

**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 15 JANUARY 2020 AT 6.00 PM**

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

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated:- Councillors Bower, English, Mrs Caffyn and Miss Rhodes – Minute 390 (Part) to Minute 400; Councillor Smith – Minute 391 (Part) to Minute 400; Councillors Mrs Madeley and Mrs Stainton – Minute 396 (Part) to Minute 400; and Councillors Mrs Cooper, Cooper, Gregory, Hughes, Purchase and Miss Seex – Minute 396 (Part – Motion 2) to Minute 400].

377. WELCOME

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

378. FORMER COUNCILLOR MRS MARGARET TULLETT AND FORMER MEMBER OF STAFF GILL MAJOR

The Chairman announced with great sadness that former Councillor and Chairman of the Council, Mrs Margaret Tullett, had passed away on 11 December 2019. She also confirmed that former member of staff Mrs Gill Major had also passed away on 23 December 2019.

Having received tributes from fellow Councillors Dr Walsh and Goodheart, the Chairman asked Members to join her in sending the Council's thoughts to their family and friends during this difficult time.

The Council then stood in silence to their memory.

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379. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Baker, Buckland, Huntley, Jones and Miss Needs and from all of the Council's Honorary Aldermen.

380. DECLARATIONS OF INTEREST

Councillors Elkins and Dr Walsh declared their Personal Interests in Agenda Item 17 [Motions] in respect of the second Motion from the Green Party as Members of West Sussex County Council and in view of their positions as Members of the County Council's Pensions Panel.

Councillor Mrs Haywood and Lury also declared their Personal Interests in this item as they were in receipt of a West County Council Pension.

Councillors Oppler and Purchase then declared their Personal Interests in Item 17 as Members of West Sussex County Council.

Councillor Purchase declared a Pecuniary Interest in Agenda Item 19 [Adoption (Making) of the Arundel Neighbourhood Plan Review – 2081-2031] as the business he worked for had a commercial relationship with Arundel Town Council.

The Chief Executive declared a Personal and Prejudicial Interest in Agenda Item 15 (Chief Executive's (CEO) Remuneration Committee – 18 December 2019) in relation to Minute 346 (Chief Executive's Remuneration for 2019/20) as this item would be discussing his salary. The Chief Executive confirmed that he would leave the Council Chamber for consideration of this matter.

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

| Name | Town or Parish Council or West Sussex County Council [WSSCC] |
|-----------------------------------|---|
| 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 Ian Buckland | Littlehampton and WSSCC |
| Councillor Mike Clayden | Rustington |

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|--------------------------------|---------------------------|
| Councillor Andy Cooper | Rustington |
| Councillor Alison Cooper | Rustington |
| Councillor Sandra Daniells | Bognor Regis |
| Councillor David Edwards | WSCC |
| Councillor Roger Elkins | Ferring and WSCC |
| Councillor Paul English | Felpham |
| Councillor Inna Erskine | Bognor Regis |
| Councillor Steve Goodheart | Bognor Regis |
| Councillor Pauline Gregory | Rustington |
| Councillor June Hamilton | Pagham |
| Councillor Shirley Haywood | Middleton-on-Sea |
| Councillor David Huntley | Pagham |
| Councillor Henry Jones | Bognor Regis |
| Councillor Martin Lury | Bersted |
| Councillor Claire Maria Needs | Bognor Regis |
| Councillor Francis Oppler | WSCC |
| Councillor Jacky Pendleton | Middleton-on-Sea and WSCC |
| Councillor Vicky Rhodes | Littlehampton |
| Councillor Dan Purchase | WSCC |
| Councillor Emily Seex | Littlehampton |
| Councillor Martin Smith | Aldwick |
| Councillor Samantha Staniforth | Bognor Regis |
| Councillor Matt Stanley | Bognor Regis |
| Councillor Isabel Thurston | Barnham & Eastergate |
| Councillor James Walsh | Littlehampton and WSCC |
| Councillor Jeanette Warr | Bognor Regis |
| Councillor Amanda Worne | Yapton |
| Councillor Gillian Yeates | Bersted |

381. PUBLIC QUESTION TIME

The Chairman invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the rules of the Council's Constitution.

The Chairman announced that one question had been received. This asked the Leader of the Council, Councillor Dr Walsh, if he could agree with a series of statements regarding the progress of regeneration in relation to the two main sites in the Council's ownership in Bognor Regis Town Centre.

The Leader of the Council, Councillor Dr Walsh, responded stating that the Council recognised the importance of regeneration and attracting investment to the District. When this administration had taken over in May 2019, a decision had been

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made to review the previous administration's development plans for the two key Council owned regeneration sites in Bognor Regis and officers had been instructed to halt progression of those proposals.

Councillor Dr Walsh confirmed that the Council was now considering what the best approach would be for taking forward development proposals for the Town, further consultation was planned for Spring 2020 would form part of that process.

The Chairman then invited the questioner to ask a supplementary question.

The questioner thanked Councillor Dr Walsh for his response and stated that he was glad to hear about plans for consultation. He then referred to the Sir Richard Hotham Project as the organisers had been asked not to submit a planning application. The questioner outlined that he had undertaken considerable research into this project and had seen evidence that assured him that this was a viable project.

In response, Councillor Dr Walsh stated that he was not aware of this fact and that he would investigate the matter. He confirmed that he could not make a response about the action of the former Leader of the Council.

