

Public Document Pack



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Members are reminded to bring their Agendas from the Cabinet Meetings held on 29 July and 2 September 2019 with them to the meeting

NOTE: This meeting will be webcast live

3 September 2019

COUNCIL MEETING

To all Members of the Full Council

You are summoned to attend a meeting of the ARUN DISTRICT COUNCIL to be held on Wednesday, 18 September 2019 **at 6.00 pm** in the Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, to transact the business set out below:

A handwritten signature in black ink, appearing to read 'N. V. Lynn', is positioned above the printed name and title.

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 - 22)

To approve as a correct record the Minutes of the Meeting of the Council held on 17 July 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. **Development Control Committee - 10 July 2019** (Pages 23 - 30)

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Development Control Committee held on 10 July 2019. There are recommendations at:

- Minute 93 [To Consult on the Renewal of the Butlin's Local Development Order] – to view the Officer's report and Appendices, please click on this link – [Report and Appendices](#)

10. **Electoral Review Sub-Committee - 16 July 2019** (Pages 31 - 34)

The Chairman, Councillor Purchase, will present the Minutes from the meeting of the Electoral Review Sub-Committee held on 16 July 2019. There are no recommendations.

11. **Standards Committee - 25 July 2019** (Pages 35 - 38)

The Chairman, Councillor English, will present the Minutes from the meeting of the Standards Committee held on 25 July 2019. There are recommendations at:

- Minute 127 [Local Government Ethical Standards] – to view the Officer's report and the Appendices, please click on this link - [Report](#) and [Appendix 1](#); [Appendix 2](#); [Appendix 3](#); [Appendix 4](#); [Appendix 4A](#) and [Appendix 4B](#);

12. **Cabinet - 29 July 2019** (Pages 39 - 54)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 29 July 2019. There are recommendations at:

- Minute 137 [Corporate Plan 2018-2022 – Quarter 4 and End of Year Performance Outturn for 1 April 2018 to 31 March 2019] – to view the Officer's report, please click on this link – [Report](#)
- Minute 141 [Local Housing (Property) Company – Trisanto] – to view the Officer's report, please click on this link – [Report](#)
- Minute 144 [Overview Select Committee – 25 June 2019 – Recommendation from the meeting of the Council Tax Support Task and Finish Working Party – 16 April 2019]

13. **Audit & Governance Committee - 30 July 2019** (Pages 55 - 62)

The Chairman, Councillor Mrs Erskine, will present the Minutes from the meeting of the Audit & Governance Committee held on 30 July 2019. There are a series of recommendations at:

- Minute 150 [Treasury Management Annual Report 2018/19] – to view the Officer's report and its Appendices, please click on this link – [Report and Appendices](#)

14. **Development Control Committee - 7 August 2019** (Pages 63 - 72)

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Development Control Committee held on 7 August 2019. There are no recommendations.

15. **Cabinet - 2 September 2019**

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 2 September 2019.

The Minutes will be circulated separately any recommendations will be reported to the meeting.

16. **Overview Select Committee - 3 September 2019**

The Chairman, Councillor Coster, will present the Minutes from the meeting of the Overview Select Committee held on 3 September 2019.

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

17. **Development Control Committee - 4 August 2019**

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Development Control Committee held on 4 September 2019.

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

18. **Constitution Working Party - 9 September 2019**

The Chairman, Councillor Mrs Yeates, will present the Minutes from the meeting of the Constitution Working Party held on 9 September 2019.

The minutes will be circulated separately and any recommendations will be reported to the meeting.

19. **Motions**

The following Motions have been received in accordance with Council Procedure Rule 14.1. and 14.2, the detail of which is set out below:

Motion 1 – from the Independent Group relating to climate change and the implications for large scale development on the coastal plain

Climate change is real. It doesn't matter whether we believe it is man-made or the end of the last ice age – climate change is happening – and quickly.

We are compelled, against our will, by government, to build 20,000 new homes on a coastal plain. As councillors, we are required to consider and determine planning applications for 20,000 new homes on this part of the coastal plain in the coming years.

Yet, here in Arun District the environmental risks are already substantial and increasing. The district is uniquely unsuitable for large scale development because it is particularly vulnerable to the risks arising from climate change, in addition to every type of flooding that already occurs in this country.

In Palaeolithic times the land we now live on was under the sea. The Slindon, Norton and Aldingbourne raised beaches, roughly following the line of the A27, remind us where the beach once was. If the coastal plain was under the sea once, it can be again.

Sea levels have been rising since the end of the last ice age (approx. 11,700 years ago) and continue to do so. As sea levels rise, and extreme weather events increase, as anticipated by scientists around the world, flood risk will increase

significantly, yet we have no coherent and deliverable plan or funding for effectively guaranteeing the prevention of this risk to the residents of the district.

Large scale development in an area at risk of coastal and tidal flooding, flash flooding, surface water flooding, groundwater flooding from chalk aquifers and fluvial flooding is irresponsible.

Because we live on a coastal plain the land is flat and the water table is very high. Drainage of surface and ground water to the sea is slow, even more so at times of major weather events, via a small network of rifes that are tide locked twice a day. We also have the South Downs to the north shedding water southwards towards the coastal plain and sea.

Against this background, this Council believes that the Local Plan does not adequately protect new and existing communities from increasing flood risk. Therefore, we have no confidence in the Local Plan.

The Council calls on the Government to introduce a moratorium on large scale development in the Arun District whilst climate change and its potential impact on coastal plain development is properly assessed at governmental level.

The Council instructs the Chief Executive to write to the appropriate Government Minister to notify him/her of this motion and to request a meeting with the Minister in order to discuss it.

We also call on local MPs to engage with the concerns raised in this motion and to assist the Council in taking these concerns to Government.

Motion 2 - from the Liberal Democrat Group

This Council believes the decision by West Sussex County Council to enforce a blanket license fee for the use of tables and chairs on highways to be unfair, unjust, short sighted. This seems to have undergone no measurable research against similar charges made by other similar authorities. We request an urgent meeting with West Sussex County Council to find resolution to this punitive measure that will protect economic future of the Arun District

20. Questions from Members

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

OFFICER REPORTS

21. Review of Governance Arrangements (Pages 73 - 78)

This report is being submitted at the request of the Cabinet Member for Corporate Support, Councillor Francis Oppler. It seeks the Council's views on conducting a review of governance arrangements moving from the current Cabinet arrangements to a Committee style structure. The report highlights the scope for a review process and how this could be taken forward.

22. **Committee Memberships**

The following changes to Committee Memberships need to be noted by the Council as set out below:

- (1) Councillor Edwards is to replace Councillor Oliver-Redgate as a Member of the Development Control Committee;
- (2) Councillor Chapman will replace Councillor Bicknell as a named substitute of the Development Control Committee;
- (3) Councillors Clayden will become a named substitute of the Development Control Committee;
- (4) Councillor Bower will replace Councillor Mrs Stainton as a Member of the Standards Committee;
- (5) Councillor Chapman will replace Councillor Mrs Madeley as a Member of the Audit & Governance Committee;
- (6) Councillor Charles will replace Councillor Dendle as a Member of the Members' IT Working Party;
- (7) Councillor Charles will replace Councillor Roberts as a Member of the Chief Executive's (CEO) Remuneration Committee;
- (8) Councillor Bicknell will now become a Member of the Housing & Customer Services and Environment & Leisure Working Groups; and
- (9) The Assets of Community Value Appeals Panel is no longer required. The appeals process against a decision made under The Assets of Community Value (England) Regulations 2012 is to the First Tier Tribunal, not a Council body.

23. **Representation on Outside Bodies**

The Council is asked to approve any changes to its representation on Outside Bodies. Any changes can be reported verbally to the meeting by the Leader of the Council for approval.

- 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 provided via an e-link, 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](#)

Subject to approval at the next Full Council meeting

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**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE**

ON 17 JULY 2019 AT 6.00 PM

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

Honorary Aldermen Mrs Morrish and Mrs Stinchcombe were also in attendance for the meeting.

[Note: The following Councillors were absent during consideration of the matters referred to in the Minutes indicated – Councillor Yeates – Minute 106 to 122 [All]; Councillor Elkins – Minute 110 [Part]; and Councillors Cooper, Gunner, Kelly, Oliver-Redgate, Tilbrook & Worne – Minute 116 [Part] Councillor Haywood – Minute 116 to 122]; Councillors Dendle, Erskine, Lury, Madeley & Stainton – Minute 119 [Part]. Councillor Oliver-Redgate – Minute 120 [Part].

94. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Buckland, Hughes and Mrs Staniforth; and Honorary Aldermen Mrs Goad and Mr Squires.

95. WELCOME

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

96. DECLARATIONS OF INTEREST

In view of the nature of the issues to be discussed in Minute 68 (The Eighth Review of the Members' Allowances Scheme), it is recognised that all Members of the Council will have a prejudicial interest. However, in accordance with the Members' Code of Conduct, this does not preclude them from remaining in the meeting and voting on the recommendations.

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In view of the nature of the issues to be discussed in Minute 5 (CIL Draft Charging Schedule Consultation Responses), the Council was asked to note from the table below those Members who have made a declaration of their personal interest as a member of a Town or Parish Council, as confirmed in their Register of Interests.

| Declaration of interest in Minute 5 – Planning Policy Sub-Committee of 18 June 2019 | |
|--|-------------------------------|
| Name | Town or Parish Council |
| Councillor Tracey Baker | Littlehampton |
| Councillor Kenton Batley | Bognor Regis |
| Councillor Jamie Bennett | Rustington |
| Councillor Paul Bicknell | Angmering |
| Councillor Billy Blanchard-Cooper | Littlehampton |
| Councillor Chris Blanchard-Cooper | Littlehampton |
| Councillor Jim Brooks | Bognor Regis |
| Councillor Andy Cooper | Rustington |
| Councillor Alison Cooper | Rustington |
| Councillor Sandra Daniells | Bognor Regis |
| Councillor Roger Elkins | Ferring |
| Councillor Steve Goodheart | Bognor Regis |
| Councillor Pauline Gregory | Rustington |
| Councillor Shirley Haywood | Middleton-on-Sea |
| Councillor David Huntley | Pagham |
| Councillor Henry Jones | Bognor Regis |
| Councillor Martin Lury | Bersted |
| Councillor Claire Needs | Bognor Regis |
| Councillor Jacky Pendleton | Middleton-on-Sea |
| Councillor Vicky Rhodes | Littlehampton |
| Councillor Emily Seex | Littlehampton |
| Councillor Matt Stanley | Bognor Regis |
| Councillor Isabel Thurston | Barnham & Eastergate |
| Councillor Jeanette Warr | Bognor Regis |
| Councillor Gillian Yeates | Bersted |

Councillor English declared a personal interest in Minute 5 [CIL Draft Charging Schedule Consultation Responses] as member of Felpham Parish Council.

Councillor Mrs Worne declared a personal interest in Minute 5 [CIL Draft Charging Schedule Consultation Responses] as a member of Yapton Parish Council.

Councillor Dr Walsh declared a personal interest in Minute 5 [CIL Draft Charging Schedule Consultation Responses] as a member of Littlehampton Town Council.

Councillor Mrs Erskine declared a personal interest as a member of Bognor Regis Town Council in Minute 5, the Planning Policy Sub-Committee of 18 June 2019 which refers to the CIL Draft Charging Schedule Consultation Response. She confirmed that whilst she had previously made this declaration to the Monitoring Officer,

it was omitted from the published Register. The Monitoring Officer had confirmed this was now being amended.

Councillor Coster declared a personal interest in this item 21 [Cabinet – 8 July 2019] as Vice-Chairman of the Bognor Regis Civic Society

Councillor Dixon declared a personal interest in item 21 [Cabinet – 8 July 2019].

97. PUBLIC QUESTION TIME

The Chairman announced that two public questions had been received in line with the Council's Constitution. As the questioners were not present, it was noted that they would receive a written response.

98. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

There were none.

99. PETITIONS

No petitions had been received.

100. MINUTES

The Minutes from the Annual Meeting of the Council held on 22 May 2019 were approved by the Council as a correct record and signed by the Chairman, subject to an amendment at Minute 15 (Representation on Outside Bodies) to add Councillor Bennett to the list of Members in the recorded vote, voting for the appointed representative for the South Downs National Park.

101. CHAIRMAN'S ANNOUNCEMENTS

The Chairman alerted Members to the list of engagements and events that had been attended since the Annual Meeting of the Council held on 22 May 2019.

She extended her congratulations to the two residents of the district on receiving honours in the Queen's birthday Honours list. Firstly, to Major Brian Hudson who had been awarded a Medallist of the Order of the British Empire (MBE) for recognition of his contribution to voluntary service in Sussex over many years. Secondly, to Mr Peter Reed who had been awarded an MBE in recognition of his contribution to services to education and voluntary first aid work at the University of Sussex.

102. URGENT MATTERS

The Chairman announced that there was one urgent item to consider. This was identified as item 27 on the second bundle of papers, being the Minutes from the

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meeting of the Overview Select Committee held on 25 June 2019. Due to a system error, these Minutes were omitted from the main agenda and needed to be considered at this meeting as there was a recommendation at Minute 54 [Work Programme – 2019/20].

The Chairman requested that this item be considered after Agenda Item 21 – Cabinet of 8 July 2019, which was duly agreed.

103. CHANGE TO THE ORDER OF THE AGENDA

The Chairman proposed a change to the order of business in the agenda to bring forward Agenda Item 17 [Planning Policy Sub-Committee – 18 June 2019] to immediately follow item 10 – Special Audit and Governance Committee meeting of 2 July 2019. This was because the Chairman of the Sub-Committee, Councillor Yeates, needed to leave the meeting early. Councillor Worne then seconded this proposal.

On putting the proposal to the vote, it was declared CARRIED.

104. SPECIAL AUDIT & GOVERNANCE COMMITTEE - 2 JULY 2019

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

Councillor Mrs Erskine referred Members to the recommendation at Minute 68 – The Independent Remuneration Panel's Eighth Review of the Members' Allowances Scheme which sought approval to changes to the Members Allowances Scheme which had taken account of the Panel's report.

Councillor Mrs Erskine introduced the Panel to the Council and thanked them for their time and hard work dedicated to completing this review which had been both complex and challenging in view of the time-constraints put forward for its completion. It was explained for the benefit of new Members that the Panel's report had initially been presented to the Audit & Governance Committee on 14 February 2019 and the Committee had deferred this being presented to Council in view of concerns expressed over the Panel's recommendations on the special responsibility allowances payable to the Licensing Committee; and proposals to change arrangements for the Carers Allowance. The Panel had presented their revised report to the Committee on 2 July 2019 and the majority of their recommendations had been accepted. The minutes highlighted where a recommendation had been rejected.

Councillor Mrs Erskine therefore proposed the recommendation to the Council and highlighted the amendments that had been made at the meeting. Councillor Mrs Haywood then seconded this recommendation.

In opening the debate, Councillor Dr Walsh proposed an amendment to reject the Panel's recommendation (8) which was to decrease to the special responsibility allowance for the Chairman and Vice-Chairman of the Licensing and Enforcement

Committee ahead of the potential review of governance arrangements. Councillor Oppler seconded this proposal.

With no further debate on the amendment, this was put to the vote and it was declared CARRIED.

Councillor English then referred to his concerns about the Panel's recommendation (14) which proposed that the current meeting allowance paid to independent persons on the Standards Committee be replaced with a payment of £1,440 a year shared equally between the independent persons. He believed this increase was unjustified and felt there was insufficient evidence to substantiate the level of increase being recommended. He therefore proposed an amendment that this was referred back to the Audit & Governance Committee for re-consideration. Councillor Cooper seconded this amendment.

With no further debate on the amendment, it was put to the vote and was declared LOST.

The Council was then referred to the substantive recommendation as amended and

RESOLVED

That the report of the Independent Remuneration Panel on its eighth review of the Members Allowance's Scheme be approved, subject to the amendments made at the meeting of the Audit & Governance Committee, and subject to rejecting the Panel's recommendation (8) to decrease the Special Responsibility Allowance for the Chairman and Vice-Chairman of the Licensing and Enforcement Committee ahead of the potential review of governance arrangements.

