flexibility to find appropriate commercial uses of the upper floors, subject to planning and other approvals: This can achieve an operational café/restaurant for summer 2019, and earlier rental income.

That Cabinet continues to market the building for A3 use of the whole building: this would almost inevitably mean the café/restaurant would not operate during the summer of 2019 and may be unsuccessful.

To decide to market the building as separate leases, with A3 use required on the ground floor and flexible commercial uses subject to planning and other approvals on the upper floors: this would almost inevitably mean the café/restaurant would not operate during the summer of 2019 and may be unsuccessful. .

**CABINET MEMBER(S):**

<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None

<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b>	None
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<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Authority to Act on Behalf of West Sussex County Council – Section 42, Local Government (Miscellaneous Provisions) Act 1982</b>	
<b>OFFICER CONTACT: Robin Wickham – Group Head of Community Wellbeing</b> Extn: 01903 737835 e.mail: <a href="mailto:robin.wickham@arun.gov.uk">robin.wickham@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> West Sussex County Council has granted Arun District Council authority to discharge its powers to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 for the period 19 March 2019 to 31 March 2020 or an earlier revocation date. The Order confirms the powers may only be exercised in relation to land designated as highway land and located in the Town Centre of Bognor Regis. This report seeks Cabinet’s agreement to accepting the terms of the authority granted and approving the delegation of these powers to the relevant officers for the period of the Order.	
<b>DECISION:</b>  The Cabinet  RESOLVED – That  (1) the authority to act on behalf of West Sussex County Council, as defined in the Order dated 19 March 2019, to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 until 31 March 2020 or until revoked earlier by the County Council in relation to land designated as highway land and located in the town centre of Bognor Regis be accepted; and  (2) the Group Head of Wellbeing, the Community Manager and the Senior Anti-Social Behaviour Caseworker be given authority to exercise the powers granted by West Sussex County Council by Order made on 19 March 2019 to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to land designated as highway land and located in the town centre of Bognor Regis, and shall be limited to those areas of highway land in Bognor Regis Town Centre, in London Road Precinct, Bedford Street, London Road and the High Street as confirmed within the Order until 31 March 2020 or until revoked earlier by the County Council.	
<b>REASON FOR THE DECISION:</b> Arun District Council Officers will be able to act in a timely and coordinated way when engaging with individuals who are rough sleeping or storing belongings on the highway in Bognor Regis Town Centre, in London Road Precinct, Bedford Street, London Road and the High Street as confirmed within the Order until 31 March 2020.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> To not delegate authority to Officers to exercise the powers granted by West Sussex County Council by Order made on 19 March 2019 to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.	
<b>CABINET MEMBER(S):</b>	



<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None</b>	

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## CABINET

3 June 2019 at 5.00 pm

Present : Councillors Dr Walsh (Chairman), Oppler (Vice-Chairman), Mrs Gregory, Lury, Purchase, Stanley and Mrs Yeates.

Councillors Bennet, B Blanchard-Cooper, Chapman, Charles, Clayden, Gunner, Huntley and Mrs Worne were also in attendance at the meeting.

### 14. WELCOME

The Chairman welcomed Councillors, Officers and members of the press and public to the meeting.

### 15. DECLARATIONS OF INTEREST

Councillor Dr Walsh declared a Personal Interest in Item 10 [Tivoli Group Ltd – Admissions Agreement to Local Government Pension Scheme] as a West Sussex County Councillor and in his position as a Trustee of the West Sussex County Council Local Pensions Scheme.

### 16. PUBLIC QUESTION TIME

The Chairman confirmed that no public questions had been received.

### 17. START TIMES

The Cabinet

RESOLVED

That its start times for meetings for 2019/20 be 5.00 pm.

### 18. MINUTES

The Minutes of the Special Cabinet meeting held on 11 April 2019 were approved by the Cabinet as a correct record and signed by the Chairman.

### 19. BUDGET VARIATION REPORT

There was no item for this meeting.

## 20. ASSETS OF COMMUNITY VALUE – POLICY AND PROCEDURES

The Cabinet Member for Technical Services, Councillor Stanley, presented this report confirming that the intention of the Assets of Community Value Policy and Guidance Notes was to make it easier and clearer for Parish Councils and community groups to understand how they could nominate an asset(s), whether this be a building or a piece of land, that they believed to be important to their community's social wellbeing to be listed by the Council as an Asset of Community Value.

The Group Head for Technical Services was then invited to introduce his report. He explained that the Council's existing procedure had been in operation now for over six years providing community groups with the opportunity to nominate assets that were either of interest to them or were deemed to be a value to the community to be listed. It was explained that this afforded a degree of protection in situations where that asset or land was sold or proposed to be sold. These assets were protected by a prescribed process that had to be followed if a relevant disposal was proposed. The purpose of the Assets of Community Value Policy was to clarify the various processes so that Officers and Members would be able to effectively support the management of the process and provide transparency for community nominators and asset owners so that they would easily be able to navigate themselves around this complicated process.

In discussing the report, it was clear from the comments made that although most Cabinet Members were happy to accept the majority of the recommendations, they had concern over extending delegated powers to Officers. It was outlined that many Members of the Council held this view and that Councillors needed to retain as much authority as possible. It was accepted that there were changes in legislation that would result in the Constitution needing to be amended, however, there was a general reluctance expressed over delegating more authority through to Officers.

Looking at the recommendations listed in the report, the Cabinet confirmed that Recommendations (1) and (2) could be accepted. It was Recommendations (3) and 4) delegating Authority to the Director of Place and the Group Head of Technical Services, or their nominated representative which could not be accepted to the level proposed. It was explained that Members needed to have more input and involvement in decision making.

The Director of Place offered some advice. He explained why the various Recommendations in (4) were required. There had to be a decision making route in place so that any applications received could be reviewed within the stipulated times from receipt of a nomination. At all times Ward Members were notified and consulted.

In response, it was suggested that the proposed delegations to Officers be taken back and reviewed further so that a clear route on the decision making process and appropriate Member involvement could be highlighted. In view of the response received from Officers as to how this could jeopardise the stipulated review timelines in the Policy, it was agreed that Recommendation 4(a) could be accepted now subject to the following amended wording:

*“Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, in consultation with the Cabinet Member for Technical Services, to validate, consider and determine nominations for property/land to be listed as an asset of community value under the Assets of Community Value Policy.”*

In response to this, Councillor Stanley agreed that this amendment was a sensible compromise.

The Cabinet

RECOMMEND TO FULL COUNCIL – That

- (1) The assets of Community Value Policy and Guidance Notes for Nominating Bodies and Owners be adopted;
- (2) The Group Head of Technical Services be delegated authority to make any future necessary changes to the Policy as a consequence of new legislation or alternative practices;
- (3) The following additions be made to the Council's Constitution as Part 4 (Officer Scheme of Delegation):
  - (a) Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, in conjunction with the Cabinet Member for Technical Services, to validate, consider and determine nominations for property/land to be listed as an asset of community value under the Assets of Community Value Policy.

- (4) The Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes required to the Constitution.

The Cabinet then confirmed its decision as per Decision Notice C/001/050319), a copy of which is attached to the signed copy of the Minutes.

## 21. MANAGING THE COAST IN A CHANGING CLIMATE

The Cabinet Member for Technical Services briefly introduced this report stating that as a result of the Climate Change Act 2008, a Government Body had set targets to significantly reduce this country's greenhouse gas emissions and by a set date of 2050. To reach this target the Government had created the Committee on Climate Change who had published three reports for Councils to focus on. These covered the issue of:

- Managing the coast in a changing climate
- Land use – reducing emissions and preparing for climate change; and
- UK housing – Fit for the future?

Councillor Stanley stated that it was important for the Council to focus on these areas and their potential implications for this Council.

The Engineering Services Manager then worked through the report and he outlined that, as a nation, we were not prepared for the risks ahead. The report clearly spelt out key messages for the Council to focus on with these mainly being rising sea levels; coastal erosion; and what the deterioration of land would mean as a consequence.

The report set out at Paragraph 1.5 the key messages and it listed five recommendations for the Government and Local Government to focus on. Although it appeared that the report from the Committee was aimed at Government in the first instance, it was emphasised that understanding of the seriousness of the situation and its implications should start now. As a Council, Arun needed to think about coastal issues through its shoreline management plans and housing and land use.

In response, the Chairman stated that this report contained very worrying statistics and it was clear that the appropriate resources would be needed to move this vital work forward. He stated that it was very important for the Council to start lobbying Members of Parliament and the Local Government Association to ensure such issues would be addressed. It was agreed that action needed to be taken now in order to manage the coast in the future.

The Cabinet Member for Neighbourhood Services, Councillor Purchase, stated that some authorities had already declared a Climate Change Emergency so that a Policy on how to tackle it could be agreed. He asked if this Council could consider making such a declaration. The Director of Services responded stating that she supported this view and would ensure that a report would be submitted to a future meeting of the Council's Environment & Leisure Working Group so that Members could be fully updated on the situation and so that an action plan could be agreed.

Following some further discussion,

The Cabinet

RESOLVED

That the report be noted

The Cabinet then confirmed its decision as per Decision Notice C/002/030619, a copy of which is attached to the signed copy of the Minutes.

