



# Public Document Pack

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This Meeting will be webcast live

7 July 2020

## COUNCIL MEETING

To all Members of the Council

You are summoned to attend a virtual meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 15 July 2020 at 6.00 pm** to transact the business set out below:

Nigel Lynn  
Chief Executive

**PLEASE NOTE:** *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

*Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.*

*This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>*

*Any members of the public wishing to address the Full Council meeting during Public Question Time, will need to email [Committees@arun.gov.uk](mailto:Committees@arun.gov.uk) by 5.15 pm on Thursday, 9 July 2020 on line with current Cabinet Procedure Rules. It will be at the Chief Executive's/Chairman's discretion if any questions received after this deadline are considered.*

*For further information on the items to be discussed, please contact: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)*

## **AGENDA**

### **1. Apologies for absence**

### **2. Declarations of interest**

Members and Officers are invited to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda, and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and Officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial interest
- c) the nature of the interest
- d) if it is a pecuniary or prejudicial interest, whether they will be exercising their right to speak under Question Time

### **3. Public Question Time**

To receive questions from the public (for a period of up to 15 minutes)

### **4. Questions from Members with Pecuniary/Prejudicial Interests**

To receive questions from Members with pecuniary/prejudicial interests (for a period of up to 15 minutes)

### **5. Petitions**

To consider any petitions received from the public.

### **6. Minutes (Pages 1 - 12)**

To approve as a correct record the Minutes of the Annual Council Meeting held on 20 May 2020, which are *attached*.

### **7. Chairman's Announcements**

In view of the size of this agenda, the Chairman has confirmed that if it is necessary she will adjourn the meeting at a set time if there are still many items that have not been considered in line with Council Procedure Rule 15 [Motions without Notice] (i) to adjourn a meeting. All remaining items will be considered at a further Full Council meeting to be held on 22 July 2020 at 6.00 pm.

### **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.

## **CHANGE TO THE ORDER OF THE AGENDA**

Due to the size of this agenda, with the agreement of the Chairman of the Council, the following items will be considered as the first business on this agenda as they have recommendations that are of an essential nature:

### **9. Financial Support to the Leisure Operating Contract (Pages 13 - 20)**

Freedom Leisure is in receipt of a Council support package in response to the Government directive to close the Council's leisure centres due to the COVID-19 pandemic. This report sets out the current situation and options to maintain the future viability of the leisure operating contract.

### **10. Constitution Working Party - 29 June 2020 (Pages 21 - 30)**

The Chairman, Councillor Mrs Yeates, will present the Minutes from the Constitution Working Party meeting held on 29 June 2020. There are recommendations at:

- Minute 5 [Proposed Constitutional Update to Part 6 – Other Procedure Rules – Section 6 – Standing Orders Relating to Purchasing, Procurement, Contracts and Disposals – to view the Officer's report and Appendix – please click on this link – [Report](#) and [Appendix showing amendments](#)
- Minute 6 [Virtual Meeting Procedure Rules] – to view the Officer's report and Appendix – please click on this link - [Report](#) and [Appendix showing amendments](#)
- Minute 7 – Constitutional Review – There are no reports to view as this was a verbal update – the Appendix 1 that requires Full Council approval is attached to the Minutes from this meeting

### **11. Standards Committee - 20 February 2020 (Pages 31 - 34)**

The then Chairman, Councillor English, will present the Minutes from the meeting of the Standards Committee held on 20 February 2020. There are recommendations at:

- Minute 464 [Appointment of Two Additional Independent Persons to the Standards Committee] – to view the Officer's report – please click on this link - [Report](#)

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

### **12. Development Control Committee - 8 January 2020 (Pages 35 - 38)**

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Development Control Committee held on 8 January 2020. There are no recommendations.

13. **Cabinet - 13 January 2020** (Pages 39 - 52)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 13 January 2020. There is one recommendation at:

- Minute 370 – [Audit & Governance Committee – 21 November 2019 – Minute 311 – Update on Progress of the Council's Property Investment Fund] – to view the Officer's report please click on this link - [Report](#)

14. **Special Overview Select Committee - 14 January 2020** (Pages 53 - 58)

The then Chairman, Councillor Coster, will present the Minutes from the Special Meeting of the Overview Select Committee held on 14 January 2020. There are no recommendations.

15. **Licensing Committee - 24 January 2020** (Pages 59 - 60)

The Chairman, Councillor B Blanchard-Cooper, will present the Minutes from the Licensing Committee held on 24 January 2020. There are no recommendations.

16. **Overview Select Committee - 28 January 2020** (Pages 61 - 70)

The then Chairman, Councillor Coster, will present the Minutes from the meeting of the Overview Select Committee held on 28 January 2020. There are no recommendations.

17. **Bognor Regis Regeneration Sub-Committee - 4 February 2020** (Pages 71 - 74)

The Chairman, Councillor Stanley, will present the Minutes from the meeting of the Bognor Regis Regeneration Sub-Committee held on 4 February 2020. There are no recommendations.

18. **Development Control Committee - 5 February 2020** (Pages 75 - 80)

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Development Control Committee held on 5 February 2020. There are no recommendations.

19. **Housing & Customer Services Working Group - 6 February 2020** (Pages 81 - 86)

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Housing & Customer Services Working Group held on 6 February 2020. There are no recommendations.

20. **Cabinet - 10 February 2020** (Pages 87 - 108)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 10 February 2020 with the exception of Minute 433 [Council Budget 2020/21] which was dealt with at the Special Meeting of the Council held on 19 February 2020. There are therefore no recommendations.

21. **Electoral Review Sub-Committee - 11 February 2020** (Pages 109 - 110)

The Vice-Chairman, Councillor Jones, will present the Minutes from the Electoral Review Sub-Committee held on 11 February 2020. There are no recommendations.

22. **Audit & Governance Committee - 13 February 2020** (Pages 111 - 120)

The Vice-Chairman, Councillor Mrs Haywood, will present the Minutes from the meeting of the Audit & Governance Committee held on 13 February 2020. There are recommendations at:

- Minute 442 [Capital Strategy] – to view the Officer's report – please click on this link - [Report](#) and [Appendix](#)
- Minute 443 [Treasury Management Strategy Statement and Annual Investment Strategy] – to view the Officer's report and appendices – please click here – [Report](#)

23. **Planning Policy Sub-Committee - 25 February 2020** (Pages 121 - 128)

The Chairman, Councillor Mrs Yeates, will present the Minutes from the meeting of the Planning Policy Sub-Committee held on 25 February 2020. There are recommendations at:

- Minute 30 [Revocation of Older Supplementary Planning Documents and Supplementary Planning Guidance] – to view the Officer's report – please click on this link – [Report](#)
- Minute 35 [High Level Development Principles for the Barnham/Eastergate/Westergate (BEW) Strategic Planning Allocation] – to view the Officer's report – please click on this link - [Report](#)

24. **Environment & Leisure Working Group - 27 February 2020** (Pages 129 - 134)

The then Chairman, Councillor Mrs Staniforth, will present the Minutes from the meeting of the Environment & Leisure Working Group held on 27 February 2020. There are no recommendations.

25. **Development Control Committee - 4 March 2020** (Pages 135 - 150)

The Vice-Chairman, Councillor Ms Thurston, will present the Minutes from the meeting of the Development Control Committee held on 4 March 2020. There are no recommendations.

26. **Cabinet - 9 March 2020** (Pages 151 - 186)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 9 March 2020. There are recommendations at:

- Minute 497 [Corporate Plan 2018-2022 Quarter Two Performance Report for the period 1 July to 30 September 2019] – to view the Officer's report – please click on this link – [Report](#)

- Minute 499 [Public Realm Projects in Bognor Regis – The Sunken Gardens and Place St Maur] – to view the Officer's report – please click on this link - [Report](#)

27. **Overview Select Committee - 10 March 2020** (Pages 187 - 198)

The then Chairman, Councillor Coster, will present the Minutes from the meeting of the Overview Select Committee held on 10 March 2020. There are no recommendations.

28. **Cabinet - 29 April 2020** (Pages 199 - 212)

The Chairman, Councillor Dr Walsh will present the Minutes from the meeting of Cabinet held on 29 April 2020. There are no recommendations.

29. **Development Control Committee - 26 May 2020** (Pages 213 - 218)

The Chairman, Councillor Bennett, will present the Minutes from the Development Control Committee held on 26 May 2020. There are no recommendations.

30. **Cabinet - 1 June 2020** (Pages 219 - 228)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 1 June 2020. There are no recommendations.

31. **Development Control Committee - 3 June 2020** (Pages 229 - 234)

The Chairman, Councillor Bennett, will present the Minutes from the Development Control Committee held on 3 June 2020. There are no recommendations.

32. **Overview Select Committee - 9 June 2020**

The Minutes from the meeting of the Overview Select Committee held on 9 June 2020 are not ready to present to this meeting.

33. **Littlehampton Regeneration Sub-Committee - 10 June 2020** (Pages 235 - 240)

The Chairman for the meeting, Councillor Cooper, will present the Minutes from the Littlehampton Regeneration Sub-Committee held on 10 June 2020. There are no recommendations.

34. **Bognor Regis Regeneration Sub-Committee - 17 June 2020** (Pages 241 - 244)

The Chairman, Councillor Stanley, will present the Minutes from the meeting of the Bognor Regis Regeneration Sub-Committee held on 17 June 2020. There are no recommendations.

35. **Cabinet - 22 June 2020** (Pages 245 - 258)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 22 June 2020. There are no recommendations.

36. **Development Control Committee - 24 June 2020** (Pages 259 - 266)

The Chairman, Councillor Bennett, will present the minutes from the Development Control Committee held on 24 June 2020. There are no recommendations.

37. **Planning Policy Sub-Committee - 30 June 2020** (Pages 267 - 272)

The Chairman, Councillor Mrs Yeates, will present the Minutes from the Planning Policy Sub-Committee held on 30 June 2020. There are recommendations at:

- Minute 6 [High Level Development Principles for the West of Bersted Strategic Planning Allocation] – to view the Officer's report and Appendix – please click on this link – [Report](#) and [Appendix](#)
- Minute 8 [Local List of Non-Designated Heritage Assets] – to view the Officer's report – please click on this link - [Report](#)
- Minute 9 [Arun Local Development Scheme] – to view the Officer's report – please click on this link - [Report](#)

38. **Motions**

The following Motion has been received from the Green and Independent Group in accordance with Council Procedure Rule 14.1 and 14.2, the detail of which is set out below:

This Council Notes:

Paragraph 73 of the NPPF, on 'maintaining supply and delivery' requires planning authorities 'to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement'. This deliverability rule is commonly known as the '5-year housing land supply'.

Unfortunately, this phrase leads to the misconception that councils that cannot demonstrate a 5-year land supply cannot do so because they have failed to allocate or approve sufficient sites. This is not the case for councils with adopted local plans which by definition would indeed have allocated sufficient land for housing.

For complete clarity, 'land supply' in this sense does not mean 'supply of land'. An authority can have an adopted plan with sufficient sites allocated to meet its targets for the duration of the plan, say 15 years. In normal parlance, that would indicate a 15-year housing land supply. But if, for whatever reason, the developers fail to build out at rates to meet the council's annual target for a rolling 5 years, then it is the council that is deemed to have failed, not the developers.

The consequences of the land supply rules are catastrophic for local people. If developers fail to build out at the required rate on the sites allocated in the local plan, they themselves have created strong planning grounds for granting of planning permissions on new sites that they apply for; sites that were specifically not in the local plan.

We have the paradox of development occurring in just those places that were not allocated by councils. A council may attempt to defend the community and refuse planning permission for speculative development, but it is then likely to face the developers at appeal. This is time-consuming, extremely costly, and distressing, for the council and residents alike.

This consequent transfer of power away from local councils, namely the power to determine where homes should go, sits uneasily with the Localism Act of 2011 which aimed to ensure “that power should be exercised at the lowest practical level – close to the people who are affected by decisions”.

Development may stall for all sorts of reasons: the market may slow, and developers sensibly slow their build-out rate; they do not want to be left with homes they cannot sell, nor will they build to cause the market-price to drop. (And nor would anybody wish to see a housing crash). Very high house building targets in some areas around the country have never before been accomplished; and there can be shortages of skilled workers and materials. It is even in the interests of developers to ‘land-bank’.

George Freeman (Cons MP Mid Norfolk) summed this up in a House of Commons debate (Hansard, 4th July 2018): “developers are banking...permissions for later, because they know that they will get them, and using the five-year land supply to force the wrong development in the wrong places”. “Through the Localism Act 2011, we set out to [give] local communities the chance to shape their future. We are now in danger of looking like we are in favour of speculators, profiteers and out-of-town developers, who dump housing estates that we legislate for, with no responsibility being taken locally.”

Council therefore requests that the Leader write to the Minister for Housing Communities and Local Government requesting:

- That the Minister notes the severe problems that exist with the ‘5-year housing land supply’ rules in the National Planning Policy Framework (NPPF) as outlined above
- That the Minister considers revising the housing land supply rules (5-year or other durations) such that, provided the planning authority has allocated sufficient land to housing in its Local Plan, the authority shall have been deemed to have met its obligations and there would be no grounds for third parties to demand the release of further land for development
- That any other measures introduced to ensure appropriate delivery of homes should be actionable by the local authorities themselves on behalf of local people to ensure that the right homes are built for the right people, in the right places.

39. **Questions from Members**

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

The schedule of questions to be asked together with responses will be emailed to Councillors and uploaded to the Full Council web pages on the day of the meeting.

**OFFICER REPORTS**

40. **Local Government Pension Scheme - Pensions Discretions for Arun District Council** (Pages 273 - 318)

Arun District Council provides a staff pension scheme which is part of the Local Government Pension Scheme (LGPS). It is a requirement under the LGPS Regulations for each scheme employer to formulate, publish and keep under review how it will deal with a number of discretionary areas within the LGPS rules. This paper sets out where we propose to make minor changes to our local discretions with an explanation for those changes and describes the consultation process. Full Council is required to agree any changes to the Pension Scheme.

41. **Pay Policy Statement - 2020/21** (Pages 319 - 332)

The Localism Act 2011, Section 38(1) requires that local authorities prepare an annual Pay Policy Statement. This statement explains what the Council's policies are on a range of issues relating to the pay of the workforce. The statement is prepared for each financial year and requires approval at Full Council for publication on the Council's website.

42. **Constitutional Amendment - Council Procedure Rule 27 [Substitution]** (Pages 333 - 336)

This report seeks an amendment to Part 5, Section 1 of the Council's Constitution to remove the practice of substitution rules applying to the membership of the Licensing Committee in line with legal advice.

43. **Committee Memberships**

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

44. **Representation on Outside Bodies**

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

- 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 under consideration from Committees and Cabinet etc 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](#)

**MINUTES  
OF A  
MEETING OF THE ARUN DISTRICT COUNCIL  
HELD IN THE ARUN CIVIC CENTRE  
ON 20 MAY 2020 AT 6.00 PM**

Present: Councillors Mrs Warr (Chairman), Mrs Worne (Vice-Chair), Mrs Baker, Batley, Bennett, Bicknell, B Blanchard-Cooper, Bower, Brooks, Buckland, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Coster, Mrs Daniells, Dendle, Dixon, Edwards, Elkins, English, Mrs Erskine, Goodheart, Mrs Gregory, Gunner, Mrs Hamilton, Mrs Haywood, Hughes, Huntley, Jones, Kelly, Lury, 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.

Honorary Alderman Dingemans was also in attendance for all or part of the meeting.

[Note: The following Councillors were either absent from taking part in the named vote contained in the following Minutes or were absent from the meeting for that item:- Councillors Mrs Hamilton and Purchase – Minute 1 to 2 [Part]; Councillor Mrs Stainton [Minute 8 to Minute 21]; Councillors Mrs Baker, Jones and Purchase – Minute 13 [Recommendation 1]; Councillors Mrs Baker, Jones, Purchase and Miss Seex – Minute 13 [Recommendations 2, 3 and 4]; Councillors Mrs Baker, Jones, Purchase, Miss Seex and Mrs Staniforth – Minute 14; Councillors Mrs Baker, Hughes, Jones, Purchase, Miss Rhodes and Mrs Staniforth – [Minute 17]; Councillors Mrs Baker, Batley, Mrs Gregory, Hughes, Jones, Oppler, Mrs Pendleton, Purchase, Miss Rhodes and Miss Seex [Minute 21]].

1. WELCOME

The Chairman welcomed Councillors, Honorary Alderman Mr Dingemans, Officers, members of the public and press to what was the first virtual meeting of Full Council.

2. TRIBUTES IN MEMORY OF COUNCILLOR CHRIS BLANCHARD-COOPER AND HONORARY ALDERMAN TONY SQUIRES

The Chairman announced that the Council had experienced a very few sad weeks and that it was with great regret that she had to commence this year's Annual Council Meeting in paying tribute to some very special people.

Full Council - 20.05.20

Firstly, she shared the news that Council Officer, Dave Thompson, had lost his battle in fighting Covid-19 on 12 May 2020. Dave had worked for the Council for 23 years and had been a greatly respected and loved colleague to so many. The Chairman passed on the Council's thoughts and prayers to Dave's wife and son and their loved ones at this time.

Secondly, Councillor Chris Blanchard-Cooper, a serving Councillor and friend to both Councillors and Officers had sadly passed away at home on 30 April 2020. Chris had truly been part of the Council family having worked for the Council from December 2007 to April 2017 when he had been elected Ward Member for the Brookfield Ward. The Chairman passed on the Council's sincerest condolences to Chris' husband, Billy and to their family and friends.

Thirdly, Honorary Alderman Tony Squires had passed away on 5 April 2020. He had been an active and committed Councillor between May 1979 and May 2015 and then more recently Honorary Alderman. His contribution to this area and the community groups within it had been outstanding and it was pleasing to accept that Tony's memory would live on through that work.

The Chairman then reported that former Councillor Mrs Rosemary Orpin, who had been a District Councillor from May 1983 to May 1991 representing Littlehampton Wick, had peacefully passed away on 30 March 2020.

Having received many tributes from all Political Groups, the Chairman asked Members to join her in sending the Council's thoughts to the friends and families that had passed during this exceptionally difficult time.

The Council then took part in a minute's silence to their memory.

### 3. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Mrs Caffyn, Mrs Catterson, Mrs Madeley and Miss Needs and from the Council's Honorary Aldermen Mrs Goad, MBE, Mrs Morrish and Mrs Stinchcombe.

### 4. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The retiring Chairman, Councillor Mrs Warr, outlined that it had been a great honour to have been Chairman of the Council for the past year and that she had enjoyed her year in office enormously.

She thanked Councillors and Officers for their support and reflected that the first part of her year had been very busy indeed. It had been unfortunate that she had been poorly for the latter part of her year and that one of her big fundraising events which had been planned for 1 May 2020 had had to be cancelled due to the Coronavirus. It was hoped that this event would still take place at a later date in 2021 raising funds for the Snowdrop Trust, her chosen charity for the year. To date £3,439 had been raised and

the Chairman thanked her Personal Assistant, Claire Pritchard, and the Chief Executive and his team for their support and help during the year and for the fun times that had been had.

Finally, the Chairman thanked her Vice-Chairman, Councillors Mrs Worne, for her help and assistance and wished her a happy year ahead as Chairman of the Council.

5. APPOINTMENT OF CHAIRMAN OF THE COUNCIL

Having been proposed by Councillor Dr Walsh and seconded by Councillor Oppler, the Council

RESOLVED

That Councillor Amanda Worne be appointed Chairman of the Council for 2020/2021.