The Chairman, Councillor Mrs Erskine then proposed the next recommendation from the Committee at Minute 69 (Chairman's Annual Report to Council for 2018/19) and advised the Council that she had the pleasure of having Councillor Chapman as her seconder as he was Chairman of the Committee for the period of the report.

Councillor Chapman advised the Council that based upon the work of the Committee during 2019/20, he was satisfied that it did give effective challenge and had followed CIPFA regulations. He congratulated Councillor Mrs Erskine on her appointment as Chairman of the Committee and thanked present and past Members for their hard work and contributions over the last year.

The Council then

RESOLVED

That the Chairman's Annual Report for 2018/19 be approved.

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Before moving onto the next item of business, the Chairman thanked the members of the Independent Panel who were in attendance at the meeting.

Councillor Dixon was then invited to make a statement in relation to recommendation (16) of the Independent Panel's report, where he advised the Council that he would be donating the special responsibility allowance that he would be entitled to in his role as a Minority Leader to charity.

105. PLANNING POLICY SUB-COMMITTEE - 18 JUNE 2019

[Councillor Mrs Erskine re-declared her personal interest in this item as a member of Bognor Regis Town Council and Councillor Huntley re-declared his personal interest in this item as a member of Pagham Parish Council.]

The Chairman, Councillor Mrs Yeates, presented the minutes from the meeting of the Planning Policy Sub-Committee held on 18 June 2019.

Councillor Mrs Yeates alerted Members to the first recommendation at Minute 4 [Adoption of Policy in Relation to Surface Water in New Development]. This was seeking the Council's support to adopting West Sussex County Council's policy for the management of surface water. This policy would enable the Council to apply a consistent set of standards for dealing with existing systems and new development. The Chairman stated that it would be subject to adaptation and review.

Councillor Mrs Yeates then formally proposed the recommendation which was seconded by Councillor Jones.

Clarification was sought on whether the Council was being asked to adopt the policy as presented and how it could be later adapted or reviewed. Councillor Mrs Yeates clarified that it was her intention to ask the Council to adopt the policy now, with the view that once it had been embedded, then it could be reviewed.

Following further discussion, the Council

RESOLVED

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.

Councillor Mrs Yeates then alerted Members to the next set of recommendations at Minute 5 [CIL Draft Charging Schedule Consultation Responses]

In proposing this Minute, Councillor Mrs Yeates proposed an amendment to the wording of the recommendations as the minutes had omitted the context as to why a

change was being made to the wording of Modification No 21 as set out in recommendation (2). The amendment read:

1. In the second line of the recommendation, the word 'guidance' is deleted and replaced with the words "clarification in recommendation (2)"
2. At recommendation (2) the words "the following amendment (shown in underlined) be made to the Proposed Statement – Modification No. 21" are added and then the clarification from "Neither does it include ..." onwards is underlined

Councillor Jones then seconded the original recommendation and amendment.

In introducing the amendment, Councillor Mrs Yeates explained to the Council that student accommodation had been discussed at great lengths and clarification had provided to the Sub-Committee of which they were happy with, hence the modified text.

Following discussion, Councillor Mrs Yeates confirmed that the CIL would be a major income stream for the Council in future. The Council therefore

RESOLVED

That, subject to further clarification in recommendation (2) 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) the following amendment (shown in underlined) be made to the Proposed Statement of Modifications – Modification No. 21 "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."

106. OVERVIEW SELECT COMMITTEE - 12 MARCH 2019

The then Chairman of the Committee, Councillor English, presented the Minutes from the meeting of the Overview Select Committee held on 12 March 2019.

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107. LICENSING COMMITTEE - 22 MARCH 2019

The then Chairman, Councillor Cooper, presented the Minutes from the meeting of the Licensing Committee held on 22 March 2019.

Councillor Cooper then formally proposed the recommendation at Minute 490 [Amendments to Arun District Council's Enforcement Policy for Environmental Health, Private Sector Housing, Licensing and Cleansing] which sought approval to adopting an amended Enforcement Policy, which was duly seconded by Councillor Clayden.

The Council

RESOLVED – 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.

108. DEVELOPMENT CONTROL COMMITTEE - 10 APRIL 2019

The then Chairman of the Committee, Councillor Bower, presented the Minutes from the meeting of the Development Control Committee held on 10 April 2019.

109. SPECIAL CABINET - 11 APRIL 2019

In the absence of the then Chairman and Vice-Chairman of the Cabinet, the then Cabinet Member for Community Wellbeing, Councillor Clayden, presented the Minutes from the meeting of Cabinet held on 11 April 2019.

110. CABINET - 3 JUNE 2019

[Councillor Coster re-declared a personal interest in this item as a member of the Ship Inn.

Councillor Elkins declared a personal interest in this item as a member of West Sussex County Council.

Councillor Dr Walsh declared a personal interest in minute 22 as a member of West Sussex County Council.

Councillor Huntley declared a personal interest in minute 24 as a member of Pagham Parish Council]

Before introducing the Minutes, the Chairman invited Councillor Dendle to make a statement. His statement referred to the start time of Cabinet meetings of 5.00pm which he felt was not a convenient time for working councillors. He requested that a start time of 6.00pm be considered by the Cabinet which the Chairman, Councillor Dr Walsh agreed to consider.

The Chairman, Councillor Dr Walsh, then presented the Minutes from the meeting of Cabinet held on 3 June 2019.

Councillor Dr Walsh alerted Members to the first set of recommendations at Minute 20 [Assets of Community Value – Policy and Procedures] which aimed to make it easier for Parish Councils and community groups to understand how they could nominate an asset of community value. Councillor Dr Walsh then formally proposed the recommendations which were seconded by Councillor Stanley.

The Council

RESOLVED – 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.

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Councillor Dr Walsh then alerted Members to the next recommendation at Minute 22 [Tivoli Group Ltd – Admissions Agreement to Local Government Pensions Scheme}. The recommendation was being made to reflect a change in service provider.

Councillor Dr Walsh then formally proposed the recommendation which was duly seconded by Councillor Purchase.

Councillor Chapman made a statement that he found it difficult to support this recommendation because it was unclear if this fund was in surplus or benefit. Councillor Purchase, as Cabinet Member for Neighbourhoods responded that he had been advised that two former members of Arun staff were affected, hence why the request was being made.

Councillor Edwards sought clarification from the Monitoring Officer on whether he needed to declare an interest in this item. The Monitoring Officer confirmed that there was no requirement based on his declaration in his Register of Interests.

The Council returned to the recommendation and

RESOLVED

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.

Councillor Dr Walsh then drew Members' attention to the final recommendation at Minute 24 [Planning Appeal at Land North of Hook Lane, Pagham], and the request for a supplementary estimate. Councillor Dr Walsh duly proposed the recommendation, and this was seconded by Councillor Lury.

Councillor Bower made a proposal that any debate on the recommendation should be held in exempt business as it related to a planning application and any statements made could affect the appeal. He clarified the reason for the item to be considered exempt related to the potential legal proceedings. Councillor Charles seconded this proposal.

On putting this proposal to the vote, it was declared LOST.

Returning to the recommendation, various points were made about the Council's decision to defend planning appeals and decisions taken in the previous administration. In concluding, Councillor Dr Walsh explained that the Council would always have to defend planning decisions/appeals due to the very nature of its business, and on this occasion, he was in support of the recommendation.

The Council then

RESOLVED

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.

Several Councillors then made statements on Minute 21 (Managing the Coast in a Changing Climate) in accordance with Council Procedure Rule 13.2, the detail of which is set out below:

- Councillor Dendle specifically regarding an officer's view stating that there may be areas of the coast that the Council would not defend. He requested a categorical assurance that residents' homes in high risk areas such as Pagham and Clymping would not be sacrificed when it came to coastal defences.
- Councillor Gunner said he welcomed an attempt from this authority to respond to Climate change. He did not feel that the report demonstrated this responsibility sufficiently. He specifically referred to how the report addressed the possible adaptation of the shoreline but asked what did this mean for the residents, businesses and the Arun District? He believed that this report would be used to selectively stop coastal defences within our community. He asked what areas of Arun was the Council going to retreat from?
- Councillor Mrs Pendleton stated that she supported Councillor Gunner's statement. She stated that the Council had a responsibility to its residents to protect them and their homes and this report did not explain how the Council was going to do this.
- Councillor Huntley agreed with statements that had been made and thanked his colleagues for highlighting what he felt was a very important and concerning issue, particularly for Pagham residents.
- Councillor Elkins shared his opinion that the Council received good advice from its officers and that Arun had already completed a considerable amount of work on its coastal defences and had a good record for coastal defences and believed the Council should continue with this record. But that full consultation with Arun's residents not just in high risk areas should take place.
- Councillor Goodheart advised that having listened to his colleagues he agreed that the Council needed to be looking at all areas of Arun that would be at risk, including those not covered by the report. He stated that there was an ever-increasing pressure with global warming.

In responding, Councillor Dr Walsh advised the Council that the Cabinet had no intention of giving up the sea defences along the Arun Coast line and it was agreed that action needed to be taken now. He reminded Members that it was the Environment Agency and the Government that used the phrase 'managed retreat' it was not Arun District Council. He reiterated that there was absolutely no intention to abandon the

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Council's sea defences and he was in agreement with Councillor Gunner that the Council needed to protect its coastline for future generations. He made a final request that a stop was put to scaremongering and frightening residents on this topic.

Councillor Dendle then made a statement regarding an inaccurate post that had been published on the Arun Conservatives website as set out below:

"I control the Arun Conservative Group website and as such I am the publisher of this site.

In a recent post we posted a story regarding Coastal Flooding, I didn't write this post but I am the publisher.

We attributed Martin Lury with the following quote:

"It may be the case that we don't defend certain parts of the coast."

I accept this was a mistake and in fact an officer had in fact said this. I want to sincerely apologise to Martin for the error. I didn't attend the meeting, people who attended the meeting took notes but cannot confirm what Martin said. If it's ever pointed out I had made an error I'm happy to apologise without hesitation.

Martin I would have happily sat down with you over a cup of Coffee and said sorry.

However that is not what happened, the Corporate Board met on Monday 24 June at 0900hrs, the two Councillors who attended that meeting were Councillor Walsh and Councillor Oppler. At 1017hrs immediately after Corporate Board our Leader, Councillor Terry Chapman received an email on behalf of the Chief Executive that said:

"The quote from Councillor Lury should be removed from the website immediately as it is not true he said it, is defamatory and is likely to have a negative impact on Councillor Lury's reputation.

If the quote is not removed my Legal Team will consider instigating legal action for its removal and seek damages for loss of reputation.

I do not blame the Chief Executive for this email because I believe he was acting on the direct instructions of either the Deputy Leader or the Leader, I also believe this was bullying in its nature. As stated I would have been happy to apologise without the threat to ruin me personally.

So I believe we need to avoid this situation in the future so at the next Council meeting I plan to bring a motion saying that any decision to take legal action for slander or libel against the Executive by a fellow Councillor should be decided by Full Council alone. Not by the Executive, e.g. the Deputy Leader or the Leader.

It's very regrettable that the Liberal Democrats have become intoxicated with power."

111. DEVELOPMENT CONTROL COMMITTEE - 5 JUNE 2019

The Chairman, Councillor Bennett presented the Minutes from the meeting of the Development Control Committee held on 5 June 2019.

112. LITTLEHAMPTON REGENERATION SUB-COMMITTEE - 13 JUNE 2019

The Vice-Chairman, Councillor C Blanchard-Cooper, presented the Minutes from the meeting of the Littlehampton Regeneration Sub-Committee held on 5 June 2019.

113. BOGNOR REGIS REGENERATION SUB-COMMITTEE - 24 JUNE 2019

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

114. SPECIAL DEVELOPMENT CONTROL COMMITTEE - 27 JUNE 2019

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

Councillor Gunner made a statement in accordance with Council Procedure Rule 13.2 relating to the rejected planning application Y/62/18/OUT. He felt that Members of this Committee were not taking into consideration the importance of future housing for future generations and also felt that this was in direct conflict with one of the Liberal Democrats own campaign promises to end the housing crisis.

Councillor Oppler responded to Councillor Gunner and stated that he was aware of this application although had not attended the meeting. He confirmed that this application was not in a strategic site, it was against the Council's development plan and he agreed with him that the Council needed to build more houses but that these houses needed to be in the right place and built for the right people.

Councillor Huntley also made a statement that the houses that were built needed to be affordable and the Council should consider modular houses to ensure that it was building the right houses in the right way.

Councillor Charles made the final statement and confirmed that the price of houses was nothing to do with the Development Control Committee, the price was determined by the market.

In responding to all the statements, Councillor Thurston advised that the thinking behind the rejected application was that this was not part of the strategic allocation or the Local Plan and it was felt strongly that the local residents were being represented

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by their ward councillors who were very clear that it was felt to be the last bit of open country/farm land and that open space would be more preferable for the local residents.

115. ENVIRONMENT & LEISURE WORKING GROUP - 4 JULY 2019

The Vice-Chairman, Councillor Brooks, presented the Minutes from the meeting of the Environment & Leisure Working Group held on 4 July 2019.

Councillor Brooks advised the Council that the minutes omitted to include the detail of the recommendation at Minute 54 [Work Programme 2019-2020] and in line with the Constitution, the Council needed to approve the work programme. He formally approved the recommendation which was seconded by Councillor Dixon.

The Council

RESOLVED

That the Environment & Leisure Working Group's Work Programme for 2019/2020 be approved

116. CABINET - 8 JULY 2019

[Councillor Coster re-declared a Personal Interest in this item as Vice-Chairman of the Bognor Regis Civic Society.]

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

Statements and questions were then made by a number of councillors in accordance with Council Procedure Rule 13 in relation to Minute 76 (Pavilion Park Project, Bognor Regis).

Firstly, Councillor Chapman who wanted clarification that the present Pavilion Park design would be included with the two other future schemes being proposed. Councillor Dr Walsh clarified that this was not the case.

Councillor Gunner, following on from Councillor Chaman's question, asked how much money did this administration intend on spending on seeing this reach fruition? A second question put forward to Councillor Oppler asked whether he would be sharing the results of the Liberal Democrat survey that was completed on the Pavilion Park scheme. Councillor Oppler responded that on 2 May 2019 at the District elections, a clear choice was presented to the electors in Bognor Regis regarding Pavilion Park and the Sunken Garden site that by voting Liberal Democrat that the much-loved garden would be saved. It was an election promise that was made and one that had now been

kept. He confirmed that the Council would continue to go out to consultation to ensure that the public were able to have a meaningful say regarding future plans for the Sunken Gardens. He also stated that in response to Councillor Gunner's other question, the survey he was referring to was a hugely successful Liberal Democrat survey on which he had no plans of sharing with the opposition.

Councillor Dendle stated that in his view Councillor Oppler did not know what the public in the District thought and a survey might not have been the best way to have come to a definitive conclusion on this project anyway, as having done some research on social media he found that people were generally happy for the work to have continued on this project. He confirmed that he felt more consultation was absolutely needed to understand exactly what people thought on the matter.

Councillor Charles stated that he had always worked on evidence and he had not seen any evidence from Councillor Oppler. The work and progress on Pavilion Park Project had been stopped by the new administration within days of the election result, the money had already been spent, the consultation had already taken place. He asked how had the new administration had been allowed to stop the project given that the money had already been spent?

Councillor Coster stated that he did not feel that any meaningful consultation had taken place previously and he was in support of what people were being offered now for the site as it was a true reflection of the meaning of consultation as it gave people options to choose what people would like to see happen to this site.

In responding, Councillor Dr Walsh advised Members to refer to the minutes which set out the three options that the Cabinet would consider being subject to public consultation, which had not happened yet. Councillor Dr Walsh stated that that the regeneration of Bognor Regis must be moved forward. In his view, the Pavilion Park Project had quite clearly been rejected by the public as the proposal incorporated 100 flats being built. He confirmed the right thing to do was to put three options to the public for consultation and then the Council would be able to move forward with the plans chosen by the public.