The Chairman then drew Public Question Time to a close.

382. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

There were no questions asked.

383. PETITIONS

The Chairman confirmed that no Petitions had been received.

384. MINUTES

The Minutes of the Special Council Meeting and the Full Council Meeting which were both held on 13 November 2019 were approved as a correct record and were signed by the Chairman.

385. CHANGE TO THE ORDER OF THE AGENDA

The Chairman announced that in accordance with Council Procedure Rule 15[c], she proposed to change the order of the agenda by bringing forward Item 16 [Outcome of the Governance Working Party's Review] for consideration immediately before Item 9. This was in view of the importance of this item and so that it could be dealt with as the first of the reports from Cabinet, Committees and Working Groups. Councillor Mrs Worne seconded this proposal.

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

386. CHAIRMAN'S ANNOUNCEMENTS

The Chairman alerted Members to the list of engagements and events that had been attended since the Special Meeting of the Council held on 13 November 2019 – these had been emailed to Councillors recently.

The Chairman then informed Councillors that it had been brought to her attention that Alderman Tony Squires had been very unwell over the Christmas period and so she asked them to join her in sending the Council's very best wishes to him.

Finally, the Chairman confirmed that following the announcement of the New Year's Honours List, on behalf of the Council, she wished to congratulate Professor Kalwant Bhopal who had received an MBE for her service to equality in education.

387. URGENT MATTERS

There were no items for this meeting.

388. OUTCOME OF THE GOVERNANCE WORKING PARTY'S REVIEW

The Chairman invited the Chief Executive to make a statement ahead of Councillors considering the recommendations of the Governance Working Party.

The Chief Executive outlined that there were five areas of advice that he wished to bring to the Council's attention. These were:

1. To remind Members of what the Council agreed at its meeting on 18 September 2019. That was to set up the Governance Working Party to conduct this review working within the provisions of the Localism Act 2011. The Terms of Reference for this review were again outlined to Members. The timescale for the review had been based on consultation with the Audit and Governance Committee before reporting back on any proposals for change to this meeting.
2. In presenting reports and giving advice to the Working Party, the Chief Executive and the Monitoring Officer had taken account of this guidance and the experience of other local authorities as the Council agreed they should do. The final report considered by the Governance Working Party on 6 January 2020 set out the information that had been considered over the four meetings held and the key issues that needed to be considered in concluding this review. All Members and the public had been provided with a link to this report as part of Bundle 2 of the Full Council papers.
3. Thirdly, in relation to what Councillors were being asked to consider tonight. Once formally proposed and seconded, Members would be asked to consider the recommendation put forward by the Working Party as set out in Minute 31. This recommendation was proposing a change to the Council's governance

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arrangements from the current Leader with Cabinet model to a Committee system. The wording was prescriptive to meet legal requirements.

The Chief Executive outlined that the Council, needed to make a fundamental judgement in confirming any recommendation for change to its governance arrangements. This needed to provide an opportunity to challenge any assumptions made within the review process and to consider the fundamental reasoning behind the proposal being put forward.

4. As with any recommendation before Council, Members would be able to propose an amendment in line with the Constitution at Council Procedure Rule 16.7. This would allow any Member to:
 - a) refer the subject back for re-consideration;
 - b) leave out words;
 - c) leave out words and add others; or
 - d) add words.

However, any amendment could not have the effect of negating the recommendation being presented, for example, putting an alternative proposal.

5. The final point made to provide a legal opinion in response to the question asked by the Working Party about the adoption date for any change to governance arrangements. Having taken legal advice from three sources, it was confirmed that:
 - (1) In accordance with Section 9KC(4) of the Local Government Act 2000, as amended by the Localism Act 2011, if the Council agreed this recommendation and thereby made a resolution to change its form of governance tonight, then the Council could not pass a further resolution to change its form of governance for five years from that date, namely 14 January 2025.
 - (2) The only provision within the law that would allow further change within the five year period would be if there was a referendum that supported such a change.
 - (3) Further, as this decision was binding under law, the procedural provisions of the Council's Constitution did not apply. This meant that if the resolution was passed, Council Procedure Rule 17.1 that would normally allow the Council to consider a motion to rescind a decision taken in less than six months could not be applied, nor could a further motion be accepted before 14 January 2025.

The Chairman then invited the Chairman of the Governance Working Party to present the minutes from the meetings of the Working Party held since the last Full Council meeting.

Councillor Oppler then presented the Minutes from the meetings of the Governance Working Party held on 12 November and 3 December 2019.

Councillor Mrs Erskine then presented the minutes from the Special Meeting of the Audit and Governance Committee held on 19 December 2019.

Many Councillors made comments referring to the recommendation made to the Governance Working Party held on 6 January 2020. Concern was raised over the fact that this had been ignored by the Working Party. It was felt that a Members' Seminar would have provided Councillors with the information they needed to have to be able to make such an important decision. To not have had this Seminar meant that many Councillors were not armed with the required evidence that they felt was needed.