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

6. VOTE OF THANKS TO RETIRING CHAIRMAN

Councillor Dr Walsh, as Leader of the Council, formally thanked Councillor Mrs Warr for her tireless work as Chairman over the last year. He outlined that Councillor Mrs Warr had embraced the role with gusto and enthusiasm and had been an excellent public ambassador for the District.

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

7. APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL AND CHAIRMAN ELECT

In accordance with Article 4.2(c) of the Constitution, the Council was asked to consider nominations put forward by each of the Political Groups for the position of Vice-Chairman of the Council for 2020/21 and Chairman Elect for 2021/2022.

One candidate, Councillor Jim Brooks, had been nominated for the role. Following statements made from Councillor Dixon in proposing the appointment, and a statement made from Councillor Dr Walsh, as Leader of the Council, in seconding this proposal, a named vote was undertaken by the Committee Manager in line with Virtual Meeting Procedure Rules.

The Council

RESOLVED

Full Council - 20.05.20

That Councillor Jim Brooks be appointed Vice-Chairman of the Council for 2020/21 and Chairman Elect for 2021/22.

Councillor Brooks then made the Declaration of Acceptance of Office.

8. MINUTES

The Minutes of the Special Council Meeting held on 19 February 2020 were approved by the Council as a correct record, subject to the amendment of Minute 451, page 341, final line to replace the reference to "Councillor Mrs Worne" with "Councillor Mrs Warr" as this had been listed incorrectly.

9. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

10. CHAIRMAN'S ANNOUNCEMENTS

Councillor Mrs Warne warmly welcomed everyone to the meeting and she stated that she was looking forward to the year ahead which she saw as a real privilege and honour. Firstly, she thanked Members for their support and co-operation. She then provided an overview of her plans for the year.

Councillor Mrs Worne announced her charity for her year which was the Parent and Carers Support Organisation (PACO) a small local charity based in Bognor Regis that assisted families that had family members with disabilities by providing respite care.

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

Councillor Oppler formally proposed the appointment of Councillor Dr Walsh to be Leader of Arun District Council. The proposal was then seconded by Councillor Mrs Yeates.

The Council

RESOLVED

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

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

The Council

RESOLVED

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

## 12. APPOINTMENT OF CABINET MEMBERS

The Leader of the Council, Councillor Dr Walsh, presented his report which asked the Council to note who he had appointed as Cabinet Members and the allocation of Portfolios to each Cabinet Member in accordance with Article 7 (5) of the Constitution. An updated version of this report had been uploaded to the Council's website earlier that day.

Councillor Dr Walsh confirmed that the updated report amended the executive functions allocated to the new Commercial and Business Development Cabinet Portfolio as set out below [deletions are shown using ~~striketrough~~ and additions are shown using **bold**:

- Assessing ~~the Council's~~ **new commercial** assets
- Developing a commercial strategy
- Generating income ideas
- Planning the financial recovery from the Covid 19 pandemic
- **Overseeing the implementation of the governance change excluding the review of the Constitution that will be undertaken by the Constitution Working Party as agreed by Full Council on 15 January 2020.**

Councillor Dr Walsh confirmed that he had appointed Councillor Hugh Coster as the Cabinet Member for this portfolio.

Councillor Dr Walsh then paid tribute to Councillor Dan Purchase, Cabinet Member for Neighbourhood Services, who had stepped down from this role and he welcomed Councillor Mrs Samantha Staniforth who had been appointed to this Portfolio.

As part of the debate on this item, various Points of Order were put forward and a range of questions asked. These related to the need for Cabinet Members and other Councillors discussing their appointment to declare an interest; the Cabinet Member attendance statistics; the lack of open and transparent decision-making during the Covid-19 pandemic; the remit of the functions allocated to the new Cabinet Member role; and why an eighth Cabinet member position had been created when the Council would be moving to a new Committee structure from May 2021 and during the Pandemic period.

Following a lengthy debate and Points of Orders raised, Councillor Gunner proposed a Motion without Notice to proceed to the next business which was duly seconded by Councillor Dendle.

Full Council - 20.05.20

Having heard from the Chief Executive and the Leader of the Council and on this being put to the vote it was declared CARRIED.

During this item, the Chairman called a short adjournment for a comfort break.

### 13. APPOINTMENTS TO COMMITTEES

Councillor Dr Walsh proposed that the Appointments to Committees be approved. These had been set out in the supplement bundle uploaded to the Council's web site on 18 May 2020.

Councillor Dr Walsh confirmed that the recommendations set out on Page 1 of the supplement pack were subject to the following changes:-

- (a) That Councillor Brooks would fill the gifted seat from the Liberal Democrat Group on the Audit & Governance Committee, not Councillor Dixon as listed in Appendix 3; and
- (b) That the vacancy for the Council to appoint to on the Audit & Governance Committee, as listed in Appendix 3, be filled by Councillor Ms Thurston.

Councillor Oppler then formally seconded these proposals.

The Chairman then invited debate on this item. Further amendments to Recommendation (3) and Appendix 3 were put forward by Councillor Gunner. These were to confirm that Councillor English was a Member of the Standards Committee as Councillor Edwards' membership had been duplicated and that Councillor Gunner would replace Councillor Chapman on the Chief Executive's Appraisal Panel.

Concerns were then expressed over the interpretation of the provisions of the legislation used to undertake the annual review of political groups entitlement to seats on Committees in line with the proportionality rules set out in the Local Government & Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. In response, Members were referred to the report which set out what the proportionality rules meant for the Council and how Officers had interpreted their application.

In view of this a request was made to undertake the vote on Recommendation (2) first and then if this was approved, to undertake a separate vote on Recommendation (1) and then a combined vote on Recommendations (3) and (4).

Having taken named votes on this basis, the Council

RESOLVED – That

- (1) The entitlement of political groups and non-aligned Councillors to seats on Committees, Sub-Committees and Working Parties/Panels based on proportionality rules, as set out in Appendix 1, be noted;

(2) The negotiated allocation of seats to Committees; Sub-Committees and Working Parties/Panels as set out in Appendix 2, as recommended by the Leader of the Council, be approved;

(3) The appointments to Committees, Sub-Committees, Working Groups, Working Parties and Panels for 2020/21 be approved, together with the confirmation of the Chairman and Vice-Chairman where relevant, as set out in Appendix 3, as amended, to be attached to the Minutes; and

(4) It be agreed that in accordance with Council Procedure Rule 26.3, a Liberal Democrat seat on the Licensing Committee will remain unfilled until an election has been held for the vacancy in the Brookfield Ward and any consequential changes to the allocation of seats have been agreed.

#### 14. APPOINTMENTS TO OUTSIDE BODIES

Councillor Dr Walsh proposed the Appointments to Outside Bodies for 2020/2021 which had been set out in the supplement bundle uploaded to the Council's web site on 18 May 2020.

Councillor Dr Walsh alerted Members to an amendment to the appendix attached to the report in respect of Outside Body 17 (Age UK West Sussex) which needed to be removed from the list.

Councillor Oppler then formally seconded this proposal.

The Council

#### RESOLVED

That the schedule of Appointments of Representatives to Outside Bodies for 2020/21, as updated at the meeting, be approved, a copy of which is *attached* to the signed copy of the Minutes.

#### 15. APPOINTMENT OF COUNCILLOR DIRECTORS OF ANY COUNCIL OWNED COMPANIES

The Chairman confirmed that there were no appointments to confirm.

#### 16. APPOINTMENT OF OTHER GROUP LEADERS

The Chairman, in asking Councillors to note the appointment of other Group Leaders, confirmed that an amendment needed to be made in respect of the Leader of the Conservative Group. This was because Councillor Chapman had since stepped down from this role and had been replaced by Councillor Shaun Gunner. An amended version of this report would be made and *attached* to the signed copy of the minutes.

Full Council - 20.05.20

Councillor Dr Walsh thanked Councillor Chapman for his work as Leader of the Conservative Group over the last year and thanked him for taking part in constructive and supportive discussions. These statements were echoed by Councillor Dixon, as Leader of the Independent Group and by Councillor Ms Thurston as Leader of the Green Group.

Councillor Gunner, as the new Leader of the Conservative Group, also paid tribute to Councillor Chapman for leading his Group over the past year and stated that he looked forward to working with the other Group Leaders on the many important issues that residents had concern over during this difficult time.

#### 17. CHANGE TO THE MEMBERS' ALLOWANCES SCHEME

*(Prior to the commencement of this item, Councillor Mrs Staniforth, declared a Pecuniary Interest and confirmed that she would leave the meeting for this item).*

The Leader of the Council, Councillor Dr Walsh, then made a Statement in accordance with Council Procedure Rule 13.2 confirming that guidance issued from the Department for Communities and Local Government dated 2013 on disclosable pecuniary interests made it clear that in this instance, under this legal Government guidance, there was not the need for any of the Cabinet Members to declare a pecuniary interest and need to leave the meeting for this item.

In response, several Points of Order were then made seeking clarification from the Council's Monitoring Officer on the statement made. There were Councillors who were unclear whether Cabinet Members should vote for their own financial gain or loss and could not see how this was acceptable without having had a dispensation granted to them.

Advice was given that under the Code of Conduct the onus on what to declare was for that individual Councillor or Councillors to decide upon. This was in line with the Localism Act 2011 and the supplementary guidance referred to by the Leader of the Council.

The Chairman welcomed Mr John Thompson, the Chairman of the Council's Independent Remuneration Panel, to the meeting and invited him to present the Independent Remuneration Panel's report on Cabinet Member Special Responsibility Allowances. This had formed part of the supplement pack uploaded to the Council's web site on 18 May 2020.

Mr Thompson explained that the Panel had submitted a report as the Leader of the Council had increased the number of Cabinet Members from seven to eight. He outlined that it was not for the Panel to comment on the need or otherwise of the additional post, however, the Panel had responsibility according to the Local Authorities (Members' Allowances) (England) Regulations 2003 to review the impact this additional appointment could have on the Council's Members' Allowances Scheme.

Mr Thompson outlined that the Panel had had to conduct this review in a very limited timeframe and in line with the Council's wishes to avoid increasing the overall budget for Members' Allowances. There had been a couple of options to consider and the recommendation proposed was deemed to be the fairest option in the Panel's view. This proposed that all seven Cabinet Members contribute an equal share from their existing Cabinet Member Special Responsibility Allowance to make up the eighth Cabinet Member Allowance. Mr Thompson confirmed that he needed to make a slight amendment to the recommendation in the report in respect of what had been quoted in terms of the make-up for the Leader of the Council's allowance quoted as £5,176 which should read £5,876. Mr Thompson emphasised that the Panel's recommendations did not increase the overall budget for Cabinet Members' Allowances in any way and that this had been the main remit of the review.

Councillor Dr Walsh then formally proposed the recommendations set out in the Independent Remuneration Panel's report and he thanked the Panel for undertaking this review within the very short timeframe that had been set. Councillor Dr Walsh outlined that the Panel's recommendations produced the fairest and most equitable solution without the need for a budgetary increase or any increase to the Council Tax payer. The recommendations were then seconded by Councillor Oppler.

Debate on this item saw concern being raised by some Councillors over the fact that other Cabinet Members had not declared an interest and that they had remained in the meeting for this item. Having received further advice,

The Council

#### RESOLVED

That the Special Responsibility Allowances (SRAs) paid to all seven Members of the Cabinet be reduced to £7,280 to fund the additional Cabinet post. The annual SRAs paid to Cabinet Members (including the Leader and Deputy Leader) be as follows:

Leader - £13,156 (£5,876 + £7,280)  
Deputy Leader - £9,360 (£2,080 + £7,280)  
Cabinet Members - £7,280

These changes to come into effect on 20 May 2020 with all other Allowances remaining unchanged.

#### 18. CHANGES TO THE CONSTITUTION - VIRTUAL MEETINGS

The Chairman asked Councillors to note the decision taken by the Monitoring Officer outlining the changes that had been made to the Constitution at Part 5, Section 5 (Virtual Meeting Procedure Rules) and the further record of decision that had been taken and circulated to all Councillors earlier in the day.

Full Council - 20.05.20

The Monitoring Officer was invited to outline what the further decision had covered and she explained that two further changes had been made to the virtual meeting procedure rules having consulted with the four Group Leaders and the Chairman and Vice-Chairman of the Constitution Working Party. The first change related to the attendance by other Members at Cabinet and Committees by removing the need to give the 24 hour pre notice for questions. The second change related to voting arrangements where a ballot was required for the appointment of either the Vice-Chairman or Chairman of the Council. It had not been possible to introduce a way to undertake a secret ballot for these appointments and so it had been agreed to use a named vote for this purpose. The Council's Constitution had also been updated to reflect the changes made.

The changes made to the virtual meeting procedure rules were welcomed and a request was made for further review to be undertaken examining further the rules in place covering public involvement and if voting methods could be improved. It was confirmed that a further review on public participation and voting methods would be undertaken soon.

The Council then noted the two officer decisions that had been undertaken under the Officer Scheme of Delegation.

19. EXTENDED ABSENCE FROM MEETINGS - COUNCILLOR MRS FAYE CATTERSON

The Council received and noted a report from the Chief Executive that confirmed that in accordance with Part 4, Officer Scheme of Delegation, Section 1, Paragraph 2.2, Councillor Mrs Catterson had been given an extended period of absence from meetings for up to six months until 22 October 2020. This decision had been taken in consultation with the Group Leaders and the Chairman of the Council.

20. EXTENDED ABSENCE FROM MEETINGS - COUNCILLOR MRS TRACEY BAKER

The Council received and noted a report from the Chief Executive that confirmed that in accordance with Part 4, Officer Scheme of Delegation, Section 1, Paragraph 2.2, Councillor Mrs Baker had been given an extended period of absence from meetings until 20 May 2020. This decision had been taken in consultation with the Group Leaders and the Chairman of the Council.

In discussing the decision made, Members of the Conservative Group expressed their concerns over the legality of the decision made and asked for additional advice.

Having received this advice, further Councillors spoke from the Conservative Group and confirmed that they would be reserving their position in terms of approaching the Local Government Ombudsman.

Following further debate and having had Points of Orders raised, Councillor Bower confirmed that he proposed that a named vote be undertaken to not endorse the decision that had been taken by the Chief Executive.

Councillors were reminded that the decision had already been taken by the Chief Executive and so it was not possible to undertake a vote to not accept the decision made. A named vote could be undertaken on whether the Council could confirm if it endorsed the action taken and if not, then Members could indicate this by either voting against or abstaining from voting.

Councillor English then seconded the proposal made by Councillor Bower.

Further debate then took place resulting in Councillor Bower withdrawing his request for a named vote to be undertaken. He confirmed his view in that the point of his Group had been made and that they would pursue the matter with the Local Government Ombudsman.

21. EXTENDED ABSENCE FROM MEETINGS - COUNCILLOR MRS JUNE CAFFYN

The Leader of the Council, Councillor Dr Walsh, presented a report which sought to approve extending a period of absence from meetings for Councillor Mrs June Caffyn for up to six months until 20 November 2020 in line with the provisions of Section 85 of the Local Government Act 1972.

Councillor Dr Walsh formally proposed the recommendations which were then seconded by Councillor Bennett.

The Council

RESOLVED

That in line with the provisions of Section 85 of the Local Government Act 1972, an extended period of absence of up to six months until 20 November 2020 be approved for Councillor Mrs June Caffyn.

(The meeting concluded at 11.46 pm)

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF FULL COUNCIL ON 15 JULY 2020

**SUBJECT: FINANCIAL SUPPORT TO LEISURE OPERATING CONTRACT**

**REPORT AUTHOR:** Robin Wickham, Group Head of Community Wellbeing

**DATE:** July 2020

**EXTN:** 37835

**PORTFOLIO AREA:** Community Wellbeing

#### **EXECUTIVE SUMMARY:**

Freedom Leisure is in receipt of a Council support package in response to the Government directive to close the Council's leisure centres due to the COVID-19 pandemic. This report sets out the current situation and options to maintain the future viability of the leisure operating contract.

#### **RECOMMENDATIONS:**

Full Council approves the following measures:

- a) extend the Letter of Variation (Supplier Relief due to COVID-19) to defer the net monthly payment obligations (£66,000) for the remainder of the financial year (to March 2021) and extend the contract expiry date by a further six months to 31 March 2027;
- b) a supplementary estimate for a sum up to £270,000 (Band D equivalent of £4.38) is made available to support the Council's leisure operating contract for an initial three months and the impact is reported to Cabinet in September;
- c) a supplementary estimate for a sum of £136,300 (Band D equivalent of £2.19) to regularise the s138 notice reported to Cabinet on 29 April 2020 to reimburse £45,436 per month to Freedom Leisure, subject to open book accounting, to cover the costs associated with the upkeep of the buildings during the period of closure; and
- d) authority is given to the Group Head of Wellbeing to apply for and receive support funding that may from time to time become available to support leisure and cultural services affected by COVID-19.

#### **1. BACKGROUND:**

- 1.1 On 21 March 2020 Freedom Leisure responded to the Government direction and closed Arun's leisure centres with a consequential and significant impact on their income. The closure threatened the future viability of the Council's leisure operating contract.

- 1.2 On 16 April 2020 the Chief Executive, in consultation with the S151 Officer, exercised his delegated authority to defer Freedom Leisure's payment of contractual fees and provide financial support to maintain the upkeep of leisure facilities whilst they remained closed. This decision was made under Part 4, Section 2 of the Officer Scheme of Delegation of the Council's Constitution:
- paragraph 2.22 to authorise settlement of any potential dispute to safeguard the Council's interests; and
  - paragraph 2.11 that the expenditure met the purposes of the Local Government Act 1972, S.138 in connection with peacetime emergencies and disasters.
- 1.3 The decision was based on advice by the Cabinet Office in "Procurement Policy Note – Supplier Relief due to Covid-19" (March 2020), but also in recognition of the importance of working with Freedom Leisure to ensure the leisure operating contract could continue post the pandemic to meet the medium/long term welfare and social needs of the community.
- 1.4 The decision allowed Freedom Leisure:
- a) to defer payment of the management fees of £64,000 per month for three months applicable under the terms of their contract during the Covid 19 pandemic and agree an alternative payment plan to repay these fees;
  - b) To be reimbursed £45,436 subject to open book accounting (as per Policy Procurement advice 02/20 issued by the Cabinet Office); and
  - c) to be paid an interest free loan of £180,800 to cover 80% of the furloughed employee costs whilst the Job Retention Scheme is in operation; to be repaid when Freedom Leisure is in receipt of payments from Government
- 1.5 In the event Freedom Leisure accepted points a) and b). It did not take up c) the interest free loan.
- 1.6 The payment plan is subject to ongoing review should the Government's direction and guidance continue for the longer term. The terms of decision have been stated in a Letter of Variation to the Leisure Operating Contract (see background papers). The essence of the Variation is to give relief to Freedom Leisure in accordance with PPN 02/20 to ensure the leisure operating contract remains viable until the COVID-19 restrictions are lifted. Freedom Leisure has agreed to open book accounting and quarterly reconciliation.
- 1.7 The Council has received £4,980 partnership funding from Sport England to provide advice for contractual matters and assistance with the reconciliation of relief payments as a result of COVID-19.
- 1.8 On 2 July 2020 the Local Government Secretary announced a support package to reimburse lost income to Councils during the pandemic. The Ministry of Housing, Communities and Local Government stated, 'Where losses are more than 5% of a Council's planned income from sales, fees and charges, the Government will cover 75p in every pound lost.' At the time of writing this report the details of the scheme had not been published but this scheme may provide a partial reimbursement of fees due to the Council relating to the leisure operating contract.
- 1.9 A separate scheme to support Council leisure facilities and in recognition of the vital role they play in the health and wellbeing of the nation, has been championed by the Local Government Association and UK Active, a professional body for the leisure

industry. Together they have lobbied central Government and the Treasury to set up a specific fund to support Council contracts with leisure operators and in-house operations. A decision on this fund is awaited and if agreed it will provide further support for the leisure operating contract.