117. OVERVIEW SELECT COMMITTEE - 25 JUNE 2019

The Chairman, Councillor Coster, presented the Minutes from the meeting of the Overview Select Committee held on 25 June 2019.

In proposing the recommendation at Minute 54 [Work Programme – 2019/20]. Councillor Coster confirmed that he needed to make an amendment to replace the wording in the minutes with the following: "That the Committee's Work Programme for 2019/20 be approved". Councillor Clayden then seconded the original recommendation and amendment.

In considering the work programme, a request was made for the Arundel Chord to be added as it was a project that was economically important for the whole District and would give substantial resilience for the London to Brighton route. He suggested

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that this would provide an opportunity to discuss this with Network Rail. Councillor Walsh gave his support to Councillor Dendle's request, as a supporter of the Arundel Chord for many years. There was general support for this proposal which Councillor Coster agreed to take forward.

Having noted that the work programme could be subject to further review, the Council

RESOLVED

That the Committee's Work Programme for 2019/2020 be approved

118. MOTIONS

The Chairman announced that a Motion had been received from Councillor Dendle in accordance with Council Procedure Rules 14.1 and 14.2.

Councillor Dendle then proposed the following Motion:

"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 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."*

Councillor Dendle in formally proposing his Motion stated that the Council needed to provide better guidance on renewable energy sources that should be considered and used when residential developments were being built. He specifically touched on the following points:

- Giving supplementary planning advice to developers
- A focus on Senior Citizen housing, referencing a renewable energy scheme used by the Dutch which provides their Senior Citizens with free electricity throughout the day.
- Horticultural hubs
- Greenhouses linked to housing
- Waste and recycling storage facilities

He explained that it was imperative for the Council to be taking practical steps to ensure its residential developments were providing sustainable housing for the District's younger generation.

Councillor Gunner then seconded the Motion.

The Chairman then invited Members to debate the Motion. The first to speak was Councillor Lury who stated that he welcomed the motion from Councillor Dendle but confirmed that he felt it was imperative that the scope be widened on the planning supplementary guidance and therefore wanted to propose an amendment, in accordance with Council Procedure Rule 16.7, to add the following words to the Motion [as set out below – the added words are shown in **bold** and to remove words – as shown using ~~strikethrough~~]:

“That this Council supports the principle of developing supplementary planning guidance to improve the level of sustainability of ~~all 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~~ **thereof**.

- 1) Guidance on renewable energy (both passive & active) for individual homes.
- 2) Improved standards for insulation, **heat recovery** and water usage.
- 3) Guidance for community renewable energy schemes
- 4) Guidance on designs for waste/recycling storage facilities
- 5) **Guidance on the planting of woodland which can be both a mitigating and resilience action in terms of carbon sequestration and reducing the rate of surface water run - off and thereby reducing the flooding impact of severe rainfall.**
- 6) **Improved and more rigorous standards for the prevention of flooding**

The Sub Committee is also asked to make recommendations as to whether Arun DC should declare a Climate Change Emergency and the implications of creating a framework for moving towards a Carbon Neutral District and whether the Council should consider engaging the services of an energy agency to provide community retrofit advice and support and explore the potential retro-fitting of solar panels on all appropriate Council assets.”

Councillor Coster then seconded this amendment.

Before opening the debate, the Chief Executive asked Councillor Dendle and Councillor Gunner, as the original proposer and seconder, to confirm if they were in support of the amendment. On reflection, Councillor Dendle accepted the amendment. Councillor Gunner confirmed that he welcomed the amendment that had been put forward and therefore would support it

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Councillor Lury then queried the amendment and added further words as the end of the second paragraph so this read: “.... Including reference to the following and the likely costs **and benefits thereof.**”

Councillor Coster seconded this additional minor amendment

Councillors then spoke in further support of this motion and the amendments that had been agreed and the Council

RESOLVED

This Council supports the principle of developing supplementary planning guidance to improve the level of sustainability of all 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 and benefits thereof.

- 1) Guidance on renewable energy (both passive & active) for individual homes.
- 2) Improved standards for insulation, heat recovery and water usage.
- 3) Guidance for community renewable energy schemes.
- 4) Guidance on designs for waste/recycling storage facilities.
- 5) Guidance on the planting of woodland which can be both a mitigating and resilience action in terms of carbon sequestration and reducing the rate of surface water run - off and thereby reducing the flooding impact of severe rainfall.
- 6) Improved and more rigorous standards for the prevention of flooding.

The Sub Committee is also asked to make recommendations as to whether Arun DC should look at declaring a Climate Change Emergency and the implications of creating a framework for moving towards a Carbon Neutral District and whether the Council should consider engaging the services of an energy agency to provide community retrofit advice and support and explore the potential retro-fitting of solar panels on all appropriate Council assets.

119. QUESTIONS FROM MEMBERS

The Chairman confirmed that eleven questions had been submitted for this meeting. The details of the questions and answers and any supplementary questions is attached to these minutes.

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

The Leader of the Council, Councillor Dr Walsh, presented this report to Members which sought formal approval to the Council becoming a member of the Greater Brighton Economic Board (GBEB). Councillor Dr Walsh referred to a meeting he had already attended of the Board, ahead of this report being presented and that he strongly supported the Council taking up this membership. The proposal was seconded by Councillor Oppler.

In considering the proposal, a number of points and questions were raised. Firstly, whether Bonds were going to be issued for the Council's contribution or was this a private business. The Chief Executive advised that "Bonds" were not issued and it would be about working in partnership with the other members and that the estimated annual figure of £23k was a maximum figure as the Council had not yet been officially accepted. As the Council was joining part way through the year, it was possible that this figure would be reduced. In terms of governance, the question was asked of whether this would be by a majority vote in terms of the decision-making process. He confirmed that there was a voting process and only members could vote. If the Council approved this membership, then the Council would be one of 16 members with voting rights.

Having responded to further questions posed, it was agreed that a copy of the Greater Brighton Economic Board's Annual report would be made available to Members. The Council then

RESOLVED – That

- (1) agreement be given to Arun District Council becoming a constituent member of the Greater Brighton Economic Board ("the Board") and joining the Greater Brighton Economic Joint Committee (GBEJC);
- (2) the Leader of the Council be appointed to represent the Council on the Board or a substitute will be appointed on the Leader's behalf;
- (3) it be noted that Arun District Council's membership, by agreeing to join 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
- (4) the cost of membership which is approximately £23,000 per annum be noted.

121. COMMITTEE MEMBERSHIPS

The Chairman referred Members to the report that had been circulated at the start of the meeting which replaced the proposals set out in the agenda.

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Councillor Dr Walsh asked the Council to note the following changes to Committee Memberships in accordance with Council Procedure Rule 26.2:

| Committee/Sub-Committee, Working Party/Panel | Former Member | New Member |
|--|--|--|
| Development Control | Councillor Mrs Baker | Councillor Mrs Worne New Substitutes Members of: Councillor Brooks Councillor Mrs Haywood Councillor Oppler Councillor Tilbrook |
| Licensing | Councillor Mrs Baker | Councillor Mrs Worne |
| Overview Select | Councillor Buckland | Liberal democrat Councillor |
| Audit & Governance | Councillor Ms Thurston | No change – the Other Independent Councillors have offered this seat back to the Green Party |
| Planning Policy Sub | Liberal Democrat Councillor Councillor Hughes | Councillor Northeast Councillor Mrs Daniells |
| Littlehampton Regeneration Sub | Liberal Democrat vacancy due to be filled by Councillor Dr Walsh | Councillor Mrs Baker |
| Standards | Liberal Democrat vacancy Liberal Democrat vacancy | Councillor Mrs Daniells Liberal Democrat Councillor |
| Electoral Review Sub | Liberal Democrat Councillor | Councillor Mrs Baker |
| Members IT Working Party | Liberal Democrat Councillor | Councillor Mrs Daniells |
| Development Control Site Inspection Panel | Liberal Democrat vacancy | Councillor Northeast |
| Housing Appeals Panel | Councillor Mrs Madeley | Councillor Mrs Baker |
| Housing & Customer Services Working Group | N/A | New Members of: Councillor Charles Councillor Mrs Cooper Councillor Mrs Hayward Councillor Hughes Councillor Mrs Pendleton |
| Environment & Leisure Working Group | N/A | New Members of: Councillor Chapman Councillor Clayden Councillor Gunner Councillor Kelly |
| Joint Western Arun Area Committee | Green Party vacancy | Councillor Mrs Catterson |

Councillor Dr Walsh also proposed the following appointments to vacant chairmanships:

- a. Councillor Miss Seex be appointed as Chairman of the Littlehampton Regeneration Sub-Committee to replace Councillor Buckland
- b. Councillor Bennett fills the vacant Vice-Chairman seat on the Standards Committee
- c. Councillor Bennett will become Chairman of the Housing & Customer Services Working Group and Councillor Coster will become the Vice-Chairman.

Councillor Oppler seconded the appointments.

The Council

RESOLVED - That

- (1) the changes to Committee Memberships, as circulated at the meeting, be noted; and
- (2) the following appointments to chairmanships be agreed:
 - a. Councillor Ms Seex to replace Councillor Buckland as Chairman of the Littlehampton Regeneration Sub-Committee;
 - b. Councillor Bennett to become Vice-Chairman of the Standards Committee;
 - c. Councillor Bennett to become Chairman of the Housing & Customer Services Working Group; and
 - d. Councillor Coster to become Vice-Chairman of the Housing & Customer Services Working Group.

122. REPRESENTATION TO OUTSIDE BODIES

The Leader of the Council, Councillor Dr Walsh, stated that there were several changes to representation to Outside Bodies that needed to be reported to this meeting and approved by the Council, as set out below:

- (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 – that this Council no longer has an appointed Member
- (4) LGA Councillors' Forum – that this Council no longer has an appointed Member
- (5) North Littlehampton Advisory Group – Councillor Mrs Caffyn is no longer a Member
- (6) Littlehampton Harbour Board – Councillor Buckland to be removed as this Council's representative and Councillor Mrs Haywood will fill this vacancy
- (7) Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATRPLAJC – Councillor Buckland is no longer the Substitute Member and new member still to be confirmed
- (8) Safer Arun Partnership – Councillor Mrs Worne will replace Cllr Buckland
- (9) Civil Military Engagement Events Group and Military Champion – Councillor Buckland is no longer the Council's representative and Councillor Chapman will temporarily fill this vacancy
- (10) Armed Forces Champion – Councillor Buckland is no longer the Council's representative and Councillor Chapman will temporarily fill this vacancy

Councillor Oppler seconded the proposals.

The Council then

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RESOLVED

That the following changes to representation on Outside Bodies be approved:

- (1) West Sussex Health and Adult Social Care Committee (HASC) - Councillor Bennett was now the nominated representative replacing Councillor Mrs Worne
- (2) Age UK West Sussex - This would no longer be an Outside Body of the Council
- (3) LGA People and Places Board – this Council no longer had an appointed Member
- (4) LGA Councillors' Forum – this Council no longer had an appointed Member
- (5) North Littlehampton Advisory Group – Councillor Mrs Caffyn was no longer a Member
- (6) Littlehampton Harbour Board – Councillor Mrs Hayward was now the Council's representative replacing Councillor Buckland
- (7) Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATRPLAJC – Councillor Buckland was no longer the Substitute Member and new member was still to be confirmed
- (8) Safer Arun Partnership – Councillor Mrs Worne was now the Council's representative replacing Councillor Buckland
- (9) Civil Military Engagement Events Group and Military Champion – Councillor Chapman was now the Council's temporary representative, replacing Councillor Buckland.
- (10) Armed Forces Champion – Councillor Chapman was now the Council's temporary representative, replacing Councillor Buckland.

(The meeting concluded at 9.01 pm)

DEVELOPMENT CONTROL COMMITTEE

10 July 2019 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Huntley (substituting for Councillor Mrs Hamilton) Lury, Mrs Pendleton, Roberts, Mrs Yeates and Mrs Worne

78. APOLOGIES

Apologies had been received from Councillors Mrs Hamilton, Northeast, Oliver-Redgate and Mrs Stainton.

79. DECLARATIONS OF INTEREST

Planning Application -LU/136/19/PL – Councillor Blanchard-Cooper declared a prejudicial interest and stated that he would leave the room during its consideration and take no part in the debate and vote.

80. PLANNING APPLICATION BE/135/18/PL, SALT BOX FIELD, LAND OFF ROWAN WAY, BOGNOR REGIS

The Chairman advised the meeting that this application had been withdrawn.

81. PLANNING APPLICATION LU/330/18/PL, LAND SOUTH OF CORNFIELD CLOSE, LITTLEHAMPTON

LU/330/18/PL – Demolition of existing buildings & the erection of 77 residential homes with associated access, car parking, cycle parking, refuse/recycling storage, landscaping, earthworks & infrastructure, Land South of Cornfield Close, Littlehampton

With the agreement of the Chairman, this item was dealt with as a matter of urgency as the site was Council owned land where a financial receipt was urgently required. As the application had previously been considered by the Committee in February 2019 it was now required to be resolved urgently.

A report had been circulated to Members prior to the meeting and was also circulated at the meeting as an officer report update.

The Planning Team Leader introduced this application and advised the Committee that it had originally been approved, subject to a S106 Agreement relating to infrastructure contributions, at the meeting on 10 April 2019. However, it had now come to light that Affordable Housing had been excluded from the Heads of Terms and authority was therefore being sought to amend the Heads of Terms as delegated authority was not in place to do so. Furthermore, by advising that all contributions for

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facilities listed on the Heads of Terms e.g. braille facilities, science labs, etc were examples, that would enable Arun and WSCC more scope on what to spend the money on. If the facilities were left drafted without this inclusion then contributions would have to be spent on the list of facilities mentioned on the Head of Terms, which was restrictive. However, officers were aware that this was not compliant with regulations applicable to infrastructure requirements where it was expected that contributions had to be specific.

In addition, West Sussex County Council, as the Education Authority, had since April revised its financial requirement for secondary schools down from £33,538 per additional pupil to £27,000 per additional pupil, resulting in a reduced contribution figure of £268,677 for this particular development.

Members were advised that the trigger points set out in the Heads of Terms that had been agreed on 10 April 2019 had not defined whether they were prior to commencement or on commencement. Therefore it would be made clear that it was prior and which all parties were currently working towards.

Condition 3 in the original approval made reference to the tree protection plan. However Japanese Knotweed had since been identified on the site and Members were made aware of two particular areas where this would impact on the retention trees/screen. Condition 3 was therefore required to be amended to take account of the trees/shrubs that now needed to be felled/removed. new planting to replace those trees felled. Condition 2 would also need to be amended to take account of amended plans. Confirmation was given that the Council's Tree Officer had no objections to what was being proposed and that separate consent would be required from County Highways as the landowner. The Planning Team Leader also advised Members that Condition 5 of LU/330/18/PL on landscaping would allow officers to compensate for any required felling/removal.

In debating the issues, Members sought reassurance that the replanting to be undertaken would be equivalent or better to replace the felled trees and officer advice was given that details of the landscaping would have to be approved by officers prior to discharge of the condition.

Before turning to the vote, the Group Head of Planning provided clarification to Members as to what they were being asked to approve, as follows:-

- (i) Amendment to conditions 2 and 3
- (ii) The inclusion of Affordable Housing in the Heads of Terms
- (iii) Change to the secondary school contributions as advised by West Sussex County Council
- (iv) The original approval required the S106 to be completed by 9 August 2019 but agreement was now sought for delegated authority to extend the period to 9 October 2019
- (v) Authority be delegated to the Group Head of Planning to make any subsequent minor amendment to the S106 Agreement

The Committee then

RESOLVED – That

- (1) amendment to conditions 2 and 3 be agreed.
- (2) the inclusion of Affordable Housing in the Heads of Terms be agreed
- (3) the change to the secondary school contributions, as advised by West Sussex County Council, be noted;
- (4) authority be delegated to the Group Head of Planning to extend the completion period for the S106 Agreement to 9 October 2019; and
- (5) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to make any subsequent minor amendment to the S106 Agreement.