22. TIVOLI GROUP LTD – ADMISSIONS AGREEMENT TO LOCAL GOVERNMENT PENSIONS SCHEME

*(At the commencement of this item, Councillor Dr Walsh re-declared his Personal Interest made at the start of the meeting).*

The Cabinet Member for Neighbourhood Services introduced this report reminding Members that the novation of the Council's Greenspace Management Contract from ISS Facility Services Landscaping (FSI) to Tivoli Group Ltd had been approved by Cabinet on 14 January 2019. Due to this change in service provider, Cabinet was now being asked to approve that the Council inter into the required Guarantee in respect of pension liabilities in the event that these were not met by Tivoli Group Ltd as the admitted body and to approve entering in the Admissions Agreement itself.

The Group Head of Neighbourhood Services reassured Members that it was standard practice for the Council to seek such authority following the change in service provider.

The Cabinet

RECOMMEND TO FULL COUNCIL

That the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contract and gives delegated authority to Legal Services to enter into the Admissions Agreement and Guarantee.

The Cabinet then confirmed its decision as per Decision Notice C/003/030619, a copy of which is attached to the signed copy of the Minutes.

### 23. CLINICAL WASTE COLLECTION CONTRACT

The Cabinet Member for Neighbourhood Services, Councillor Purchase, explained that the Council's clinical waste collection service had been delivered under a county-wide framework agreement since 2016 with the services being provided by Medisort, a specialist clinical waste company based in Littlehampton. The report proposed that authority be provided to allow the Council to enter into the call-off contract under the recently procured WSCC framework agreement for clinical waste for an initial three year term and to allow the Group Head for Neighbourhood Services to extend this call-off Contract, following the initial 3 year terms for up to an additional three years due to the high performance and compliancy targets achieved by this company.

The Cabinet

RESOLVED – That

(1) Authority be provided for the Council to enter into the call-off contract under the recently procured WSCC framework agreement for clinical waste collections for an initial three year term; and

(2) Authority be given to the Group Head of Neighbourhood Services to extend this call-off contract, following the initial 3 year term for up to an additional three years, as allowed for under the framework.

The Cabinet then confirmed its decision as per Decision Notice C/004/030619, a copy of which is attached to the signed copy of the Minutes.

### 24. PLANNING APPEAL AT LAND NORTH OF HOOK LANE, PAGHAM

The Cabinet Member for Planning, Councillor Lury, introduced this item stating that the Development Control Committee had refused planning permission for housing on land north of Hook Lane, Pagham. This had been contrary to the Officer's recommendation to approve the application due to highway capacity and safety related concerns.



The Group Head of Planning explained that the applicants had appealed the decision to refuse the application and that the appeal would be a public inquiry which would take place on 22 to 25 October 2019. It was now necessary to secure a supplementary estimate of up to £25,000 to cover the cost of legal representation and to engage the use of a Planning Consultant to defend the Council's case. The Group Head of Planning confirmed that this cost would only cover the cost of legal representation and planning consultants in defending the Council's case. In the eventuality that the Council lost the appeal, the Council would have to then cover those additional costs.

In considering the report, Councillor Lury highlighted how critical it was for this Council to work more closely with West Sussex County Highways and its Officers on these critical highways matters surrounding these strategic sites. The Group Head of Planning confirmed that Officers and Members had worked very closely with West Sussex County Council (WSSCC) on highways matters on strategic sites and, with specific reference to this site, Officers had sought an independent highways consultant to consider the proposals and their conclusions were broadly similar to those of WSSCC.

The Cabinet

#### RECOMMEND TO FULL COUNCIL

That a supplementary estimate of up to £25,000 be approved for the costs associated with defending the appeal in respect of planning application P/6/17/OUT. These include Counsel costs and costs of the appointment of a Planning Consultant to assist Members with defending an appeal in respect of Planning application P/6/17/OUT.

The supplementary estimate equates to a Band D Council Tax of £0.41.

The Cabinet then confirmed its decision as per Decision Notice C/005/030619, a copy of which is attached to the signed copy of the Minutes.

*(During the consideration of this item, Councillors Dr Walsh, Oppler and Purchase all declared their Personal Interests as Members of West Sussex County Council).*

#### 25. ARUN WELLBEING HEALTH PARTNERSHIP – 20 FEBRUARY 2019

The Cabinet received and noted the Minutes from the meeting of the Arun Wellbeing Health Partnership held on 20 February 2019.

(The meeting concluded at 5.43 pm)

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**ARUN DISTRICT COUNCIL**

**DECISION NOTICES FROM THE CABINET MEETING HELD ON  
3 JUNE 2019**

<b>REF NO.</b>	<b>DECISION</b>
C/001/030619	Assets of Community Value – Policy & Guidance Notes for Nominating Bodies and Owners
C/002/030619	Managing the Coast in a Changing Climate
C/003/030619	Tivoli Group Ltd – Admissions Agreement to Local Government Pension Scheme
C/004/030619	Clinical Waste Collection Contract
C/005/030619	Planning Appeal at Land North of Hook Lane, Pagham

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00 AM ON WEDNESDAY 12 JUNE 2019 UNLESS THE CALL-IN PROCESS IS APPLIED**

If a Councillor wishes to request a call-in of any of the decisions taken above, they will need to take the following steps in line with the Scrutiny Procedure Rules at Part 6 of the Constitution – Scrutiny Procedure Rules (Other)

They will need to:

- Submit their request in writing for a Call-In to the Group Head of Policy & Scrutiny and identify who will act as the lead Member of the Call-In
- Specify which decision is to be the subject of the Call-In
- Explain which of the criteria for the Call-In apply

<b>FULL CABINET DECISION</b>	<b>NO</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 13.18 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Assets of Community Value – Policy &amp; Guidance Notes for Nominating Bodies and Owners</b>	
<b>OFFICER CONTACT: Nat Slade – Group Head of Technical Services</b> Extn: 01903 737683 e.mail: <a href="mailto:nat.slade@arun.gov.uk">nat.slade@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> Cabinet is asked to recommend to Full Council that the Assets of Community Value Policy and Guidance Notes for Nominating Bodies & Owners be adopted, and to make associated changes to the constitution. The policy provides a framework for the Council to consider and determine Asset of Community Value nominations and any subsequent requests for review, compensation claims and any subsequent requests for review of compensation decisions.	
<p><b>DECISION:</b></p> <p>The Cabinet</p> <p style="text-align: center;">RECOMMEND TO FULL COUNCIL - That</p> <ol style="list-style-type: none"> <li>1. the Assets of Community Value Policy and Guidance Notes for Nominating Bodies &amp; Owners be adopted;</li> <li>2. the Group Head of Technical Services be delegated authority to make any future necessary changes to the Policy as a consequence of new legislation or alternative practices;</li> <li>3. the following addition be made to the Council's Constitution at Part 4 (Officer Scheme of Delegation):             <ol style="list-style-type: none"> <li>a. <i>Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, in consultation with the Cabinet Member for Technical Services, to validate, consider and determine nominations for property/land to be listed as an asset of community value under the Assets of Community Value Policy</i></li> </ol> </li> <li>4. The Group Head of Council Advice &amp; Monitoring Officer be authorised to make any further consequential changes required to the Constitution.</li> </ol>	
<b>REASON FOR THE DECISION:</b> To provide a clear framework in which to deliver the Assets of Community Value processes.	
<p><b>OPTIONS CONSIDERED BUT REJECTED:</b></p> <p>Recommendations (a) to (c) as set out in Recommendation 3 of the report and Recommendations (b) to (d) as set out in Recommendation 4 of the report were rejected as it was felt that the delegations proposed to be given to Officers could not be accepted as Members needed to be given more input to decision making and their needed to be more Member involvement.</p>	
<b>CABINET MEMBER(S):</b>	

<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None</b>	

REFERENCE NO: C/002/030619

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Managing the Coast in a Changing Climate</b>	
<b>OFFICER CONTACT: Roger Spencer – Engineering Services Manager</b> Extn: 01903 737812 e.mail: <a href="mailto:roger.spencer@arun.gov.uk">roger.spencer@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> The Report will present the content, conclusions and recommendations of the recently published report by the Committee on Climate Change. It is put forward for consideration in respect of its implications for the Arun District. It is anticipated that separate further reports will be necessary in respect of individual Council Services.	
<b>DECISION:</b>  The Cabinet  RESOLVED  That the report be noted, especially the content and spirit of Paragraph 16.	
<b>REASON FOR THE DECISION:</b> Recognition of the potential impacts and timescales (long and short) of climate change	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> To ignore the contents	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	

<b>FULL CABINET DECISION</b>	<b>NO</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Tivoli Group Ltd – Admissions Agreement to Local Government Pension Scheme</b>	
<b>OFFICER CONTACT: Oliver Handson</b> Extn: 01903 737955 e.mail: <a href="mailto:oliver.handson@arun.gov.uk">oliver.handson@arun.gov.uk</a>	
<p><b>EXECUTIVE SUMMARY:</b> The novation of the Council’s Greenspace Management Contract from ISS Facility Services Landscaping (FSL) to Tivoli Group Ltd was approved by Cabinet on 14 January 2019.</p> <p>Because of the change in service provider, Cabinet approval is sought once more to authorise entering into the required Guarantee in respect of pension liabilities in the event that these are not met by Tivoli Group Ltd as the admitted body, and to approve entering into the Admissions Agreement itself.</p>	
<p><b>DECISION:</b></p> <p>The Cabinet</p> <p style="text-align: center;"><b>RECOMMENDS TO FULL COUNCIL</b></p> <p style="text-align: center;">That the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contract and gives delegated authority to Legal Services to enter into the Admissions Agreement and Guarantee.</p>	
<p><b>REASON FOR THE DECISION:</b> To allow the Council’s Legal Services to enter into the required LGPS Admissions Agreement and Guarantee with West Sussex County Council and Tivoli Group Ltd.</p> <p>To ensure that pension liabilities associated with the agreement are guaranteed throughout the duration of the Greenspace Management Contract in the event these are not met by the admitted body.</p>	
<p><b>OPTIONS CONSIDERED BUT REJECTED:</b> That Cabinet does not recommend to Full Council that the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contract and does not give delegated authority to Legal Services to enter into the Admission Agreement and Guarantee.</p>	
<b>CABINET MEMBER(S):</b>	