- 1.10A timetable for reopening of indoor leisure facilities is expected in the week commencing 6 July 2020.
- 1.11 Before opening, the facilities will be required to comply with strict control measures for the safety of customers and staff. Freedom Leisure is already working on plans to make the buildings COVID secure. It will also ensure the activity programmes in each facility comply with industry specific guidance. This will enable each facility to open as soon as the guidance is met and business need permits. It is envisaged that the Council's two leisure centres will open as soon as practicably possible and will remain open unless required to close.
- 1.12 To permit adequate social distancing Freedom Leisure will apply COVID secure guidelines to make the buildings safe, applying measures such as one-way systems; restrictions on changing facilities; enhanced cleaning regimes; and reducing numbers attending the most popular activities. It has also proposed other initiatives such as extending the use of booking systems to manage numbers visiting the centres.
- 1.13 The application of the guidance will inevitably reduce the capacity of the centres. Demand is also anticipated to be lower than before the centres closed. Initially therefore, Freedom Leisure is proposing reduced opening hours and offer fewer classes/activities to keep costs down, but it will scale up the programme and the operation as demand grows.
- 1.14 Freedom Leisure recognises the need to build the public's confidence. Some customer groups will be wary of returning to the centres after weeks of lockdown. For this reason, it also proposes incentives which may include lower charges for memberships whilst the capacity of the centres and activity programmes are reduced. The Council will assist with the marketing of the facilities and promotion of activities.
- 1.15 There is clear recognition that activity is essential to the health and wellbeing of our community. Medical evidence indicates that those with obesity (a BMI of 40 or above) and diabetes are at a higher risk following a diagnosis of COVID-19. Those who live in deprived areas also have poorer outcomes. Many children have been unable to attend school and need the opportunity to be active; social isolation has impacted on the mental health of many; and lockdown has resulted in some taking little or no physical exercise. There is a clear need to ensure that our leisure centres are open, and the Council is working with Freedom Leisure to ensure a range of activities are provided both inside and outside of our facilities to engage, encourage and enthuse our community to exercise.
- 1.16 The loss of income caused by COVID-19 has a temporary, but significant impact on the leisure operating contract. Whilst the opening of the leisure centres will be an important milestone, Freedom Leisure will require ongoing support to run the Council's facilities until restrictions are fully lifted and the income builds to its previous level. Additional costs have already accrued in June as staff initially mobilised for an anticipated July opening date before being put back into furlough. It is clear that expenditure will be greater than income for some time to come.

- 1.17 Freedom Leisure has forecast the net cost of operating the facilities over a six-month period under the current and improving trading conditions; this totals some £500,000. Factors considered include a growing public confidence over time, a gradual increase in the programme to meet demand, staffing levels commensurate with the demand and other seasonal factors such as utility costs. The estimated net cost for three months is £270,000.
- 1.18 The risk of a second wave of the virus should not be understated and any financial support for the contract needs to be sustainable in the event that the facilities are required to close.
- 1.19 The response of other authorities to support their leisure operating contracts has largely depended on individual circumstances and contract arrangements. In regard to the nineteen authorities who have contracts with Freedom Leisure, all have either continued to pay a management fee or have waived or deferred rents and fees. All have also met the cost of keeping buildings secure and plant maintained during the period of closure. At the time of writing this report four Councils had confirmed that continued support in the recovery phase and the others were in the process of reporting to their Members.
- 1.20 In conclusion, the opening of our leisure centres will demonstrate the Council's commitment to supporting and improving the health and wellbeing of the community. Working with Freedom Leisure the associated costs will be managed to ensure that capacity can grow in step with demand, within the constraints of the Government's guidance. The Council has received Sport England funding to help monitor and manage the costs to achieve value for money. These measures will ensure that our leisure contract has the best prospect of recovering quickly as restrictions are lifted and provide our community with the opportunity to enjoy healthy active lifestyles in first class facilities.

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

It is proposed that Full Council approves the following measures:

- a) extend the letter of Variation (Supplier Relief due to COVID-19) to defer the net monthly payment obligations for the remainder of the financial year (to March 2021) and extend the contract expiry date by a further six months to 31 March 2027;
- b) a supplementary estimate for a sum up to £270,000 (Band D equivalent of £4.38) is made available to support the Council's leisure operating contract for an initial three months and the impact is reported to Cabinet in September;
- c) a supplementary estimate for a sum of £136,300 to regularise the s138 notice reported to Cabinet on 29 April 2020 to reimburse £45,436 per month to Freedom Leisure, subject to open book accounting, to cover the costs associated with the upkeep of the buildings during the period of closure; and
- d) authority is given to the Group Head of Wellbeing to apply for and receive support funding that may from time to time become available to support leisure and cultural services affected by COVID-19.

<b>3. OPTIONS:</b>		
3.1 Not to support the recommendations.		
<b>4. CONSULTATION:</b>		
4.1 This report has been prepared in consultation with the Section 151 Officer.		
4.2 Legal advice has been obtained from Walker Morris LLP in respect of contractual and procurement matters.		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
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)		✓
<b>6. IMPLICATIONS:</b>		
<p><b>Financial:</b> Whilst the reopening of the Leisure Centres would undoubtedly be welcomed it has to viewed it in the context of the financial situation the Council finds itself in and the effect on the Council's overall financial strategy. Any decision, inevitably, involves an element of risk and we must ask contractors to share this business risk and assume responsibility for an element of the financial burden. Freedom Leisure's reserves are obviously finite but that also applies to the Council's reserves which also have to support a wide range of essential services. There are too many uncertainties to accurately predict the Council's deficit for this year, but it will certainly be significant and considerably larger than the level of support currently provided by central government and we have a responsibility to mitigate this as much as possible. The negative effect on the Council's financial strategy is further exacerbated by the recommendation to defer the monthly management fee of £66k per month. Whilst we are expecting Freedom Leisure to ultimately repay this accumulated debt, there must be a risk that they will be unable to do so as the level of debt increases. The Council must also be alert to other risks and one of the most severe would be a second wave of the virus which could cause the leisure facilities to close again. If this were the case, the issues outlined above would be exacerbated and we</p>		

would have to consider whether the situation is sustainable and if the Council would be in the position to offer the same level of financial support.

The loss of fees payable to the Council and unexpected unbudgeted expenditure jeopardises the leisure operating contract, but also puts additional stress on the Council's finances. In mitigation, if the contract were retendered in the current climate the Council may receive less favourable terms and it is recommended therefore to support the contract during this setback whilst the trading position recovers.

**Legal:** Extending the Letter of Variation will protect both the Council and Freedom Leisure.

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

To safeguard the Council's leisure operating contract.

To serve the health and wellbeing needs of the community

## **8. BACKGROUND PAPERS:**

- Decision Taken under Officer Scheme of Delegation – Financial Support to Freedom Leisure (16 April 2020) -  
<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n15597.pdf&ver=16031>
- Contract Variation (Supplier Relief due to COVID-19)  
<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n15596.pdf&ver=16030>



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# Public Document Pack Agenda Item 10

Subject to approval at the next Constitution Working Party meeting

1

## CONSTITUTION WORKING PARTY

29 June 2020 at 4.30 pm

Present: Councillors Mrs Yeates (Chairman), Mrs Gregory (Vice-Chairman), Bennett, Bower, Cooper, Mrs Haywood and Ms Thurston (Substitute for Mrs Catterson).

Councillor Gunner was also in attendance at the meeting.

[Note: Councillor Bower was absent from the meeting during consideration of the matters referred to in the following Minutes – Minute 7 (part)].

### 1. APOLOGY FOR ABSENCE

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

### 2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### 3. MINUTES

The Minutes from the meeting of the Working Party held on 19 September 2019 were approved by the Committee and signed by the Chairman, subject to a duplication being deleted at Minute 6 [Constitutional Amendments – Part 4 (Officer Scheme of Delegation) for Crime and Disorder Act 198 and the Anti-Social Behaviour, Crime and Policing Act 2014, Recommendations 4 and 5 [the words Community Protection Notices]].

### 4. START TIMES

The Working Party

RESOLVED

That its start times for meetings during 2020/21 be 4.30 pm.

### 5. PROPOSED CONSTITUTIONAL UPDATE TO PART 6 - OTHER PROCEDURE RULES - SECTION 6 - STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

The Working Party received a report from the Financial Services Manager proposing that updates be made to Standing Orders relating to Purchasing, Procurement, Contracts and Disposals.

The Appendix to the report set out the areas that had been reviewed and where changes were required.

Constitution Working Party - 29.06.20

## The Working Party

### RECOMMEND TO FULL COUNCIL – That

- (1) the proposed changes to the Constitution at Part 6 Procedure Rules (Other) Section 6 Purchasing, Procurement, Contracts and Disposals as set out in Appendix 1, to the report be approved;
- (2) Part 4 (Officer Scheme of Delegation) Section 3 (Group Heads) paragraph 2.1 of the Constitution is updated to allow the Group Head of Corporate Support to approve the use of Framework Agreements and Dynamic Purchasing Systems (DPS); and
- (3) The Monitoring Officer be authorised to make any further consequential changes to the Constitution.

## 6. VIRTUAL MEETING PROCEDURE RULES

The Chief Executive presented this report outlining further changes that were required to the Council's Virtual Meeting Procedure Rules. These were:

- Public Question Time at Cabinet and Full Council meetings; and
- Public Speaking at the Development Control Committee

The report also provided some feedback on research that had been undertaken on the voting at remote meetings.

The Working Party fully supported the proposals in place to allow the public to attend a virtual meeting to ask a question or to take part in public speaking at the Development Control Committee. For the Licensing Sub-Committee, the Working Party was reminded of the Urgent Officer Decision that had been reported to Cabinet on 22 June 2020 adding a new Paragraph 14 to the virtual meeting procedure rules to provide for virtual Licensing Sub-Committee meetings to be held in accordance with relevant legislation.

The main concern of the Working Party was the named vote as this was a protracted method making meetings too lengthy, especially Full Council. It was hoped that further investigation by Officers would find a better way forward. Further advice was given by the Chief Executive and the Interim Monitoring Officer confirming that the named vote was transparent, accurate and the least challengeable and that no clear legal alternative to it had been found. It was accepted that for 'noting' items, a show of hands to note or to raise a hand to show dissent could be used.

The other concern was how to deal with Councillors experiencing an outage situation when taking part in a named vote. It was felt that there needed to be more clarity on this, especially if that Member had been present for the whole debate. Members were reminded of the Member Protocol for virtual meetings as this provided advice on what to do in the unforeseen event that a Member could not be heard to give

their vote. The approach taken by other Councils to such an event was explained. This was that in such an event, provided that Member had not been absent during the item of business and so not sufficiently informed to take part in the vote, the Chairman should call a five minute adjournment to allow the Council's Officer team to work with the Councillor in re-joining the meeting. It was agreed that this approach be added to the Protocol at 3.13 – Voting at a virtual meeting.

As a non-Working Party Member, Councillor Gunner was invited to speak. He confirmed that he wished to have it noted that the 5 minutes speaking time should be retained [virtual meeting procedure rule 7.2] and that he would like the substitution rules to be reviewed. Currently the deadline for notification by the relevant Group Leader for all meetings was 24 hours prior to the start of the meeting. The proposal put to the Working Party was for this to be changed for all meetings to 10.00 am on the day of the meeting.

Following debate, the Working Party agreed that virtual meeting procedure rule 10 – Substitution be changed to read "Council Procedure Rule 27 will continue to apply, with the exception that the deadline for notification by the relevant Group Leader for all meetings will be **10.00 am on the day of the meeting**".

The Working Party

#### RECOMMEND TO FULL COUNCIL - That

The following changes be made to the Council's virtual meeting procedure rules at Section 5 of the Constitution as follows:

- (i) Rule 10 – Substitution – Rule 10.1 being amended to 10.00 am on the day of the meeting for all meetings;
- (ii) Rule 12 – Public Question Time – removal of Rule 12.2 as reinstating the public to ask questions in person and Rule 12.3 being amended so that if a question is asked in person, the questioner has the right to ask a supplementary
- (iii) Rule 13 – Public Speaking at the Development Control Committee – Rules 13.1 and 13.2 being amended to allow the public and Ward Members to speak in public.

#### 7. CONSTITUTION REVIEW - UPDATE

The Chief Executive provided a verbal update outlining how the review of the Council's Constitution in preparing for the new Committee structure in May 2021 was progressing.

He explained that following the decision of Full Council on 15 January 2020 to move to a Committee system, the Working Party, for this meeting, was charged with determining the following items:

Constitution Working Party - 29.06.20

- Reviewing the final role and remit of each of the six service committees and the four regulatory committees;
- Considering the size of committees;
- Proposing arrangements for membership and the appointment of the Chairman and Vice-Chairman if they were to differ to current procedure rules;
- Considering the frequency of meetings
- Considering which of the existing Sub-committees, Working Parties and Panels would need to continue to operate under this new form of governance. It was pointed out that this would most likely be for discussion at the next meeting

The Working Party was firstly alerted to Appendix 1 which had been uploaded as a supplement paper and sent to Members on 25 June 2020. Minor changes were being suggested to the service committees to clarify arrangements – as shown highlighted in grey relating to:

- (i) Corporate Policy and Performance to lead on:
  - Budget preparation and monitoring
  - Medium Term Financial Strategy
  - Capital Strategy (rather than Corporate Support)
  - Major emergency response (regular updates on emergency planning to continue to report into the Environment and Neighbourhood Services Committee)
- (ii) Corporate Support
  - Extending the reference to Elections to cover electoral reviews to reflect that this Committee will take over the functions of the Electoral Review Sub-Committee
- (iii) Full Council
  - Clarifying current constitutional requirements that the Council will lead on all constitutional changes through reports from the Constitution Working Party

Following some debate, the Working Party agreed to these changes, confirming that the heading 'constitution' be removed from the remit of the Audit & Governance Committee as the Constitution Working Party would continue to function reporting direct into Full Council. A request was made for Representation to Outside Bodies to be reviewed along with delegation levels for Executive Members in line with the new structure. There was concern that the new structure did not provide the opportunity to make Urgent Decisions through Individual Cabinet Member decisions. It was pointed out that this issue had been fully covered through discussions at the Governance Working Party and had been addressed at Full Council on 15 January 2020.

Comments were made around other service areas and where they had been placed under certain Committees. The Chief Executive reminded Members that for areas such as the Foreshore service, it had been strategically placed to simplify the structural arrangement for officers. The names of Committees could not be changed as approved at Full Council on 15 January 2020.

The timetable in place for the review was discussed with the deadline for completion being confirmed as Full Council in January 2021. The Working Party's work programme planned for this review to be completed for November 2020. Concern was expressed over slippage and if any leniency could be applied to extending the review period as a result of Covid-19. As this was not possible the Chief Executive reconfirmed the need to ensure that the work programme in place was not delayed in any way.

The Chief Executive then turned the Working Party's attention to considering the size of Committees.

The following points were made:

- The Committee sizes adopted by other Councils operating a Committee structure was explained and what this meant in terms of the allocation of seats for the Council now
- Should the size of the Corporate Policy and Performance Committee be smaller around 7 – but no more than 9 considering that they tended to have the Leader and Deputy Leader as members?
- As there was an independent review being undertaken of the Planning service that could impact the functions, size and name of the Development Control Committee in the future – then Committee size for Development Control be deferred until the outcome of the review had been considered
- There were arguments for and against Political balance being applied and working to proportionality rules
- There was concern expressed over suggestions to encourage smaller memberships. It was felt that the Committee structure had been agreed to ensure that there would be more say across the Council and total Member inclusivity
- The amount of work for each Committee should dictate membership numbers

Following debate, a proposal was put forward, discussed, and amended agreeing that the size of the Corporate Policy and Performance Committee be 9; the size of all other remaining Committees, including Regulatory Committees be 11, apart from the Development Control Committee, the decision on its membership size being deferred until the outcome of the independent planning review and recommendations for any change were known.

Constitution Working Party - 29.06.20

The Chief Executive then asked the Working Party for its views in considering the frequency of meetings. To assist, he suggested that the cycle of meetings be based on an 8-weekly cycle, as at present and based on history, and he asked for views on the suggestions outlined below:

- Corporate Policy and Performance – one meeting a cycle (= 5 meetings per year)
- Corporate Support – quarterly (= 4 in a year)
- Planning policy – one meeting per cycle (= 5 meetings per year)
- Residential and Wellbeing Services – one meeting per cycle (= 5 meetings per year)
- Environment & Neighbourhood Services – one meeting per cycle (= 5 meetings per year)
- Economic – quarterly (= 4 times a year)
- Full Council – 5 meetings per year plus one Special Council for the Budget
- Audit & Governance would be reviewed in the future

The points raised by the Working Party were:

- A calendar of meetings needed to be approved ahead of May 2021 – this was seen as a good starting point to conducting this work as long as additional meetings could be convened if they were needed.
- Would the two Regeneration Sub-Committees continue, or would they be dismantled with their functions being consumed by the Economic Committee
- Looking at recovery as a result of Covid-19 – the service areas covered by the Economic Committee would be key to this – would four meetings suffice?
- The regulatory Committees to remain as they are but could be changed if needed
- It was acknowledged that the Audit & Governance Committee which currently met 3 times a year might require an additional meeting in view of its additional work.

The final item for the Working Party to consider was whether it wished the appointment of the Chairman and Vice-Chairman for each Committee to be made in line with the current procedure rules which was at the Annual Council Meeting. This was agreed unanimously.

Following some further discussion, the Working Party

**RECOMMEND TO FULL COUNCIL - That**

(1) The amendments made to the Committee structure, as set out in Appendix 1, attached to these minutes, be approved and as set out below:

**Corporate Policy and Performance to lead on:**

- Budget preparation and monitoring
- Medium Term Financial Strategy
- Capital Strategy (rather than Corporate Support)
- Major emergency response (regular updates on emergency planning to continue to report into the Environment and Neighbourhood Services Committee)

**Corporate Support**

- Extending the reference to Elections to cover electoral reviews to reflect that this Committee will take over the functions of the Electoral Review Sub-Committee

**Full Council**

- Clarifying current constitutional requirements that the Council will lead on all constitutional changes through reports from the Constitution Working Party

**Audit & Governance Committee**

- Removing Constitution as the Constitution Working Party will continue and will feed direct into Full Council

(2) the size of the Corporate Policy and Performance Committee be 9; the size of all other remaining Committees, including Regulatory Committees be 11, apart from the Development Control Committee, the decision on its membership size being deferred until the outcome of the independent planning review and recommendations for any change were known;

(3) the frequency of meetings for the new Committee structure be as set out below:

- Corporate Policy and Performance – one meeting a cycle (= 5 meetings per year)
- Corporate Support – quarterly (= 4 in a year)
- Planning policy – one meeting per cycle (= 5 meetings per year)
- Residential and Wellbeing Services – one meeting per cycle (= 5 meetings per year)
- Environment & Neighbourhood Services – one meeting per cycle (= 5 meetings per year)
- Economic – quarterly (= 4 times a year)

Constitution Working Party - 29.06.20

- Full Council – 5 meetings per year plus one Special Council for the Budget
- Audit & Governance would be reviewed further in the future
- All other regulatory Committees to remain as they are

(4) the appointment of the Chairman and Vice-Chairman of Committees follow current rules with these being made at the Annual Council Meeting.

#### 8. DATES OF FUTURE MEETINGS

The Working Party noted its future meeting dates as set out below:

- 17 August [changed from 27 July 2020]; and
- 12 October 2020

The Committee Services Manager confirmed that a further meeting might be needed later in October and that a further date would be confirmed soon.