82. MINUTES

The Minutes of the meeting held on 5 June 2019 and the Special meeting on 27 June 2019 were approved by the Committee and signed by the Chairman as a correct record.

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

This application had been deferred from the meeting held on 5 June 2019 to enable further assessment of the surface water drainage plans. However, that information was still being worked on and the matter had therefore been withdrawn from the agenda.

84. WA/75/18/OUT LAND TO THE REAR OF 7 THE MEADOWS, WALBERTON BN18 0PB

WA/75/18/OUT – Outline application with some matters reserved for 1 No. dwelling. This application may affect the character & appearance of the Walberton Village Conservation Area, Land to the rear of 7 The Meadows, Walberton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

85. P/37/19/PL 10 HARBOUR ROAD PAGHAM PO21 4TG

(Councillor Huntley advised that he had attended a Pagham Parish Council meeting and had stated there that he would be voting on the matter based on the information placed before him at Parish Council. If he considered the matter again at the District Council and further information became available then he might come to a different decision.

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He wished to make this meeting aware that he had attended a planning meeting at Parish level but was entering this meeting with an open mind.)

P/37/19/PL – Demolition of existing structures and the building of a new modern family home, 10 Harbour Road, Pagham Having received a report on the matter, a concern was raised with regard to overlooking of the neighbour's property by way of the roof garden. The Planning Team Leader advised that conditions would be placed on any approval, as detailed in the report, to prevent adverse overlooking with no direct views into neighbouring properties.

Following a brief discussion, the Committee

RESOLVED

That the application be approved as detailed in the report.

86. LU/136/19/PL LITTLEHAMPTON SKATE PARK, SEA ROAD, LITTLEHAMPTON BN16 2NA

(Councillor B. Blanchard-Cooper had declared a prejudicial interest and left the meeting for this item following public speaking and took no part in the debate or vote.)

LU/136/19/PL – Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for new concrete skate park with 4 No. floodlighting & new parkour training facility. This application is a Departure from the Development Plan, Littlehampton Skate Park, Sea Road, Littlehampton The Committee had received a report on the matter, together with the officer's written report update detailing:-

- Additional drainage details, which the Drainage Engineer was satisfied with, and resultant amended Condition 4 to refer to implementation in accordance with the approved details.
- The Environment Agency had provided a consultation response of no objection for the reasons detailed in the update.
- Substitute and additional lighting details had been submitted and Conditions 2 and 3 had been amended accordingly.

A verbal update was also provided by the Planning Team Leader which advised that the actual lighting column was to be relocated from east to west of the site to prevent any spillage having an adverse impact on nearby properties.

In consideration of the application, Members were concerned that it did not address work to the perimeter fencing, which was required to assist in reducing anti-social behaviour being experienced at the site. It was recognised that the problem was not a planning matter but, as the Council was the landowner, an informative could be placed on any approval to ensure the matter was highlighted and could be addressed. It was agreed that the wording of the informative would be left to officers.

The Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update and subject to addition of the following informative:-

INFORMATIVE: The applicant is advised that the Council considers that the erection of a 2m high fence on the western boundary to be highly desirable for the purpose of containing activity within the application site and preventing access to the railway line. Further, the Council's Wellbeing team should be contacted to discuss how potential anti-social behaviour might be managed.

87. BR/14/19/PL COOPERS YARD, SHRIPNEY ROAD, BOGNOR REGIS PO22 9LN

BR/14/19/PL – Retention of Storage Container. This application may affect the setting of listed buildings, Coopers Yard, Shripney Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional report with regard to the provision of screening to conceal the unit and further advice in respect of heritage assets, the Committee participated in some discussion.

Member comment was made that an additional condition should be attached to any approval to require removal of the unit if the applicant vacated the site, i.e to make any approval personal to the applicant. The Planning Team Leader advised that that could be accommodated by amending the wording of Condition 1 and, having been formally proposed and seconded, the Committee agreed.

Members also indicated that they would prefer to see the screening be at least the height of the container and perhaps of wickerwork to blend in more with the setting of the neighbouring listed cottage.

Following further discussion, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update and subject to amendment of condition 1 to read:-

“ The building hereby permitted shall be removed and the land restored to its former condition on or before the expiration of the period ending 2 years from the date of this permission or the date the current user vacates the premises, whichever is the sooner.”

Development Control Committee - 10.07.19

88. BR/35/19/HH CULVER COTTAGE, 37 ALDWICK ROAD, BOGNOR REGIS PO21 2LN

BR/35/19/HH – Two storey side extension including demolition of existing garden room. This application affects the character and appearance of the Aldwick Road Conservation Area, Culver Cottage, 37 Aldwick Road, Bognor Regis Having received a report on the matter, Members participated in some discussion on the merits of the design. The Committee then

RESOLVED

That the application be approved as detailed in the report.

89. BR/36/19/L CULVER COTTAGE, 37 ALDWICK ROAD, BOGNOR REGIS PO21 2LN

BR/36/19/L – Listed building consent for a two storey side extension including demolition of existing garden room, Culver Cottage, 37 Aldwick Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

90. BR/87/19/PL VARIOUS SITES ALONG BOGNOR REGIS PROMENADE, BOGNOR REGIS

BR/87/19/PL – Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets, Various sites along Bognor Regis Promenade, Bognor Regis Having received a report on the matter, together with the Planning Team Leader's advice that the sites would be on Council owned land, the Committee, following a brief discussion,

RESOLVED

That the application be approved as detailed in the report.

91. BE/30/19/PL BABSHAM BUSINESS CENTRE, BABSHAM LANE, BERSTED PO21 5EL

BE/30/19/PL – Retention of secure containers, welfare facilities & secure fencing together with associated landscaping works, Babsham Business Centre, Babsham Lane, Bersted Having received a report on the matter, the Committee was advised by the Planning Team Leader that the applicant was not seeking to vary the use of the site and that the source of complaints from nearby residents emanated from the use of a generator to repair the skips. That generator had now been placed inside a temporary building.

In the course of discussion, sympathy was expressed for the nuisance being caused to neighbours and Member comment was made that it was hoped that the applicant would provide suitable boundary treatment to alleviate the problem.

The Committee

RESOLVED

That the application be approved as detailed in the report.

92. PLANNING APPEALS

The Committee noted the appeals received.

93. TO CONSULT ON THE RENEWAL OF THE BUTLIN'S LOCAL DEVELOPMENT ORDER

The Committee received a report from the Group Head of Planning which set out the detail of Butlins' Local Development Order (LDO) which had been in place since 1 September 2014 and was valid for a period of 5 years. Butlins had requested that the LDO be renewed as they regarded it as a useful tool for saving time and money for all parties when making small changes to their buildings without requiring a planning application to be submitted each time.

The Group Head of Planning was of the view that it was reasonable to renew the LDO and in order to progress that, a consultation would be required to take place and would involve consulting on the draft LDO, draft Statement of Reasons and a plan identifying the land.

Members' approval was sought to commence the process and, following consideration, the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) The principle of a Local Development Order for Butlins be agreed for a further 5 year period;
- (2) Delegated authority be granted to the Group Head of Planning to:-
 - a. Carry out formal public consultation on the draft renewal of the Local Development Order;
 - b. Consider the representations to the draft Butlins Local Development Order and make amendments, if necessary;
 - c. Submit the Local Development Order to the Secretary of State for Communities and Local Government; and
 - d. Subject to the Secretary of State for Communities and Local Government not intervening through making a direction under Section 61B(1) of the Town and Country Planning Act, the

Subject to approval at the next Development Control Committee meeting

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Development Control Committee - 10.07.19

Butlins Local Development Order be adopted as soon as reasonably practicable after 1 September 2019

(The meeting concluded at 4.15 pm)

Public Document Pack Agenda Item 10

Subject to approval at the next Electoral Review Sub-Committee meeting

1

ELECTORAL REVIEW SUB-COMMITTEE

16 July 2019 at 6.00 pm

Present: Councillors Purchase (Chairman), Jones (Vice-Chair), Bower, Cooper, Goodheart, Gunner, Lury and Oppler

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

1. DECLARATIONS OF INTEREST

In view of the nature of the issues to be discussed in Minute number 4 [Review of Polling Districts and Polling Stations in the Arun District 2019 – Stage 1] and Minute number 5 [Review of District and Town/Parish Elections 2 May 2019 and European Parliamentary Election 23 May 2019], it was recognised that all Members' of the Sub-Committee had a Personal Interest in their capacity as having been candidates and electors during both elections.

Councillors Purchase, Goodheart and Mrs Cooper also declared a further Personal Interest as they had acted as an agent during the elections.

2. MINUTES

The minutes of the meeting held on 12 February 2019 were approved by the Sub-Committee as a correct record and signed by the Chairman.

3. START TIMES

The Committee

RESOLVED

That its start times for meetings during 2019/2020 be 6.00 pm.

4. REVIEW OF POLLING DISTRICTS AND POLLING STATIONS IN THE ARUN DISTRICT 2019 - STAGE 1

Nigel Lynn, Electoral Registration Officer introduced this report to the Sub-Committee and provided an overview of timetable and process for the review of polling districts, polling places and polling stations. It was confirmed that the timetable would allow the Council to meet its statutory obligations and complete the review within the required timescale and by 31 January 2020. Although the team had been aware of the timing it would be a considerable additional workload on top of the unexpected European Election in May. The Elections Team would highlight any resource issue to the Returning Officer and Chief Executive.

Electoral Review Sub-Committee - 16.07.19

The key points highlighted to the Sub-Committee were:

- That this was a formal review that takes place every 5 years
- The importance of considering signage at each Polling Station location as well as accessibility for all voters
- Visits for Polling Stations where it is believed there could be issues on an Election day

There were no comments from the Sub-Committee.

The Sub-Committee agreed to the timetable and process for review of polling districts, polling places and polling stations as set out in the report.

5. REVIEW OF DISTRICT AND TOWN/PARISH ELECTIONS 2 MAY 2019 AND EUROPEAN PARLIAMENTARY ELECTION 23 MAY 2019.

Nigel Lynn, Electoral Registration Officer introduced this report to the Sub-Committee and provided an overview of key facts, figures, information and feedback on the Arun District and Town/Parish Election held on 2 May 2019 and the European Parliamentary Election held on 23 May 2019.

Key Points highlighted were:

- These Elections were particularly challenging & thanks to all team members who worked hard to ensure that these elections were executed successfully
- Staffing remained the biggest challenge as with any Election a total of 320 volunteer staff are needed to run an Election on the day and at the Count, as well as ensuring that the day-to-day running of the Council continues as usual
- The timetable for running Elections in parallel was a difficult challenge
- Minimal complaints had been received, the main trend for these complaints were surrounding Royal Mail and the Postal Voting process was still viewed to be a complicated process for Voters.
- Printing is the biggest risk to any Election as the Council is reliant on 4 or 5 printing companies to deliver.
- 3278 election related calls had been received by Arun Direct and dealt with during this Election period
- Kangaroo Boards were used for the first time at the count and the feedback overall was these were a useful tool to help with that part of the process
- Both Elections were successful, with a transparent and fair process having been followed
- A thank you was given to all members of staff who were involved in this process.

Comments made by the Sub-Committee were:

- Look into a better PA system and Platform area that incorporates wheelchair access for future Elections.
- Candidates found the mobile phone ban difficult and unnecessary, understanding that this is due to the secrecy of the count, a suggestion made was to consider a separate space within the count room to be sectioned off that would allow for use of mobile phones. Although the Chief Executive explained that the previous room available had now been converted into the gym expansion.
- Communication between the Returning Officer and candidates immediately before results were announced, was raised as a matter that needed further consideration for the future.
- Layout of the count room, suggestions were put forward to improve the layout of the room from a Candidates perspective and it was agreed would be looked into in more detail to ensure all options could be considered for future Elections. Members were asked to provide further information on alternatives which they had seen working elsewhere.
- Regarding Poll cards a suggestion put forward was to consider printing a map of the location of the Polling Station on the back of the Poll Card which would help voters ensure they attended the correct Polling Station.
- Some discussion was had regarding the time of declaration on the day of the Count, it was felt that this process took too long and it was requested to be looked into, to see if the process could be improved.

The Sub-Committee noted the report.

(The meeting concluded at 7.10 pm)

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STANDARDS COMMITTEE

25 July 2019 at 6.00 pm

Present: Councillors English (Chairman), Coster, Mrs Daniells, Kelly and Tilbrook

Independent Persons Mr B Green and Mr J Thompson were also in attendance at this meeting.

[Note: Mr J Thompson left the meeting at Minute 128]

123. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett and Edwards.

124. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

125. MINUTES

The Minutes of the meeting held on 31 January 2019 were approved by the Committee as a correct record and signed by the Chairman.

126. START TIMES

The Committee

RESOLVED

That the start time of meetings for the remainder of the municipal year be 6.00pm.

127. LOCAL GOVERNMENT ETHICAL STANDARDS

The Committee on Standards in Public Life (CSPL) was established to advise the Prime Minister on ethical standards across the whole of public life in England. They act as an advisory public body sponsored by the Cabinet Office. They also monitor and report on issues relating to the standards of conduct of all public office holders.

The CSPL undertook to review the effectiveness of the arrangements for the conduct of elected councillors, introduced through the Localism Act 2011. Their review was undertaken over 2018 and they published a report including a series of recommendations in January 2019.

Standards - 25.07.19

The Committee was presented with a report from the Group Head of Council Advice and Monitoring Officer which considered the best practice recommendations made by the CSPL that had been directed to local authorities. Whilst the report highlighted the recommendations made to Government by the CSPL, it did not consider these in any detail as they would be the subject of later consideration and debate once any consultation or guidance was issued in response to the CSPLs report.

In presenting the report, the Group Head of Council Advice and Monitoring Officer drew Members' attention to Appendix 4 which highlighted those areas for discussion by the Committee. This confirmed that seven of the fifteen best practice recommendations were already practices within Arun's procedures. In considering any proposals for change, the Committee was also asked to confirm what consultation they wished to see happen before revised drafts of the Code of Conduct and Local Assessment Procedure were brought back to the Committee.

The other issue drawn to the Committee's attention was whether, in considering proposals for change from the CSPL's best practice recommendations, that the opportunity was taken to review the principles of Arun's Code of Conduct to reflect the revised definitions developed by the CSPL.

The Committee then turned to the areas for consideration in the best practice recommendations and the outcomes of their discussions are set out in Appendix 4, attached to the Minutes.

Having concluded its discussions, the Committee

RESOLVED - That

- (1) the areas for change in the Members' Code of Conduct and the Local Assessment Procedure be agreed, as set out in Appendix 4 attached to the minutes;
- (2) the review of the Code of Conduct should consider updating the "Principles of the Code of Conduct" against the latest wording for the Seven Principles of Public Life;
- (3) consultation be undertaken with Town & Parish Councils in considering any areas for change; and
- (4) the Group Head of Council Advice & Monitoring Officer should bring back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting, taking account of the areas for change.

128. ASSESSMENT PANEL DECISION

The Committee received a report from the Group Head of Council Advice and Monitoring Officer advising Members of the outcome of the Assessment Panel's investigation into complaints made against Councillor Richard Bower, an Arun District Councillor.

The Committee

RESOLVED

That the decisions of the Assessment Panel be noted.

129. EXEMPT INFORMATION

The Committee

RESOLVED

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

130. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO ANY INDIVIDUAL)

The Committee received a report from the Group Head of Council Advice and Monitoring Officer which updated Members on the complaints made against Councillors received over the past two years.

The Committee's attention was drawn to the proposal for a public register of complaints to be introduced which could be published via the Committee to the Council's website.

Following discussion, the Committee agreed to defer a decision regarding publication of the complaints register. The Monitoring Officer agreed to carry out further research to inform the Committee and to report back at the next meeting.