<p><b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b></p> <p><b>DISPENSATIONS GRANTED :</b></p>	<p>Councillor Dr Walsh – Personal Interest as a Member of West Sussex County Council and in his role as Trustee of the West Sussex Local Pension Scheme Policy for the whole of West Sussex</p> <p>None</p>
<p><b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None</p>	



<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Clinical Waste Collection Contract</b>	
<b>OFFICER CONTACT: Oliver Handson</b> Extn: 01903 737955 e.mail: <a href="mailto:oliver.handson@arun.gov.uk">oliver.handson@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> The Council's clinical waste collection service has been delivered under a county-wide framework agreement since 2016. Cabinet authority is sought to enable the Council to continue this method of service delivery by entering into the clinical waste collection call-off contract under the recently re-procured WSCC framework agreement.	
<b>DECISION:</b>  The Cabinet  RESOLVED – That  (1) Authority be provided for the Council to enter into the call-off contract under the recently procured WSCC framework agreement for clinical waste collections for an initial three year term; and  (2) Authorisation be given to the Group Head of Neighbourhood Services to extend this call off contract, following the initial 3 year term for up to an additional three years, as allowed for under the framework.	
<b>REASON FOR THE DECISION:</b> To allow the continued effective and successful delivery of clinical waste collections for Arun residents.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> Not to provide authority for the Council to enter into the call off contract.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	

REFERENCE NO: C/005/030619

<b>FULL CABINET DECISION</b>	<b>NO</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Planning Appeal at Land North of Hook Lane, Pagham</b>	
<b>OFFICER CONTACT: Claire Potts – Strategic Development Team Leader</b> Extn: 01903 737698 e.mail: <a href="mailto:Claire.potts@arun.gov.uk">Claire.potts@arun.gov.uk</a>	
<p><b>EXECUTIVE SUMMARY:</b> An appeal has been submitted against the decision of the Council to refuse planning permission for 300 dwellings, care home of up to 80 beds, D1uses (e.g. community facility) of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane &amp; Pagham Road, new pedestrian &amp; cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features &amp; associated ground works &amp; infrastructure on a site to the north of Hook Lane, Pagham. (Planning Application Ref P/6/17/OUT).</p> <p>The application was refused by Council's Development Control Committee on the 23 January 2019 for one reason, overturning the officers' recommendation of approval. The appeal will be heard in October 2019 and is to be heard by way of a Public Inquiry lasting four days.</p> <p>This report seeks approval to a supplementary estimate of up to £25,000 to cover the costs of defending this appeal.</p>	
<p><b>DECISION:</b></p> <p>The Cabinet</p> <p style="text-align: center;">RECOMMEND TO FULL COUNCIL</p> <p>The approval of a supplementary estimate of £25,000 for costs associated with defending the appeal in respect of application P/6/17/OUT. These include Counsel costs and costs of appointment of a Planning Consultant to assist Members with defending an appeal in respect of Planning Application P/6/17/OUT.</p> <p>The supplementary estimate equates to a Band D Council Tax of £0.41.</p>	
<p><b>REASON FOR THE DECISION:</b> For an appeal by public inquiry, legal representation is required. Planning consultant support is required to assist Members in their defence of the appeal.</p>	
<p><b>OPTIONS CONSIDERED BUT REJECTED:</b> Not providing a case in defence of the decision. This would mean that the Council would almost certainly be liable for appeal costs of the other parties at the appeal.</p>	
<p><b>CABINET MEMBER(S):</b></p>	
<p><b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b></p>	None
<p><b>DISPENSATIONS GRANTED :</b></p>	None
<p><b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None</p>	

# Public Document Pack Agenda Item 15

Subject to approval at the next Development Control Committee meeting

1

## DEVELOPMENT CONTROL COMMITTEE

5 June 2019 at 2.30 pm

Present: Councillors Bennett (Chairman), Thurston (Vice-Chair), Baker, B Blanchard-Cooper, Bower, Charles, Coster, Hamilton, Lury, Oliver-Redgate, Mrs Pendleton, Roberts, Mrs Stainton and Yeates

Councillors Elkins and Oppler were also in attendance for all or part of the meeting.

Note: The following Councillors were absent from the meeting during consideration of the matters in the Minutes indicated: Councillor Mrs Pendleton, Minute 26 to 30 (part) and Minutes 41 to 42; Councillor Bower, Minute 37 (part) to 42; Councillors Roberts and Mrs Stainton, Minutes 33 to 42.

### 26. APOLOGIES

An apology for absence had been received from Councillor Northeast.

### 27. DECLARATIONS OF INTEREST

Declarations of interest were made as follows:-

Planning Application R/34/19/PL 4 Broadmark Parade, Broadmark Lane, Rustington – Councillor Bennett declared a personal interest as a member of Rustington Parish Council and he confirmed that he had not attended the Planning Committee that had considered this application.

Planning Application LU/78/19/PL 32 Griffin Crescent, Littlehampton – Councillor B Blanchard-Cooper declared a personal interest as a member of Littlehampton Town Council and in his capacity as Vice-Chairman of its Planning and Transportation Committee.

Planning Application BE/135/18/PL Salt Box Field, Land off Rowan Way, Bognor Regis – Councillor Mrs Yeates declared a personal and prejudicial interest as a having been involved in meetings regarding this application previously to becoming an Arun District Council Councillor. She confirmed that she would leave the meeting during consideration of this item.

### 28. START TIMES

The Committee

RESOLVED

That start times for meetings for the remainder of 2019/20 be 2:30 p.m.

Development Control Committee - 5.06.19

29. MINUTES

The Minutes of the meeting held on 6 March 2019 were approved by the Committee and signed by the Chairman as a correct record.

30. URGENT ITEM BE/135/18/PL SALT BOX FIELD, LAND OFF ROWAN WAY, BOGNOR REGIS PO22 9NW

*(Prior to the consideration of this item, in line with her personal and prejudicial interests declared at the start of the meeting Councillor Mrs Yeates left the meeting for the duration of this item).*

BE/135/18/PL- Hybrid application comprising of Outline application for the principle of employment uses B1 – B8. Full application for Class B8 warehouse with fuel-island and car parking (Unit 2), 2 No. Class B1/B8 employment units with associated parking and servicing (Units 6 & 7), Class A1 retail food store with car parking and servicing (Unit 8). 2 No. drive thru units with car parking and servicing (Units 4 & 5), car showroom, workshops (including MOT testing), vehicle storage, external display areas, service areas and parking (Unit 9) together with access roads, associated ground and engineering works, landscaping and ancillary works. This application affects the character and appearance of the Shripney Conservation Area and Public Right of Way.

With agreement from the Chairman, it was agreed that this application could be dealt with as a matter of urgency as it had been identified that if the application was not presented and determined at the meeting, the applicant would withdraw and the District would lose out on £33.7 million of capital investment, the delivery of approximately 30.520 sqm of new mixed use floor-space and between 500 and 1000 new private sector jobs.

The Principal Planning Officer presented the proposal and highlighted the officer's written report update which was circulated at the meeting in respect of:-

- requested amendments from the applicant with regard to Conditions 2, 4, 15 , 34 and 43 of the Full application and Condition 13 of the Outline application
- receipt of a late letter from a local resident raising concerns about traffic congestion and the impact of the proposed development on town centre shops
- a revised surface water drainage strategy submitted by the applicant
- the officer's response to the matters raised
- Amended recommendation to read "Authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman to
  - (a) authorise the execution and completion of the Section 106 Agreement;
  - (b) make amendments to the drainage conditions (Condition 12 of Full application and Condition 10 of Outline application) to reflect the drainage scheme when finalised, including subsequent amendments to plans listed in Condition 2 of the Full and Condition 4 of the Outline;
  - (c) approve planning permission subject to conditions and the S106 Agreement

The Group Head of Planning clarified that the details regarding the surface water drainage scheme had only been received this week and that was the reason agreement to the change to the recommendation was being sought to enable the application to be determined under delegated authority following consideration of those details.

Members participated in a full discussion on the matter and covered a number of issues which included:-

- Infrastructure and highway concerns due to increased traffic movements in the locality. Mr Gledhill from County Highways was in attendance and provided advice to Members.
- Drainage and surface water issues – the Council's Drainage Engineer was in attendance and provided advice to Members.

In the course of debate it was acknowledged that employment opportunities with the District must be encouraged but that the serious concerns being voiced also needed to be addressed.

On turning to the amended recommendation as set out above, the Committee

**RESOLVED**

That the officer recommendation to approve the application under delegated authority be rejected.

As a request had been made for a recorded vote to be taken, those voting FOR were Councillors Bennett, Bower, Charles, Roberts and Mrs Stainton (5). Those voting AGAINST were Councillors Mrs Baker, B. Blanchard-Cooper, Coster, Mrs Hamilton, Lury, Oliver-Redgate and Ms Thurston (7). Councillor Mrs Pendleton ABSTAINED.