(The meeting concluded at 7.22 pm)

**Senior Management Team (SMT) Proposals for a 6 Committee Structure – Agreed by Governance Working Party 03.12.19*****Suggested amendments to be made to Constitution Working Party – 29 June 2020***

Committee Name	Corporate Policy and Performance	Corporate Support	Planning Policy	Residential and Wellbeing Services	Environment and Neighbourhood Services	Economic	Full Council
<b>Service areas</b>	<ul style="list-style-type: none"> <li>Corporate Policy</li> <li>Corporate Performance</li> <li>Partnership and Liaison</li> <li>Climate Change Action Plan</li> <li>Public Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Finance</li> <li>Legal Services</li> <li>Human Resources</li> <li>Communications</li> <li>Design, print and postal services</li> <li>ICT and Digital Agenda</li> <li>Information Management</li> <li>Customer Services</li> <li>Committee Services</li> <li>Elections and electoral reviews</li> </ul>	<ul style="list-style-type: none"> <li>Planning Policy</li> <li>Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Housing Strategy and Enabling</li> <li>HRA</li> <li>Homelessness</li> <li>Revenues and Benefits</li> <li>Leisure and Culture</li> <li>Community Safety</li> <li>Wellbeing</li> <li>Foreshores</li> <li>Safeguarding</li> <li>Lifeline</li> </ul>	<ul style="list-style-type: none"> <li>Green Spaces</li> <li>Cemeteries</li> <li>Waste and Recycling</li> <li>Car Parks</li> <li>Engineering</li> <li>Environmental Health</li> <li>Building Control</li> <li>Emergency Planning</li> </ul>	<ul style="list-style-type: none"> <li>Economic Policy and Research</li> <li>Economic Partnerships</li> <li>Commercial Investment</li> <li>Town Centre revival</li> <li>Business Development</li> <li>Tourism</li> <li>Property and Estates</li> <li>Land Charges</li> </ul>	<ul style="list-style-type: none"> <li>Oversee all Council decisions</li> <li>Scrutiny of decision making (“call-in” principles)</li> <li>Legal advice/ Monitoring Officer</li> <li>Statutory functions as set out in Article 4 (Budget and Policy Framework)</li> </ul>
<b>Committee to lead on:</b>	<ul style="list-style-type: none"> <li>Corporate Plan</li> <li>Budget preparation and monitoring</li> <li>Medium Term Financial Strategy</li> <li>Capital Strategy</li> <li>Major emergency response</li> </ul>	<ul style="list-style-type: none"> <li>Asset Management Plan</li> <li>Capital Strategy</li> <li>Property Investment Strategy</li> <li>Digital Agenda Project</li> <li>Service Performance</li> </ul>	<ul style="list-style-type: none"> <li>Local Plan</li> <li>Community Infrastructure Levy (CIL)</li> <li>Service Performance</li> </ul>	<ul style="list-style-type: none"> <li>HRA Business Plan</li> <li>Leisure Strategy</li> <li>Crime and Disorder Reduction Strategy</li> <li>Service Performance</li> </ul>	<ul style="list-style-type: none"> <li>Waste and Recycling Strategy</li> <li>Service Performance</li> </ul>	<ul style="list-style-type: none"> <li>Commercial Strategy</li> <li>Service Performance</li> </ul>	<ul style="list-style-type: none"> <li>Constitution (through Constitution Working Party)</li> </ul>
<b>SMT Leads</b>	Nigel Lynn, Karl Roberts, Philippa Dart, Alan Peach and Jackie Follis	Alan Peach, Jackie Follis, Joe Russell-Wells, Monitoring Officer	Karl Roberts and Neil Crowther	Philippa Dart, Satnam Kaur and Robin Wickham	Philippa Dart, Karl Roberts, Joe Russell-Wells and Nat Slade	Karl Roberts, Nat Slade and Denise Vine	Nigel Lynn, Karl Roberts, Philippa Dart, Alan Peach and Monitoring Officer

**Regulatory Committees**

Committee Name	Audit and Governance	Development Control (Name still to be reviewed)	Licensing	Standards
<b>Service areas</b>	<ul style="list-style-type: none"> <li>Constitution</li> <li>Corporate Complaints</li> <li>Internal Audit</li> <li>External Audit</li> <li>Members Allowances</li> <li>External Scrutiny of partners</li> </ul>	<ul style="list-style-type: none"> <li>Planning applications</li> <li>Service performance</li> </ul>	<ul style="list-style-type: none"> <li>Licensing functions</li> </ul>	<ul style="list-style-type: none"> <li>Members’ Code of Conduct</li> <li>Code of Conduct Complaint Reviews</li> </ul>
<b>SMT Leads</b>	Nigel Lynn, Alan Peach, Jackie Follis and Monitoring Officer	Karl Roberts and Neil Crowther	Nat Slade	Monitoring Officer

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STANDARDS COMMITTEE

20 February 2020 at 6.08 pm

Present: Councillors English (Chairman), Bennett (Vice-Chairman), Bower, Coster, Mrs Daniells, Edwards, Kelly, Tilbrook and Mrs Worne

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

461. DECLARATIONS OF INTEREST

Councillors Bennett, Bower, Coster and Mrs Worne all declared their Personal Interests in Agenda Item 9 [Register of Assessment of Complaints against Councillors] as some of the complaints contained within report involved them. They confirmed that they would leave the meeting if those complaints became the subject of debate.

462. MINUTES

The Minutes from the meeting held on 25 July 2019 were approved by the Committee as a correct record and were signed by the Chairman.

463. UPDATE ON THE REVIEW OF THE CODE OF CONDUCT AND LOCAL ASSESSMENT PROCEDURE

In discussing the feedback from the consultation exercise, the Committee welcomed the overall support to the proposed areas of change to both the Members' Code of Conduct and the Local Assessment Procedure that had been received from those Town and Parish Councils and District Councillor who had responded. The Committee did consider two areas where there had not been consensus and:

1. maintained its previous view on Best Practice Recommendation 3 (the timing of reviews of the Code of Conduct) that reviews should be undertaken every two years timed to be undertaken at the end of years 1 and 3 of each administration; and
2. supported the views of Town and Parish Councils on Best Practice Recommendation 11 (who should make complaints about the conduct of a parish councillor towards a clerk) that this should not be restricted to the Chairman of the Parish Council.

The Committee also agreed that the proposed areas for change to the Members' Code of Conduct should include an obligation that a Councillor must not conduct themselves in a manner which could be reasonably regarded as bringing their office as a Councillor, or the Council itself into disrepute. A request was also made for the review to consider the latest Probity in Planning guidance issued by the Local Government Association in December 2019.

Standards - 20.02.20

The Committee then reviewed whether the Principles of the Code of Conduct, as set out in Section 1, Paragraph 2.1 of the Code should be updated with the CSPLs redefined definitions. The Committee was not comfortable with all of the redefined Principles and asked the Monitoring Officer to review whether there could be a mix and match between the current and redefined wording, and whether the Council could introduce its own wording. It was agreed that a report back would be made on this as part of the ongoing review.

The Committee then

RESOLVED – That

(1) the Group Head of Council Advice & Monitoring Officer brings back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting taking account of all the proposed areas for change agreed by the Council on 18 September 2019 and highlighted at this meeting; and

(2) the final amended versions then be presented to the Full Council for approval with an estimated completion date of November 2020.

464. APPOINTMENT OF TWO ADDITIONAL INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE

The Committee received a report from the Group Head of Council Advice and Monitoring Officer which sought the agreement of the Committee to recommend the appointment of two further Independent Persons to the Standards Committee. It was outlined that in line with Paragraph 4.5(7) of Part 3 (Responsibility for Functions) of the Council's Constitution, any recommendations for appointment needed to be made by Full Council.

Councillor Bennett was invited to present the detail of this item as he had chaired the interview panel that had conducted interviews on 16 January 2020.

Councillor Bennett explained that the interview panel had consisted of himself, Councillor Mrs Daniells, and the Group Head of Council Advice & Monitoring Officer. The selection process had considered the candidate's application form and their response to questions posed at interview against the selection criteria and job description for the role. All applicants had also been assessed against the requirements of Section 28 of the Localism Act 2011 which confirmed what would disqualify a candidate from being appointed to this role.

Councillor Bennett outlined that out of the four candidates interviewed, the Panel had unanimously agreed that two be recommended to the Committee for appointment, being John Cooke and Sandra Prail based upon their excellent skills and experience that they could bring to the role. As both candidates had been invited to attend the meeting they were introduced to the Committee and they provided a brief overview of their professional backgrounds.

The Group Head of Council Advice & Monitoring Officer reminded the Committee that it had originally agreed to recruit one additional Independent Persons to extend the number of Independent Persons to three to ensure that there was always adequate independent opinion available to both the Committee and the Monitoring Officer. Appointing an additional Independent Person would always ensure that there was adequate coverage and would allow the opportunity to rotate independent persons around complaint issues to extend experience and cover. It was outlined that the legislation did not set a maximum of Independent Persons to be appointed.

Following brief debate and having agreed to the two suggested appointments, the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) John Cooke is appointed as an Independent Person to the Standards Committee for an initial term of office of one year from the date of the Full Council decision;
- (2) Sandra Prail is appointed as an Independent Person to the Standards Committee for an initial term of office of one year from the date of the Full Council decision;
- (3) Subject to the appointments being confirmed at (1) and (2) above, the Group Head of Council Advice & Monitoring Officer be authorised to confirm the appointment terms to John Cooke and Sandra Prail; and
- (4) The Standards Committee review any extension to these terms of office in January 2021 and then report back to Full Council.

465. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

*(Prior to the commencement of the discussion on this item, Councillors Bennett, Bower, Coster and Mrs Worne re-declared their interests made at the start of the meeting).*

The Committee received a report from the Group Head of Council Advice & Monitoring Officer which provided Members with an update on the complaints made against Councillors over the past two years.

The Committee was advised that this report was being provided in a slightly different format in that it was being presented in open business with the latest list of complaints being provided to Members of the Committee only as an Exempt Appendix, on the basis that it included information relating to individuals. It was made clear therefore that should the Committee wish to discuss any information contained within the Appendix, then it would be necessary for the meeting to move into Exempt business.

Standards - 20.02.20

It was highlighted that since the Committee's last meeting, ten complaints had been received under the Code of Conduct. Of the seven complaints completed, none had required a Stage 2 assessment. The Group Head of Council Advice & Monitoring Officer outlined that since the last meeting, practices had been reviewed on whether a modified public register of complaints should be introduced for publishing via the Committee onto the Council's website. This review had highlighted how few Councils published information on the outcome of complaints received, however, two examples found from the review were circulated to the meeting for discussion. One was from Huntingdonshire District Council and the other was from Durham County Council. The views of the Committee were sought in terms of whether it felt that this Council should publish an annual report of its Code of Conduct complaints.

The Committee agreed that this would be a transparent way of updating the public on complaint cases received and would illustrate how thoroughly complaints were investigated. It did not express any specific view in terms of when this report would be presented, either at the end of each Municipal Year or as part of the first cycle of meetings in the new Council year. Having examined the two examples circulated, the Committee highlighted the Huntingdonshire model as its preference.

The Committee

RESOLVED – That

- (1) The Register of Complaints against Councillors be noted; and
- (2) A change to the publication on the outcome of complaints be made by producing a public register of complaints to be published annually, using the Huntingdonshire model circulated to the meeting.

466. 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.

467. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS

Having noted the Register of Complaints as part of the previous item, the Committee discussed some of the complaints received.

(The meeting concluded at 7.19 pm)

## DEVELOPMENT CONTROL COMMITTEE

8 January 2020 at 2.30 pm

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

### 352. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Roberts.

### 353. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 354. MINUTES

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

### 355. AW/237/19/PL THE FORMER SHIP INN, ALDWICK STREET, ALDWICK, PO21 3AP

AW/237/19/PL – Variation of conditions imposed on planning reference AW/211/14/PL relating to condition 8 – delivery times & Condition 10 – delivery of goods serving the store in accordance to the Delivery Management Schedule

In considering the application, Members raised a number of concerns in particular relating to its impact on the highway and the safety of road users. It was the view of a number of Members that the vehicles being used for deliveries to the premises would have a significant impact on the safety of the road. Based on the clarification given by the County's Highways Team representative it was not felt that the transport assessment had sufficiently addressed this impact.

Having sought clarification on the voting process as confirmed in the Planning Local Code of Conduct at Part 8, Section 6 of the Council's Constitution, the Chairman then put the officer recommendation for approval to the vote. This was not accepted by the Committee as this recommendation had been rejected by the Committee, the Chairman then sought an alternative proposal. Councillor Bower proposed that "the application be deferred to allow for a tracking survey to be completed along with an independent road safety audit" which was seconded by Councillor Charles. On putting this proposal to the vote, the Committee

Development Control Committee - 8.01.20

RESOLVED

That the application be deferred.

356. BR/306/19/HH 28 ARUN ROAD, BOGNOR REGIS, PO21 5PD

BR/306/19/HH – Two storey side and rear extension, single storey rear extension & replacement front porch.

Having considered the detail of the application and the report update, Members received clarification on questions raised with the officers, the Committee

RESOLVED

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

357. M/32/19/PL 46 SEA LANE, MIDDLETON ON SEA, PO22 7RX

M/32/19/PL – New dwelling & separate garage replacing the proposed new house in the previous planning permission ref: M/7/16/PL – Amendment to M/153/18/PL

Having considered the detail of the application and the report update, Members received clarification on questions raised with the officers, the Committee

RESOLVED

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

358. M/53/19/PL 7 ALLEYNE WAY, ELMER, MIDDLETON ON SEA, PO22 6JZ

M/53/19/PL – Demolition & erection of 1 No. dwelling

Having considered the detail of the application and a report update, Members received clarification on questions raised with the officers, the Committee

RESOLVED

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

359. WA/59/19/PL PIPPINS, YAPTON LANE, WALBERTON, BN18 0AS

WA/59/19/PL – Provision of an additional 3 No. residential mobile homes. This application is a Departure from the Development Plan

Having considered the detail of the application and the report update, Members received clarification on questions raised with the officers, the Committee

RESOLVED

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

360. Y/83/19/OUT CLAYS FARM, NORTH END ROAD, YAPTON, BN18 0DT

Y/83/19/OUT – Outline application with some matters reserved for the erection of 22 No. dwellings, access roads, landscaping & associated works (resubmission following Y/62/18/OUT). This application is a Departure from the Development Plan.

In considering the application, Members sought clarification on a number of issues relating to the status of the agricultural land and why the application was being recommended for approval when it was a departure from the Development Plan and the Yapton Neighbourhood Plan. Concerns were also raised by some Members about the access to the site which were responded to by the County's Highways Team representative.

In debating the merits of the application, mixed views were expressed with some Members highlighting their concern about the loss of agricultural land and the impact of increased housing development on this site which was outside of the agreed Development Plan; whilst others believed the application would support the Council in meeting the under-delivery of housing targets in the Local Plan, as explained within the officer report. A question was asked about whether the officers had encouraged the developers to make this second application as the previous application had been refused and was now the subject of an Appeal. The Group Head of Planning confirmed that no such request had been made.

A request was received that the voting on this proposal be recorded.

On putting the officer recommendation to the vote, the Committee

RESOLVED

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

Those voting the application be approved were Councillors Bennett, Blanchard-Cooper, Bower, Charles, Clayden, Edwards, Northeast and Mrs Pendleton (8). Those voting against were Councillors Coster, Mrs Hamilton, Lury, Ms Thurston, Mrs Worne and Mrs Yeates (6).

Development Control Committee - 8.01.20

361. BR/120/19/PL & BR/121/19/L THE BANDSTAND THE PROMENADE BOGNOR REGIS

BR/120/19/PL & BR/121/19/L – Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration.

Having considered the detail of the application and received clarification on questions raised with the officers, the Committee

RESOLVED

That the application be approved as detailed in the report.

362. PLANNING APPEALS

The Committee noted the appeals that had been received.

(The meeting concluded at 5.40 pm)

# Public Document Pack Agenda Item 13

Subject to approval at the next Cabinet meeting

263

## CABINET

13 January 2020 at 5.00 pm

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

Councillors Buckland, Charles, Clayden, Coster, Goodheart and  
Mrs Pendleton were also in attendance for all or part of the meeting.

### 363. WELCOME

The Chairman welcomed Members, members of the public and Officers to the first meeting of Cabinet in 2020 and he wished all present a very Happy New Year.

### 364. DECLARATIONS OF INTEREST

Councillor Dr Walsh declared a Personal Interest in Agenda Item 7 [Littlehampton Public Realm Improvements – Phase 3 – Beach Road/East Street] as a Member of Littlehampton Town Council.

### 365. QUESTION TIME

The Chairman confirmed that one Public Question had been submitted in line with the Council's Constitution and that this was for him as Leader of the Council to respond to.

The questioner asked if following the flood events across the District during December 2019, could the Leader of the Council or relevant Cabinet Member outline the process used to ensure Arun and partner agencies and authorities would sit down to review and understand what had happened to include the causes, impacts, possible solutions and consequences for sites proposed or permitted for development. Would he also outline how such discussions might review the evidence base used to inform the Local Plan and the assumptions made within it, particularly with regard to the frequency and severity of these events and the mitigations required?

The Leader of the Council, Councillor Dr Walsh, responded stating that the Council's engineering service had collated information of the various issues reported to the Council. In the main these were localised issues relating to a specific set of circumstances such as an unmaintained ditch by the riparian landowner or an undersized culvert under a new access. Advice on resolving these matters would be provided to landowners as appropriate. The areas of land that were subject to more extensive flooding were consistent with the Environment Agency's flood maps and were not proposed for new residential development. For those areas where development was proposed it would be the responsibility of the applicants to submit detailed surface

Cabinet - 13.01.20

water drainage schemes for consideration having regard to the advice that was already available from the Council and national guidelines.

The Council in reviewing the Local Plan would take on board the latest information available to inform any future decisions. Experience had shown over recent years that the drainage schemes that had been implemented on new developments had worked as expected. The issues that had arisen in the past had tended to be in more established residential areas where a lack of maintenance of the ditch network by the relevant landowners was typically the problem. The Council had worked closely with the County Council to resolve these issues.

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

The questioner referred to an example of extreme flooding at Seftor Field along the Pagham Road which had been closed on 8 January 2020. This flooding situation had been featured in the Bognor Regis Observer showing a picture of residents sailing a dinghy across this section of field. This field was adjacent to a development site in the Council's Local Plan, so it was felt that residents needed to receive a better explanation about their concerns of developing on what they saw as a flood plain.

Councillor Dr Walsh confirmed that he has seen this article and he asked the Director of Place to provide the response. He confirmed that the photographic image of a person on a sail board was an old picture that had been around for several years and was not related to the flooding experience this winter. He stated that part of the issue was that ditches had not been maintained by riparian owners. Also, it was confirmed that this site was not in a flood plain and that an inspection that had taken place before Christmas saw no evidence of flooding on this site. Yes, there was flooding in the Pagham area, but these seemed to be a specific issue in relation to Highways rather than the development site in question.

366. MINUTES

The Minutes of the Cabinet meeting held on 9 December 2019, as circulated to the meeting, were approved by the Cabinet as a correct record and signed by the Chairman.

367. BUDGET VARIATION REPORTS

There were no matters to discuss.

368. LITTLEHAMPTON PUBLIC REALM IMPROVEMENTS - PHASE 3 - BEACH ROAD/EAST STREET

The Leader of the Council, Councillor Dr Walsh, introduced this item stating that the report provided Members with an update regarding the planned improvements to the public realm in Littlehampton's Town Centre.