Councillors also commented on the fact that they wanted to make such a decision based on being satisfied that an open and transparent review, involving all Councillors had taken place. The Special Audit & Governance Committee meeting had been very professionally chaired allowing all Members, including those in the Public Gallery, to take part in a long and thorough debate. This has resulted in the Committee confirming that the review had been rushed and more research should be undertaken on the approaches taken by other Councils. Until questions surrounding budget costs, how the new structure would engage with the public; and what the true impact would be for Councillors, the Committee had sent a clear message that the review could not be supported on this basis and should be deferred until a Members' Seminar had been held, this would allow more information on the options proposed to be provided. Questions asked were how could this recommendation be ignored by the Working Party when many of its Members had voted for the recommendation at the Audit & Governance Committee meeting?

Other Councillors spoke thanking the Officer team for their hard work and for the vast amount of information that had been provided to all Councillors in both sets of agenda papers for this meeting. They believed that Councillors had adequate information to allow them to make this decision.

Councillor Oppler then presented the minutes from the meeting of the Governance Working Party held on 6 January 2020.

Councillor Oppler confirmed that there were recommendations for Councillors to consider which he duly proposed. Councillor Ms Thurston then seconded these recommendations.

Prior to the debate commencing on this item, various Points of Order were put forward and a range of questions asked. These related to the Terms of Reference for the Working Party and whether these had been properly applied in conducting this review. Examples provided were whether all advantages and disadvantages for each of the options had been adequately considered. Had the review been conducted using the Local Government Association and Centre for Public Scrutiny Guidance "Rethinking Governance – Practical Steps for Councils Considering Changes to their Governance Arrangements". There were Councillors who believed that the Working Party had not worked to its Terms of Reference and the review had not been managed in accordance with the LGA guidance.

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The Chief Executive responded referring Councillors to the terms of reference that had been agreed by the Council as its meeting held on 18 September 2019. The report submitted to that meeting and the Resolutions passed confirmed that final recommendations from the Working Party would be submitted to this meeting for all Councillors to consider. This response was questioned by some Members who argued that the terms of reference confirmed a different journey.

The Chief Executive and Monitoring Officer both gave advice that the Working Party had worked within its terms of reference and had submitted recommendations for all Councillors to consider and debate. Referring to his statement made earlier, he reminded them that they did have the option to defer making this decision if they believed that the work of the Working Party had been inadequate.

Questions were then asked about the Council's Constitution and whether the Working Party had been established in accordance with the Constitution. The Monitoring Officer confirmed that it had. Further questions were asked about the Access to Information Rules and whether the information to Councillors had been provided in line with these rules. The Mentoring Officer confirmed that it had and referred Members to the relevant parts of the Council's Constitution.

The Chairman then invited Councillor Oppler to formally make his presenting statement. Councillor Oppler confirmed that he firstly wished to thank the Chief Executive and the Monitoring Officer for their hard work over the last few months and he extended his thanks to Members of the Working Party for their well-tempered and considered discussions.

The recommendations put forward were about the future and how the Council could make decisions in an improved way for residents whilst providing every Councillor a greater say in the decisions made. Councillor Oppler confirmed that the new Committee structure would strengthen the link between residents and the local Councillor as all Members of each Committee would be held to account in the future. Decision making would be in the hands of 54 Councillors instead of seven Cabinet Members. The recommendations put forward would strengthen democracy in Arun and would make decision making more consensual. Councillor Oppler put forward his strong opinion that Officers had supplied all Councillors with all the information needed to make this decision now and that all the necessary research had been undertaken. He emphasised that the Working Party had been moving forward with its work on the agreed approach that all Political Groups would be debating the issues raised internally and would undertake any research required. The Working Party had listened to the comments received from Members about the review being rushed and this was why the recommendation to adopt the Committee structure would not be implemented until May 2021. This would allow the transition to be introduced in a measured way so that adequate training for staff and Councillors could take place enabling the Council to tailor the new Committees to exactly what Councillors wanted them to be.

The Chairman then invited debate which saw many varying views being made. Firstly, Councillors spoke against the recommendations. Comment was made about the process followed in undertaking this review. Right from the outset it had been made clear by some Councillors at meetings of the Working Party and at the Special Meeting of the Audit & Governance Committee that the process had been rushed. The role of using the Audit & Governance Committee as a consultee was to provide an independent assurance that the review had been adequate. This assurance has not been given as there was strong opinion that insufficient information had been provided.

In view of the comments made, Councillor Chapman proposed an amendment to read "Refer back the recommendation to the Governance Working Party and that the Working Party seeks independent assurance from the Audit and Governance Committee before bringing it back to Full Council".

This amendment was seconded by Councillor Clayden.

The Chairman then invited debate on the amendment.

Those speaking in support of it outlined that the Audit & Governance Committee had made a clear recommendation stating that more information was required and that a Members' Seminar be organised to provide this allowing Councillors to then make the right decision not only for the Council, but for the people they served and for all the District's Town and Parish Councils that they represented. This amendment was the right way forward in view of the comments that had been made about the pace of the review.

Other Councillors speaking in support of the amendment argued why it would present such a problem to defer the decision. A Members' Seminar could be organised to allow Members to consider all options and so that an informed decision could be made. It was felt that the Seminar could provide an opportunity for Councillors to question representatives from Tunbridge and Tonbridge and Malling Borough Councils to hear how they operated and whether their transition had improved Member involvement and if the structure of Committees and enhanced back-bench engagement. The many questions regarding budget costs and unquantifiable costs could then be answered. The feeling was that it was not the ultimate decision that was of concern but the process that had been followed in reaching it.