The Committee then

RESOLVED - That

(1) the Register of Complaints against Councillors be noted; and

Subject to approval at the next Standards meeting

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Standards - 25.07.19

- (2) any decision regarding the publication of a complaints register be deferred until the next meeting.

(The meeting concluded at 7.08 pm)

Subject to approval at the next Cabinet meeting

89

CABINET

29 July 2019 at 5.00 pm

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

Councillors Charles, Coster, Bennett, Huntley, were also in attendance for all or part of the meeting.

131. DECLARATIONS OF INTEREST

The Director of Place declared a personal interest in agenda item number 11 [Local Housing (Property) Company - Trisanto] as he was the named director of this company.

132. QUESTION TIME

The Chairman advised Cabinet that a late question had been submitted from Councillor David Huntley that did not relate to an item on the agenda for the meeting, so he wished to ask this during Public Question Time.

The Group Head of Council Advice & Monitoring Officer was asked to give advice on whether the question could be accepted. She confirmed that the question had not been submitted within the deadline for Public Question Time; and it did not fall within the remit of the Cabinet's responsibility. The Chairman decided to use his discretion and allow the question to be asked.

Councillor Huntley then explained that his question related to the meeting of the Development Control Committee on 7 August and the number of applications to be presented affecting the Pagham area. He was concerned about the meeting being held during the holiday period as this would affect a Ward Councillor and a number of members of the public from being able to attend and asked Cabinet to intervene. Councillor Lury, Cabinet Member for Planning responded that it would be inappropriate for Cabinet to respond to this question as it would not be democratic for Cabinet, who comprised a single political Group, to take any view on the question and this was a matter for the Development Control Committee.

133. MINUTES

The Minutes of the meeting held on 8 July 2019 were approved by the Cabinet as a correct record and signed by the Chairman.

134. BUDGET VARIATION REPORTS

There were no matters discussed.

Cabinet - 29.07.19

135. CORPORATE PLAN 2018-2022 - QUARTER 4 AND END OF YEAR PERFORMANCE OUTTURN FOR 1 APRIL 2018 TO 31 MARCH 2019

[Councillor Purchase declared a personal interest in this item as it sits within his portfolio as Cabinet Member for Neighbourhood Services]

The Deputy Leader and Cabinet Member for Corporate Support introduced this report and advised the Cabinet that the report set out the Q4 performance outturn for the Corporate Plan Performance Indicators for the full year 1 April 2018 to 31 March 2019. He explained that the 2020 Vision Programme was established to provide the strategic direction that was required to help the Council become a more effective and sustainable and to enable it to meet future demands. He explained that there were three priority themes in the 2020 vision and these were:

- Your Services
- Supporting You
- Your Future

The corporate performance indicators sat behind these priorities and were a series of targets that were measurable and were within the Council's control. He then invited the Group Head of Policy to present her report in more detail. She was pleased to advise that the report showed that 7 of the 11 performance indicators had either achieved or over achieved the target set. She gave a detailed overview of the performance indicators that had not met their target and explained what steps were being taken in continuing to monitor these for the future.

The Cabinet had been asked to review the recommendations from the Overview Select Committee relating to two indicators (CP8 and CP11).

In relation to CP8 – [Number of new Council homes built or purchased per annum], the Committee had recommended that the target be increased from 25 to 35 for 2019.

Turning to CP11 – [Household waste sent for reuse, recycling and composting], the Committee recommended that the target be increased from 40% to 50% for 2019/2020.

Following a brief discussion, the Cabinet were in agreement that the increases were ambitious but also realistic and that they were in support of the recommendations put forward by the Overview Select Committee.

Before taking a vote the Director of Services clarified that the target at CP8 was not a percentage figure, it was an absolute number of houses. Therefore, the new target would be 35 houses.

The Cabinet

RESOLVED – that

(1) the Council's Q4 performance against the targets for the Corporate Plan indicators, as set out in the report and appendix A, be noted; and;

In line with the Overview Select Committees proposals, the Cabinet;

RECOMMEND TO FULL COUNCIL - that

(1) the CP11 indicator target be increased from 40% to 50% for 2019 – 2020:and

(2) the CP8 target be increased from 25 to 35 for 2019-2020.

Following a brief discussion, the Cabinet confirmed its decision as per Decision Notice C/008/290719, a copy of which is attached to the signed copy of the Minutes.

136. SERVICE DELIVERY PLAN 2018-2022 - QUARTER 4 AND END OF YEAR PERFORMANCE OUTTURN FOR 1 APRIL 2018 TO 31 MARCH 2019

The Deputy Leader of the Council introduced this report and advised the Cabinet that the report sets out the Q4 outturn for the Service Delivery Plan (SDP) Performance Indicators for the full year 1 April 2018 to 31 March 2019. He explained that the SDP indicators sit beneath the Corporate Plan Indicators that had been reported at agenda item 7 and provided more detail about how services were working. He then invited the Group Head of Policy to present her report. She provided more detail on the figures contained in the report.

Following some discussion, the following points were highlighted:

- Concern was raised regarding SDP 10 and the Council's plan to resolve and reduce the number of Complaints that had been received
- In light of SDP 18 results it was explained that the focus was on preventing homelessness, the local authority did have a responsibility to look after individuals and families, ensuring that they were spending as short a time as possible in temporary accommodation. The Director of Services confirmed that a wide range of ways to prevent homelessness were being worked on.

The Cabinet

RESOLVED

That the Council's Q4 performance against the targets for the Service Delivery Plan indicators, as set out in the report and Appendix A, be noted.

Cabinet - 29.07.19

Following consideration, the Cabinet confirmed its decision as per C/009/290719, a copy of which is attached to the signed copy of the Minutes.

137. SUBMISSION OF THE EXPRESSIONS OF INTEREST TO THE COAST TO CAPITAL (C2C) LOCAL ENTERPRISE PARTNERSHIP (LEP) LOCAL GROWTH FUND FOR IMPROVEMENTS TO THE PUBLIC REALM IN LITTLEHAMPTON TOWN CENTRE

The Leader of the Council and Cabinet Member for Economy introduced this report, advising that this June, the Coast to Capital Local Enterprise Partnership (LEP) announced it was inviting bids for projects from their remaining unallocated Growth Deal Funding and were inviting bids of up to £2million for capital projects. These projects needed to be 50% match funded and able to be spent by 31 December 2020. After considering which project the Council could bid for, and based on the bidding criteria, he explained that he agreed a bid to deliver a further phase of improvements to the public realm in Littlehampton. This was phase 3 of the proposal – East Street through to the High Street junction and Beach Road. He confirmed that the Expression of Interest (£1.38m grant request) was submitted on 2 July 2019.

The report sought the retrospective agreement from Cabinet to submit an Expression of Interest (EOI) to the Coast to Capital Local Enterprise Partnership (LEP) Local Growth Fun for improvements to the public real in Littlehampton Town Centre (Phase 3). It was also asking to confirm agreement that the Council takes on the role of Accountable Body under the Terms and Conditions of the grant scheme and that authority was given to spend the grant should the funding be awarded. Since submitting the report and the EOI, the Council had been invited to submit a full business case that would be submitted on 16 August, Councillor Dr Walsh said that this was an encouraging step forward and he was hopeful of a successful outcome.

The Cabinet

RESOLVED – that

- (1) the submission of the Expression of Interest to Coast to Capital (C2C) Local Enterprise Partnership (LEP) Local Growth Fund for improvements to the public realm in Littlehampton Town Centre (East Street through to High Street Junction and Beach Road Phase 3), be noted and endorsed;
- (2) the submission of the Full Business case to the LEP Local Growth Fund should the Council be invited to do so, be endorsed; and
- (3) if the Full Business Case bid is successful, the grant spend and delivery of public realm project be authorised.

Following consideration, the Cabinet confirmed its decision as per Decision Notice C/010/290719 a copy of which is attached to the signed copy of the Minutes.

138. COMMUNITY INFRASTRUCTURE LEVY (CIL) IMPLEMENTATION AND REQUEST TO CREATE CIL OFFICER ROLE

The Cabinet Member for Planning introduced this report advising that the Council was preparing a CIL Charging Schedule that would be submitted at the end of July. It was anticipated based on development, that approximately £30million in CIL receipts would be raised to be spent on infrastructure that would be required as a result of planned growth. The aim of the report was to raise awareness of CIL and the implementation process in order to ensure that Arun had the systems and procedures in place to collect CIL once it was adopted.

Councillor Lury explained that the report sought the agreement to forward fund a CIL Officer role, explaining that these costs would be recouped from year three of CIL coming into effect. He advised the Cabinet that the post should be recruited now in order that the coordination and implementation of the systems would take place early to ensure it would be set up in time for the collection of CIL receipts, which would otherwise be lost to Arun following the adoption of the CIL charging schedule.

The Cabinet

RESOLVED – that

1. agreement be given to forward fund a CIL Officer post at a total cost of £49,000 per annum, to sit within the Planning Policy Team and that the post will be included in the budget for 2020/21 onwards; and
2. if the Officer is employed during 2019/20 the post can be funded from the Corporate underspend. It should be noted that the 2 year forward funded cost of the post will be recouped in year 3 from using up to 5% of CIL receipts received in years 1-3 of CIL being in effect. From year 4 onwards the CIL Officer post will be fully funded by CIL receipts.

Following consideration, the Cabinet confirmed its decision as per Decision Notice C/011/290719, a copy of which is attached to the signed copy of the Minutes.

139. LOCAL HOUSING (PROPERTY) COMPANY - TRISANTO

[The Director of Place redeclared his personal interest and left the meeting]

The Leader of the Council introduced the report advising that it sought the authorisation to terminate the Local Housing (Property) Company Trisanto as it was considered that it was no longer needed. He advised that whilst, this Company exists on paper it hasn't been provided with any start-up funding. There were a number of objectives in setting up the Company, principally around the delivery of housing. This was at a time when restrictions existed on what could be done through the Housing Revenue Account. That has subsequently change and the proposal is to formally close the Company.

Cabinet - 29.07.19

The Cabinet

RECOMMEND TO FULL COUNCIL

That the Trisanto Development Corporation be formally closed, and appropriate actions taken to give effect to this decision,

Following consideration, the Cabinet confirmed its decision as per Decision Notice C/012/290719, a copy of which is attached to the signed copy of the Minutes.

140. ARUN WELLBEING AND HEALTH PARTNERSHIP - 26 JUNE 2019

The Cabinet received and noted the minutes of the meeting of the Arun Wellbeing and Health Partnership held on 26 June 2019.

141. JOINT AREA COMMITTEES

[Councillor Purchase declared a personal interest in this item as he is member of West Sussex County Council.

Dr Walsh declared a personal interest in this item as he is a member of West Sussex County Council.]

The Cabinet received the minutes of the meetings of the Joint Area Committees as follows: -

- (1) Joint Western Arun Area Committee – 31 October 2018 and 6 February 2019
- (2) Joint Eastern Arun Area Committee – 6 November 2018 and 5 March 2019

In considering the minutes of the Joint Western and Eastern Arun Area Committees, Members raised their concerns about arrangements for recent meetings and felt that these concerns needed to be flagged with West Sussex County Council who administered the Committees. It was therefore proposed that the Chairman write to the County Council to highlight these concerns and seek as assurance that full officer support would be put in place. Cabinet supported this proposal and therefore

RESOLVED – That

- (1) The minutes of the Joint Area Committees be noted; and
- (2) The Chairman write to the Director of Law and Assurance at West Sussex County Council to express concerns about the workings of the Joint Arun

Area Committees based on recent experiences and seek an assurance that full officer support would be put in place to assist the Committees.

142. OVERVIEW SELECT COMMITTEE - 25 JUNE 2019

The Group Head of Policy presented the recommendations for consideration from the meeting of the Overview Select Committee held on 25 June 2019. As the recommendations at Minute 48 [Corporate Plan 2018-2022 – Quarter 4 and End of Year Performance Outturn for 1 April 2018 to 31 March 2019] had already been dealt with earlier on in the meeting, Cabinet was alerted to Minute 52 [Minutes of Meeting of the Council Tax Support Task and Finish Working Party on 16 April 2019] where it was recommended that the Council's current Council Tax Support income banded scheme be retained with no changes.

The Cabinet

RECOMMEND TO FULL COUNCIL

That the Council's Council Tax Support (the income banded scheme) is retained, that is no change to the current scheme.

Following consideration, the Cabinet confirmed its decision as per Decision Notice C/013/290719, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 5.42 pm)

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ARUN DISTRICT COUNCIL

**DECISION NOTICES FROM THE CABINET MEETING HELD ON
29 JULY 2019**

| REF NO. | DECISION |
|----------------|--|
| C/008/290719 | Corporate Plan 2018-2022 – Quarter 4 and End of Year Performance Outturn for 1 April 2018 to 31 March 2019 |
| C/009/290719 | Service Delivery Plan 2018-2022 – Quarter 4 and End of Year Performance Outturn for 1 April 2018 to 31 March 2019 |
| C//010/290719 | Submission of the Expressions of Interest to the Coast To Capital (C2C) Local Enterprise Partnership (LEP) Local Growth Fund for Improvements to the Public Realm in Littlehampton Town Centre |
| C/11/290719 | Community Infrastructure Levy (CIL) Implementation and Request to Create CIL Officer Role |
| C/12/290719 | Local Housing (Property) Company – Trisanto |
| C/13/290719 | Overview Select Committee – 25 June 2019 |

PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00 AM ON WEDNESDAY 7 AUGUST 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

| | |
|---|------------|
| FULL CABINET DECISION | YES |
| URGENT DECISION IN ACCORDANCE WITH RULE 13.18 OF THE SCRUTINY PROCEDURE RULES | NO |
| SUBJECT: Corporate Plan 2018-2022 – Quarter 4 Performance Report for the Period 1 April 2018 to 31 March 2019 | |
| OFFICER CONTACT: Jackie Follis, Group Head of Policy Extn: 01903 737580 e.mail: Jackie.follis@arun.gov.uk | |
| EXECUTIVE SUMMARY: This report sets out the Q4 performance outturn for the Corporate Plan performance indicators for the period 1 April 2018 to 31 March 2019. This report was considered in conjunction with recommendation 48 of the Minutes of the meeting of Overview Select Committee on 25 June 2019. | |
| DECISION: The Cabinet, having taken account of the recommendation from the Overview Select Committee at Minutes 48, RESOLVED That the Council's Q4 performance against the targets for the Corporate Plan indicators, as set out in the report and appendix A, be noted; and; In line with the Overview Select Committees proposals, the Cabinet; RECOMMEND TO FULL COUNCIL – That 1. the CP11 indicator target be increased from 40% to 50% for 2019 – 2020: 2. the CP8 target be increased from 25 to 35 for 2019-2020. | |
| REASON FOR THE DECISION: This report and the recommendations were requested by the new Cabinet following a briefing on the Pavilion Park project on the 12 June 2019. | |
| OPTIONS CONSIDERED BUT REJECTED: To request further information and/or remedial actions to be undertaken.. | |
| CABINET MEMBER(S): | |
| DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: | None |
| DISPENSATIONS GRANTED : | None |
| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None | |

REFERENCE NO: C/009/290719

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| FULL CABINET DECISION | YES |
| URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES | NO |
| SUBJECT: Service Delivery Plan 2018-2022 – Quarter 4 Performance Report for the period 1 April 2018 to 31 March 2019 | |
| OFFICER CONTACT: Jackie Follis, Group Head of Policy Extn: 01903 737580 e.mail: jackie.follis@arun.gov.uk | |
| EXECUTIVE SUMMARY: This report set out the Q4 performance outturn for the Service Delivery Plan (SDP) performance indicators for the period 1 April 2018 to 31 March 2019 | |
| DECISION: The Cabinet RESOLVED That the Council's Q4 performance against the targets for the Service Delivery Plan indicators, as set out in the report and Appendix A, be noted. | |
| REASON FOR THE DECISION: In order for Overview Select Committee to be updated with the Q2 performance outturn for the Service Delivery Plan indicators for the period 1 April 2018 to 31 March 2019. | |
| OPTIONS CONSIDERED BUT REJECTED: To request further information before any remedial actions are undertaken. | |
| CABINET MEMBER(S): | |
| DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: | None |
| DISPENSATIONS GRANTED : | None |
| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None | |