It asked Cabinet to note the various funding sources and the successful grant applications that had been accumulated to fund the first three phases of the scheme.

The Group Head for Economy was then invited to present the key highlights of the report. She explained the funding package that had been put together to improve the public realm in Littlehampton which the Cabinet was being asked to note.

Before inviting debate on the report, Councillor Dr Walsh outlined that this was a good example of positive partnership working with Littlehampton Town Council and having consulted widely with traders; the public; the Civic Society; and other interested parties. Now that funding was secured the next phase of the project could be moved forward. He extended his thanks to the Group Head of Economy and her team for their work and for talking to various groups to explain these key proposals.

Comments received were varied. The Group Head of Economy responded confirmed that the proposals would be shared with Councillors as these moved forward and that engagement with traders and stakeholders using their knowledge would take place.

The Cabinet

RESOLVED

That the report be noted.

369. AWARD OF RESPONSIVE REPAIRS AND VOIDES CONTRACT FOR COUNCIL HOUSING STOCK

The Cabinet Member for Residential Services, Councillor Mrs Gregory, introduced this item and informed Members that as a provider of social housing, the Council managed and maintained 3,348 homes across the District, all of which were maintained to the Decent Homes Standards as a minimum. The Council's current contract with Mears was due to expire on 31 March 2020 and so a tender process for a new Responsive Repairs and Void Refurbishment Contract had taken place in line with the Official Journal of the European Union (OHEU). The selected method for this procurement had been the 'Competitive Procedure with Negotiation' to ensure that the more complex aspects of the Contract had been fully understood by all parties. The award of the Contract had been based on the Most Economically Advantageous Tender (MEAT) for the Council.

The Group Head of Residential Services was then invited to present her report. She outlined that the Council had engaged the service of professional consultants specialising in this work as part of the procurement process. The approved tender evaluation criteria had been structured on 40 per cent price and 60 per cent quality and an evaluation matrix with an appropriately weighted scoring system had been devised for both the financial submissions and the technical aspects of each bid.

Cabinet - 13.01.20

The report set out a recommendation for the award of contract based on the results of the tender evaluation as set out in the report with an option to extend the contract for a further period of up to five years.

The Cabinet

#### RESOLVED

It be agreed that the award of the Council's Responsive Repairs and Void Refurbishment Contract be awarded to Contractor A from 1 April 2020 based on their financial and technical submission being the most economically advantageous tender following a competitive tender process.

The Cabinet confirmed its decision as per Decision Notice C/031/130120, a copy of which is attached to the signed copy of the Minutes.

#### 370. AUDIT & GOVERNANCE COMMITTEE - 21 NOVEMBER 2019

The Chairman invited the Cabinet Member for Technical Services, Councillor Stanley, to present the recommendation from the meeting of the Audit & Governance Committee held on 21 November 2019.

Councillor Stanley confirmed that there was a recommendation to consider at Minute 311 [Update on the Progress of the Council's Property Investment Fund (PIF)] and he confirmed that he wished to amend this recommendation to read as follows [any deletions have been shown using ~~strike through~~ and additions shown in **bold**]:

"The 75% threshold within Section 5.1 of the Property Investment Strategy 2017-2022 be changed to 50% **in order to make more funds available to invest in improving the condition of the Council's existing estate**".

Councillor Stanley explained that his reasoning for proposing this amendment was that it would provide greater flexibility for the Council to manage its reserves and would make more money available for investment in the Council's existing assets over the coming years. Councillor Stanley stated that Members had expressed their ambition to invest in property for revenue generation purposes and it was understood that this change would not prevent the Council from using the remaining 50% receipts or borrowing to buy property or develop where there was a business case.

Councillor Purchase then seconded this amendment.

Although Cabinet fully supported this amendment, Councillor Coster, in attendance in the Public Gallery, indicated his wish to speak on this item and this was approved by Cabinet.

Councillor Coster outlined his concerns in accepting this amendment stating that there was risk in taking money from capital receipts to invest in Council assets when this money needed to be spent on revenue items such as repairs and maintenance.

The Group Head for Technical Services provided an explanation stating that there was a significant amount of work to be undertaken to get the condition of the Council's assets to the standard to which it aspired and as set out in the five year planned maintenance programme. In relation to the comments made, the Council's Finance Team had advised that some of the investment needed would be considered to be capital where it made a significant enhancement to the value of the assets.

Following some further discussion, the Cabinet

#### RECOMMEND TO FULL COUNCIL

That the 75% threshold within section 5.1 of the Property Investment Strategy 2017-2022 be changed to 50% in order to make more funds available to invest in improving the condition of the Council's existing estate.

The Cabinet confirmed its decision as per Decision Notice C/032/13012020, a copy of which is attached to the signed copy of the Minutes.

#### 371. EXEMPT INFORMATION

The Cabinet

#### 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 they 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.

Cabinet - 13.01.20

### 372. PEST CONTROL SERVICE REVIEW

*(Prior to the discussion on this item, Councillor Purchase confirmed that he wished to make the following declaration of personal interest. He confirmed that he wished to make this meeting aware that he had been asked a number of questions about the confidential business to be discussed and that had neither supported or opposed the proposals in responding to these questions. He did have questions of his own which he stated he intended to put to the meeting.*

*He confirmed that he had an open mind regarding this item and would listen and consider all the relevant issues and interests presented to the meeting and would reach his decision on merit. For the record, Councillor Purchase requested that his declaration be fully recorded in these minutes).*

The Cabinet Member for Technical Services, Councillor Stanley, then introduced this item confirming that the Council currently provided a pest control service, delivered in house. Legally, there was no duty for the Council to provide such a service and that there were numerous private businesses in the area that did provide this service. Although there had been some increases in revenue secured in past years, Councillor Stanley explained that the pest control service continued to be operated at a cost to the Council. As part of an ongoing review of the cost effectiveness of this service, different approaches had been considered and he invited the Group Head of Technical Services to provide further information on the options open to the Council having received information explaining the outcomes of review.

The Group Head of Technical Services then provided detail on each of the options that had been considered all of which had been detailed in the report and he emphasised that as part of the review the practices used in other local authorities had been fully considered. The option of working with other authorities jointly to provide this service had also been fully explored.

Having fully explored all of the options and considered comments, the Cabinet

RESOLVED – That

- (1) Option 3.5 to approve to outsource the Council's pest control service be approved;
- (2) Delegated authority be given to the Group Head of Technical Services, in consultation with the Cabinet Member for Technical Services and Section 151 Officer, following advertisement and assessment of tenders to award the Contract following the principles set out within the Council's Purchasing, Procurement, Contracts and Disposals Procedure Rules.

Subject to approval at the next Cabinet meeting

269

Cabinet - 13.01.20

The Cabinet confirmed its decision as per Decision Notice C/033/13012020, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 6.20 pm)

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**ARUN DISTRICT COUNCIL**

**DECISION NOTICES FROM THE MEETING OF CABINET HELD ON  
MONDAY 13 JANUARY 2020**

<b>REF NO.</b>	<b>DECISION</b>
C/031/130120	Award of Responsive Repairs and Voids Contract for Council Housing Stock
C/032/130120	Recommendation from the Audit & Governance Committee – 21 November 2019 [Update on the Progress of the Council's Property Investment Fund (PIF)]
C/033/130120	Pest Control Service Review (Exempt – Paragraph 3 – Business Affairs)

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00  
10.00 A.M. ON WEDNESDAY, 22 JANUARY 2020 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

**REFERENCE NO:**  
**C/031/130120**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> AWARD OF RESPONSIVE REPAIRS AND VOIDES CONTRACT FOR COUNCIL HOUSING STOCK	
<b>OFFICER CONTACT:</b> Satnam Kaur – Group Head of Residential Services	

**EXECUTIVE SUMMARY:**

Arun District Council's (ADC) contract for Responsive Repairs and Void Refurbishment has been tendered in accordance with current EU public procurement legislation and Standing Orders. This report provides a brief summary of the procurement process and details the results of the tender evaluation. A recommendation for the award of contract is provided based on results of the tender evaluation process.

**DECISION:**

Cabinet

**RESOLVED**

That the award of the Council's Responsive Repairs and Void Refurbishment Contract to Contractor A from 1 April 2020 be agreed based on their financial and technical submission being the most economically advantageous tender following a competitive tender process.

**REASON FOR THE DECISION:**

To Award the Arun District Council Responsive Repairs and Void Refurbishment Contract to the Most Economically Advantageous Tenderer.

**OPTIONS CONSIDERED BUT REJECTED:**

Not to agree award the Arun District Council Responsive Repairs and Void Refurbishment Contract to Company A or the recommendations set out in this report. However, this is not considered feasible as a new contractor needs to be appointed in order for us to meet our regulatory duties in respect of the Home Standard.

**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/032/130120**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> AUDIT & GOVERNANCE COMMITTEE - 21 NOVEMBER 2019	
<b>OFFICER CONTACT:</b> Nat Slade – Group Head of Technical Services	

<p><b>EXECUTIVE SUMMARY:</b></p> <p>The Cabinet received a recommendation from the Audit &amp; Governance Committee from its meeting held on 21 November 2019 in relation to Minute 311 [Update on the Progress of the Council's Property Investment Fund [PIF].</p> <p>The Council adopted a Property Investment Strategy in 2017. The report that went to the Audit &amp; Governance Committee provided Members with the opportunity to review progress and the Strategy in place.</p>	
<p><b>DECISION:</b></p> <p>The Cabinet</p> <p style="text-align: center;">RECOMMEND TO FULL COUNCIL</p> <p>That the 75% threshold within Section 5.1 of the Property Investment Strategy 2017-2022 be changed to 50% in order to make more funds available in improving the condition of the Council's existing estate.</p>	
<p><b>REASON FOR THE DECISION:</b></p> <p>To allow the Council greater flexibility in how it manages its reserves.</p>	
<p><b>OPTIONS CONSIDERED BUT REJECTED:</b></p> <p>To approve the recommendation from the Audit &amp; Governance Committee from its meeting held on 21 November 2019 – the decision was slightly amended – refer to the Minutes of the meeting.</p>	
<p><b>CABINET MEMBER(S):</b></p>	
<p><b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b></p>	None
<p><b>DISPENSATIONS GRANTED :</b></p>	None
<p><b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b></p> <p>None</p>	

**REFERENCE NO:**  
**C/033/130120**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> PEST CONTROL SERVICE REVIEW [EXEMPT ITEM – PARAGRAPH 3 – BUSINESS AFFAIRS]	
<b>OFFICER CONTACT:</b> Nat Slade – Group Head of Technical Services	

**EXECUTIVE SUMMARY:**

The Council currently operates an in-house pest control service and this report explains the review that has taken place and contains the findings and recommendations.

**DECISION:**

Cabinet

RESOLVED – That

- (1) Option 3.5 to outsource the Council's Pest Control Service be approved; and
- (2) Delegated authority be given to the Group Head of Technical Services, in consultation with the Cabinet Member for Technical Services and Section 151 Officer, following advertisement and assessment of tenders, to award the contract following the principles set out within the Council's Purchasing, Procurement, Contracts & Disposals Procedure Rules.

**REASON FOR THE DECISION:**

To ensure that a professional, safe, affordable pest control service is available to residents in order to contribute to public health at minimal cost to the Council. The proposal will allow the Council to continue to fulfil its statutory duties and will result in realisable savings of over £20,000 per annum.

**OPTIONS CONSIDERED BUT REJECTED:**

- 1.1 Cease the Pest Control Service**
- 1.2 Work in Partnership with another Local Authority**
- 1.3 Recruit to vacant pest control officer post and continue to operate an in-house service**
- 1.4 Run a reduced in-house service with one Senior Pest Control Officer**
- 1.5 Select and Approve Numerous Approved Contractors**
- 1.6 Set up a Trading Company**

**CABINET MEMBER(S):**

Councillor Purchase confirmed that he wished to make a Personal Declaration of Interest.

Councillor Purchase

<p>He confirmed that he had been asked a number of questions about the confidential business to be discussed as part of this item and confirmed that he had neither supported or opposed the proposals in responding to these questions. He had an open mind regarding this item and would listen to all the relevant issues and interests presented to Cabinet today and would reach his decision on merit.</p> <p>Councillor Purchase asked for this declaration to be recorded in the Minutes for this item.</p>	
<p><b>DISPENSATIONS GRANTED :</b></p>	<p>None</p>
<p><b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b></p> <p>None</p>	



## OVERVIEW SELECT COMMITTEE

14 January 2020 at 6.00 pm

Present: Councillors Coster (Chairman), Clayden (Vice-Chair), Bicknell, B Blanchard-Cooper, Mrs Catterson, English, Miss Rhodes, Miss Seex, Mrs Staniforth (Substitute for Bennett), Tilbrook and Mrs Worne

Councillors Mrs Cooper, Lury and Yeates were also in attendance for all or part of the meeting.

### 373. APOLOGIES

Apologies were received from Councillors, Bennett, Gregory, Huntley and Oppler

### 374. DECLARATIONS OF INTEREST

No declarations of interest were made.

### 375. MINUTES

The minutes of the Overview Select meeting held on 22 October 2019, as previously circulated, were approved by the Committee as a correct record and were signed by the Chairman.

### 376. NHS COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP

The Chairman welcomed the Committee, the press, members of the public and representatives from Coastal West Sussex Clinical Commissioning Group (CCG), Pennie Ford – Executive Managing Director, Sarah Henley – Director of Primary Care and Simon Clavell-Bate – Head of Estates. He reminded Committee Members that the purpose of the meeting was not to focus on individual issues, but the strategic approach and direction of the CCG.

The Executive Managing Director gave an overview of commissioning responsibilities, advising that its healthcare services were to meet the reasonable needs of the persons for whom they are responsible. She explained that from 1 April 2020 the current 3 (Coastal West Sussex, Crawley and Horsham & Mid Sussex) CCG's would merge into a single West Sussex CCG. She assured Members that this was not an unusual practice and that they would continue to work in a local way, however it was an opportunity to refresh some of their approaches. She then moved on to the Sussex Health and Care Strategic Plan that was the CCG's response to the NHS Long-Term Plan (LTP). This is a joint response and details their focus on prevention. They had worked and continue to work collaboratively with West Sussex County Council (WSCC) and Arun District Council (ADC) on how they would shape their delivery plans, she placed emphasis on the fact that this was the first stage of a 5-year journey.

The Director of Primary Care advised the Committee that several steps had been taken in response to the national shortage of GP's:

- Individual Practices have been focused on diversifying their workforce in order to meet patient clinical need
- From July 2019 new national contracts were offered to GP Practices, 100% of whom signed up
- Funding was secured to support further additional skill mixes, such as Clinical Practitioners and Social Prescribers

The Head of Estates outlined to the Committee how the CCG intended to provide for the increasing population within the Arun District, and confirmed that the CCG had supported a number of minor improvement grants at Park Surgery in Littlehampton, including two extensions that were completed in October 2016 and June 2019, that had enabled the practice to provide additional NHS services. He also advised that there would be no new provision for the development in North Littlehampton, as the combined new population was not sufficient to justify either full or part time facilities for primary care. Focus would therefore be put into a new 'one public estate' project, co-ordinated by WSCC, which it was intended would be part of the wider development at the old Hospital site. He then advised Members of proposals for the new facility at the Croft in Eastergate and following on from this development either to extend it further or review the Avisford Practice for Ford/Yapton. There are also proposals to extend Grove House for Pagham/Bersted and for the new Health Centre at Littlehampton to have Primary Care at its core, but also to include other Community and Mental Health services transferred from elsewhere. Angmering, Willow Green and Coppice surgeries are working on a project to facilitate health care for the planned homes in the area.

The Director of Primary Care then turned to the questions that had been asked of the CCG by the Committee prior to the meeting:

(Q1) I understand that in previous years there have been substantial cuts to Mental Health services, especially in the more rural locations such as my ward of Arundel and Walberton. Are there any planned improvements to services in these and similar areas?

(A1) To confirm there has been an investment in mental health care, in particular through Time To Talk. Another really good service is 'Path Finder' which facilitates those with mental health needs, helping them to find work, or make life adjustments, in addition to this there will soon be mental health liaison staff at Bognor Regis and Worthing A&E's, this role will look at both mental health issues and the wider physical wellbeing of patients. It will eventually move to a 24-hour role.

(Q2) I know that Pepperville House has done an amazing job in the past and I hope it continues to do so. Are there plans for similar services being available to residents who live outside Littlehampton? Group therapies can have a very positive effect on people affected with some mental health illnesses but due to

location I understand that some people may miss out on that opportunity, are there plans to rectify this problem?

(A2) We have been assured that these services will remain within the District, and this will be incorporated on any new building plans.

(Q3) We are reminded of our ageing population and high numbers of elderly residents choosing to retire to our district. I understand that services offering support to residents who are experiencing a change in their ability to communicate, such as Aphasia (following a stroke) are very limited. Residents in our District need to travel to neighbouring Worthing to access such services. Are there any plans for offering such vital support to our residents with in our own District?

(A3) There are two access points one operating from Worthing and one from St Richards, if a patient lives in the Arun District they will be offered one of these sites. In terms of community services, patients have a 12 month follow up process, after this period of support and review if there is a need for further therapy based on observations of the individual then this would be offered. There is currently one community speech and language centre based in Chichester, however in the future this service will also be running out of Bognor Regis.

The Chairman thanked the CCG for their presentation and opened up questions from Members of the Committee. Members asked a range of questions and answers which have been summarised below:

- Would the provision of key worker housing for NHS staff aid recruitment? Yes.
- Does the CCG have treatment restrictions that go above the National Institute for Health and Care Excellence (NICE) guidelines? We have a programme across Sussex that makes sure the services that people get are the most clinically effective, sometimes it's important that individuals are offered non-invasive options prior to moving straight to more invasive options first time round.
- GP services have been talked about in detail, however in the Arun District the average wait time is a month in comparison to the national average of 2 weeks. Are there plans to change the way the GP services are run? The GP workforce is the biggest issue and worry, not only for patients and GP's but for us also. We have to get GP practices to work together to share skills. We are listening to various groups of GPs' including our trainees who are telling us a number of reasons that they don't want to become partners at practices. We are looking into what other options there are to resolve these concerns. We can't solve GP recruitment immediately, but we can impact the skills networking which will help alleviate some of the pressure.
- Littlehampton Health Care Centre is this ever going to come to fruition or is it too large a problem? Whilst this has been an ongoing issue for 20 years and I appreciate where you are coming from, this will be

happening, we know what the GP's want to put in to the new Health Care Centre, ADC have commissioned a plan which has been reviewed and now we have a project manager in place and driving these plans forward. We are still approximately 3 years away from completion, however this is all dependant on the next stages of development taking place in a timely manner. The next stage is the development of the Business Plan.