It was then proposed and duly seconded that the application be deferred. Although serious reservations had been expressed with regard to highways matters, Members received advice from the Group Head of Planning that these were irrelevant to this application as they had already been addressed and approved in the previous application. It was therefore agreed that the reason for a deferral should relate to the fact that the detail of the Surface Water Drainage plans were outstanding and required further assessment.

The Committee then

**RESOLVED**

That the application be deferred to enable further assessment of the Surface Water Drainage plans

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31. BR/270/18/PL 18-20 LONDON ROAD, BOGNOR REGIS PO21 1PY

*Councillor Oppler spoke to the following application in his role as Ward Councillor.*

BR/270/18/PL – Part conversion & extension of existing building to provide 6 No. additional storeys over existing rooftop to provide up to 104 No. student residential units with access from Bedford Street, associated servicing & ancillary accommodation, entrance & new internal stairs to existing building to provide access from Bedford Street. This application may affect the setting of listed buildings & the character & appearance of nearby conservation areas Having received a report on the matter, the Committee considered the proposal and were advised that there had been no objections from statutory consultees or the Town Council and that only two letters of objections had been received.

In the course of discussing the proposal, a divergence of views were expressed in that some Members were of the view that it was an overdevelopment that would have an adverse impact on the Town Centre. Other Members expressed their support for an innovative scheme in a suitable location and that student accommodation was needed.

The Committee

RESOLVED

That the application be approved as detailed in the report.

As the vote was tied, the Chairman used his casting vote.

32. BR/311/18/PL LAND TO THE EAST OF UNIVERSITY OF CHICHESTER, UPPER BOGNOR ROAD, BOGNOR REGIS PO21 1HR

BR/311/18/PL – Erection of 176 bedroom student accommodation building with associated hard & soft landscaping. This application may affect the setting of listed buildings, may affect the character & appearance of the Upper Bognor Road, Mead Lane Conservation Area & is a Departure from the Development Plan Having received the report on the matter, together with the officer's written report update detailing an amendment to the wording of condition 6 regarding occupation of the premises, the Committee received a detailed presentation from the Planning Team Leader and, following consideration,

RESOLVED

That the application be approved as detailed in the report and the officer report update.

33. BR/329/18/PL 123 LONGFORD ROAD, BOGNOR REGIS PO21 1AE

BR/329/18/PL – Change of use of single dwelling house to 2 No. residential apartments Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

34. FP/249/18/PL 22 NORTH WAY, FELPHAM PO22 7BT

FP/249/18/PL – Replacement of existing bungalow with 1 No. chalet bungalow (to approved design FP/259/17/HH Having received a report on the matter, together with the officer's written report update detailing amended plans received requiring a 21 day notification to Felpham Parish Council and resultant amended recommendation to delegate authority to the Group Head of Planning to determine the application after that 21 day period, the Committee

RESOLVED

That authority be delegated to the Group Head of Planning to determine the application.

35. FG/29/19/PL SOUTH POINT, 1 BEEHIVE LANE, FERRING BN12 5NL

FG/29/19/PL – Erection of 1 No.2 bed dwelling Having received a report on the matter, together with the officer's written report update detailing no objection from the Landscape Officer, the Committee

RESOLVED

That the application be approved as detailed in the report.

36. FG/35/19/PL QUERCUS NURSERY, LITTLEHAMPTON ROAD, FERRING BN12 6PH

*Councillor Elkins spoke to this application in his role as Ward Councillor.*

FG/35/19/PL – Variation of condition 2 following a grant of planning permission FG/52/18/PL – permit deliveries to be made to the site by HGV's. No more than 5 times per week between the hours of 05:00 and 06:00 and in addition to deliveries made during the hours of 06:00 to 19:00 Having received a report on the matter, together with the officer's written report update detailing:-

- An additional informative relating to deliveries
- Research into operating restrictions on adjoining and nearby sites
- Additional representation received from local resident the Committee participated in some debate on the matter. Concerns were expressed with regard to the

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noise and disturbance caused to nearby residents and the negative impact this would have to allow deliveries from 5.00 a.m.

The Committee

RESOLVED

That the officer recommendation to approve be rejected.

The Group Head of Planning then gave advice on the options open Members and, following discussion, it was agreed that the variation should be refused on the basis that the proposal would generate unacceptable levels of activity and noise.

The Committee then

RESOLVED

That the application be refused for the following reason:-

“The proposal would generate unacceptable levels of activity and noise which would adversely affect the adjoining properties in conflict with Planning Policies DDM1, QEDM1 and QESP1 of the Arun Local Plan.

37. LU/78/19/PL 32 GRIFFIN CRESCENT, LITTLEHAMPTON BN17 7LJ

*(Councillor B. Blanchard-Cooper had declared a personal interest in this application and remained in the meeting and took part in the debate and vote.)*

LU/78/19/PL – Division of single dwelling into 2 No. dwellings & alterations to roof to form new rooms Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

38. M/24/19/PL 3 THE HARD, ELMER PO22 6JS

M/24/19/PL – Replacement residential dwelling. This application may affect a Public Right of Way Having received a report on the matter, together with the officer's written update report detailing additional conditions as requested by West Sussex County Council with regard to provision of cycle storage; the application of conditions in respect of side window elevations; and amendment to condition 2 to include revised and additional plans, some Members expressed concern that the proposal was out of keeping with the area. However, an opposite view was expressed that the area was diverse and that there were examples of different styles.

The Committee



RESOLVED

That the application be approved as detailed in the report and the officer report update.

39. M/155/18/PL 5 CENTRAL DRIVE, MIDDLETON PO22 7TT

M/155/18/PL – Replacement dwelling (resubmission following M/114/18/PL)  
Having received a report on the matter, together with the officer's written report update detailing amendment to condition 3; correction that the tree was a Monterey Cypress and that it was not covered by a Tree Preservation Order and had been felled by the next door neighbour; and amendment to Conditions 4 and 5 due to the felling of the tree, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

40. R/34/19/PL 4 BROADMARK PARADE, BROADMARK LANE, RUSTINGTON BN16 2NE

*(Councillor Bennett had declared a personal interest on this application and remained in the meeting and took part in the debate and vote.)*

R/34/19/PL – Change of use of currently vacant former A1 (Shops) ground floor premises to a mixed A3/A5 (Restaurants & Café & Hot Food Takeaway) use, incorporating the erection of a single storey rear extension, replacement shopfront & associated plant & extraction equipment Having received a report on the matter, together with the officer's written report update detailing an amendment to the condition relating to opening hours, the Committee considered the matter.

In the course of debate, it was proposed and agreed that the closing times be extended to 11.00 p.m. in line with the other business in the area. The Committee therefore

RESOLVED

That the application be approved as detailed in the report, subject to amendment of the closing times being extended to 11:00pm in line with the other business in the area.

41. WA/18/19/PL LAND ADJACENT 1 ORCHARD WAY, FONTWELL BN18 0SH

WA/18/19/PL – Erection of 2 No. detached dwellings, adaptation to existing crossover & new driveway (resubmission following WA/58/18PL). Having received a report on the matter, the Committee

Subject to approval at the next Development Control Committee meeting

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RESOLVED

That the application be approved as detailed in the report.

42. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

(The meeting concluded at 6.30 pm)

# Public Document Pack Agenda Item 16

Subject to approval at the next Littlehampton Regeneration Sub-Committee meeting

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## LITTLEHAMPTON REGENERATION SUB-COMMITTEE

13 June 2019 at 6.00 pm

Present: Councillors Buckland (Chairman), C Blanchard-Cooper (Vice-Chair), Caffyn, Cooper, Gunner, Haywood, Miss Rhodes and Seex

Councillors Bicknell, Dendle and Dr Walsh were also in attendance for all or part of the meeting.

### 1. DECLARATIONS OF INTEREST

Councillor Buckland declared a standing personal interest as a member of West Sussex County Council and Littlehampton Town Council.

Councillors Blanchard-Cooper, Miss Rhodes and Miss Seex declared a standing personal interest as Members of Littlehampton Town Council.

### 2. MINUTES

The Minutes of the meeting held on 10 October 2018 were approved by the Subcommittee and signed by the Chairman as a correct record.

### 3. START TIMES

The Subcommittee

RESOLVED

That the start times of meetings for the remainder of 2019/20 be 6.00 p.m.

### 4. PROGRESS REPORT ON THE DELIVERY OF THE ENHANCED PUBLIC REALM SCHEME IN LITTLEHAMPTON TOWN CENTRE

*(In the course of discussion, the Subcommittee agreed that the following Councillors could speak to the item:-*

- 1. Councillor Dr Walsh made a number of comments and also declared a personal interest as a member of both West Sussex County Council and Littlehampton Town Council.*
- 2. In making some comments, Councillor Bicknell also requested that a copy of the draft plans detailing all the phases of public realm enhancements for the town centre be circulated to Members of the Subcommittee to assist their understanding of the proposals. This was agreed.*

In presenting this update report, the Senior Regeneration Officer highlighted the successful £2,452,295 bid that had been awarded by the Coastal Communities Fund in April 2019 to enable the delivery of public realm works in Littlehampton, together with revenue costs for associated staffing. The public realm enhancements were for the area of the High Street precinct and pavements/junctions to the railway station where a new and attractive gateway to the town was planned. An illustrative plan of the scheme had been circulated to Members under separate cover.