Such statements were argued against by some Councillors who stated that all the necessary information had been provided to Members and in enough time [19 December and 7 and 8 January 2020]. These had been provided electronically and all the links provided had worked.

Councillors speaking against the amendment confirmed that although they could understand the reservations of some Councillors, all had been provided with the required documents and all Members had had ample opportunity to conduct their own research on the options reviewed. The reason for change was to adopt the principle of returning power to the residents to influence decision making of this Council. This was about greater openness and transparent democracy and greater inclusivity.

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The Chairman confirmed that she would now put the amendment to the vote. A request was received that the voting on this amendment be recorded.

On the amendment being put to the vote it was declared LOST.

Those voting for it were Councillors Bicknell, Bower, Mrs Caffyn, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Mrs Daniells, Dendle, Edwards, Elkins, English, Gunner, Hughes, Kelly, Mrs Madeley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Roberts and Mrs Stainton (22). Those voting against were Councillors Batley, Bennett, B Blanchard-Cooper, C Blanchard-Cooper, Brooks, Mrs Catterson, Coster, Dixon, Mrs Erskine, Goodheart, Mrs Gregory, Mrs Hamilton, Mrs Haywood, Lury, Northeast, Oppler, Purchase, Miss Seex, Smith, Mrs Staniforth, Stanley, Tilbrook, Ms Thurston, Dr Walsh, Mrs Warr, Mrs Worne and Mrs Yeates (27). There were no abstentions.

The Chairman then referred Members back to the substantive recommendations and invited debate.

A number of Councillors spoke in support of the recommendations and the advantages of reintroducing a Committee system. The hybrid system had been discounted by the Working Party based on the information that had been supplied by Officers and research undertaken by various Councillors. The recommendation proposed an implementation date of May 2021 to give Officer's time to recruit the correct members of staff in the Committee Services team and to allow time for Officer and Member training to ensure that the new Committee system would work well from the start. An implementation date of May 2020 would have pushed Officers and it would have not been fair to ask Officers to continue working at the limit of their capacity to deliver the change. The later implementation date would allow time for a revised working constitution to be in place and would allow for a measured pace for implementation.

Councillors who spoke against the substantive recommendations claiming that the recommendations had been pushed through at speed due to a coalition agreement which had not been based on an informed decision. In view of this, Councillor Dendle confirmed that he wished to make an amendment to Recommendations (2), (5), (6), and (7) to change the implementation date from 2021 to 2020 as shown in bold as follows:-

(2) In accordance with Section 9L, Paragraph (4) (b) of the Local Government Act 2000 (as amended by the Localism Act 2011) the effective date for the implementation of this change to the form of governance will be the annual Council Meeting to be held on **20 May 2020** ;

(5) The Constitution Working Party be convened to work through the necessary changes to the Council's Constitution and report back to Full Council with the aim of this work being concluded by **May 2020**;

(6) The Independent Remuneration Panel be convened to make recommendations for future Special Responsibility Allowances under the Members' Allowances Scheme in light of the changes to governance arrangements and report back to the Audit & Governance Committee by **May 2020** ;

(7) The full budgetary implication to be worked up and included in the budget for **2020/21** ; and

Councillor Gunner seconded this amendment.

The Chairman then invited debate on this second amendment.

Those speaking against this amendment felt that the changes being made were political opportunism and that they could not understand why the amendment had been made. This was in view of the concerns that had been made that the decision to move to a Committee system had been rushed and not adequately thought through. Now a request had been made for the implementation date to be May 2020 allowing insufficient time to make the required constitutional and other transitional changes.

The Chairman confirmed that she would now put the proposals to the vote. A request was received that the voting on this amendment be recorded.

On the amendment being put to the vote it was declared LOST.

Those voting for it were Councillors Bicknell, Bower, Mrs Caffyn, Chapman, Charles, Clayden, Cooper, Mrs Daniells, Dendle, Edwards, Gunner, Hughes, Kelly, Mrs Madeley, Oliver-Redgate, Miss Rhodes and Roberts (17). Those voting against were Councillors Batley, Bennett, B Blanchard-Cooper, C Blanchard-Cooper, Brooks, Mrs Catterson, Coster, Dixon, Mrs Erskine, Goodheart, Mrs Gregory, Mrs Hamilton, Mrs Haywood, Lury, Northeast, Oppler, Purchase, Miss Seex, Smith, Mrs Staniforth, Stanley, Tilbrook, Ms Thurston, Dr Walsh and Mrs Yeates (25). Councillors Mrs Cooper, Elkins, English, Mrs Pendleton, Mrs Stainton and Mrs Warr abstained from voting (6).

The Chairman then called a five minute adjournment.

The Chairman then returned to the substantive motion and invited debate.

Arguments for not supporting the recommendations were presented. These were that the review had been fast tracked, ill thought through and had not considered what the full financial implications could be for the Council over the next 5 years. Without knowing these facts and what differences the Council would encounter, these being the benefits and pitfalls, meant that Councillors did not have enough information to allow them to support the recommendations. As this would affect the business of the Council over the next 5 years, the risk of entering unknown territory was too great. Questions were raised about the workload this would bring to smaller political groups such as the Green Group; the Labour Group and the Independent Independents. A

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number of questions were asked about processes in a Committee structure which were not felt to have been answered in the information provided. Questions were also asked about how this new structure would benefit residents; how it would affect the Council's partners, Town and Parish Councils and other service providers and stakeholders.