- Social Prescribing what is this? This is where someone may be presenting themselves to a GP with non-clinical issues, however once the GP has assessed them, they would refer them to the Social Prescriber who will provide help, support and guidance to individuals until such time that the individual is no longer in need of support. This service is new and has only been running for about 9 months, but it has been very well received.
- Will Occupational Therapy (OT) in Children Services be going into GP practices in the future? OT is not part of the 5-year LTP, but it has been included as part of the preventative support that we will be focusing on in the future. One of the areas we will also be focusing on is helping people within their own home (Physio and OT), this will be through our integrated teams across our networks.
- Bognor Regis Health Centre, you say you can't do any building yourself, does this mean the builder has to do the work within the S106 agreement and what is the life-span of the building? As a commissioner we are not allowed to own or build any assets. The Bognor Regis Health Centre is not in scope for any building work, however the practice is stable and running well and the GP's like its location in particular. The Health Centre can be improved, and we will be looking to complete improvements that future proof the building. In terms of the life-span of the building, I would need to come back to you on that answer as we only lease the property.
- Medical Wastage, what are the CCG doing to reduce medical wastage for medicines, rather than just throwing them away when tablets are not used? Legally this waste has to be destroyed, what we can do is focus on stopping people stockpiling, however this process does rely on not just pharmacies and GPs but also heavily on individuals.
- The new Health Centre is it proposed to be put on the old hospital site? It is proposed to be situated within that plot of land, the exact location is currently being reviewed by the project lead. Drop in clinics will form part of the services from this location. There will be no A&E facilities returning to Littlehampton, the key driver for this is Health & Safety. A&E services should be centralised to provide better access for a larger number of injuries/medical issues and for medical staff to develop a wider range of skills. We also have a number of urgent treatment centres outside of A&E departments, these have bookable appointments via 111 services. Although this is a relatively new service that is under review, we are seeing positive results from this including improved access to GP's.
- Better consideration to be given to physical accessibility to all new builds or extensions

With permission of the Committee the Chairman then invited Leader of the Council, Councillor Dr Walsh to speak, who then made a statement a summary of the points he raised are below:

- Over the last 20 years he had seen 3 different sets of plans for replacement buildings at the old Hospital site, however nothing has ever moved forward, he requested a timeline for delivery on this site
- The increase in population for the District requires new medical facilities quickly, these have been promised multiple times, and nothing has materialised
- What is the timeline for delivery on the new primary care centre in Littlehampton?
- Is Pepperville House going to be replaced?
- The need to know the planned delivery of new services are vital prior to further large developments being built in Angmering, Bognor and Yapton. A review on development plans for these services every 6 months was requested.

The Head of Estates responded to the points raised by Councillor Dr Walsh, he clarified that the services run from Pepperville House will continue, however they would not be run from Pepperville House due to the short time left on the lease. He advised the Committee that he understood the frustration at the lack of progress on past promises, there had been a lot of different components that had not been able to be executed for various reasons He assured the Committee that a number of issues were now coming together at the same time which would allow the project to move forward and that this was being managed well by the Project Lead at WSCC.. He also advised that 6 monthly updates were given to WSCC which Dr Walsh was privy to as a County Councillor.

The Chairman requested that Arun District Council also be kept informed of these updates.

The Chairman then invited questions from the public gallery a summary of points raised is below:

- The availability of services for people with dementia and Alzheimer's and their Carers and support for disabled children
- What provisions are being put in place to ensure that given the planned housing in the District that all new residents will be able to register with a GP

The Chairman thanked the representatives from the CCG, members and the public for their attendance and closed the meeting.

(The meeting concluded at 8.25 pm)

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# Public Document Pack Agenda Item 15

Subject to approval at the next Licensing Committee meeting

301

## LICENSING COMMITTEE

24 January 2020 at 9.30 am

Present: Councillors B Blanchard-Cooper (Chairman), Brooks (Vice-Chair), Bennett, C Blanchard-Cooper, Mrs Catterson, Charles, Mrs Cooper, Coster (substituting for Councillor Goodheart), Kelly, Lury and Mrs Worne

### 401. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Clayden and Goodheart.

### 402. DECLARATIONS OF INTEREST

No declarations of interest were made.

### 403. MINUTES

The Minutes for the meeting held on 20 September 2019 were approved by the Committee and signed by the Chairman as a correct record.

### 404. MINUTES OF LICENSING SUB-COMMITTEE - 26 JULY 2019 AND 28 JUNE 2019

The Committee received and noted the Minutes of the meetings of the Licensing Subcommittee held on 26 July and 28 June 2019.

### 405. LICENSING FEE SETTING

The Committee received a report from the Licensing Manager which set out the proposed licence fees structure for specified licensing regimes to take effect on 1 April 2020. She provided an explanation as to how the figures had been arrived at and emphasised that the Council sought only to recover its costs rather than achieving a surplus. The fees would be reviewed on a regular basis as it was likely that further changes to processes would continue over the next few years as ways of working more efficiently were brought forward.

In considering the matter, Members also took account of the Council's Taxi Policy and, following a brief discussion whereby Members sought and received clarification on a number of points, the Committee

## RESOLVED

That the fees be set as proposed by officers and which had been calculated in accordance with the requirements of each regime and principles of cost recovery laid out in guidance.

Subject to approval at the next Licensing Committee meeting

302

Licensing Committee - 24.01.20

(The meeting concluded at 9.50 am)

# Public Document Pack Agenda Item 16

Subject to approval at the next Overview Select Committee meeting

303

## OVERVIEW SELECT COMMITTEE

28 January 2020 at 6.00 pm

Present: Councillors Coster (Chairman), Clayden (Vice-Chair), Bennett, Bicknell, B Blanchard-Cooper, Mrs Catterson, Dendle, Elkins, English, Miss Rhodes, Tilbrook and Mrs Worne

Councillors Mrs Gregory, Gunner, Lury, Oppler, Purchase, Stanley, Dr Walsh and Mrs Yeates were also present during the meeting.

### 406. WELCOME

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

### 407. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Huntley, Miss Needs and Miss Seex.

### 408. DECLARATIONS OF INTEREST

Councillor Elkins declared a Personal Interest in Agenda Item 5 [Council Budget 2020-2021] in his position as a Cabinet Member at West Sussex County Council.

### 409. MINUTES

The Minutes of the Special Meeting of the Committee held on 14 January 2020, as circulated at the meeting, were approved by the Committee as a correct record and were signed by the Chairman.

### 410. COUNCIL BUDGET 2020 - 2021

The Chairman welcomed the Financial Services Manager to the meeting and invited her to work through the Council's Budget for 2020/2021 highlighting what she felt were the significant areas that Members should be made aware of. It was explained that any comments that the Committee wished to make would be forwarded onto the next meeting of Cabinet taking place on 10 February 2020 before the Minutes from that meeting would be submitted to the Special Meeting of the Council on 19 February 2020.

The Financial Services Manager then presented the Council's Budget for 2020/21 and explained the main strategic issues. These have been summarised below:-

- The General Fund budget needed to be seen in the context of increasing deficits from 2021/22 which the Council needed to address. It was planned to consult Members on efficiencies and income generating ideas during 2020.
- The Budget for 2020/21 was a roll forward settlement as important decisions about Local Government funding such as the future of the New Homes Bonus (NHB); details of the retained business rates system; and the Fair Funding formula that had been planned for 2020/21 had been delayed. This had had a positive effect on the Council's Budget, but it needed to be emphasised that this was only a one-off experience.
- The draft settlement had finally been issued on 20 December 2019 after being delayed by the General Election and Brexit preparation.
- Looking at Government funding, it was outlined that for NHB for 2020/21 the Budget included a one-off windfall and then it would only be legacy payments received from 2021/22. The report highlighted at Table 2.8 that the Council was not anticipating any NHB from 2023/24.
- The Council stopped receiving Revenue Support Grant (RSG) in 2018/19. The negative payment of £430k was cancelled by the Government in 2019/20 and for 2020/21.
- The Business Rate Retention Scheme, which would result in a reset of the growth in business rates was now anticipated for 2021/22. It was expected that this would have a very negative impact on the Council as the accumulated growth would be wiped out when the baseline was reset to the current level. However, the system had not been finalised.
- The changes in Government funding had been fully set out in Table 2.10 of the report.
- Council Tax Income – Council Tax was proposed to be increased by £4.95 or 2.73% for a Band D property. The Council's tax base for 2020/21 showed a significant increase from 61,281 to 62,244 which was mainly due to the completion of new dwellings in the District.
- Looking at the General Fund Budget the main highlight was a planned reduction in the General Fund Balance of £671k. Table 4.1 in the report illustrated a balance of around £7m at the end of 2019/20 which would reduce to around £6m by the end of 2020/21. The Council was required to keep higher level of balances given the threats to government funding forecasted for the future.
- The major budget variations were highlighted. These included:
  - A likely 2% pay award to Council staff.
  - The loss of £1m of recycling credits from West Sussex County Council over two years adding significant budget pressure.
  - The recently approved supplementary estimate to support the cost of homelessness nightly paid accommodation. It was emphasised that this was a national problem and so £500k had been added to the service budget for 2020/21 with £500k in the contingency budget in case this situation did not improve. This was matched by the Flexible Homelessness Support Grant but that was for 2020/21 only.

- Another big item of change was the contingency budget increase for housing related activities; the invest to save scheme of £250k and the Council's strategic target table at 4.14 of the report.
- Looking at the Housing Revenue Account Budget (HRA), it was confirmed that this budget was all in line with the approved priorities of the HRA Business Plan as updated. This identified how the Council intended to deliver its strategic target of providing 250 new affordable homes over a ten-year period.
- A budget of £15m had been approved in 2018/19 for the acquisition/new build programme. An additional £9m had been made available in 2020/21 to allow for the necessary amount of flexibility in terms of planning for this enhanced programme. The approved schemes had been set out in the report.
- It was explained that 2019/20 had been the last of the statutory annual 1% rent reductions, this had been over a 4-year period due to statutory prescription. For 2020/21 rents would be increased by 2.7% in accordance with the provisions of the new rent standard.
- Finally, looking at asset management and projects, Table 8.6 of the report showed the projects that would be funded from the Capital Programme Budget. This included £200k for Littlehampton Public Realm with the remainder being mainly essential maintenance works such as the Fitzleet Car Park. The remaining balance of £610k could be spent on Bognor Regis seafront and Sunken Gardens but it was outlined that this would be subject to appraisal and would be required to be viewed against the Council's other priorities.

Finally, and in summing up, the Financial Services Manager stated that the General Fund Revenue Budget and Capital Budgets had been set robustly and within the Council's approved Financial Strategy. Although this was a good news story, Members needed to look to 2021 and beyond when there would be more need for the Council to critically appraise its expenditure and investment decisions to meet the future challenges outlined earlier.

The Chairman thanked the Financial Services Manager for her detailed presentation and invited questions from the Committee. These have been summarised below:

- How could the proposed increase in Council Tax be justified at a rate of 2.7% when CPI was 1.7% and as the Council's staff would only be receiving a potential 2% pay increase, leaving them worse off. It was explained that the staff pay award had not been confirmed but if awarded this was more than CPI, the two could not be related. Any increases proposed in Council Tax were to bridge the budget gap.
- Could a breakdown be provided in terms of contingencies and miscellaneous items referred to in Appendix 1? The Financial Services Manager outlined the main items which were homelessness; Invest to Save, pump priming and the Council's Strategic Targets.

- In terms of capital expenditure by portfolio, in terms of the Economy budget for 2019/20 was zero and for 2020/21 was £200k – what was this? It was explained that Appendix 3 to the report detailed this and that it related to Public Realm work.
- Concern was expressed over the loss of funding for recycling credits and an explanation was requested. It was confirmed that the funding used to be received from WSCC which had been scrapped. This had been a way for WSCC to get their budget to balance.
- It seemed that Arun was being punished by WSCC for doing well with its recycling figures. In response, Councillors were referred to Table 4.4 in the report which showed that this had been the second year of reduction in recycling credits. The decision by WSCC could not be reversed.
- It seemed that the Council was increasing Council Tax partly due to WSCC cuts – were there any other issues that Councillors needed to be made aware of? There were none at present.
- On the Business Rate Retention scheme, would the Council receive more money and if so, how much? It was explained that the Council would lose the growth that the Council had benefited from when the system was reset and would only receive funding from new growth. Future funding would be redistributed through the fair funding formula which was likely to be adverse to District Councils as funding was redirected to Council's with responsibility for social care.
- Looking at the changes in Government grant funding which had increased very slightly, this would not continue and so what was the expectation in terms of how it was looking for next year? It was explained that there would be cuts but the level was impossible to predict as the new system had not been agreed.
- The Technical Services Budget had been cut from £691 to £ 424 and now £380k. Was this a staff reduction? It was confirmed that a written response would be provided.
- On the Retained Business Rates Reset and the appeal proves, had there been any challenges as expected? It was confirmed that there had been quite a lot of challenge which had had a knock-on effect as they could go back a number of years.
- On the same issue, had the Council seen significant income because of cases, how many cases had there been and to what extent. As these were technical questions it was confirmed that a response would be provided in writing.
- Turning to the new Governance structure approved by Full Council on 15 January 2020, the budget cost for a new Committee Clerk confirmed as £37k in the table at 4.14 did not match the figures set out in the report that went to Full Council confirming this to be £54k. Could this be explained? It was agreed that a written response would be provided.

In summing up the comments made, the Chairman outlined that he formally wished to have recorded his thanks passed onto the Finance Team for producing the budget and during very difficult times.

The Committee in giving its general support and noting the contents of the Council Budget for 2020/2021 [which would be considered by Cabinet at its next meeting on 10 February and then at the Special meeting of the Council on 19 February 2020] then confirmed that it noted and approved the Budget for 2021/21, with its discussion points being circulated to Cabinet on 10 February 2020.

Councillor Dendle requested that it be recorded that he abstained from voting on this item.

411. CORPORATE PLAN - 2018 - 2022 - Q2 PERFORMANCE OUTTURN REPORT FOR THE PERIOD 1 APRIL 2019 - 30 SEPTEMBER 2019

The Committee received the Quarter 2 performance outturn for the Corporate Plan performance indicators for the period covering 1 July to 30 September 2019. It was explained that this report was being submitted to Members later than normally scheduled as result of the snap General Election held on 12 December 2019.

The Group Head of Policy provided some background to the report and 2020 Vision programme in place. Behind the three Council Priority themes of Your Services; Supporting You; and Your Future sat a series of targets that were measurable with the performance of these targets being reported to the Council's Corporate Management Team (CMT) every quarter and to this Committee and Cabinet every six months and at year end.

There were 11 Corporate Plan indicators and six were measured at Quarter 2. The report set out what indicators were not achieving their target; were behind target; were achieving their target; and over achieving the target. Each of the thresholds and categories of performance for each indicator was outlined to the Committee and set out in the Appendix to the report with CMT providing their comments and where remedial action was required.

It was outlined that the Director of Place, with support from CMT, was recommending the Committee to consider recommending to Cabinet to amend the target figure for indicator CP10 [Total Rateable Business Value for the Arun District] from £91m to £99.138 m with effect from Quarter 1 in 2020. If approved, Cabinet would then make this a recommendation to Full Council to amend this target. The Committee was being requested to support this amendment to this target figure and to note the Council's overall Quarter 2 performance against the targets of the Corporate Plan.

The following questions were asked by the Committee:

- On CP11 questions were asked about the Government's proposals to introduce weekly food waste collections and if this was being introduced in 2021/22, was the Council proposing to get rid of weekly waste collections? The Leader of the Council, Councillor Dr Walsh responded confirming that WSCC were looking at introducing a trial of food waste collections in the Arun District, based upon a trial recently undertaken at Mid Sussex District

Council. It was explained that the area this trial would cover needed to be very carefully considered in terms of having a wide range of demographics. The results of this pilot project would inform how such a project would be extended to whole of the District.

- On CP11, the comment was made that it would have been beneficial to have had the appropriate Director present at the meeting so that a more in-depth explanation could have been provided in terms of why this indicator had been failing. What was the Council doing to address this? Had this been down to the withdrawal of recycling credits by WSCC? The Leader of the Council, Councillor Dr Walsh, explained that WSCC had withdrawn its recycling credits from every Local Authority, nothing could be done about this action. The Group Head of Policy confirmed that she would raise this issue with the Director of Services so that a written answer could be provided.
- On CP11, could the Council look at renewing stickers for recycling bins to improve recycling levels so that the public were aware of all new items that could be recycled. It was explained that this had happened but accepted that the Council could do more to engage the public, through use of Arun Times and social media platforms.
- On CP11, mention was made of the Council's decision to increase the target last year. Did the Council receive any accreditation for rubbish that was taken to a recycling centre as this could impact figures? It was explained that WSCC would take the credit for this and so it did impact figures.
- Further questions were asked about the new WSCC Food Waste trial and whether this would add to the Council's recycling rates - this would then assist the Council in getting to achieve the increased rate. Councillor Dr Walsh explained that this would have an improving effect.
- On CP11, to boost recycling rates could more work be done by junior officers to provide updates on social media to pass information onto the younger generation. Councillor Dr Walsh confirmed that the Council had now adopted a Digital Strategy and so this work would be taking place.
- On CP11, would the food trial include the recycling of nappies? Councillor Purchase explained that the trial would include all 'smelly' waste including hygiene products, not just food.
- Concern was expressed over the varying provision of recycling bins over the District and could this be addressed. Councillor Purchase confirmed that this would be looked at when the Council came to retender its contract.

The Chairman then reminded the Committee of the proposal to amend the target figure for indicator CP10 [Total Rateable Business Value for the Arun District] from £91m to £99.138m with effect from Quarter 1 2020. He explained that this would be a recommendation to Cabinet on 9 March 2020 who would then make a recommendation to Full Council on 18 March 2020.

The Committee

RESOLVED

That the Council's Quarter 2 Performance against the targets for the Corporate Plan Indicators as set out in this report and Appendix A be noted.

The Committee also

RECOMMEND TO CABINET ON 9 MARCH 2020

That the target figure for Indicator CP10 [Total Rateable Business Value for the Arun District] be amended from £91m to £99.138 m with effect from Quarter 1 2020.

412. SERVICE DELIVERY PLAN - 2018 - 2022 - Q2 PERFORMANCE OUTTURN REPORT FOR THE PERIOD 1 APRIL 2019 - 30 SEPTEMBER 2019

The Committee received the Quarter 2 performance outturn for the Service Delivery Plan performance indicators for the period covering 1 July to 30 September 2019.

It was explained that the performance of these indicators was reported to the Corporate Management Team (CMT), this Committee and Cabinet every six months and at year end.

There were 23 Service Delivery Plan indicators and 13 were measured at Quarter 2. The report set out what indicators were not achieving their target; were behind target; were achieving their target; and over achieving the target. Each of the thresholds and categories of performance for each indicator was outlined to the Committee and set out in the Appendix to the report with CMT providing their comments and where remedial action was required.

The following questions were asked by the Committee:

- SDP4 [Occupied Rental Units in Littlehampton] – concern was expressed that there were 10-12% of empty shops in Littlehampton and that there should be more of a strategic push to get these premises re-let. Could the Council do more to improve this situation and was the Council flexible in providing discounts for business rates.  
The Leader of the Council, Councillor Dr Walsh, responded stating that the figures quoted were better than other areas across the southern coastal strip. There was a scheme in place whereby any business with a turnover of less than £80k did not have to pay business rates – this was applied as widely as possible.

- On SDP4 – in Littlehampton 1 in 9 properties were empty and there did not seem to be much of a plan to address this.
- SDP 18 [Cost of Emergency Accommodation per annum] – figures were requested on the average length of stay for a family in emergency accommodation.

The Cabinet Member for Residential Services, Councillor Mrs Gregory, responded stating that the Homelessness Reduction Act confirmed that no families could stay in emergency accommodation for longer than 56 days. The Council was complying with this and this was why it was buying more of its own property. Also, a review of the Housing Service had put into place measures allowing the Council to employ more staff to face the demands of this part of the housing service.

- SDP 18 [Housing Benefit Overpayments Recovered] – had the Council seen an increase in spend since WSCC had cut its grants to homeless charities. Councillor Mrs Gregory stated that she did not have the figures to hand but thought that this would have had an impact.
- SDP 4 and SDP 5 – could the exact figures for Littlehampton and Bognor Regis please be provided to the Committee.
- SDP 4 and SDP 5 – now that the Council was part of the Greater Brighton Economic Board, could the Cabinet Member confirm if this had helped in attracting more businesses to the District and had there been any more interest from larger business looking to relocate? Councillor Dr Walsh confirmed that having membership to this Board was bringing to the District greater publicity with Arun now being a great area to migrate to as opposed to some areas of central Brighton. Exciting projects such as Gigabyte West Sussex were all positive moves.