The Senior Regeneration Officer concentrated on talking through the illustrative plan and emphasised that more detailed work and consultation would be carried out prior the scheme being finalised for delivery. The objective was to enhance the prosperity and vibrancy of the town centre, bring it more up to date, and enable specialist markets/events to take place to significantly increase the footfall and visitors to Littlehampton.

Members participated in a full discussion and asked questions of officers which were responded to at the meeting. Issues covered included:-

- Improvement to the station frontage
- Present problems with anti-social behaviour – it was confirmed that CCTV coverage would be improved and incorporated into the scheme.
- Survey work was being undertaken now and in the future to provide an evidence base to monitor the impact of the scheme.
- Communication was seen as integral to keep traders and the public up to date with progress.
- Highways matters such as the junction at Terminus Road/Arundel Road; the probable requirement for a TRO (Traffic Regulation Order); pedestrianisation; enforcement; and adequate disabled parking.
- The matter of new development in the town needed to be encapsulated in the design and the Senior Regeneration Officer stated that that would be looked at.
- It was reiterated that the funding obtained was for 2 phases of the entire 5 phase town centre public realm enhancement and that further bids for funding would be made in due course.
- It was acknowledged that successful marketing was key to drawing people in.
- The anticipated timeframe was to commence work later this year, with completion in early 2021. Work would be carried out in small sections to minimise disruption and to ensure businesses could stay open throughout the process of construction.

The Senior Regeneration Officer requested Members to contact the Economy Team with any further queries or concerns they might have as their input was very much welcomed. Until the project team and contractor was in place, there was not much more information that could be given at the present time but, certainly, Members would be invited to briefings in the future.

The Subcommittee then noted the report.

5. LITTLEHAMPTON REGENERATION POSITION STATEMENT

*(In the course of discussion on this item, Councillor Miss Seex declared a personal interest as she was employed by the Chichester Bid, She remained in the meeting and took part in the debate.*

*Councillor Cooper declared a personal interest as a Rustington Trader and Chairman of Rustington Chamber of Commerce as Rustington was mentioned under Shop Front Grants.)*

In receiving and noting the Position Statement, general discussion took place on a number of the elements, particularly:-

- **Shopfront Grants** – a question was asked as to whether these were just applicable to Bognor Regis and Littlehampton and an officer response given that these were available for all shops in the District.
- **Littlehampton Town Centre Management** – with regard to the GTR Passenger Fund, the Littlehampton Town Centre Regeneration Officer advised Members that steps were being taken to form a Passenger Group as proposals had to be submitted by mid-July.
- **North of Littlehampton Public Art Project** – Members will be updated at the next meeting. The Town Council had been asked for suggested designs.
- **Former Look & Sea Centre** – on a question being put by Councillor Bicknell, with the agreement of the Subcommittee, Members were advised that the new operator did not want to take over the upper floors and suggestions for an alternative use were being sought. The views of Members would be welcomed.
- **Visitor Information Points** – Some discussion took place with regard to links to the Sussex by the Sea website and how better to promote Littlehampton as a visitor destination.
- **Media Coverage/Marketing** – it was agreed that a meeting would be arranged between the Group Head of Economy, the Littlehampton Town Centre Regeneration Officer and Councillor Gunner to maximise the marketing potential to increase visitor numbers to the town.

A request was made for the Subcommittee to receive a brief synopsis of the funding streams and costs of the various projects being undertaken at the present time as it was felt that would be extremely useful for Members.

(The meeting concluded at 8.15 pm)

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## Public Document Pack

Subject to approval at the next Planning Policy Sub-Committee meeting

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### PLANNING POLICY SUB-COMMITTEE

18 June 2019 at 6.00 pm

Present: Councillors Yeates (Chairman), Jones (Vice-Chair), Bower, Charles, Dixon, Elkins, Hughes, Huntley, Lury, Oppler, Mrs Pendleton, Thurston, Dr Walsh and Worne

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

Apologies: Councillors

#### 1. DECLARATIONS OF INTEREST

Agenda Item 5, Adoption of a Policy in Relation to Surface Water in New Development - Councillor Mrs Yeates declared a personal interest as a member of the West Sussex Flood action Group Forum (WSFAGF). Councillors Dr Walsh, Mrs Pendleton, Oppler and Elkins also declared a personal interest as Members of West Sussex County Council, the lead flood authority.

Agenda Item 6, CIL Draft Charging Schedule Consultation Responses – During the course of discussion on this item, Councillor Elkins declared a personal interest as a Parish Councillor and in his non-pecuniary role on a local Housing Association.

Agenda Item 9, Parking Standard Supplementary Planning Document – Councillor Elkins declared a personal interest as a Member of West Sussex County Council.

#### 2. MINUTES

The Minutes of the meeting held on 27 February 2019 were approved by the Subcommittee and signed by the Chairman as a correct record.

#### 3. START TIMES

The Subcommittee

RESOLVED

That the start times for meetings for the remainder of the year 2019/20 be 6.00 p.m.

#### 4. ADOPTION OF A POLICY IN RELATION TO SURFACE WATER IN NEW DEVELOPMENT

The Engineering Services Manager presented this report which explained the rationale as to why agreement was being sought to adopt the County Council's Policy

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for the Management of Surface Water. It was felt that, although various guidance existed on the Arun District Council's website regarding standards, codes of practice, government documents, etc, a single policy document was required to enable the Council to apply a consistent set of standards for dealing with existing systems and new development.

At the present time there was little compulsion upon developers to adopt best practice in respect of surface water management, other than discharging conditions applied to planning approvals. Conditioning was seen as potentially being too late in the process as it was felt that drainage should be considered at the inception of a development proposal, rather than as an afterthought.

The Subcommittee participated in a full debate on the matter and questions were asked and responded to by the Engineering Services Manager, particularly as some Members were not convinced that SuDS (Sustainable Drainage Systems) was the answer to the flooding issues the District was and had been subject to. Advice was given that SuDS was a tool that could be used to address the water drainage issues and that a hierarchy was in place to ensure that the best approach was taken in particular circumstances.

The Planning Policy Team Leader emphasised that there were various policies in the adopted Local Plan, including design, and that a sustainable design guide was in the process of being produced that would cover more detail relating to surface water drainage. What was on the table would be part of a comprehensive package of measures that would also encompass elements in the Local Plan.

Following further discussion, the Subcommittee

#### RECOMMEND TO FULL COUNCIL

That the West Sussex LLFA (Local Lead Flood Authority) Policy for the Management of Surface Water (November 2018 and as updated from time to time) be adopted, particularly but not exclusively in relation to all new development within the Arun District.

#### 5. CIL DRAFT CHARGING SCHEDULE CONSULTATION RESPONSES

As the membership of the Subcommittee had significantly changed since the election of the new administration, the Planning Policy Team Leader gave a brief presentation to introduce Members to the process and advised that the preparation of a CIL (Community Infrastructure Levy) Charging Schedule was justified due to the infrastructure funding gap which had been identified to support the delivery of the Arun Local Plan.

It was explained that the Arun CIL Draft Charging Schedule had been subject to public consultation from 21 March 2019 to 2 May 2019 and the report before Members set out a summary of the representations received to that consultation, together with a schedule of modifications that were required and the reasons. Agreement was being



sought to submit the Draft Charging Schedule to the independent Examiner in accordance with Regulation 19 of the CIL Regulations 2010 (as amended). In addition, the Director of Place had suggested that, for the purpose of clarification, the following amendment be made to the Proposed Statement of Modifications – Modification No. 21 (page 65 of the Agenda, page 7 of the Statement of Modifications) as follows:-

[1] Residential does not include residential institutions, including purpose built student accommodation. **[ADD] Neither does it include development which is covered by a condition that limits it to holiday use only. Where this condition is not applied to static caravans or holiday rental units, these should be considered to be in residential use, or have the potential to be used for residential use.**

In the course of a full debate, within which it was acknowledged that this was an extremely complex subject, Members sought clarification on a number of issues, which included:-

- Payment of a proportion of CIL receipts levied within Towns and Parishes for use in that Town and Parish area – confirmation was given that the CIL Regulations explained that ‘local councils’ with a ‘made’ Neighbourhood Plan would receive 25% of the CIL receipts levied within the local council area. Local councils without a ‘made’ neighbourhood plan would receive 15% of the CIL receipts levied in the area (capped at £100 per house within the local council area). Regulations 59A to 60 of the CIL Regulations 2010 (as amended) provided full details setting out the criteria on what the money could be spent on and when the CIL receipts should be passed to the relevant local councils..
- The difference between the use of S106 and CIL to improve infrastructure in the District was explained and, simply put, would result in CIL having a much wider scope than S106. CIL would replace those infrastructure contributions for off site improvement (except in the case of the strategic housing allocations) whilst S106 itself would continue to be required to deliver on site mitigation measures. Members were advised that CIL would be charged on even the smallest development (including for a development of one dwelling) whereas S106 would not apply to such small developments.
- The impact of CIL on those home owners who wished to alter or extend their properties was discussed. Officers advised that CIL was only charged on extensions where it measured more than 100sqm (net additional floorspace); where an extension was more than 100sqm or a residential annexe was built, the homeowner could apply for a ‘self build’ exemption from paying CIL.
- Whether the viability threshold could be increased – officer advice was given that the figure had been taken from the consultants recommendations which had been based on very in depth calculations. This had been looked at over a number of years and it was felt that the right figure had been set as CIL guidance was clear that CIL should not be set at the limits of viability.