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| FULL CABINET DECISION | YES |
| URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES | NO |
| SUBJECT: Submission of the Expression of Interest to the Coast to Capital (C2C) Local Enterprise Partnership (LEP) Local growth Fund for Improvements to the Public Realm in Littlehampton Town Centre (East Street through to High Street Junction and Beach Road Phase 3) | |
| OFFICER CONTACT: Denise Vine, Group Head of Economy Extn: 01903 737846 e.mail: denise.vine@arun.gov.uk | |
| EXECUTIVE SUMMARY: This report seeks: <ul style="list-style-type: none"> • The agreement of Cabinet for the submission of the Expression of Interest to the Coast to Capital Local Enterprise Partnership (LEP) Local Growth Fund for Improvements to the Public Realm in Littlehampton Centre (Phase 3) • The agreement of the Council’s responsibilities as Accountable Body under the Terms and Conditions of the grant scheme and the authority to spend the grant should funding be awarded. | |
| DECISION: The Cabinet RESOLVED – That (1) The submission of the Expression of Interest to the Coast to Capital (C2C) Local Enterprise Partnership (LEP) Local Growth Fund for improvements to the public realm in Littlehampton Town Centre (East Street through to High Street Junction and Beach Road Phase 3), be noted and endorsed; (2) The submission of the Full Business case to the LEP Local Growth Fund should the Council be invited to do so, be endorsed; and (3) If the Full Business Case bid is successful, the grant spend and delivery of the public realm project be authorised. | |
| REASON FOR THE DECISION: To ensure executive support for the submission of the bid and, if successful, delivery of the project. To increase economic growth in Littlehampton via new business turnover, jobs and businesses. | |
| OPTIONS CONSIDERED BUT REJECTED: To not agree the recommendations and not take the opportunity to progress Phase 3 of the Littlehampton Public Realm Improvements should the funding be awarded. | |
| CABINET MEMBER(S): | |
| DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: | None |
| DISPENSATIONS GRANTED : | None |
| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None | |

REFERENCE NO: C/011/290719

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| FULL CABINET DECISION | YES |
| URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES | NO |
| SUBJECT: Community Infrastructure Levy (CIL) Implementation and Request to Create CIL Officer Role | |
| OFFICER CONTACT: Nicki Faulkner, Principal Planner, Planning Policy & Conservation Extn: 01903 737645 e.mail: nicki.faulkner@arun.gov.uk | |
| <p>EXECUTIVE SUMMARY: The Council is preparing a CIL Charging Schedule which, once adopted and in effect, will be applied to new development on a £/sqm basis. Based on an assessment of likely levels of development over the Arun Local Plan period (2020 to 2031), it is expected that the Council could raise approximately £30million in CIL receipts to be spent on infrastructure required as a result of planned growth.</p> <p>Subject to the outcomes of an independent Examination of the Arun CIL Draft Charging Schedule (DCS), the aim is to adopt a CIL Charging Schedule towards the end of 2019 and for the schedule to come into effect early 2020.</p> <p>The aim of this report is to raise awareness of CIL and the implementation process.</p> <p>Also, the report seeks agreement to forward fund a CIL Officer at a total cost of £49,000 per annum, the cost of which will be recouped from year 3 onwards of CIL coming into effect</p> | |
| <p>DECISION:</p> <p>The Cabinet</p> <p>RESOLVED - That</p> <p>(1) agreement be given to forward fund a CIL Officer post at a total cost of £49,000 per annum, to sit within the Planning Policy Team and that the post will be included in the budget for 2020/21 onwards; and</p> <p>(2) if the officer is employed during 2019/20 the post can be funded from the Corporate underspend. It should be noted that the 2 year forward funded cost of the post will be recouped in year 3 from using up to 5% of CIL receipts received in years 1-3 of CIL being in effect. From year 4 onwards the CIL Officer post will be fully funded by CIL receipts.</p> | |
| <p>REASON FOR THE DECISION: To ensure that the administration of CIL is sufficiently resourced so that income, to be spent on infrastructure to support planned growth in the district, is not lost, for example through missing cases, miscalculating liabilities, failing to defend appeals, or not pursuing non-payers.</p> | |
| <p>OPTIONS CONSIDERED BUT REJECTED: To not employ a CIL Officer. This will mean that the role of setting up the implementation of CIL will be left to officers who are under resource pressures to manage S106 monitoring and planning policy work. Without an efficient and well resourced CIL procedure in place, the Council will take longer to implement CIL (there may be a longer delay between adoption of CIL and it coming into effect). Furthermore, the</p> | |

Council will be at risk of missing out on CIL income through missing cases, miscalculating liabilities, failing to defend appeals, or not pursuing non-payers.

CABINET MEMBER(S):

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| DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: | None |
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| DISPENSATIONS GRANTED : | None |
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| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None |
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| FULL CABINET DECISION | YES |
| URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES | NO |
| SUBJECT: Local Housing (Property) company – Trisanto | |
| OFFICER CONTACT: Karl Roberts, Director of Place Extn: 01903 737760 e.mail: karl.roberts@arun.gov.uk | |
| EXECUTIVE SUMMARY: This report seeks authorisation to terminate the Local Housing (Property) Company, Trisanto, as it is considered that it is no longer needed, having regard to the removal of the cap on the Housing Revenue Account which therefore allows additional homes to be funded. | |
| DECISION: The Cabinet RECOMMEND TO FULL COUNCIL That the Trisanto Development Corporation be formally closed and appropriate actions taken to give effect to this decision. | |
| REASON FOR THE DECISION: The Council has concluded that there is no longer a need to have a separate Local Housing (Property) Company. | |
| OPTIONS CONSIDERED BUT REJECTED: To develop an action plan to make the company active. To make the company dormant. | |
| CABINET MEMBER(S): | |
| DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: | None |
| DISPENSATIONS GRANTED : | None |
| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None | |

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| FULL CABINET DECISION | YES |
| URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES | NO |
| SUBJECT: Overview Select Committee – 25 June 2019 | |
| OFFICER CONTACT: Jackie Follis, Group Head of Policy Extn: 01903 737580 e.mail: Jackie.follis@arun.gov.uk | |
| EXECUTIVE SUMMARY: The Cabinet received the Minutes of the Overview Select Committee meeting held on 25 June 2019 and considered the recommendations at Minute 48 – Corporate Plan 2018-2022 – Q4 & End of Year Performance Outturn for 1 April 2018 to 31 March 2019; and Minute 52, Council Tax Support Task & Finish Working Party – 16 April 2019. | |
| DECISION: The Cabinet Minute 48 – Corporate Plan 2018-2022 – Q4 & End of Year Performance Outturn for 1 April 2018 to 31 March 2019 See Decision Notice C/008/250619 Minute 52, Council Tax Support Task & Finish Working Party – 16 April 2019 RECOMMEND TO FULL COUNCIL That the Council’s Council Tax Support (the income banded scheme) is retained, that is not change to the current scheme. | |
| REASON FOR THE DECISION: To endorse the recommendations of the Overview Select Committee. | |
| OPTIONS CONSIDERED BUT REJECTED: To not endorse the recommendations of the Overview Select Committee. | |
| CABINET MEMBER(S): | |
| DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: | None |
| DISPENSATIONS GRANTED : | None |
| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None | |

Public Document Pack Agenda Item 13

Subject to approval at the next Audit & Governance Committee meeting

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AUDIT & GOVERNANCE COMMITTEE

30 July 2019 at 6.00 pm

Present: Councillors Erskine (Chairman), Haywood (Vice-Chairman), Bennett, Brooks, Chapman, Clayden, Dendle, Tilbrook

[Note: Councillor Brooks was absent from Minute 72 to Minute 77 (part)]

Apologies: Councillors Bicknell, Madeley who is being substituted by Councillor Chapman and Thurston.

143. DECLARATIONS OF INTEREST

There were no declarations of interest made.

144. MINUTES

The Minutes of the Special meeting held on 2 July 2019 were approved by the Committee as a correct record and signed by the Chairman.

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

The Internal Audit Manager introduce this item and the Committee received and noted the letter of assurance regarding Governance arrangements.

146. ERNST & YOUNG ANNUAL AUDIT FEE LETTER 2019/20

Jason Jones from Ernst & Young presented the Ernst & Young, Annual Fee letter and provided the Committee with an overview of its contents.

Key points highlighted were:

- Referring to the Housing Benefit subsidy it was advised that Ernst & Young had been appointed to complete the audit for this, which is now handled under a separate contract from the annual Accounts work
- Additional work had been completed on asset valuations, including involvement of EY's valuations specialists
- Additional work had been undertaken on the valuation of the net pension liability, including the involvement of Ernst & Young's pensions specialist

Following some further discussion, the Committee noted the content of the Annual Audit Fee letter.

147. ERNST & YOUNG AUDIT RESULTS REPORT

Jason Jones from Ernst & Young presented the report to the Committee providing detail of its contents.

The Key points highlighted were:

- Risk of fraud in revenue recognition, capitalising revenue expenditure, it was explained that an opportunity had been identified to capitalise expenditure under the accounting framework, by it being removed from the general fund. That could result in funding expenditure, that should be properly defined as revenue, through inappropriate sources such as capital receipts, capital grants or borrowing. It was advised that the audit confirmed there had not been any inappropriate capitalisation of revenue expenditure.
- Misstatements due to fraud or error, it was confirmed that E&Y had not identified any material weaknesses in controls or evidence of material management override. No instances of inappropriate judgements being applied or of any management bias were identified and that there were not any transactions during the audit which appeared unusual or outside the Council's normal course of business.
- Valuation of land and buildings, it was confirmed that this was a significant amount that was subject to a large number of estimation techniques.
- Pension liability evaluation, accounting for this scheme involves significant estimation and judgement, therefore management engaged an actuary to undertake the calculations. As a result of a recent Court judgement affecting pensions, one adjustment was made that effected the pension fund liability, the effect of which increased past service cost and gross liability. The Council contacted the actuary for an updated IAS 19 report and have amended the accounts. Work on this area is substantially complete.
- HRA Depreciation, 2017/18 was the first year that Authorities with HRA housing stock needed to account for depreciation using proper accounting practices, E&Y engaged with management early in the process and no issues were found.
- Accounting standards, to be implemented from 1 April 2020, this was deferred by CIPFA. The Council did not have significant operating contracts and therefore E&Y do not believe this will have an impact on the Council in the future.
- Audit report, it was E&Y's opinion that the financial statements gave a fair view of the Council and it was confirmed that no matters were due to be presented as an exception.
- Audit differences, it was confirmed that there had been one misclassification identified between two different accounts, the amounts had been manually captured incorrectly in the Collection Fund, however the net effect was zero; and it was confirmed that at the time of writing the report there were no uncorrected misstatements.

- Value for money risks, one significant risk had been identified in October 2018 in relation to the lack of financial reserves, given the financial pressures in the public sector there is an increased focus and wider public interest in the financial resilience of the Local Government. However, it was confirmed that 2019/20 budget was balanced.

Jason was asked if any risks been identified in terms of I.T infrastructure being vulnerable to cyber-attacks. He confirmed there nothing had been identified at this moment in time, but that this was more a matter for Internal Audit.

Councillor Chapman stated that although the 2019/20 budget is balanced beyond that period the plan identifies the need to use reserves and although the Council stays above its general fund balance until 2022/23. He believes that Arun needs to watch this carefully, as it would take a long time to recover from any financial deficit.

The Committee expressed their thanks to Ernst & Young, for all their hard work. Jason gave his thanks to the teams at Arun he had worked with in getting these items ready to be reported on, on time.

The Committee noted the report.

148. STATEMENT OF ACCOUNTS 2018/19

The Financial Services Manager advised the Committee that there were no uncorrected misstatements and very little in terms of other issues (mainly presentational typos) which was good news for the Council and this Committee.

The significant issue around HRA depreciation had been resolved and Arun now had a depreciation methodology that was acceptable to both the Council and the External Auditors. This was quite a significant piece of work as was not always easy to find auditable historic information on component assets like the age of boilers and pipes.

Turning to the Statements of Accounts it was explained that these were very different to the outturn report which although was in the same format as the approved budget and would be considered at the Cabinet meeting on 2 September, the difference was that the Statement of Accounts was prepared using proper or generally accepted accounting practice underpinned by International Financial Reporting Standards (IRFS), which was more relevant to commercial entities.

The Financial Services Manager advised that it was important to note that, as a Local Authority, certain accounting adjustments required under IFRS – mainly depreciation and valuation adjustments were not allowed to be funded from Council Tax or Rents by statute. These types of adjustment therefore had to be reversed in the Movement in Reserves Statement (MiRS). She confirmed that these adjustments effectively had zero effect.

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The Committee was informed that the Expenditure and Funding Analysis was not a core statement, but it provided a link between what was chargeable to the Tax and Rent payer in the outturn report and the net expenditure in the Comprehensive Income and Expenditure Statement.

Explaining the first of the core statements [Comprehensive Income and Expenditure Statement] that showed the accounting cost in the year providing services rather than the costs that can be funded from taxation or rent.

In relation to the Movement in Reserves Statement (MiRS) she advised that it showed changes in the Council's reserves for the year, and essentially reconciled the Comprehensive Income and Expenditure Statement with those items that may not fall to be charged, to the General Fund under statute and those which do fall to be met from the General Fund were also under statute. It was here that the large movements relating to property revaluations are disclosed.

Showing where the valuation/accounting adjustments that were mentioned earlier were essentially reversed out. Most importantly it showed the level of usable Reserves and Unusable Reserves at 31st March 2019.

It was made clear that usable reserves could be used for service provision or the reduction in tax, whereas unusable reserves could not. That was because unusable reserves rise, due to things like the valuation adjustment and these would not be realisable until that asset was sold.

The usable reserves could be seen in the General Fund balance. Arun started the year with £9.344M and applied £2.268m ending with a General Fund balance of £7.076m at 31st March 2019.

Stating that the Council requires a reasonable level of balances for unexpected events or emergencies. It also acts as a cushion for un-even or unpredicted cash flows to avoid unnecessary temporary borrowing. Crucially the General Fund balance added resilience to the Council's expenditure on services as government funding levels continue to drop.

The funding of Local Government was undergoing significant change and the outcome of the Spending Review (SR19) would result in significant further cuts in District Council funding. Further information on this subject would be available in the Financial Prospects Report which would be considered at the Cabinet meeting on 2 September 2019.

It was confirmed that the MiRS also showed the level of Earmarked Reserves which were held for known or predicted liabilities. The balance at 31 March was £15.394 million these included a revenue reserve for projects that had to be completed like the Wave, significant sums received from partners to provide projects, services, and things like the pensions reserve.

Explaining the Capital Receipts Reserve £2.791 million related to one for one receipts that must be used for the provision of social housing under the agreement with the Government.

The Balance Sheet showed a Net worth of £256 million which was balanced by usable and unusable reserves. It was dominated by Property Plant and Equipment (PPE), that in turn was dominated by Council Dwellings of £216 million.

It should be noted that the £223 million that was shown in the unusable reserves was mainly due to valuation adjustments which meant they could not be used to fund service provision.

In discussing the information provided by the Financial Services Manager Councillor Brooks asked some questions in relation to Car Parks and it was agreed that a written response to his queries would be provided upon investigation.

Councillor Tilbrook asked what the impact would be if there was a snap election or if any other election event was called soon. It was advised that if any such election was called then this would be refunded by the Government.

The Committee

RESOLVED - That

- 1) note the findings of the Ernst & Young Audit Results Report;
- 2) approve the Letter of Representation on behalf of the Council and
- 3) approve the Statement of Accounts for the financial year ended 31 March 2019 which will be signed by the Chairman of the Committee.