The Committee

#### RESOLVED

That the Council's Quarter Two Performance against the targets for the Service Delivery Plan (SDP) indicators as set out in the report and the Appendix is noted.

#### 413. FEEDBACK FROM MEETINGS OF THE HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE HELD ON 27 NOVEMBER 2019 & 15 JANUARY 2020

The Committee received and noted the feedback reports received from Councillor Bennett following his attendance at the meetings of the West Sussex County Council's Health and Adult Social Care Committee (HASC) held on 27 November 2019 and 15 January 2020.

#### 414. CABINET MEMBER QUESTIONS AND UPDATES

A wide range of questions were asked by the Committee to Cabinet Members present in the Public Gallery. These have been summarised below:

- Councillor Dendle – Could the Council commit to planting 10,000 trees per annum across the District? The Cabinet Member for Neighbourhood Services, Councillor Purchase, stated that a full answer could not be provided but that he would investigate this request and provide a written response.
- Councillor B Blanchard Cooper – various points were made about Regeneration in Bognor Regis and Littlehampton. Could anything be done to put the following issues into one document to prove what the Council was doing to improve regeneration – being discounted rates for shops, progressing work on the Littlehampton Public Realm, the relationship with traders, money for events; Town Councils working with the District Council on improving security in the Towns and plans to make buildings look better. The Leader of the Council, Councillor Dr Walsh, confirmed that all of this work was in progress, some of it would feature in the Arun Times publication with other issues featuring in the Position Statement reports that were submitted to each meeting of the two Regeneration Sub-Committees.
- Councillor Bennett to the Cabinet Member for Planning - it was felt that there was a serious lack of staff in the planning enforcement team and that large development firms were getting away with not adhering to planning conditions as part of an approved planning application – could a response be provided in terms of how this could be addressed? Councillor Lury outlined that staffing levels and processes were being looked at but that a written response to the question would be provided.
- Councillor Bennett to the Cabinet Member for Community Wellbeing on anti-social behaviour. There was concern that levels of anti-social behaviour in young people was increasing. This had affected the youth centre in Rustington with staff being harassed to such a level that the centre had closed on a temporary basis. Councillor Bennett referred to the Council's Wellbeing Team being overstretched and how could they deal with this? He asked the Cabinet Member if she could investigate the situation. Councillor Mrs Yeates stated that she would raise this at the next meeting of the Police and Crime Panel which she would be attending soon but would take the concerns back to Arun Officers to see what could be done.
- Councillor Dendle to the Cabinet Member for Technical Services regarding renewable energy on top of the Civic Centre and whether this could be rolled out to other public buildings. Could the Cabinet Member provide a response outlining the Council's plans to introduce this? Councillor Stanley confirmed that he would provide a written response.
- Councillor Dendle to the Cabinet Member for Community Wellbeing on leisure, did the Council have plans to work with the NHS in organising free entrance to the Council's leisure facilities for people who were disadvantaged? Councillor Mrs Yeates reminded Members of the presentation that this Committee received last year from Freedom Leisure where it was explained the new initiatives in place to do this.

Overview Select Committee - 28.01.20

- Councillor Bicknell on local infrastructure and utility companies requiring access underground for power; gas and drainage work. Was there a way of organising a central bank of information so that such works could happen at the same time and to reduce the risk of building over sewers to prevent flooding issues? Councillor Dr Walsh confirmed that this was a function of West Sussex County Council and he recommended that Councillor Bicknell should contact the Cabinet Member for Highways and Infrastructure, Councillor Elkins.
- Councillor Gunner referred to some notices on Climping beach which had been placed by the Environment Agency stating that it was not economical to maintain groynes – could this be explained? Councillor Stanley confirmed that a written response would be provided.

415. WORK PROGRAMME 2019/2020

The Committee received and noted a verbal update from the Group Head of Policy which reminded Members that its next meeting the Committee would be looking at its Work Programme for 2020/21.

(The meeting concluded at 8.04 pm)

## BOGNOR REGIS REGENERATION SUB-COMMITTEE

4 February 2020 at 6.00 pm

Present: Councillors Stanley (Chairman), Brooks (Vice-Chairman), Charles, Mrs Daniells, Mrs Stainton, Edwards (Substitute for Mrs Madeley), Coster (Substitute for Dixon) and Oppler (Substitute for Mrs Staniforth)

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

### 13. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Dixon, Mrs Madeley and Mrs Staniforth.

### 14. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### 15. MINUTES

The Minutes of the meeting held on 28 October 2019 were approved by the Sub-Committee and signed by the Chairman as a correct record.

### 16. PRESENTATION BY THE UNIVERSITY OF CHICHESTER

The Chairman welcomed to the meeting Professor Jane Longmore, Vice-Chancellor, who was in attendance to give a brief presentation to Members on the role the University of Chichester was taking to promote regeneration in Bognor Regis.

Professor Longmore was proud to advise that the University was one of the most successful in obtaining a high participation rate of their students and had received a number of endorsements to support its ranking at No. 14 of the best in the UK for caring for its students. She highlighted how the presence of the students made a significant contribution to the economy of the town and also in cultural terms.

The University was committed to contributing to the development of a strong economic eco system through supporting businesses; producing graduates; and encouraging them to remain in the District. The new Tech Park would be enormously valuable in helping to achieve the higher skill levels that were needed to attract businesses in as it provided leading edge technology and had attracted inward investment for research.

The Sub-Committee heard that 1,000 businesses had been helped to improve their performance and Professor Longmore also provided information relating to the hothouse programme; the multi-academy trust which now dealt with 14 schools compared to just 3 in 2013; and a number of other projects.

The Sub-Committee thanked Professor Longmore for her extremely informative presentation and was fascinated to hear about the different and varied approaches that were being taken to support the local community. The Tech Park itself provided a statement of confidence in the District and which would be of great benefit in the future.

Following a short question and answer session, the Chairman again thanked Professor Longmore for her attendance at the meeting and for providing a tour of the Tech Park to Members and Officers immediately prior to the meeting.

#### 17. BOGNOR REGIS PLACEBRANDING PRESENTATION

The Chairman welcomed Mrs Victoria Hilditch, Vinco Marketing, to the meeting who was in attendance to appraise Members of the work that was in progress to develop a placebranding toolkit to attract residents and visitors to Bognor Regis.

The Group Head of Economy gave a brief summary of the work that Hemingway Design, the Council's consultants, had undertaken around the perceptions that people had with regard to Bognor Regis, together with the results of a survey that had been undertaken to ascertain what the key aspects were that people wanted to see taken forward to make the town a welcoming destination.

Vinco Marketing was now taking that forward and Mrs Hilditch provided Members with an insight of the work that was being undertaken to change the narrative of present perceptions. She envisaged that the two steps that were of paramount importance were to (i) create pride in the town; and (ii) promote the town on a much wider scale. She cared passionately about Bognor Regis and wanted others to realise what an amazing place it was – it was different to other coastal towns and that fact should be promoted.

Members were shown a number of slides which provided an illustration of the concept and ideas that were being looked at, with the next step being the identification of relevant participants to form a focus group to take those forward. A strategy would have to be formulated and a budget confirmed prior to any roll out.

Members then participated in a question and answer session with Mrs Hilditch. Issues raised included:-

- The use of social media
- How to increase the footfall into the town, e.g. providing flattened development, and encouraging the night time economy
- How partners for the focus group would be identified and encouragement given for everyone to work together

- The “Love Bognor Regis” brand would be for the town and would not be owned by the Council – all businesses and organisations would be encouraged to use it and a number of conversations had already been had with the County Council, town Council, BID (Business Improvement District) and the University
- A question was asked about the footfall coming out from Butlins to spend in the town and it was agreed that an approach would be made to the company to see if they could provide that information

Mrs Hilditch was commended for her passionate and enthusiastic interest in Bognor Regis and was thanked for her interesting presentation. The Chairman commented that there were exciting things to take away and it was pleasing to note that Bognor Regis was performing well in the current economic climate with shop vacancy rates improving.

18. BOGNOR REGIS BUSINESS IMPROVEMENT DISTRICT (BID)

For the third and final presentation, the Chairman welcomed Jason Passingham, Board Chairman, to the meeting who was in attendance to provide an update on the work and progress of BID (Business Improvement District).

Mr Passingham emphasised that there must be some different ideas for the town to attract people in and that some form of lighting installation was presently being explored for the Christmas season 2020. There was a lot of competition and Bognor Regis had to find something that would provide enjoyment for all the family. He also ran through improvements that were being undertaken to part of the “old town” and the Queensway and stated that successful partnership working with all relevant bodies was essential.

Following a brief discussion, the Chairman thanked Mr Passingham for an informative and interesting presentation.

19. TOURISM - SUMMARY OF SUPPORT CURRENTLY PROVIDED BY ARUN DISTRICT COUNCIL

The Tourism Business Development Officer presented a report which set out the key tourism activities that were either led by the Council or which the Council played a significant role in delivering.

In the course of the presentation, it was highlighted that “hits” on the Sussex by the Sea website were down due, in part, to the increase in the use of social media, and it was intended to review how the online tourism presence would look and be delivered in the future.

The Sub-Committee participated in a brief discussion regarding improvements to the website and the way forwarded and then noted the report. The Tourism Business Development Officer was commended for her work.

20. BUSINESS SUPPORT AND ENTERPRISE IN ARUN

The Sub-Committee received a report from the Business Development Manager which provided an update on the services provided to local businesses and the progress being made with those services.

The Business Development Manager was congratulated and thanked for the fantastic job she was doing with the local business community. The Sub-Committee then noted the report.

21. BOGNOR REGIS REGENERATION POSITION STATEMENT

The Sub-Committee received the Position Statement and made particular comment on the following:-

- **Gardens by the Sea** – a question was asked with regard to what was happening with Pavilion Park. The Chief Executive responded by saying that there was a lot of work to do to bring things forward and that consultants needed to be procured but it was hoped that Members would be provided with more detailed information in the near future.
- **University of Chichester** – on a question being asked, it was confirmed that the provision of toilets at the London Road Coach & Lorry Park had been a Council decision in the past but the matter would be cascaded across various Committees in due course. It was also confirmed that the University had not yet made a firm decision with regard to the provision of student accommodation in that area.

The Sub-Committee noted the remainder of the report.

The Chairman took the opportunity to thank Members and officers for their positive contribution and engagement in the meeting.

(The meeting concluded at 8.15 pm)

# Public Document Pack Agenda Item 18

Subject to approval at the next Development Control Committee meeting

313

## DEVELOPMENT CONTROL COMMITTEE

5 February 2020 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), Bower, Brooks (Substitute for Coster), Clayden (Substitute for Edwards), Charles, Mrs Hamilton, Lury, Mrs Pendleton, Roberts, Tilbrook (Substitute for B Blanchard-Cooper), Mrs Yeates and Mrs Worne

Councillors Mrs Haywood were also in attendance for all or part of the meeting.

### 416. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors B Blanchard-Cooper, Coster, Edwards, Northeast and Mrs Stainton.

### 417. DECLARATIONS OF INTEREST

Councillor Brooks – Planning Application M/80/19/PL – Personal Interest as my niece lives in a property in Yapton Road but it is sufficiently away from the development.

Councillor Mrs Hamilton – Planning Application M/80/19/PL – I wish to make the meeting aware that I recently sent an incomplete 5 word email in error that may have been misconstrued by some regarding possible opposition to item M/80/19/PL, in short that I agreed with Councillor Dixon that more information was needed regarding this application, that is all. However, I have an open mind regarding it and will listen and consider very carefully all relevant issues and interest presented to the Committee today and confirm that I will reach my decision based entirely on merit.

Councillor Charles challenged the statement made by Councillor Mrs Hamilton and advice was given by the Planning Lawyer.

### 418. MINUTES

The Minutes of the meeting held on 8 January 2020 were approved by the Committee and signed by the Chairman as a correct record.

### 419. M/80/19/PL FORMER POULTRY FARM, LAND WEST OF YAPTON ROAD, MIDDLETON ON SEA PO22 6DY

(Prior to consideration of this item, Councillors Brooks and Mrs Hamilton had declared a Personal Interest and remained in the meeting and took part in the debate and vote.

Development Control Committee - 5.02.20

In taking part in the public speaking process, Councillor Coster declared a prejudicial/pecuniary interest as a member of his family had part ownership in a property nearby. He stated that he would leave the room during the debate and vote.)

Demolition of the existing structures & redevelopment to provide a new 66 bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision, Former Poultry Farm, Land West of Yapton Road, Middleton on Sea

Having received a report on the matter, the officer's written report update was circulated at the meeting which detailed:-

- Additional objections received since publication of the agenda and relevant new points addressed
- Additional representation of support not raising any new points
- Further comment from the agent
- Recent appeal decision relating to a site 2.5 miles away in Climping
- Need for Extra Care development
- Additional ecology response
- Change to Conclusion section of the report to note that the S106 Agreement was required to be completed by 31 March 2020 due to the adoption of the Community Infrastructure Levy on 1 April 2020
- Amendment to Plans Condition and amendment to pre-commencement conditions
- Further comment from County Highways regarding access width
- Tree Preservation Order

The Planning Team Leader presented the detail of the report and advised that this application followed on from Planning Application M/45/16/PL which had been granted approval for 13 dwellings. This new application was for a 66 bedroom care home and, whilst it was recognised that the building would be higher and cover substantially more of the site, officers considered that it was acceptable. He informed the meeting that the Council's Engineering Services Manager was in attendance to provide responses to queries Members might have in relation to drainage/surface water issues.

In participating in a lengthy debate, Members expressed serious concerns around the proposal which centred on:-

- The potential for an increase in traffic, together with the nature of Yapton Road which had a blind bend
- Proposal not sympathetic or complementary to the locality and was considered to be out of character with the surrounding area. It was also felt that it was overdevelopment and, due to its height, it was out of scale with nearby existing properties. It would therefore have an adverse impact.

- Danger to the TPO trees – Members were assured that the Tree Officer was satisfied that the trees could be retained if the details the applicant had submitted were adhered to.
- Parking provision was considered to be inadequate and any overflow would then have a consequential detrimental impact on nearby roads. Officer advice was given that the car parking provision was in accordance with the Council's Parking Standards SPG (Supplementary Planning Guidance).
- Ditch structure would be compromised and clearance of the ditches would disturb the root balls of the trees, which would cause damage
- Detrimental to the environment due to loss of hedgerows and would have a negative impact on biodiversity, particularly the high level lighting would have an adverse impact on bats
- Built on flood risk land. The Engineering Services Manager advised that there was a ditch alongside the southern boundary which would need remediation and that the site was not within Flood Zone 2 or 3 but yet to establish how it would drain. Over wintering monitoring would have to take place and, as and when that became available, a full drainage proposal would be put forward and form part of the conditions.
- Non-compliance with Local Plan policies
- No need in the area – the Group Head of Planning highlighted that the Council had commissioned a housing needs study as part of its preparation of the Local Plan and that included specific needs for specialist accommodation for older persons.

On being put to the vote, the Committee did not accept the officer recommendation to approve and it was then proposed and seconded that the application be refused. Prior to going to the vote on this, the Committee discussed the reasons for refusal that should be put forward and, having taken advice from the Group Head of Planning, then

#### RESOLVED

That the application be refused for the following reasons:-

1. The proposals are considered to be an over development and adversely affect the visual amenities of the locality by virtue of them being out of character in scale and density in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policies in the NPPF.
2. The use of the proposed access will result in damage to the protected Ash Trees by virtue of the proximity of vehicle movements to them leading to their loss contrary to policy ENV DM4 of the Arun Local Plan.

420. EP/148/19/PL SCORTON, 9 LIME TREE CLOSE, EAST PRESTON, BN16 1JA

EP/148/19/PL – Application for variation of condition No. 2 imposed on planning permission EP/52/18/PL relating to amended internal layout & external appearance of plots 4, 5, 6 & 7 and alterations to external layout and landscaping, Scorton, 9 Lime Tree Close, East Preston

Having received a report on the matter, together with the officer's written report update detailing an additional objection received, the Planning Team Leader explained that this application sought to vary a condition to convert the roof space to additional living space, with additional windows which were considered to be acceptable. No additional car parking provision was being proposed within the site and a street survey had been undertaken by the applicant which indicated that that would be acceptable.

In discussing the proposal, Member comment was made that the Council had recently adopted its own Parking Standards SPD, which would not be complied with in this instance. Concerns were raised that the overflow parking would spill onto the road, which was felt to be unacceptable due to its layout and that it could be described as a country lane; there were a number of pinch points; and it was a busy bus route.

The Group Head of Planning advised that it had been established that additional parking provision could not be accommodated within the site and the applicant had therefore provided evidence about the car parking in the area. There was sufficient on street parking in the area which would allow a degree of flexibility. When the development was completed under its current approval, what was being proposed could be implemented anyway under Permitted Development.

Members expressed the view that the new policy relating to parking should be supported.

The Group Head of Planning provided advice that the Committee was required to make reasonable decisions and had to take account of what the applicant might do in the future. The proposals could be implemented under Permitted Development once the dwellings were occupied.

On being put to the vote, Members did not accept the officer recommendation to approve and, having been duly proposed and seconded, considered that the application should be refused as it did not adhere to the Council's Parking Standards SPD and was clearly in breach of it.

The Committee then

RESOLVED

That the application be refused for the following reason:-

The lack of additional car parking provision will result in increasing road congestion adversely affecting highway safety in the area in conflict with policy TSP1 of the Arun Local Plan and the Council's Parking Standards Supplementary Planning Document (January 2020).

421. BR/227/19/PL 3 SOUTHDOWN ROAD, BOGNOR REGIS PO21 2JS

BR/227/19/PL – Removal of condition 5 imposed under BR/84/16/OUT (APP/C3810/W/16/3153767) relating to – details of all trees/bushes/hedges to be retained along with measures to protect them during demolition & construction works, 3 Southdown Road, Bognor Regis

Having received a report on the matter, the Planning Team Leder advised that the condition no longer had merit as the development had been completed.

Following a brief discussion and having received an assurance that no trees had been damaged, the Committee

RESOLVED

That the application be approved as detailed in the report.

422. LIST OF APPEALS

In receiving and noting the appeals received, the Group Head of Planning advised that the following appeals had been allowed by the Planning Inspector :-

CM/16/18/PL - Land to rear of Bairds Farm Shop, Crookthorne Lane, Climping, Development of a 64 bed Specialist Dementia Care Home, etc

EP/82/19/HH – Erection of a fence, 31 Cheviot Close, East Preston

K/19/19/HH – Two storey rear extension with a small canopy projecting the footprint to the front. Demolition of existing living room and additional first floor for habitable use with alterations to fenestration, Little Tangley, Middle Way, Kingston Gorse, East Preston

423. APPEALS PERFORMANCE AND COSTS 1 JANUARY 2019 - 31 DECEMBER 2019

The Committee received and noted a comprehensive report from the Planning Team Leader which detailed the Council's performance in the calendar year 2019 in respect of appeals.

(The meeting concluded at 4.32 pm)

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## HOUSING & CUSTOMER SERVICES WORKING GROUP

6 February 2020 at 6.00 pm

Present: Councillors Bennett (Chairman), Coster (Vice-Chair), Bicknell, B Blanchard-Cooper (Substitute for C Blanchard-Cooper), Chapman, Charles, Mrs Catterson, Hughes, Mrs Pendleton and Ms Thurston

Apologies: Councillors Mrs Cooper and Mrs Haywood

### 9. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 10. MINUTES

The minutes of the meeting held on 19 September 2019 were approved as a correct record by the Working Group and signed by the Chairman.