In turning to the additional recommendation put forward at the meeting, Members supported the principle of being able to charge CIL on static caravans or holiday rental units should these be considered to be in residential use or have the potential to be used for residential use. A request was made for further clarification around mobile

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homesome and residential use and what was not classed as a building for CIL purposes.

However, it was picked up by Members that purpose built student accommodation was not included in the residential definition and concerns were expressed that should that use change in the future to a residential use, CIL would not be able to then be charged. The Principal Planning Officer gave a response that she would look back at the details within the CIL Regulations 2010 regarding the calculation of chargeable amounts on a change of use to check. Members felt that clarification of the issue would be helpful.

It was acknowledged that a delay to the CIL Charging Schedule process at this stage would significantly delay the likely implementation date of CIL. This would mean that the Council's predicted CIL income might not be achieved and the passing of CIL to Town and Parish Councils would also be delayed. It was therefore requested and agreed that the Chairman would be briefed with further information on these matters for when the item was referred to at the meeting at Full Council on 17 July 2019 to enable Members to come to an informed decision.

The Subcommittee

RECOMMEND TO FULL COUNCIL – That, subject to further guidance relating to student accommodation and the status of residential accommodation in a holiday environment,

(1) the Draft Charging Schedule (Submission Version) (the DCS Submission Version) (provided as Background Paper 3 to this report) along with all required supporting documentation, as required, are submitted to the appointed independent Examiner in accordance with Regulation 19 of the CIL Regulations (as amended) ON 31 July, or as close as to that date as possible.

(2) residential does not include residential institutions, including purpose built student accommodation. Neither does it include development which is covered by a condition that limits it to holiday use only. Where this condition is not applied to static caravans or holiday rental units, these should be considered to be in residential use, or have the potential to be used for residential use.

## 6. OPEN SPACE SUPPLEMENTARY PLANNING GUIDANCE

The Planning Policy Team Leader presented this report which provided the detail for a draft Supplementary Planning Document for Open Space, Playing Pitches, Indoor and Built Sports Facilities. Approval was being sought to the proposed approach and timetable to enable public consultation on the document to be undertaken for 4 weeks from 4 July to 1 August 2019. An additional recommendation was tabled at the meeting for Members consideration as follows:-

“Following consultation, any responses be reported back to the Subcommittee to agree any changes prior to recommending adoption of the OS SPD (Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document) to Full Council.”

The OS SPD would be used to enable developers and Development Management officers to calculate the needs for on-site or off-site forms of provision, according to the demand generated by the scale and type of proposed development, and negotiate the associated land provision, financial contributions and maintenance costs. It would also include best practice design for open space, playing pitches and indoor sports provision.

In considering the item, discussion centred around how provision was calculated, its siting and how it would be funded, i.e. developer contributions via S106/CIL. The Planning Policy Team Leader responded that the playing pitch calculator for Arun reflected national costs and values indicators consistent with the approach to Sport England’s New Development calculator which as used nationally. Further, the requirements for strategic allocations were already set out in the evidence base for the Local Plan (Infrastructure Capacity Delivery Study) and Open Space, Playing Pitch and Built Facilities strategies. Any additional requirement from the Fields in Trust Standard would be negotiable and would be more relevant to non-strategic sites and windfall, which could build in requirements within the viability of the scheme in relation to CIL. Member comment was also made that, in practice, those matters would be addressed at the planning application stage and the SPD methodology would provide a starting point for negotiation.

The Subcommittee

RESOLVED – That

- (1) the proposed approach and timetable for the public consultation on the draft Open Space, Playing Pitches and Built Sport Facilities Supplementary Planning Document be agreed;
- (2) subject to any further minor changes agreed by the Group Head of Planning, in consultation with the Chairman and Portfolio Holder for Planning, the draft Open space Playing Pitches and Built Sports Facilities Supplementary Planning Document be published for 4 weeks public consultation from 4 July to 1 August 2019.
- (3) following consultation, any responses be reported back to the Subcommittee to agree any changes prior to recommending adoption of the OS SPD (Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document) to Full Council.

7. AUTHORITY MONITORING REPORT

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In presenting the Authority Monitoring Report (AMR 2017/18, the Planning Policy Team Leader reiterated that publication of the document had been delayed due to the Government introducing changes to the definition of deliverable sites which was important for determining the authority's 5 year housing land supply (HSL). The AMR It had now been updated to reflect those changes. The AMR was largely consistent with those changes, although additional evidence was now required and would be addressed in the next AMR.

A key element that was highlighted to the Subcommittee was that, with the adoption of the Arun Local Plan (July 2018) the District had a 5.3 year housing land supply (HSL) but that had now reduced to 4.7 as delivery rates and housing trajectories for sites had not progressed as anticipated. The consequence was that policy and decision making would be impacted as, under national policy, there had to be a presumption in favour of sustainable development whereby applications would have to be positively determined provided that they did not conflict with the policies of the NPPF or that adverse impacts significantly and demonstrably outweighed the benefits assessed against the NPPF as a whole in respect of planning applications until a 5 year HSL was achieved.

The Action Plan, to be produced by the end of August 2019, would detail the evidence as to why the HSL was not being met and put forward solutions to improve supply and housing completion projection rates. The solutions found as part of the Action plan should help improve the 5 year HLS as well as the Housing Delivery Test Score. Officers would engage with developers to see whether there were known barriers to development and possible options to overcome them and accelerate planning applications.

In discussing the matter, Members expressed their concern around the housing numbers for the District and the application of a lack of a 5 year HLS to trigger a "presumption" in favour of sustainable development. It was felt that it must be emphasised that the Housing Employment Land Availability Assessment (HELAA) sites detailed in the report as part of the HLS should not automatically be presumed to be able to be granted planning permission, and that non-acceptance of the strategic sites in the Local Plan would put that at risk. Members urged that progress be made on the next AMR and 5 year HLS. The Planning Policy Team Leader confirmed that work was underway and that, whilst there were some signs of improvement in the HLS, that would only be determined on completion of the AMR,

The Subcommittee

RESOLVED

That the Authority Monitoring Report 2017/18 be noted.

8. DRAFT ARUN PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT

The Subcommittee received this report from the Group Head of Planning that outlined the proposed policy approach to Parking Standards based on technical evidence provided by West Sussex County Council and adapted for Arun's circumstances to be subject to public consultation and adoption as Council policy. This Planning Authority wished to achieve clear and more ambitious targets with regard to parking that would be presented in a more user friendly document.

Members engaged in some discussion on the item and comments were made with regard to provision for electric vehicles; parking for disabled users; secure cycle storage; visitor parking on development sites; size of garages; and elimination of garages altogether as it was felt that people did not use them to put their cars in. Clarification was sought on the application of Table 3 and whether number of bedrooms or number of habitable rooms should be simplified to one set of criteria. The Head of Planning Policy agreed to consider that.

Following consideration, the Subcommittee

**RESOLVED – That**

- (1) the proposed timetable and consultation for the preparation of an Arun District Parking Standards Supplementary Planning Document be agreed; and
- (2) subject to any further minor changes (including those signalled in the report) made in consultation with the Chairman, Portfolio Holder for Planning and the Group Head of Planning, the draft Arun District Parking Standards be published for 4 weeks public consultation in the Summer 2019.

(The meeting concluded at 8.30 pm)

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF FULL COUNCIL ON 17 JULY 2019

#### PART A : REPORT

**SUBJECT:**

**PROPOSAL FOR ARUN DISTRICT COUNCIL TO JOIN THE GREATER BRIGHTON ECONOMIC BOARD**

**REPORT AUTHOR:** Denise Vine – Group Head of Economy

**DATE:** June 2019

**EXTN:** 37846

**PORTFOLIO AREA:** Economy Group

**EXECUTIVE SUMMARY:**

This report seeks formal approval from Full Council for Arun District Council (ADC) to become a member of the Greater Brighton Economic Board (GBEB).

**RECOMMENDATIONS:**

Full Council is asked to agree and note the following:

- a) that Arun District Council becomes a constituent member of the Greater Brighton Economic Board (“the Board”) joining the Greater Brighton Economic Joint Committee (GBEJC);
- b) that the Leader of the Council will represent the Council on the Board or a substitute on the Leader’s behalf;
- c) it be noted that Arun District Council by joining the GBEB is also subject to approval by all the local authorities represented on the Board in addition to a formal decision by the Board; and
- d) the cost of membership which is approximately £23k per annum.

**1. BACKGROUND:**

- 1.1. Greater Brighton became a formally recognised City Region in March 2014, following the area’s success in securing a City Deal Agreement with Government. A key commitment in the City Deal Agreement was the establishment of a legally constituted Economic Board. It comprises the Greater Brighton Economic Joint Committee and the Greater Brighton Business Partnership.

1.2. The City Region membership comprises the local authorities of Adur, Brighton & Hove, Crawley, Lewes, Mid Sussex and Worthing - the Greater Brighton Joint Committee; and, the Greater Brighton Business Partnership comprising; Adur & Worthing Business Partnership, Brighton & Hove Economic Partnership, Coastal West Sussex Partnership, Coast to Capital Local Enterprise Partnership, the South Downs National Park Authority, Gatwick Airport Ltd, the University of Brighton, Greater Brighton Metropolitan College and the University of Sussex.

1.3. Greater Brighton is currently home to 830,000 people, 525,000 of whom are of working age and it provides 360,000 jobs. Greater Brighton has 35,500 active businesses and generates over £21bn in gross value added (GVA), and therefore has a crucial part to play in driving growth across the LEP region and wider south east.