Councillor Ms Thurston, as seconder to the recommendations, outlined that the reason for a delayed implementation date was to provide the opportunity for training and for a smooth transition to take place.

Councillor Oppler, as proposer to the recommendations, outlined that all Councillors had had more than an adequate opportunity to confirm their views. In terms of what was the motivational driving force for his Group, he confirmed that this was the right decision to take for the Council and for the community and that it would strengthen democracy in the District.

The Chairman then confirmed that she would now put the recommendations to the vote and that a request had been received earlier that the voting on this recommendation be recorded.

On putting the recommendations to the vote, they were declared CARRIED.

Those voting for the recommendations were Councillors Batley, Bennett, B Blanchard-Cooper, C Blanchard-Cooper, Brooks, Mrs Catterson, Coster, Dixon, Mrs Erskine, Goodheart, Mrs Gregory, Mrs Hamilton, Mrs Haywood, Lury, Northeast, Oppler, Purchase, Miss Seex, Smith, Mrs Staniforth, Stanley, Tilbrook, Ms Thurston, Dr Walsh and Mrs Yeates (25). Those voting against were Councillors Bicknell, Bower, Mrs Caffyn, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, English, Gunner, Hughes, Kelly, Mrs Madeley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes and Roberts (20). Councillors Mrs Stainton and Mrs Warr abstained from voting (2).

The Council

RESOLVED – That

(1) In accordance with Section 9KC, Paragraph (1) of the Local Government Act 2000 (as amended by the Localism Act 2011) the Council resolves to cease operating a Leader and Cabinet form of governance and to operate a Committee system form of governance;

(2) In accordance with Section 9L, Paragraph (4) (b) of the Local Government Act 2000 (as amended by the Localism Act 2011) the effective date for the implementation of this change to the form of governance will be the annual Council Meeting to be held on 19 May 2021;

- (3) The Committee system form of governance to be operated will be based on the Senior Management Team proposal agreed by the Governance Working Party on 3 December 2019, as attached to the Minutes of this meeting;
- (4) The Chief Executive, in consultation with the Chairman of the Governance Working Party, be authorised to prepare and publish the document setting out the provisions of the new governance arrangements required in accordance with Section 9KC, Paragraph (2) of the Local Government Act 2000 (as amended by the Localism Act 2011) as soon as practicable after passing this resolution;
- (5) The Constitution Working Party be convened to work through the necessary changes to the Council's Constitution and report back to Full Council with the aim of this work being concluded by January 2021;
- (6) The Independent Remuneration Panel be convened to make recommendations for future Special Responsibility Allowances under the Members' Allowances Scheme in light of the changes to governance arrangements and report back to the Audit & Governance Committee by November 2020;
- (7) The full budgetary implication to be worked up and included in the budget for 2021/22; and
- (8) All necessary training be given to staff and Councillors to ensure a smooth transition to the Committee System.

389. DEVELOPMENT CONTROL COMMITTEE - 6 NOVEMBER 2019

The Chairman, Councillor Bennett, presented the Minutes from the meeting of the Development Control Committee held on 6 November 2019.

390. ENVIRONMENT & LEISURE WORKING GROUP - 7 NOVEMBER 2019

The Chairman, Councillor Mrs Staniforth, presented the Minutes from the meeting of the Environment & Leisure Working Group held on 7 November 2019.

Councillor Mrs Staniforth confirmed that the recommendation at Minute 9 [Urgent Item – Bognor Regis Disc Parking Scheme] had been withdrawn as this had been superseded by the resolution made at the last Full Council meeting held on 13 November 2019 [Minute 300 – Bognor Regis Regeneration Sub-Committee of 28 October 2019 referred].

391. LITTLEHAMPTON REGENERATION SUB-COMMITTEE - 18 NOVEMBER 2019

The Chairman, Councillor Miss Seex, presented the Minutes from the meeting of the Littlehampton Regeneration Sub-Committee held on 18 November 2019.

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Councillor Brooks confirmed that he wished to make a Statement in accordance with Council Procedure Rule 13.2 in relation to Minute 15 [Visitor Information Provision in Littlehampton] and in relation to the Sussex by the Sea website. He confirmed that he agreed with the comments that had been made at the Sub-Committee meeting in that the website needed to be reviewed and he applauded the Sub-Committee for requesting that this work be undertaken. Councillor Brooks stated that he hoped that both sides of the District [Bognor Regis and Littlehampton] could work together to provide a positive conclusion to this project.

Councillor Coster confirmed that he wished to make a Statement in accordance with Council Procedure Rule 13.2 in relation to Minute 16 [Littlehampton Regeneration Position Statement] and the comments that had been made about the Littlehampton Public Realm Scheme. He confirmed that he agreed with these observations and that it was essential for all Councillors to be fully informed, from an early stage, as to how this would be progressed. This was a great opportunity for Littlehampton and Councillor Coster urged Officers to learn from the experiences from implementing the Public Realm in Bognor Regis.

The Chairman, Councillor Miss Seex, responded stating that Officer's time and focus had been dedicated in obtaining the additional bid funding and that this had been an amazing achievement. Now that funding was in place it had been agreed that a 'walk through' of the scheme to highlight how it would work would be organised soon for Councillors.