149. ANNUAL GOVERNANCE STATEMENT 2018/19 AND LOCAL CODE OF CORPORATE GOVERNANCE 2019/20

The Committee received details of the Annual Governance Statement from the Internal Audit Manager. He explained that the statement was based upon **CIPFA** best practice to ensure that it was able to meet the requirements of the regulations.

He referred Members of the Committee back to an earlier question that had been asked regarding the Council's IT infrastructure and its ability to be protected in the event of a cyberattack, he confirmed that page 216 of the statement provided an overview of the work that had been and was ongoing in terms of the Council's IT and Business transformation.

After some discussion Members asked about the Council's business continuity plans and wanted to know if the Internal Audit Manager was satisfied with how prepared the Council was in the event of a cyberattack. It was confirmed to the Committee that

Audit & Governance Committee - 30.07.19

business continuity plans were still being reviewed and updated by the appropriate area, but that it was an item on the Council's Strategic Risk Register that would be brought to the Committee in November 2019.

The Committee

RESOLVED - That

- 1) the minor change to the local Code of Corporate Governance be endorsed; and;
- 2) the Council's Annual Governance Statement for 2018/19 be approved.

The Committee also requested that a formal officer update on Business Continuity Planning be provided in November as well as the Strategic Risk Register.

150. TREASURY MANAGEMENT ANNUAL REPORT 2018/19

The Senior Accountant introduced her report and a detailed overview. The key points she highlighted were:

- HRA borrowing – 53m current borrowing. 17.7m had already been repaid and £17.7m due to be repaid within 3 years.
- In terms of investments, the Council had invested £5 million with the Churches, Charities and Local Authorities (CCLA) property fund – we are achieving approx. a 4.2% return on this investment.
- The CCLA property fund had a diverse property investment portfolio, none of which were in shopping centres due to the current climate.
- SLY - Security (first and foremost), Liquidity and Yield (return on investments).
- The Council receives 3 reports a year – this was the annual report for 2018/19
- Drawing the Committee's attention to part 4.0 [The Council's Overall Borrowing Need] she confirmed that the Council no longer had an overdraft facility as the increased banking costs made it very expensive and rather than incurring costs for the facility, Arun now maintained an approximate £200k balance in the account (daily) to cover any potential cash flow needed.

The Committee

RECOMMEND TO FULL COUNCIL - That

- (1) the actual prudential and treasury indicators for 2018/19 contained in the report be approved;
- (2) the treasury management report for 2018/19 be noted; and;
- (3) the treasury activity during 2018/19, which has generated interest receipts of £754,000 (1.25%). Budget £480,000 (1.14%) be noted.

151. COUNTER-FRAUD REPORT 2018/19

The Internal Audit Manager introduced his report and gave an overview of the contents. He explained that a report had been taken to the Overview Select Committee in December 2018 that highlighted the extraordinary work that had been completed by Arun's Housing Fraud Investigator in stopping fraudulent activity taking place in Council owned properties.

He then confirmed to the Committee that 77 accounts had, had the Council Tax Single Person Discount, removed in 2018 which resulted in re-billing of approximately £66k.

The Committee

RESOLVED - That

- (2) the Counter Fraud Report be noted; and;
- (3) the Counter-Fraud work performed by the Council in 2018/19 be endorsed.

152. INTERNAL AUDIT ANNUAL REPORT & OPINION 2018/19

The Internal Audit Manager presented his report to the Committee and provided an overview of its contents. He highlighted that it was a requirement that Internal Audit was subject to an external assessment. It was advised that the Head of Business Services at Wealden District Council would be completing this review for Arun and a report would be brought before the Committee in November 2019.

The Committee

RESOLVED - That

- (1) the report the Internal Audit Annual Report & Opinion 2018/19 be noted; and;
- (2) the work carried out by Internal Audit in 2018/19 be endorsed.

153. PROGRESS AGAINST THE AUDIT PLAN

Audit & Governance Committee - 30.07.19

The Committee received and noted the Progress Report Against the Annual Audit Plan as had been approved by the Committee prior to the start of the financial year.

The Internal Audit Manager explained that key control checks were completed on the main financial systems annually. In response to Member questions he also advised of the main areas of work that had been conducted or were under way this year.

Councillor Chapman raised the point that it was vital to keep the Council's own internal audit team resourced in house and to not be reliant on a third party to complete the work required.

154. WORK PLAN REVIEW 2019/20

The Internal Audit Manager presented to the Committee its updated work programme for 2019/20. The Group Head of Corporate Support confirmed that Treasury Management Training for Members would be held on 21 November 2019.

The Committee

RESOLVED

That its Work Programme 2019/20 be approved.

(The meeting concluded at 19:16pm)

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Subject to approval at the next Development Control Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

7 August 2019 at 2.30 pm

Present: Councillors Bennett (Chairman), Bower, Brooks (substituting for Councillor Mrs Hamilton), Mrs Catterson (substituting for Coouncillor Ms Thurston), Chapman (substituting for Councillor Oliver-Redgate), Charles, Clayden (substituting for Councillor Roberts), Coster, Lury, Northeast, Mrs Pendleton, Mrs Stainton and Mrs Yeates.

Councillors Mrs Hamilton and Huntley were also in attendance for part of the meeting.

155. APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING

The Committee

RESOLVED

That Councillor Chapman be appointed as Vice-Chairman for the meeting.

156. WITHDRAWN APPLICATIONS

The Chairman advised that Previously Considered Planning Applications P/134/16/OUT and P/25/17/OUT and Planning Application A/9/19/PL had been withdrawn from the agenda and would not be considered at this meeting.

157. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors B. Blanchard-Cooper, Mrs Hamilton, Oliver-Redgate, Mrs Hamilton, Ms Thurston and Mrs Worne.

158. DECLARATIONS OF INTEREST

Planning Application P/30/19/OUT – Councillor Coster stated that he wished to make the meeting aware that he may have made public statements as part of his election campaign and that he had concerns about this particular item, although he had never specifically referred to it or the application. He advised that these could possibly have been the views he held at that time; however, he had an open mind regarding the matter and would listen and consider all the relevant issues presented to the Committee today and confirmed that he would reach his decision on merit.

Development Control Committee - 7.08.19

159. MINUTES

The Minutes of the meeting held on 10 July 2019 were approved by the Committee and signed by the Chairman as a correct record.

160. PREVIOUSLY CONSIDERED APPLICATION P/134/16/OUT, LAND NORTH OF SEFTER ROAD & 80 ROSE GREEN ROAD, PAGHAM

P/134/16/OUT – Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children’s play areas, landscaping, drainage and earthworks. This application also falls within the parish of Aldwick, Land north of Sefter Road & 80 Rose Green Road, Pagham Having received legal advice on the matter, the Committee had been advised that this application had been withdrawn from the agenda and would not be considered at the meeting.

161. PREVIOUSLY CONSIDERED APPLICATION P/25/17/OUT CHURCH BARTON, HORNS LANE, PAGHAM PO21 4NZ

P/25/17/OUT – Outline application with all matters reserved. Erection of up to 65No. dwellings, access roads, landscaping, open space & associated works, Church Barton, Horns Lane, Pagham Having received legal advice on the matter, the Committee had been advised that this application had been withdrawn from the agenda and would not be considered at the meeting.

162. P/30/19/OUT LAND NORTH OF HOOK LANE PAGHAM

(Councillor Mrs Hamilton and Huntley spoke on this item as Ward Councillors.)

P/30/19/OUT – Outline application with some matters reserved for the construction of up to 300 No. new homes, a care home of up to 80 beds, D1 uses of up to 4,000sqm including a 2 form entry primary school, the formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application may affect the setting of a listed building (resubmission following P/6/17/OUT), Land north of Hook Lane, Pagham

Having received a report on the matter, the Committee had also been circulated at the meeting with the officer’s written report update which appraised Members of the following:-

- A consultation response from Natural England advising they had no objection to the proposal subject to mitigation measures as detailed in the update.

- Four letters of representation which raised matters that had previously been considered.
- Two letters of representation from Pagham Parish Council raising matters detailed in the update.
- Advice that a Tree Preservation Order (TPO) had been made for a Pedunculate Oak situated on the eastern boundary of the site this had no impact on the development.
- Clarification that the recommendation should grant delegated authority to the Group Head of Planning to make minor amendments to the S106 Agreement that were substantially in accordance with the Heads of Terms and to grant planning permission, subject to the S106 Agreement, conditions and informatives.

The planning application sought outline permission, with all matters reserved save for access, and the Principal Strategic Planner presented the detail by way of a number of slides to illustrate the location of the site and how it sat within the built up area boundary as defined by policy SD SP2 of the Arun Local Plan.

The Committee was advised that the application site fell within strategic allocation SD2 under policy HSP2a of the Arun Local Plan, a site allocated to make a key contribution to housing supply in the District. The principle of the proposed development had been considered and was found to be acceptable and in accordance with relevant development plan policies. The site would provide 300 dwellings, which would result in 90 affordable housing units,

As the site was currently in agricultural use, Members were reminded that the development of the site and loss of the agricultural land had been the subject of consideration through the Examination in Public of the Arun Local Plan and that had been found acceptable by the Inspector.

Officers, in addition to the Habitats Regulation Assessment and appropriate assessment that had been undertaken in the preparation of the Local Plan, had commissioned independent consultants to undertake a further habitat regulation assessment and appropriate assessment of the development proposed. This work concluded that, subject to mitigation, the development would not result in there being a likely significant effect in combination with other developments. Natural England had been consulted on the Appropriate Assessment and had raised no objection to the conclusions. The necessary mitigation would be secured through the S106 Agreement and suitably worded conditions.

The Principle Strategic Planner highlighted the work undertaken around highways issues, particularly in light of the refusal of planning application P/6/17/OUT, which was currently the subject of an appeal. The proposed accesses from the site onto Pagham Road and Hook Lane had been the subject of a Road Safety Audit and a further assessment of the Road Safety Audit had previously been commissioned by the Council. West Sussex County Council had been consulted as the local Highways Authority and no objection had been raised in relation to the proposed accesses.

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Through the submission of the applications for the Pagham Strategic Allocations, the developers had worked together to prepare a cumulative assessment of the transport impacts. However, officers were of the view that a more stringent approach should be adopted and, consequently, Dougall Baillie Associates had been appointed to undertake a further sensitivity assessment of the junctions that would be impacted by the development. The work had been undertaken using much more stringent assumptions than that originally adopted by the developer and agreed with West Sussex County Council. Following this further assessment, a number of junctions had been identified as requiring enhancement and a cumulative mitigation package was prepared to address the needs of the entirety of the Pagham Strategic Allocation. This application would therefore make a financial contribution towards the improvement of the Lower Bognor Road/Pagham Road junction, as well as the Sefter Road/Pagham Road junction. In addition, the developer would be required to deliver enhancement works to the B2166 Vinnetrow Road Roundabout.

Highways contributions had been identified by officers, in consultation with Highways England and WSCC, to mitigate the impact of the development upon the highways network. These contributions were considered acceptable by officers as well as Highways England and WSCC. However, as planning application P/6/17/OUT had been refused on the basis of the development's highways impact, Members were advised that, should they feel that the highways mitigation package was insufficient to address the concerns previously raised, then an additional mitigation package had been proposed by the developer and could be taken into account in the decision. The additional package would be in the form of an agreement to undertake a monitoring scheme prior to the commencement of development, occupation of 150 dwellings and full occupation. If that monitoring identified a material worsening of highway safety, then a contribution of £100,000 would be made available to WSCC for the implementation of further enhancements along the Pagham Road corridor.

A financial contribution of £30,612 had also been secured towards the enhancement and upgrade of footpaths 101,104 and 106 to provide an alternative off road cycle link from Pagham to South Mundham, which would link into the existing Selsey to Chichester cycle route.

Members participated in a full debate and views were expressed on a number of issues, which included:-

- Concerns that the sewage discharge network was inadequate
- Concern that since the Local Plan had been adopted, a number of issues had come to prominence that impacted on the efficacy of the Plan, e.g. climate change; development growth; environmental matters, etc.
- This site had been included in the Local Plan and Members were therefore obliged to take account of that as it was a statutory document.
- Other strategic sites in Pagham had been approved based on the same transport assessments that P/6/17/OUT had been refused on, which was illogical.
- The highways mitigation being proposed did not override the potential for traffic chaos

- A member view was put forward that the policies contained in the Local Plan were contrary to approval of this application and a number of examples were cited. The Group Head of Planning advised that Members needed to look at the Local Plan as a whole and not pick out parts of it. He also confirmed that the allocation had been tested by the Inspector who had considered the matters raised.

A lengthy discussion between Members highlighted the opposing views held. Some expressed support that this application, as part of the strategic allocation for Pagham in the Local Plan, should be granted planning permission, particularly as mitigation measures had been put in place to address highways issues and a refusal could result in substantial costs being awarded against the Council at appeal. It was stressed that the Local Plan was a statutory document that had been adopted and therefore there was a process to be adhered to. In addition, there had been no evidence put forward to support a refusal.

Counter views were put forward that the highways mitigation was not sufficient to address Members serious concerns and that there were a number of policies in the Local Plan which were contrary to the impact that this application would have on the locality and the community.

The Group Head of Planning advised that the application had been accompanied by an extensive amount of documentation which had been duly and widely consulted on. The issues had been addressed by the consultees.

A motion was proposed “that the question be now put”. However, this was not seconded but, as there were no more speakers, the Chairman moved to the vote.

The Committee

RESOLVED – That

- (1) Delegated authority be granted to the Group Head of Planning to make minor amendments to the S106 Agreement that are substantially in accordance with the Heads of Terms; and
- (2) Planning permission be granted, subject to the S106 Agreement, conditions and informatives.

As a request had been made for a recorded vote to be taken, those voting FOR were Councillors Bower, Chapman, Charles, Clayden, Northeast, Mrs Pendleton and Mrs Stainton (7). Those voting AGAINST were Councillors Bennett, Brooks, Mrs Catterson, Coster, Lury, and Mrs Yeates (6). There were no abstentions.

The Chairman then called a short adjournment to the meeting.

163. Y/103/18/PL 10 ACRE FIELD, NORTH OF GREVATTS LANE, YAPTON

Development Control Committee - 7.08.19

Y/103/18/PL – Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements. This application is a Departure from the Development Plan, 10 Acre Field, North of Grevatts Lane, Yapton

Having received a report on the matter, the Committee had also been circulated at the meeting with the officer's written report update which advised Members of the following:-

- Agricultural Land - the details of the applicant's submitted Soil Resource Survey and a Soil Resource (Management) Plan had now been received. Yapton Parish Council had been consulted on these additional documents and had until 13 August 2019 to provide a response. A new condition would be included in any approval, as set out in the officer report update.
- Access Arrangements – the applicant had been requested to consider amendments to the access in order to (1) guide visitors to the A259 rather than turning right towards Bilsham Road; and (2) amending the junction of Grevatts Lane West with the A259 in order to deter/prevent right turns onto the A259. The detail of the outcome of liaison with County Highways was provided in the update, together with amendment of Condition 17 to take account of changed Drawing 128.001.007 Revision D "Access Road Amendments to show the addition of both signage and road lining to discourage a right turn when exiting the site onto Grevatts Lane West.
- Traffic Regulation Order(TRO) – legal advice had been provided that, as the TRO would be subject to the Road Traffic Regulation Act 1984, it could not be achieved through a planning condition and therefore must be subject to a S106 Agreement.
- Additional objections were detailed and officer comment made that the majority of the objections referred to matters already discussed within the report or matters were outweighed by the lack of an objection from County Highways.
- Clarification was provided that the recommendation should delegate the approval of planning permission, subject to the S106 Agreement and the recommended conditions (as amended) to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman.

The Principal Planner presented this report on the detail of an application for a single chapel crematorium and advised that, although there was a conflict with the Local Development Plan, there was a clear need for such a facility and it would provide long term benefits.