1.4. Key assets of the City Region include a growing international airport, a major road and rail transport corridor to London, two universities, and unique natural capital including the coast, South Downs National Park and the UNESCO Biosphere.

1.5. The overarching aim of the Board is to protect and grow the economy, by co-ordinating economic development activities and investment at City Region level. By joining together places and working collaboratively to build on the area's economic assets and unblock its barriers, the City Region will be able to fulfil its economic potential to become one of the United Kingdom's top performing urban economies.

1.6. To that end the Board has been successful, as it has helped to secure over £160m in Local Growth Funds (LGF) through several funding rounds. It is predicted this funding will unlock around £2bn of private sector investment, create 24,000 jobs, build 18,000 homes and deliver 750,000m<sup>2</sup> of employment floor space over its lifetime. The funding is supporting projects across the City Region ranging from flood defences in Shoreham and Newhaven, new buildings at the University of Brighton and Greater Brighton Metropolitan College, and transport infrastructure improvements in Burgess Hill and Worthing.

1.7. A further £48m has been secured from the Housing Infrastructure Fund (HIF) to unlock the development of key strategic sites where progress has stalled. As per the LGF funds, HIF allocations will be supporting projects across the City Region where there is high housing demand; Burgess Hill, Crawley, Hove, Lewes and Shoreham.

1.8. Since 2014 the Board made enormous progress in creating a strong brand that is recognised by Government, investors and key stakeholders. It is a united partnership that has a detailed understanding of its functional economic area (and the barriers and challenges to increased productivity) and has the ability to shape priorities and target interventions across the City Region. Through the Board's activities there has been an increased profile for the City Region. This has helped the region to engage with Government.

1.9. At the start of 2019 the Board agreed its Five year strategic priorities which aim to build a modern, growing economy that is international, creative, connected, talented and resilient. These five themes each have two key priorities attached and they have been identified as the key areas of focus for the Board. An action plan is being developed to take forward the work.



1.10. Key work streams include building water and energy resilience; building a high spec digital infrastructure, working with Coast to Capital LEP in developing its Local Industrial Strategy, building a strong investment pipeline, working with national stakeholders and sub-regional bodies such as Network Rail and Transport for the South East to promote the aspirations of the City Region; and making the strongest possible case for investment to Government and the private sector.

1.11. In October 2018, following extensive discussions between the (then) Council Leader and the (then) Chairman of the Board, the Council requested to become a member of the Great Brighton Economic Board. The Council's application set out the reciprocal benefits to both parties should it be accepted as a member. The inclusion of Arun District Council on the Greater Brighton Economic Board presents the following opportunities:

- Arun would have an active involvement and engagement with the LEP in relation to the production of the Local Industrial Strategy and aligning pipeline project to strategic priorities.
- Arun exhibits strong economic and functional relationships with Greater Brighton and membership would give scope to explore coordinated investment.
- Arun's membership of the Board would provide funding opportunities to central government funds or to Local Enterprise Partnership to support local pipeline projects.
- Arun has had a leading role in the Strategic Planning Board, and there is an immediate opportunity in developing the Local Strategic Statement 3 to support better integration and alignment of strategic spatial and investment priorities.
- Membership could also pave the way for other local partners to become formally involved in the work of the Board, such as the University of Chichester which has strong links and growth plans in Arun, and would complement existing higher education partner members.
- Build a stronger strategic level influence with central government to push for transport infrastructure improvements.

Appendix A attached provides a copy of the full application document.

1.12. At the Board meeting held on 9 April 2019, the Council's Chief Executive was informed that the Board had accepted Arun's request to join. Arun District Council is now required to formally accept the invitation to join the Board and become a constituted member of the Board.

1.13. Once notice that a formal decision to join the GBEB has been confirmed by the Council all other existing local authority partners will be asked to ratify ADC's membership at the October 2019 Board meeting. A change to the Board's membership triggers a change to the Board's Heads of Terms and this can only be done with agreement from each Local Authority member. A copy of the existing Heads of Terms is attached in Appendix B which would be updated if ADC accepts the invitation to join and this is ratified.

1.14. This report is asking the Council to agree to membership of the Greater Brighton Economic Board.

## **2. PROPOSAL(S):**

Full Council is asked to agree and note the following:

- a) Agrees that Arun District Council becomes a constituent member of the Greater Brighton Economic Board (“the Board”) joining the Greater Brighton Economic Joint Committee (GBEJC).
- b) Agrees that the Leader of the Council will represent the Council on the Board or a substitute on the Leader’s behalf.
- c) Notes that Arun District Council joining the GBEB is also subject to approval by all the local authorities represented on the Board in addition to a formal decision by the Board.
- d) Agrees to the costs of membership of approx. £23k pa.

**3. OPTIONS:**

The options are to either agree ADC’s formal membership of the GBEB or to not agree membership.

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify) Public, WSCC JEAAC, traders, Traders Association, stakeholders		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		
Community Safety including Section 17 of Crime & Disorder Act		
Sustainability		
Asset Management/Property/Land		
Technology		
Other (please explain)		

**6. IMPLICATIONS:**

## 6.1. Financial:

6.1.1. Should ADC accept the invitation from the Greater Brighton Economic Board to join, then it would be required to pay an annual contribution. The financial contributions to the GBEB are calculated based on the relative size of each local authority, and the relative size is determined by the working age population. This is likely to be around £23,000 in a full financial year. The precise figure will be confirmed once membership is agreed.

## 6.2. Legal:

6.2.1. The Greater Brighton Economic Joint Committee (GBEJC) is a joint committee established pursuant to section 102(1)(b) of the Local Government Act 1972.

6.2.2. The Local Government Act 1972 and the Local Authorities Arrangements for the Discharge of Functions (England) Regulations 2012 require the constituent authorities of a joint committee to decide the membership of that committee and it is therefore necessary for each of the local authority members of the Board to decide whether Arun District Council should become a member of the GBEJC in accordance with their respective governance arrangements.

6.2.3. The decision to join the Greater Brighton Economic Board through the GBEJC is one which must be taken by Full Council by virtue of section 102 of the Local Government Act 1972.

6.2.4. The Council shall be represented at the Board by the Leader of the Council or the Leader's nominated substitute.

## **7. REASON FOR THE DECISION:**

To enable Arun District Council to become a member of the Board and so gain access to the benefits of Board membership as set out in 1.11. of this report.

## **8. BACKGROUND PAPERS:**

Appendix A - Background Paper on Greater Brighton Economic Board

Appendix B - Heads of Terms for Greater Brighton Economic Board (26 March 2019)

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## **Heads of Terms for Greater Brighton Economic Board (26 March 2019)**

### **1. Establishment, Purpose and Form**

- 1.1. The Greater Brighton Economic Board (“The Board”) shall be established from the Commencement Date.
- 1.2. The over-arching purpose of the board is to bring about sustainable economic development and growth across Greater Brighton (‘the City Region’). To achieve this, the principal role of the Board is to co-ordinate economic development activities and investment at the regional level.
- 1.3. The Board comprises the Greater Brighton Economic Joint Committee (“GBEJC”), on which the local authorities will be represented; and the Greater Brighton Business Partnership (“GBBP”), on which the Coast to Capital Local Enterprise Partnership, business, university and further education sectors will be represented?
- 1.4. Meetings of the Board comprise concurrent meetings of GBEJC and GBBP.
- 1.5. GBEJC shall be a joint committee appointed by two or more local authorities represented on the Board, in accordance with section 120(1)(b) of the Local Government Act 1972.
- 1.6. The Board may appoint one or more sub-committees.
- 1.7. For the two years starting with the Commencement Date, the lead authority for the Board shall be Brighton & Hove City Council (“BHCC”), whose functions in that capacity shall include the provision of scrutiny (see paragraph 4.3), management of the call-in and review process (see paragraph 8), and the support detailed in paragraph 12.
- 1.8. Unless the Board resolves otherwise, before the start of the third year following the Commencement Date, and every two years thereafter, the Board shall review the lead authority arrangements and, subject to paragraph 1.9, invite each of the local authorities represented on the Board to submit an expression of interest in fulfilling the role of lead authority for the subsequent two year period. The Board shall then instigate a procurement exercise to select the most appropriate authority for that role.
- 1.9. Notwithstanding the appointment of a successor lead authority pursuant to paragraph 1.8, the incumbent lead authority may retain such of their Accountable Body functions as are necessary to enable that local authority to comply with its on-going commitments and liabilities associated with its Accountable Body status.

### **2. Interpretation**

- 2.1. In these Heads of Terms –
  - i. ‘Commencement Date’ means 1<sup>st</sup> April 2014.

- ii. 'City Region' means the area encompassing the administrative boundaries of BHCC, Adur District Council, Worthing Borough Council, Lewes District Council, Mid Sussex District Council and Crawley Borough Council as lie within the Coast to Capital Local Enterprise Partnership area; and 'regional' shall be construed accordingly;
- iii. 'economic development' shall bear its natural meaning but with particular emphasis given to :
  - Employment and skills;
  - Infrastructure and transport
  - Housing;
  - Utilisation of property assets;
  - Strategic planning;
  - Economic growth.
- iv. 'Accountable Body' means the local authority represented on the Board carrying out the function set out in paragraph 12.2.