Further statements were made by Councillors. These were that the Sussex by the Sea website should be disbanded as it formed no useful function at all. On the Public Realm, Councillor Bicknell asked for assurance that the utility companies had been consulted and their Five Year Plans reviewed – he asked for a response to be provided in writing.

392. AUDIT & GOVERNANCE COMMITTEE - 21 NOVEMBER 2019

The Chairman, Councillor Mrs Erskine, presented the Minutes from the meeting of the Audit & Governance Committee held on 21 November 2019, which had been circulated separately to the agenda.

Councillor Mrs Erskine alerted Members to a series of recommendations the first of which were at Minute 310 [Treasury Management Mid-Year Report]; then at Minute 315 [Updates to the Council's Anti-Fraud, Corruption and Bribery Policy] and finally at Minute 316 [Updates to the Council's Corporate Policy and Procedure Document on the Regulation of Investigatory Powers Act 2000 (As Amended, Including the Investigatory Powers Act 2016)] which she formally proposed. The recommendations were then seconded by Councillor Mrs Haywood.

In relation to Minute 310, the Council

RESOLVED – That

- (1) it approves the actual prudential and treasury indicators for 2019/20 contained in the report;
- (2) it notes the treasury management mid-year review (this report) for 2019/20;
- (3) it notes the treasury mid-year activity for the period ended 30 September 2019, which has generated interest receipts of £400,050 (1.39%) year to date, against a budget of £596,000 (1.24%) for the full year.

In relation to Minute 315, the Council

RESOLVED

That the Council's anti-Fraud, Corruption and Bribery Policy be adopted.

Turning to Minute 31, the Council

RESOLVED – That

- (1) the Council's corporate policy & procedure document on the RIPA 2000 (as amended, including the Investigatory Powers Act 2016) be adopted
- (2) if there are any minor changes resulting from the IPCO inspection in December 2019 authorisation be given to the Internal Audit Manager in consultation with the Chairman to make these minor changes.

393. CABINET - 9 DECEMBER 2019

The Chairman, Councillor Dr Walsh, presented the Minutes from the meeting of the Cabinet held on 9 December 2019, which had been circulated separately to the agenda.

Councillor Dr Walsh alerted Members to the first of three sets of recommendations at Minute 328 [Digital Strategy 2020–2025] which was asking the Council to adopt the Digital Strategy covering the 5 years. Councillor Dr Walsh duly proposed the recommendations which were then seconded by Councillor Stanley.

The Council

RESOLVED – That

- (1) The Digital Strategy is adopted; and

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- (2) The Group Head of Corporate Support is given delegated authority to make any necessary consequential changes to the Digital Strategy as a result of new legislation or alternative working practices.

Councillor Dr Walsh then drew Members' attention to the next recommendation at Minute 337 [Supplementary Estimate for Nightly Paid Accommodation to meet the Council's Statutory Homeless Duties] which he stated was regrettably required as a result of increasing pressure put on the Council's homeless services and that this had been aided and abetted by West Sussex County Council's decision last year to reduce subsidies to homeless charities. Councillor Dr Walsh formally proposed the recommendation which was seconded by Councillor Mrs Gregory.

The Council

RESOLVED

That a supplementary estimate of £500k next expenditure (equivalent to Band D Council Tax of £8.16) to support expenditure on nightly paid accommodation to meet the Council's statutory homeless duties be approved.

Councillor Dr Walsh then presented the next three recommendations at Minute 338 [Modernisation of the Housing Service] which he formally proposed. This recommendation was seconded by Councillor Mrs Gregory.

The Council

RESOLVED – That

- (1) A general fund supplementary estimate of up to £172k (which equates to a Band D equivalent of £2.81) for the potential redundancy and pensions strain costs to meet the Council's statutory homelessness duties, which will result in growth to the base budget of up to £260k (which equates to a Band D equivalent £4.26) be approved;
- (2) A housing revenue account supplementary estimate of £249k (which equates to a weekly rent of £1.69 per dwelling) for the potential redundancy and pension strain costs associated with the Housing Revenue Account, which will result in growth to the base budget of up to £671k (which equates to a weekly rent of £0.39 per dwelling) be approved; and
- (3) The competency Framework "Arun Cares" which was introduced in September 2018 setting out expectations for service delivery (as set out in Appendix One to the report) be noted.

Finally, Councillor Dr Walsh alerted Members to Minute 341 [Environment & Leisure Working Group – 7 November 2019 – Minute 12 – Climate Change and stated that it was necessary for Full Council to also support the recommendations agreed. Councillor Dr Walsh then formally proposed these recommendations which were then seconded by Councillor Purchase.

The Council

RESOLVED – That

- (1) Arun declare a Climate Emergency;
- (2) The impact and mitigation of climate change be considered and incorporated into all Policies and key decision making; and
- (3) Officers work through the Environment & Leisure Working Group to produce an action plan with milestones to make the activities of Arun District Council carbon neutral by 2030.

394. PLANNING POLICY SUB-COMMITTEE - 17 DECEMBER 2019

The Chairman, Councillor Mrs Yeates, presented the Minutes from the meeting of the Planning Policy Sub-Committee held on 17 December 2019.

Councillor Mrs Yeates alerted Members to the first of a series of recommendations at Minute 20 [Local Plan Options] which she duly proposed. The three recommendations were then duly seconded by Councillor Lury.