In debating the matter, Members expressed serious concerns with regard to access to and from the site; access onto the A259; and the safety of cyclists using the cycle route along the A259. It was acknowledged that there was a need for a crematorium but that did not override the fact that Members were of the view that the access arrangements were unsatisfactory and that an additional junction onto the A259 was totally unsuitable. A view was expressed that the potential for a slow moving

funeral cortege on the A259 could have a severe detrimental impact on the traffic flows in the area.

In light of the comments made, the Group Head of Planning cautioned the Committee that this application had been subject to a road safety audit undertaken by an independent consultant on behalf of the applicant, which had been assessed by County Highways and, as stated in the report, they did not consider there would be any severe harm to the safety or convenience of the local highway network.

Following this advice, it was formally proposed and duly seconded that the application should be deferred to enable a further road safety assessment of the access onto the A259 to be undertaken on the grounds that the original assessment had been carried out on Friday 28 December 2018 at 9.30 a.m. and again on 2 January 2019 when the traffic flows would have been exceptionally light. Member comment was also made that the road safety assessment should be subject to 4 separate site visits, two mid-morning and two mid-afternoon.

The Committee therefore

RESOLVED

That the application be deferred to enable a road safety audit to be undertaken.

164. CM/4/19/PL LAND SOUTH OF THE A259, GREVATTS LANE, CLIMPING BN17 5RE

CM/4/19/PL – Construction of a crematorium comprising of a crematorium building & associated structures, car parking, access & landscaped spaces. This application is a Departure from the Development Plan, Land south of the A259, Grevatts Lane, Climping

Having received a report on the matter, the Committee had also been circulated at the meeting with the officer's written report update which advised that, following submission of a Soil Survey and Plan and an Agricultural Policy Considerations Report, the proposed reason for refusal 1 was no longer appropriate and should therefore be deleted from the recommendation.

The Principal Planning Officer presented the detail of the report and confirmed that the recommendation for refusal was reliant on the fact that there was an alternative suitable site as demonstrated by the previous application on the agenda, which was still on the table. The two reasons for refusal were based on the fact that the site was located within the Littlehampton to Middleton Gap between Settlements and that, as this site had been identified as land liable to flood, an alternative site at lower risk of flooding had been identified for the use proposed.

Development Control Committee - 7.08.19

Members participated in some discussion and, whilst comment was made that the access and egress to the site onto the A259 was preferable to planning application Y/103/18/PL, general support was expressed for the officer recommendation to refuse.

The Committee therefore

RESOLVED

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

165. AW/134/19/HH 33 BALLIOL CLOSE, ALDWICK CLOSE PO21 5QE

AW/134/19/HH – Single storey side and rear extension with habitable roofspace and conversion of existing roofspace to habitable use, together with porch removal and replacement windows, 33 Balliol Close, Aldwick Having received a report on the matter, together with the officer's written report update detailing an additional objection received from Ward Member Councillor Dixon and an additional comment from Aldwick Parish Council, a site visit was requested and seconded in order to assess the impact of the proposal on the neighbouring property.

The Committee

RESOLVED

That the application be deferred to enable the Site Inspection Panel to visit the site.

166. A/9/19/PL POUND PLACE, ROUNDSTONE LANE, ANGMERING BN16 4AL

A/9/19/PL – Demolition of existing dwelling & erection of a 62 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane (resubmission following A/51/18/PL), Pound Place, Roundstone Lane, Angmering Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the agenda and would not be considered at the meeting.

167. AB/23/19/PL 67/69 TARRANT STREET & 2A ARUN STREET, ARUNDEL BN18 9DN

AB/23/19/PL – Conversion & change of use of retail unit (A1 Shops) to 2 No. residential units (C3 Dwelling Houses). This application affects the character & appearance of the Arundel Conservation Area, 67/69 Tarrant Street & 2A Arun Street, Arundel Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

168. CM/25/19/PL KENTS YARD, BROOKPIT LANE, CLIMPING BN17 5QT

CM/25/19/PL – Change of use of barns to 3 No. dwellings (resubmission following CM/24/18/PL). This application may affect the setting of a listed building, Kents Yard, Brookpit Lane, Climping Having received a report on the matter and a presentation on the detail of the proposal from the Planning Team Leader, the Committee participated in some discussion on this item.

Member concerns were expressed around the disparity of the garden sizes, particularly that the garden for the proposed three bedroom property was significantly smaller than for the remaining two properties. Officer advice was given that the central courtyard area would provide additional amenity space for all the dwellings and that, due to the character of the area and rural buildings, it would be anticipated that smaller amenity space would be provided.

The Committee

RESOLVED

That the officer recommendation to approve not be accepted.

Members then considered reasons to refuse the application in respect of lack of amenity space and a cramped overdevelopment of the site and were advised by the Group Head of Planning that :-

- (1) The Council's relevant policy HDM4 relating to the conversion of rural buildings stipulated that the proposals should minimise the amount of land used as residential curtilage; and
- (2) The amenity space provided for the proposal was in fact larger than that provided for the previously approved conversion two years ago.

However, Members maintained that the proposal was inappropriate and

RESOLVED

That the application be refused for the following reason:-

The proposals would result in a form of development that would be cramped and over intensive with inadequate amenity space, resulting in an adverse impact on the character of the area contrary to policy DDM1 of the Arun Local Plan.

169. CM/16/19/PL RUDFORD INDUSTRIAL ESTATE, UNIT J1, J2 & Z, FORD ROAD, FORD BN18 0BF

Development Control Committee - 7.08.19

CM/16/19/PL – Variation of conditions imposed under CM/1/19/PL relating to conditions 2 – plans condition relating to external appearance & 3 – amendment of wording to remove reference to acoustic metal cladding to south elevation, Rudford Industrial Estate, Unit J1, J2 & Z, Ford Road, Ford Having received a report on the matter, the Committee was advised by the Planning Team Leader that the changes being proposed to the external cladding on the south side of the building had been considered by Environmental Health and confirmation had been received that it would achieve the same aims as the original condition. It was proposed to change the wording of Condition 3 to reflect the changes within the application.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

170. PLANNING APPEALS

The Committee noted the appeals received.

(The meeting concluded at 6.45 pm)

ARUN DISTRICT COUNCIL

REPORT TO THE FULL COUNCIL MEETING ON 18 SEPTEMBER 2019

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| SUBJECT: | Review of Governance Arrangements |
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|-----------------------|-----------------------------|
| REPORT AUTHOR: | Nigel Lynn, Chief Executive |
| DATE: | August 2019 |
| EXTN: | 01903 737601 |

EXECUTIVE SUMMARY:
 The report is being submitted at the request of the Cabinet Member for Corporate Support, Councillor Francis Oppler. It seeks the Council’s views on conducting a review of governance arrangements moving from the current Cabinet arrangement to a Committee style structure. The report highlights the scope for a review process and how this could be taken forward.

RECOMMENDATIONS:

It is recommended that the Council:

- (1) Agrees to a review of governance arrangements being conducted;
- (2) Subject to agreement to (1), establishes a Governance Working Party to undertake this review based on the following terms:

| | |
|---------------------------|--|
| Terms of reference | (i) To conduct a review of the Council’s governance arrangements exploring the advantages and disadvantages of moving to a Committee system. (ii) The review to work to the Local Government Association and Centre for Public Scrutiny’s guidance “Rethinking governance – practical steps for councils considering changes to their governance arrangements” and to take account of experience in other district and borough local authorities. |
| Size of the Working Party | 11 Members with seats allocated based on the political balance of the Council as follows: <ul style="list-style-type: none"> • Liberal Democrats x 4 • Conservatives x 4 • Independents x 1 • Green x 1 • Labour x 0 • Other Independents x 1 |
| Nominations to the seats | To be made by the relevant Group Leader and confirmed at the Council meeting on 18 September 2019 |

| | |
|---|---|
| Vacancies to seats | To be for the relevant Group Leader to fill the vacant seat and report this for information to the next Council meeting |
| Timescale for the work to be undertaken | To consult with the Audit and Governance Committee before Full Council and by 15 January 2020 To report back to Full Council on proposals to: (i) Agree the formal resolution for any change to governance arrangements; and (ii) Instruct officers to take forward the work to re-design rules and procedures |

(3) Requests a report back from the Working Party to its next meeting.

1.0 BACKGROUND

- 1.1 The current governance arrangement of a Leader and Cabinet was introduced by the Council in May 2001 in response to the requirements of the Local Government Act 2000. Prior to then a Committee style structure had been in existence.
- 1.2 The Localism Act 2011 expanded the number of decision-making systems that councils could adopt from the previous arrangements determined by the Local Government Act 2000. These provisions include allowing councils to make most decisions in Committees, which are made up of a mix of Councillors from all political parties. These arrangements can include having one or more Overview and Scrutiny Committees, however, this is not a legal requirement.
- 1.3 The Leader of the Council, Councillor James Walsh announced in his acceptance speech at the Annual Council meeting on 22 May 2019 that it was the intention of the Liberal Democrat Group to disband the existing Cabinet system and return to a Committee system where all Members would be involved in decision making. The Cabinet Member for Corporate Support, Councillor Francis Oppler, will lead in taking forward this proposal, and the first stage is to seek the support of the Council to a review.

2.0 SCOPE OF A REVIEW PROCESS

- 2.1 The review needs to work within the provisions of the Localism Act 2011 set out at Schedule 2, Part 1A, paragraph 9B. These confirm that a local authority in England must operate one of the following permitted forms of governance:
- a) Executive Arrangements (a Cabinet style);
 - b) A Committee system; or
 - c) Prescribed arrangements
- 2.2 An Executive Arrangement must either be based on an:
- a) Elected Mayor and Cabinet; or
 - b) An Executive Leader and Cabinet.

The Executive Leader and Cabinet is the status quo for the Council.

- 2.3 A Committee system would be based on a model of executive decision-making by service Committees on which all political groups would be represented based on the political balance of the Council. This would end the current separation between executive and non-executive functions made under the Local Government Act 2000. In adopting this form of governance, the Council would no longer be under a statutory duty to establish one or more Overview and Scrutiny Committees to scrutinise its executive, however, it could still retain this function to scrutinise its alternative governance arrangements.
- 2.4 'Prescribed arrangements' involve agreeing a form of governance arrangements with the Secretary of State. The conditions to be met include demonstrating that:
- (i) the proposed arrangements would be an improvement on current arrangements;
 - (ii) the operation of the new structure would be likely to ensure that the decisions of the authority are taken in an efficient, transparent and accountable way; and
 - (iii) the arrangements would be appropriate for all local authorities, or for any particular description of local authority, to consider.
- 2.5 A change of governance arrangements would require the following steps:
- (i) a resolution of Full Council, by a simple majority, confirming what the new arrangements will look like and when they will be introduced;
 - (ii) a public notice advertising the decision to change the authority's governance arrangements.
- 2.6 There is no requirement to consult formally on the resolution, or to consider any responses received from the public notice, although officers propose internal consultation with the Audit and Governance Committee prior to the Full Council report.
- 2.7 Any decision taken through this process cannot be changed for five years, unless the change is triggered by a referendum following a public petition.
- 2.8 Once the Council has passed the necessary resolution, the new form of governance would start from the first Annual Meeting to be held after the resolution has been passed (unless the resolution specifies a later Annual Meeting). It cannot start during a municipal year (2019/20).

3.0 PROPOSED WAY FORWARD

- 3.1 The Council's Constitution confirms at Article 4, paragraph 2(m) that the Full Council is responsible for the exercise of any function relating to changing governance arrangements. It is therefore for the Council to decide how it wishes to take forward a governance review.
- 3.2 The Cabinet Member for Corporate Support has proposed that a Working Party is established for this specific task in accordance with Rule 7.0 at Part 3 - Responsibility for Functions. It is therefore proposed that a Governance Working Party is established on the following terms:

| | |
|---|--|
| Terms of reference | (i) To conduct a review of the Council's governance arrangements exploring the advantages and disadvantages of moving to a Committee system. (ii) The review to work to the Local Government Association and Centre for Public Scrutiny's guidance "Rethinking governance – practical steps for councils considering changes to their governance arrangements" and to take account of experience in other district and borough local authorities. |
| Size of the Working Party | 11 Members with seats allocated based on the political balance of the Council as follows: <ul style="list-style-type: none"> • Liberal Democrats x 4 • Conservatives x 4 • Independents x 1 • Green x 1 • Labour x 0 • Other Independents x 1 |
| Nominations to the seats | To be made by the relevant Group Leader and confirmed at the Council meeting on 18 September 2019 |
| Vacancies to seats | To be for the relevant Group Leader to fill the vacant seat and report this for information to the next Council meeting |
| Timescale for the work to be undertaken | To consult with Audit and Governance before Full Council and by 15 January 2020 To report back to Full Council on proposals to: <ul style="list-style-type: none"> (iii) Agree the formal resolution for any change to governance arrangements; and (iv) Instruct officers to take forward the work to re-design rules and procedures |

3.3 If established the Working Party can then:

- a) review these terms of reference at its first meeting and recommend any change back to Full Council;
- b) consult with the Audit and Governance Committee
- c) make any recommendations to Full Council based on the terms of reference – it would have no decision-making authority; and
- d) meet in private unless it agrees that it will work to the Meeting Procedure Rules at Part 5 of the Council's Constitution

3.4 If the Council makes the formal resolution for a change to governance arrangements in January 2020, then the following actions would still be required:

- (i) a public notice must be published, based on statutory requirements;
- (ii) Full Council on 18 March 2020 will need to review any public reaction to the resolution and notice;
- (iii) The Audit & Governance Committee will need to commission a review of the Members Allowances Scheme by the Independent Remuneration Panel so this can be reported back to a Council Meeting in April 2020; and

(iv) the Constitution Working Party will need to review the required changes to the Constitution and make recommendations for change to a Council Meeting in April 2020.

3.5 The effective date for any new governance arrangements would then be the Annual Council Meeting on 20 May 2020.

4.0 OPTIONS:

1. To support the recommendations as presented.
2. To not support the recommendation to conduct a review of governance arrangements.
3. To propose alternative arrangements for taking forward the review.

4.0 CONSULTATION:

| Has consultation been undertaken with: | YES | NO |
|--|------------|-----------|
| Relevant Town/Parish Council | | ✓ |
| Relevant District Ward Councillors | | ✓ |
| Other groups/persons (please specify) <ul style="list-style-type: none"> • Deputy Leader and Cabinet Member for Corporate Support • Group Leaders have all agreed that the review will form a target for this administration (assuming Full Council supports on 13 November 2019). | ✓ | |
| 5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below) | YES | NO |
| Financial | ✓ | |
| Legal | ✓ | |
| Human Rights/Equality Impact Assessment | | ✓ |
| Community Safety including Section 17 of Crime & Disorder Act | | ✓ |
| Sustainability | | ✓ |
| Asset Management/Property/Land | | ✓ |
| Technology | | ✓ |
| Other (please explain) | | ✓ |

6.0 IMPLICATIONS:

6.1 There is considerable work involved with a review of this nature and a short timescale to complete this in based on the proposal that a new Committee system is introduced from May 2020.

6.2 There are currently limited resources within the Group Head of Council Advice and Group Head of Policy's teams to provide dedicated support to this review – both for research in the exploratory phase and in delivering the outcomes of the review, including a re-write of the Constitution.

- 6.3 The Council either needs to accept that resources will be identified as priorities allow, which could impact on the delivery date; or decide to allocate funding to procure specialist support. No action has been taken to review the potential costs for this until the Council determines that it wishes this review to proceed.
- 6.4 Subject to finances being available (through the Council's Strategic Targets report to Full Council on 13 November 2019) consultancy support will be sought from the Local Government Association to assist officers with this work.

7.0 REASON FOR THE DECISION:

To respond to the request of the Cabinet Member for Corporate Support.

8.0 BACKGROUND PAPERS:

Localism Act 2011, Schedule 2

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/2/enacted>

Local Government Association and Centre for Public Scrutiny guidance

<https://www.cfps.org.uk/wp-content/uploads/Rethinking-Governance.pdf>