### **3. Functions**

3.1. The Functions of the Board are specified in paragraph 3.2 below and may be exercised only in respect of the Region.

3.2. The functions referred to in paragraph 3.1 are as follows:

- i. To make long term strategic decisions concerning regional economic development and growth;
- ii. To be the external voice to Government and investors regarding the management of devolved powers and funds for regional economic growth;
- iii. To work with national, sub-national (in particular the Coast to Capital Local Enterprise Partnership) and local bodies to support a co-ordinated approach to economic growth across the region;
- iv. To secure funding and investment for the Region;
- v. To ensure delivery of, and provide strategic direction for, major projects and work stream enabled by City Deal funding and devolution of powers;
- vi. To enable those bodies to whom section 110 of the Localism Act 2011 applies to comply more effectively with their duty to co-operate in relation to planning of sustainable development.
- vii. To incur expenditure on matters relating to economic development where funds have been allocated directly to the Board for economic development purposes; and for the avoidance of doubt, no other expenditure shall be incurred unless due authority has been given by each body represented on the Board.

3.3. In discharging its function specified in paragraph 3.2 (Viii) above, the Board shall-

- i. (save in exceptional circumstances) seek to invest funding on the basis of-
  - a Proportionality, by reference to the economically active demographic of each administrative area within the city Region;
  - b Deliverability;
  - c Value for money and return on investment / cost benefit ratio; and
  - d Economic impact to the City Region as a whole.
- ii. Delegate implementation of that function to the lead authority, who shall also act as Accountable Body in relation to any matters failing within that function.

#### **4. Reporting and Accountability**

- 4.1. The Board shall submit an annual report to each of the bodies represented on the Board.
- 4.2. The Greater Brighton Officer Programme Board shall report to the Board and may refer matters to it for consideration and determination.
- 4.3. The work of the Board is subject to review by an ad hoc joint local authority scrutiny panel set up and managed by the lead authority.

#### **5. Membership**

5.1. The following bodies shall be members of the Board:

- i. Brighton & Hove City Council
- ii. Adur District Council
- iii. Worthing Borough Council
- iv. Lewes District Council
- v. Mid-Sussex District Council
- vi. Crawley Borough Council
- vii. [Arun District Council]\* *\* subject to confirmation by a report later in the agenda*
- viii. University of Sussex
- ix. University of Brighton
- x. Further Education Representative
- xi. Coast to Capital Local Enterprise Partnership
- xii. Brighton & Hove Economic Partnership
- xiii. Adur & Worthing Business Partnership
- xiv. Coastal West Sussex Partnership
- xv. South Downs National Park Authority
- xvi. Gatwick Airport Ltd

5.2. GBEJC shall comprise the bodies specified in paragraphs 5.1(i) to (vii); and GBBP shall comprise the bodies specified in paragraphs 5(viii) to (xvi).

5.3. Each of the bodies listed in paragraph 5.1 shall be represented at the Board by one person, save that BHCC shall, by reason of it being a unitary authority, be represented by two persons (as further specified in paragraph 5.4).

- 5.4. Each local authority member shall be represented at the Board by its elected Leader and, in the case of BHCC, by its elected Leader and the Leader of the Opposition.
- 5.5. Each business sector member shall be represented at the Board by the Chairman of that member or by a person nominated by the Board of that member.
- 5.6. Each university member shall be represented by a Vice Chancellor or Pro Vice-Chancellor of that university or by a person nominated by that university member.
- 5.7. Each further education member shall be represented by its Principal or the Chair of its Governing Body or by a person nominated by that further education member.

## **6. Chair**

- 6.1. The Chair of GBEJC shall, by virtue of his/her democratic mandate, be Chair of the Board
- 6.2. If the Chair of GBEJC is unable to attend a Board meeting, the Board shall elect a substitute from its local authority member representatives provided that no such member representative attending in the capacity of a substitute shall be appointed as Chair of GBEJC / the Board.
- 6.3. The Chair of GBEJC for its first year of operation shall be the Leader of BHCC
- 6.4. The Chair will be elected annually by members of the GBEJC. Election of the Chair will be conducted through a formal process performed by the Democratic Services Team of the Lead Authority. The elected Chair will be appointed at the first meeting of the Board in the new municipal year. A Chair may be re-elected but shall not serve as Chair for more than 4 years.

## **7. Voting**

- 7.1. Each person represents a member of GBEJC, and each person representing a member of the GBBP, shall be entitled to vote at their respective meetings.
- 7.2. Voting at each of the concurrent meetings of GBEJC and GBBP shall be by show of hands or, at the discretion of the chair, by any other means permitted by law, and voting outcomes reached at those meetings shall be on a simple majority of votes cast.
- 7.3. Where voting at a meeting of GBEJC results in an equal number of votes cast in favour and against, the Chair of GBEJC shall have a casting vote.
- 7.4. Where voting at a meeting of GBEJC results in an equal number of votes cast in favour and against, the motion/proposal/recommendation under consideration shall fall in relation of GBBP.
- 7.5. Where the respective voting outcomes of GBEJC and GBBC are the same, that shall be taken as the agreed Board decision and the Board may pass a resolution accordingly.



7.6. Where the respective voting outcomes of GBEJC and GBBP differ, the Board –

- i. May not pass a resolution relating to that matter; and
- ii. May refer the matter to the Chief Executive of the lead authority, who may consult with members of the Board or such other persons as are appropriate, with a view to achieving agreement on the matter between GBEJC and GBBP by discussion and negotiation.

7.7. Where, pursuant to paragraph 7.6(ii), agreement is reached the matter at issue shall be remitted to, and voted upon at, the next meeting of the Board.

7.8. Where, pursuant to paragraph 7.6(ii), no agreement is reached the motion/proposal/recommendation at issue shall fall.

## **8. Review of decision**

8.1. Decisions of the Board will be subject to call-in and review in the following circumstances:

- i. Where a local authority voted to agree a recommendation at a GBEJC meeting, but the decision of the Board was not to agree the recommendation.
- ii. Where a local authority voted against a recommendation at a GBEJC meeting, but the decision of the Board considered that the interests of the body they represent had been significantly prejudiced; or
- iii. Where any local authority represented on the Board considered that the interests of the body they represent had been significantly prejudiced; or
- iv. Where any local authority represented on the Board considered that the Board had made a decision beyond its scope of authority.

8.2. The procedure for requesting, validation, and implementing a call-in and review is specified in Schedule 1.

8.3. Where a request for call-in is accepted, the Board decision to which it relates shall be stayed pending the outcome of the call-in.

8.4. Following call-in, the panel convened to review a Board decision may refer the decision back to the Board for re-consideration. Following referral, the Board shall, either at its next scheduled meeting or at a special meeting called for the purpose, consider the panel's concerns over the original decision.

8.5. Having considered the panel's concerns, the Board may alter its original decision or re-affirm it. Paragraph 8.1 shall not apply to the Board's follow-up decision. In consequence, the latter decision may be implemented without further delay.

## **9. Substitution**

9.1. Subject to paragraph 9.2, representatives are expected to attend all meetings however, where a representative of a member of the Board is unable to attend a

Board meeting, a substitute representative of that member may attend, speak and vote, in their place for that meeting.

9.2.A substitute member must be appointed from a list of approved substitutes submitted by the respective member to the Board at the start of each municipal year.

## **10. Quorum**

10.1 No business shall be transacted at any meeting of the Board unless at least one third of all member bodies are present, and both GBEJC and GPBBP are quorate.

10.2 Quorum for GBEJC meetings shall be three member bodies.

10.3. Quorum for GBBP meetings shall be three member bodies.

## **11. Time and Venue of Meetings**

11.1 Ordinary meetings of the Board shall be convened by the lead authority and will rotate around the City Region.

11.2 The Chair of the Board may call a special meeting of the Board at any time, subject to providing members with minimum notice of two working days.

## **12. Administrative, financial and legal support**

12.1 The lead authority shall provide the following support services to the Board:

- i. Administrative, as more particularly specified in the Memorandum of Understanding pursuant to paragraph 13;
- ii. Financial (including the Accountable body function specified in paragraph 12.2); and
- iii. Legal, comprising Monitoring Officer and Proper Officer functions in relation to GBEJC meetings.

12.2 The function of the Accountable Body is to take responsibility for the financial management and administration of external grants and funds provided to the Board, and of financial contributions by each member of the Board, as more particularly specified in the Memorandum of Understanding Pursuant to paragraph 13. In fulfilling its role as Accountable Body, the lead authority shall remain independent of the Board.

12.3 Other members of the Board shall contribute to the reasonable costs incurred by the lead authority in connection with the activities described in paragraphs 12.1 and 12.2, at such time and manner as the Memorandum of Understanding shall specify.

## **13 Memorandum of Understanding**

13.1 Members of the Board may enter into a memorandum of understanding setting out administrative and financial arrangements as between themselves relating to the functioning of the Board.

13.2 The memorandum may, in particular, provide for –

13.2.1 Arrangements as to the financial contributions by each member towards the work of the Board, including:

13.2.1.1 The process by which total financial contributions are calculated;

13.2.1.2 The process for determining the contribution to be paid by each member;

13.2.1.3 The dates on which contribution are payable;

13.2.1.4 How the Accountable Body shall administer and account for such contributions;

13.2.2 Functions of the Accountable Body; and

13.2.3 The terms of reference for the Greater Brighton Officer Programme Board.

#### **14 Review and Variation of Heads of Terms**

14.1 The Board shall keep these Heads of Terms under review to ensure that the Board's purpose is given full effect.

14.2 These Heads of Terms may be varied only on a resolution of the Board to that effect, and subject to the approval of each body represented on the Board

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