The Council

RESOLVED – That

- (1) The update of the Local Plan commences as updating the Development Management policies in the Local Plan so that these can be used by the Council in the short term, before completing an update of the full Plan. This would involve gathering evidence to support update policies, formal and informal consultation and agreement of Full Council;
- (2) The likely costs of approximately £1million and the timescales of this process be noted; and
- (3) Future reports to the Planning Policy Subcommittee will report on progress at relevant stages of this process and the scope of evidence.

Councillor Mrs Yeates then alerted Members to the next three recommendations at Minute 22 [Open Space Playing Pitches and Built Sports Facilities Supplementary Planning Document (SPD) and Arun Parking Standards] which she formally proposed. The recommendations were then seconded by Councillor Lury.

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The Council

RESOLVED – That

- 1) subject to the minor drafting changes detailed in this report (and any further minor changes made by the Group Head of Planning, in consultation with the Chairman and Cabinet Member for Planning), that the Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document be adopted;
- 2) subject to the minor drafting changes detailed in this report (and any further minor changes made by the Group Head of Planning, in consultation with the Chairman and Cabinet Member for Planning), that the Arun Parking Standards Supplementary Planning Document be adopted;
- 3) as soon as reasonably practical after adoption, both SPDs, together with an Adoption Statement, be made available for inspection and published to the Council's website and sent to any persons who have requested to be notified.

The Chairman then drew Members' attention to the final set of recommendations at Minute 24 [Community Infrastructure Levy (CIL) Update] which she duly proposed. The recommendations were then seconded by Councillor Lury.

The Council

RESOLVED – That

- 1) the Arun CIL Charging Schedule, which includes the Examiner's modifications and minor modifications as set out in Background Paper 2; and any further non-material changes which may be included and agreed with the Group Head of Planning, in consultation with the Chairman of the Planning Policy Subcommittee and Cabinet Member for Planning, be approved in accordance with section 213 of the Planning Act 2008; and
- 2) the Arun CIL Charging Schedule, and the Instalments Policy (set out within the Charging Schedule) will come into effect in Arun District (outside the South Downs National Park Authority Area) on 1 April 2020.

395. CHIEF EXECUTIVE'S REMUNERATION (CEO) COMMITTEE - 18 DECEMBER 2019

(Prior to the commencement of this item, the Chief Executive redeclared his Pecuniary Interest made at the start of the meeting and left the Council chamber for this item).

The Chairman, Councillor Mrs Gregory, presented the Minutes from the meeting of the Chief Executive's (CEO) Remuneration Committee held on 18 December 2019.

Councillor Mrs Gregory referred Members to a recommendation at Minute 246 [Chief Executive's Remuneration- 2019/20] which she duly proposed. The recommendation was then seconded by Councillor Clayden.

The Council

RESOLVED

That following the chief Executive's Appraisal held on 18 November 2019, the level of performance related pay for 2019/20 be 2%, with this being paid from 3 October 2019.

396. MOTIONS

The Chairman announced that two Motions had been received in accordance with Council Procedure Rules 14.1 and 14.2. The first Motion forming part of the agenda papers dated 19 December 2019 with the second having been circulated in Bundle 2 on 8 January 2020.

The Chairman confirmed that the Motions would be dealt with in the order in which they had been received and so Motion 1 would be considered first.

The Chairman invited Councillor Miss Seex, to propose and present her Motion.

The wording of the first Motion is as set out below:

"The Council is asked to support a request for Officers to explore what options might exist for introducing further controls on the definition, number and quality of Homes in Multiple Occupation and prepare appropriate reports for the relevant decision body of the Council.

The reasons why such additional controls are considered necessary is that HMO's are often concentrated in clusters. These areas can often suffer from poor housing conditions and high levels of deprivation, crime and anti-social behaviour. Introducing further controls would be expected to contribute to an improvement in the social and economic conditions in the area; a reduction in anti-social behaviour; an increase in community involvement; an improvement in general housing conditions; and reduction in the level of deprivation; and a reduction in crime.

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In proposing her Motion, Councillor Miss Seex, referred to the definition of a House in Multiple Occupation (HMO) and referred to a recent report issued by the House of Lords in April 2019 entitled “The Future of Seaside Town Report” she stated that the findings of this report were applicable to this District and so asked Officers if they could investigate existing HMOs in the most deprived areas of the District for re-assessment and to what further controls could be introduced.

The Motion was then seconded by Councillor Mrs Erskine.

The Chairman then invited Members to debate the Motion. Many Councillors supported the sentiments of the Motion but had a degree of discomfort in accepting that a reduction in HMOs would automatically mean a reduction in anti-social behaviour. It was felt that the two should not be linked. For some, living in an HMO was not a choice and homelessness was often the only other alternative. This led to the view that there was a great need for the Council to provide other forms of accommodation for single people to reduce ‘sofa surfing’ and to assist younger people, many of which had just journeyed through the care system, to become independent.

Reference was made to the work that the former Leader of the Council had progressed where suitable accommodation had been built for young people in Chichester and Worthing. Site visits had been attended by a small group of Councillors to see if it might be possible to identify a site within the District to accommodate a similar scheme working with other agencies. Sadly, this had not progressed further and so this emphasised the important role that HMOs still played in providing essential housing. It was agreed that HMOs needed to be more controlled to protect people from unscrupulous landlords.

Councillor Northeast therefore made a request that the wording “crime and anti-social behaviour” be removed from the Motion.

Other Councillors confirmed that they supported the removal of these words and the proposal to investigate the practice to introduce additional controls to ensure that all HMOs met the required standards. It was emphasised that HMOs should not be regulated out of existence and that they did serve a purpose and provided an important function.

Other Councillors aired caution about removing the words anti-social behaviour because it should not be suggesting that the residents were causing such problems, it was often those targeting residents that were the source of this problem. Information was requested in terms of the exact number of HMOs registered in the District and how these were controlled.

As a result of the comments made, both Councillors Mrs Erskine and Miss Seex confirmed that they were happy to amend the Motion by deleting the second paragraph. This was because the first part of the Motion which was asking Officers to explore options was felt to be adequate to cover the concerns raised by Councillors.

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

The Council then

RESOLVED

That Officers be requested to explore what options might exist for introducing further controls on the definition, number and quality of Homes in Multiple Occupation and prepare appropriate reports for the relevant decision body of the Council.

(Prior to the discussion on Motion 2, Councillors Dr Walsh and Elkins redeclared their interests made at the start of the meeting). (Councillor Mrs Pendleton also declared a Personal Interest as a Member of West Sussex County Council).

The Chairman then invited the Green Group to present Motion 2.

Councillor Ms Thurston outlined that the Council had now declared a Climate Emergency and had agreed to place climate change at the heart of its forward plans in order to meet the target set of becoming carbon neutral by 2030.

Arun District Council employees were members of the West Sussex County Council Local Authority Pension Fund, which had funds invested in fossil fuel companies, there was a growing movement across the UK for Councils and organisations to divest from their fossil fuel investments, as a first step in their move towards carbon neutrality.

In outlining the background to her proposal, she confirmed that a Motion had been passed by both Worthing Borough Council and Adur District Council three weeks ago which she hoped that this Council could support as this would resolve this issue of concern.

Councillor Ms Thurston then formally proposed her Motion which is set out below:

“This Council calls upon the Trustees of the West Sussex County Council Local Authority Pension Fund (of which the Councils employees are members) to divest that fund of all investments in fossil fuel stocks, equities and funds and it instructs the Council’s Chief Executive to write to the Trustees of the fund with a copy of this Motion and asking them to take action.”

The Motion was seconded by Councillor Mrs Catterson.

Those speaking in support of the Motion thanked Councillor Ms Thurston for bringing this issue to Members’ attention. It was felt that the Council needed to take the necessary action to reduce the impact on the planet, this Motion would be a step towards this. Also, as other authorities had already taken this action, why should this Council not follow suit?

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Other Councillors agreed stating that the Council needed to drive change and as it had, this evening, declared a climate emergency.

Some Councillors although agreeing with the sentiment of the Motion, explained that the West Sussex Pension Panel itself did not make decisions on its investments. Despite this fact, it was agreed that the Motion should still be supported in line with the action taken by other authorities.

The Council

RESOLVED

This Council calls upon the Trustees of the West Sussex County Council Local Authority Pension Fund (of which the Council's employees are members) to divest that fund of all investments in fossil fuel stocks, equities and funds and it instructs the Council's Chief Executive to write to the Trustees of the fund with a copy of this Motion and asking them to take action.

397. QUESTIONS FROM MEMBERS

The Chairman confirmed that the Questions from Members along with their responses had been circulated to the meeting and so they would be put without discussion, in line with the Constitution, with the exception of Questions 1 and 2. It had been planned that verbal responses would be provided to the meeting by the Cabinet Member for Technical Services, Councillor Stanley. As he had left the meeting, the Chairman confirmed that written responses would be provided.

The Chairman then invited each questioner to ask a supplementary question.

Some of the questioners asked supplementary questions. These questions and the supplementary responses can be found on the schedule attached to these Minutes.

Councillor Edwards raised a Point of Order confirming that he had submitted a question in writing to the Committee Services Manager in line with the deadlines set by the Constitution, but this had been missed from the schedule despite receiving confirmation in writing that it would be included.

Apologies for this error were presented by the Monitoring Officer who confirmed that arrangements would be made for a written response to be provided to Councillor Edwards.

398. ADOPTION (MAKING) OF THE ARUNDEL NEIGHBOURHOOD PLAN REVIEW - 2018-2031

The Cabinet Member for Planning, Councillor Lury, presented a report confirming that on 19 November 2019, a referendum had been held on the Arundel Neighbourhood Plan Review 2018- 2031. As more than 80.29% of those voting on the day had voted for the Neighbourhood Plan Review, this meant that the Local Planning Authority [the Council] now needed to 'make' adopt the Plan. Councillor Lury confirmed that this adoption would give the plan legal force and that it would form part of the statutory Development Plan for Arundel.

In formally proposing the recommendation in the report, Councillor Lury stated that he wished to have recorded his thanks to the Council's Senior Planning Officer, Donna Moles, for her work in organising and planning for this referendum. Councillor Mrs Yeates then seconded the recommendation.

The Council

RESOLVED

That it 'makes' the Arundel Neighbourhood Plan Review 2018-2031 and it becomes part of the Development Plan for Arun District Council.

399. COMMITTEE MEMBERSHIPS

There were no changes to Committee Memberships to report to the Council for noting.

400. REPRESENTATION ON OUTSIDE BODIES

No changes to representation to Outside Bodies were reported to this meeting.

(The meeting concluded at 11.08 pm)