### 11. CUSTOMER SATISFACTION SURVEY 2019

The Group Head of Policy advised the Working Group that as part of the Council's performance framework the annual Residents Satisfaction Survey had been undertaken. 1800 residents had been randomly selected and sent the questionnaire and 579 had been returned, a 32% response rate. The results for 2019 had been grouped slightly differently based on feedback from Members in previous years, thus allowing for a more local picture to be captured from the results.

The report had been broken in to two sections; Living in Arun District and Customer Satisfaction with the Council and its services. It confirmed that the overall satisfaction levels were high, with 80% residents saying that they were either very satisfied or fairly satisfied with their local area, this is on par with the Local Government Association (LGA) national survey which had satisfaction levels of 81%. The data suggests that those who are satisfied with the cleanliness of the District were significantly more likely to be satisfied with the area as a place to live.

66% of residents were satisfied with the way that Arun District Council runs the things they are responsible for, this result was above the LGA survey result of 61% set by the LGA. There was some variation by area with Eastern residents saying they were considerably more satisfied than those living in the West of the District.

A number of questions and points were raised by Members of the Working Group and these have been summarised below:

- Discussion was had relating to the results from the Downland area as it showed a significant decrease in its results, Members gave consideration to the number of planning decisions that had recently been made in the area and could this have influenced the result. It was confirmed that

Planning decisions for this area were not made by Arun District Council however there could be confusion over the clarity of this for residents.

- Concern was raised regarding litter and fly tipping along the A27, feedback from a Member was that there was seemingly no clear ownership between Arun District Council (ADC), WSCC or Highways on who should be responsible for clearing the rubbish up. It was confirmed by the Chairman and the Director of Services that Arun District Council was not responsible for major trunk roads like the A27, the responsibility fell with Highways England.
- Concern was raised that the survey sent out may not have been specific enough in terms of ensuring that residents really understood what ADC does and was responsible for, this could then affect the how residents would answer their survey. The Group Head of Policy confirmed that a list of services provided by ADC was provided at the front of the survey for clarity.
- Several comments raised on Community Cohesion with discussion around if there was any correlation between the Western Area's highlighted issue most commonly identified as drug misuse. Members were directed to make contact with the Anti-Social Behaviour team at ADC for information on what steps were in place and would be taken to address these issues.

The Working Group noted the report.

## 12. ASBESTOS POLICY & MANAGEMENT PLAN

The Repairs & Maintenance Manager advised the Working Group that as a landlord of social housing Arun District Council (ADC) was responsible for managing the maintenance and repairs of our housing stock and that it included managing asbestos in each property as set out in the Control of Asbestos Regulations 2012. ADC's proposed Policy and management plan would ensure that the Council was able to meet the regulations and requirements.

A full discussion took place based on the report and update provided by the Repairs & Maintenance Manager and the Group Head of Residential Services. The Chairman thanked the team for their continued hard work.

The Working Group

RECOMMEND TO CABINET - That:

1. the Asbestos Policy 2020 be adopted
2. the Asbestos Management Plan be adopted
3. give delegated authority to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the policy and plan

### 13. TENANCY & LETTINGS POLICY

The Neighbourhood Services Manager advised the Working Group that Tenancy and Lettings Policy presented to them was an amalgamation of the previous Tenancy Policy 2012 and Introductory Tenancy Policy 2016. The updated policy contained one main change, that being it would end the use of fixed term tenancies and reverts to the granting of secure tenancies. When it was assessed if there would be any disadvantages to not using fixed term tenancies, the Council considered how it would deal with under occupation, rent arrears and anti-social behaviour and it was satisfied that it had the right mechanisms in place to manage each of these scenarios in a timely manner avoiding the need to wait until the end of a fixed term for issues to be dealt with.

The main driver for the introduction of flexible fixed term tenancies was to make better use of the housing stock. 350 flexible tenancies have been issued since 2013, of which 155 had been on a 5-year fixed term and 196 on a 10-year fixed term. 22 of the 5-year fixed term had expired and these had now been extended by another 5 years. No tenancy had been brought to an end. The review process for each tenancy created a significant amount of work for officers and is not providing the benefits originally thought. Each tenancy that had been reviewed was estimated to take on average 3.5 hours of officer time.

A full discussion was had by the Working Group where it was agreed the amount of officer time spent on the tenancy reviews had been an extortionate amount of time. Members were also in agreement that the policy if adopted by Council would help raise satisfaction amongst tenants and improve their confidence in the ability of this Council to get things done.

The Working Group

RECOMMEND TO CABINET - That:

1. the Tenancy & Letting Policy April 2020 be adopted
2. all current flexible tenancies are converted to secure lifetime tenancies from April 2020
3. delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the policy.

### 14. PETS POLICY

The Neighbourhood Services Manager advised the Working Group that the report requests that they make a recommendation to Cabinet to approve a Pets Policy in respect of the management of Council tenancies. As a landlord of social housing ADC is responsible for ensuring that pets kept in its properties are managed responsibly to ensure they do not cause a nuisance to other residents and or do not cause damage to its homes. The introduction of this policy would provide clear controls and guidance to residents and staff to prevent irresponsible pet ownership, that

historically had resulted in suffering to animals, nuisance to neighbours and damage to properties. As a Council it was recognised that there are benefits to keeping a pet, in particular for residents who have mental health issues, however there was a need to ensure that this was balanced with the rights of all residents to live in a peaceful environment.

A full debate was had by the Working Group, a summary of the points made are detailed below;

- Clarification was sought about how decisions would be made if the policy was adopted and would decisions be made retrospectively. It was confirmed that decisions would not be made retrospectively. For new tenants making a request, they would need to submit an application in writing. For existing tenants, the Council would continue to work on a reactive basis to any complaints made, however all tenants would be issued with the Policy should it be adopted.
- It was confirmed that should the policy be adopted that tenancy audits would be completed in order to help the Council record who and where there were pets being housed. It was felt that this way it would promote a working relationship with the Council and its tenants to work together, in particular should circumstance have found that a property had, had any damage caused by the pet.

The Neighbourhood Services Manager and the Group Head of Residential Services explained to the Working Group that each case would be dealt with based on individual circumstances. This policy was a starting point to enable the Council to manage any issues that were presented moving forward as well as ensuring that the Council was able to protect its housing stock where required.

There was some favour from Members to make an amendment to the wording set out in paragraph 4.5 (What we consider suitable in our properties) the second bullet point which currently reads as set out below;

**“Flats, or Maisonettes, without private gardens;** we will not give permission for cats and dogs. We may consider giving permission for smaller domestic pets in cages.”

It was felt by some that, not allowing residents without a private garden the ability to have a small cat or dog was unfair and should be reconsidered. The Group Head of Residential Services explained that whilst she understood where the Members concern was coming from in particular to elderly residents, that the Council needed to start somewhere in managing issues that were ongoing and could arise in the future. She also advised Members that she would be happy to relook at the wording for this point as well as reconfirming that each individuals’ circumstances would be considered.

Councillor Mrs Pendleton put forward a proposal to change the wording at paragraph 4.5 set out below additions are shown in *italics* and deletions are shown using ~~strikethrough~~;

**Flats, or Maisonettes, without private gardens;** we ~~will not~~ *may* give permission for a domestic cats and dogs *depending on circumstances.* ~~We may consider giving permission for smaller domestic pets in cages."~~

This amendment was seconded by Councillor B Blanchard-Cooper.

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

The Working Group therefore

RECOMMEND TO CABINET - That:

1. the Pets Policy April 2020 be adopted
2. delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the policy.

#### 15. EMPTY HOMES UPDATE

The Group Head of Technical Services reminded the Members that on 4 January 2018 this Working Group recommended to Cabinet that the Empty Homes Strategy 2018-2023 be adopted and today he was updating them on the work and achievements since the Strategy had been adopted by the Council. He confirmed that since 2014 the New Homes Bonus (NHB) had brought in around £1.6 million for the Council associated with the reoccupation of empty homes, in 2017/18 changes to the way the NHB was awarded saw a reduction in the amount of money earned by reducing the reward from 6 years to 4 years. Therefore, the work that the Empty Homes Officer carried out contributes to the amount of NHB the Council receives.

A full discussion was had by Members and consensus was that the team should be commended for their work. It was also discussed that would the Empty Homes Strategy include commercial buildings, the Group Head of Technical Services confirmed that the strategy was focused on residential properties rather than commercial units. However, where residential properties that comprise of commercial units (flats above shops) there had been examples of interventions by the Council resulting in refurbishment of the whole building, including the conversion of the empty commercial elements.

The Working Group noted the update on the empty homes work and;

RECOMMEND TO CABINET - That;

1. the updated Enforced Sale Procedure be adopted.
2. delegated authority be given to the Group Head of Technical Services to make changes to the Enforced Sale Procedure, with a review to take place by the end of 2022.

3. Approval of the use of existing revenue funds identified below for Empty Homes Assistance Programme with any unspent funds to be Earmarked at the end of the financial year:
  - a. £66k currently earmarked for Empty Homes
  - b. unspent receipts from discretionary housing grants repayments (current balance £20k)
  - c. unspent receipts up to £44k from disability facilities grant repayments

16. ENERGY EFFICIENCY STRATEGY

The Group Head of Technical Services advised the Working Group that the current trend expected that energy usage would rise, not fall, so tackling this trend was a challenge for the Council. The strategy addressed key areas to enable the Council to ensure that it was investing in the future and putting energy efficiency and support for those in fuel poverty at the heart of its decision making. This had also been supported by the recently adopted Council Strategic Targets, one of which was Climate and Environment Change.

Members of the Working Group were in agreement with the report and update from the Group Head of Technical Services therefore:

The Working Group

RECOMMEND TO CABINET - That:

1. The Energy Efficiency and fuel poverty strategy 2020-2025 be adopted.

17. REPORT BACK FROM CABINET/FULL COUNCIL

There were no items.

18. WORK PROGRAMME 2019/2020

The Working Group noted the updated programme.

(The meeting concluded at 20:23pm)

# Public Document Pack Agenda Item 20

Subject to approval at the next Cabinet meeting

319

## CABINET

10 February 2020 at 5.00 pm

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

Councillors B Blanchard-Cooper, Bennett, Bower, Buckland, Chapman and Mrs Pendleton were also in attendance for the meeting.

[Note: The following Councillors were absent during consideration of the matters contained in the following minutes – Councillor Oppler – Minute 424 to Minute 431 (Part) and Councillor Purchase – Minute 431 (Part) to Minute 437].

### 424. WELCOME

The Chairman welcomed Members, members of the public and Officers to the meeting. He extended a warm welcome to Chief Inspector Carter from the Sussex Police who was in attendance for the Public Spaces Protection Order item.

### 425. APOLOGY FOR ABSENCE

An apology for absence had been received from the Cabinet Member for Residential Services, Councillor Mrs Gregory.

### 426. DECLARATIONS OF INTEREST

Councillors Purchase and Dr Walsh declared their Personal Interests in Agenda Item 9 [Arun District Council Budget – 2020/21] as Members of West Sussex County Council.

### 427. QUESTION TIME

The Chairman confirmed that two Public Questions had been submitted in line with the Council's Constitution and that both of these were for the Cabinet Member for Community Wellbeing, Councillor Mrs Gregory to respond to.

As both questions related to the Public Spaces Protection Order [Agenda Item 7] he proposed that these questions be asked at this item to allow both questioners to hear the presentation from the Chief Inspector; any updates from Officers and the debate and views of Cabinet Members.

Cabinet - 10.02.20

428. URGENT BUSINESS - THE EFFECTS OF STORM CIARA

The Chairman confirmed that he wished to update Members on the effects that Storm Ciara had had across the District. The strong winds, heavy rain and raging seas had caused numerous issues for the Council, the emergency services and other agencies to deal with and he stated that he wished to pay tribute to those who had worked over the weekend to make the District safe.

The Chairman then provided an update on the situation at Climping Beach which had suffered a deterioration of the defensive banks east of Climping Street and the beach west of the Car Park allowing sea water to flood around the properties at the southern end of Climping Street. Luckily, no-one had suffered internal flooding, however, as a result of recent tide surges, this had caused extensive flooding of the fields south of the A259 including Ferry Road, Littlehampton which had been closed cutting off residents in that area.

At Pagham, the Council's Coastal Engineers had been tracking the weather system, which had also coincided with spring tides, and had put into place pre-emptive works in East Front Road. No properties had been damaged, and work was continuing to reinforce the beach crest.

The Chairman allowed Councillor Buckland to also provide an update on the flooding of Ferry Road and the Ropewalk area.

429. MINUTES

The Minutes of the Cabinet meeting held on 13 January 2020 were approved by the Cabinet as a correct record and signed by the Chairman.

430. BUDGET VARIATION REPORTS

There were no matters discussed.

431. PUBLIC SPACES PROTECTION ORDER (PSPO) - 2020 TO 2023

The Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, presented this item stating that the current PSPO in Arun would expire on 31 March 2020 and Cabinet was being asked to consider two proposals and to confirm its preferred option for a new order to be effective from 1 April 2020 to March 2023. She explained that both options had been formulated from both public and Member consultations that had taken place last year and in January 2020.

The report outlined the scope and purpose of the proposed PSPO options, the legal requirements of making such an order along with the outcomes of the consultation and an options appraisal matrix to assist the Cabinet in making its decision. Councillor Mrs Yeates stated that she had pleasure in welcoming Chief Inspector Jon Carter, the District Commissioner for Arun, to the meeting who had worked closely with the

Council, however, it had to be emphasised that it was the Council who had responsibility for deciding and making the order.

The Chairman then invited the Group Head of Community Wellbeing to present the highlights of his report. He reminded Members that the Council was obliged to consult on any new order that it wished to make and that an extensive consultation exercise had been undertaken to consider the options for the new order. He reminded Members that it was the Council who made the new order for the benefit of its communities, but that the enforcement of it would be a joint endeavour between the Council, its agents and Sussex Police.

The purpose of the order was to tackle anti-social behaviour in geographically defined areas based on reported incidents and the likelihood that anti-social behaviour would have a detrimental effect on the lives of those living in the community. Where these incidents had been identified, consideration had been given to either a prohibition or a restriction of activities that promulgated such behaviours. Members were asked to note that where a prohibition was proposed, this would affect everyone in the restricted area.

The two proposals offered for consideration had evolved following consultation in accordance with PSPO guidelines. Proposals were then offered for public consultation and resulted in 749 responses. These had been summarised in Section 1.2 of the report. Finally, a workshop had been held for all Members of the Council to explain the proposals put forward. The two proposals for the Cabinet to consider were:

Option 1 – an alcohol-free zone in the Town Centres of Bognor Regis and Littlehampton and an alcohol restriction across a wider area of both Towns, which included a prohibition for behaving in an antisocial manner; and

Option 2 – which was the same as option 1, but without the alcohol-free zones in the Town Centres.

Finally, Cabinet's attention was drawn to the resources available to enforce the current PSPO and any new order. These were the Council's Anti-Social Behaviour Caseworkers, Sussex Police and if suitably qualified, agents such as the Business Wardens.

The Chairman then invited Chief Inspector Carter to present his views. He confirmed that he had been fully engaged in the consultation process and in relation to the two options presented to the Cabinet. He confirmed that Option 1 presented significant challenges in terms of the resources available to properly enforce alcohol free-zones. The issuing of a Fixed Penalty Notice (FPN) was just one tool that could be used but would not resolve all of the issues surrounding problematic street drinking. The powers that PCSOs had were then explained confirming that they could not forcibly remove alcohol, this required a warranted Officer which was a limited resource.

Cabinet - 10.02.20

The Cabinet then asked a series of questions. One was whether the PSPO would prevent customers consuming alcohol at a licensed premises from being able to drink outside. Comments were also made about the results of the survey as outlined in Appendix E of the report in terms of proposals to tackle anti-social behaviour in Bognor Regis and Littlehampton Town Centres. There was concern about the lack of resources in place to properly enforce the restrictions contained within Option 1 and that it would be wrong to raise public expectation that alcohol would be prohibited in alcohol free zones if this could not actually take place. A long discussion took place on the issue of enforcing alcohol-free zones with the resources that were available. The Chief Inspector agreed that it would be a challenge to resource Option 1 from a police perspective. It was acknowledged that street-drinking was a multi-faceted problem and required a multi-agency approach to tackle the issue, and the PSPO by itself would not successfully tackle and reduce this issue.

The Chairman then invited questions from members of the public who had submitted their questions in line with the Council's Constitution.

The first questioner stated that he was especially concerned about the area being covered in the new PSPO and had serious reservations about the impact that this would have on anti-social behaviour rather than purely alcohol related behaviour. He stated that residents in Littlehampton along the River path from the Look & Sea Centre to River Road were exasperated by the regular and ongoing anti-social behaviour which occurred mainly in the evenings around the seats facing the River and in the Town Square Gardens in the vicinity of the car park in Surrey Street. He asked why this area had been excluded from the PSPO? Much of the anti-social behaviour experienced was from under 18s congregating in large groups after school hours. The report had quoted 'Reboot' as a scheme for youth offenders which he felt should be deal with this situation and he asked how effective was this scheme?

The Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, responded stating that the initial proposals that had been put out to public consultation did exclude the area around the Town Square. However, following the public consultation and representations received from residents the overall boundary now included this location in both Options being put forward.

The questioner was invited to ask a supplementary question. He referred to the geographical areas to be covered by any future PSPO in terms of applying alcohol restrictions stating that the anti-social behaviour problems that he was experiencing went beyond the zones shown on the maps.

The Leader of the Council, Councillor Dr Walsh, reassured the questioner stating that the original proposals did not extend to the whole of the blue area to include riverside walk, but that this had now been included in both options. As a result of the representations received, Councillor Dr Walsh confirmed that the restriction zone had also been extended to include Angmering.

The Chairman then invited the second questioner to ask his question. He stated that he appreciated the difficulties with enforcement, however, the problems that he and his nearby neighbours were experiencing were not from street drinkers but more from casual drinkers assembling along the benches near Netley Court. This was having a detrimental effect on their lives. The area to be covered by the alcohol-free zone in Option 1 of the proposed new Order had been reduced from that proposed in the public consultation. For example, no part of the river walkway had been included whereas the section downstream from Surrey Street was originally to be included. The questioner believed that the whole of the walkway where the benches were positioned should be covered as they were a magnet for and facilitated anti-social behaviour. The proposed new alcohol free zone in Option 1 would assist in tackling these problems, so could the Cabinet Member please provide her views on whether the River Walkway should be excluded from the alcohol-free zone and re-assure residents that if Option 1 as proposed was approved that rigorous steps would be taken to enforce the alcohol restriction zone in this area.

It was agreed that this question had been responded to during the debate and so the second questioner asked his second question submitted. This addressed the issue of enforcement and that it would assist if anti-social behaviour officers could patrol the area more as this did act as a deterrent. Although the report referred to PCSOs they had no legal powers, could they be given additional powers? The report did not mention contributions from the Parishes in the Littlehampton Zone which were required to pay for enforcement. There were ongoing problems of anti-social behaviour and residents needed to have an effective way to summons assistance during the night rather than relying on reporting incidents using the 101 service.

Chief Inspector Carter responded to this question explaining the overlap between PCSOs and Business Wardens. In terms of the anti-social behaviour caused by under 18s, he explained the REBOOT scheme and how effective this was. Expanding on the issues experienced with under 18s, this was a much wider piece of work that needed to take place. He was not aware of many of the issues raised which were of concern to him. He would therefore look at organising some targeted activity and would liaise with the Council's Community Safety team, which was outside the remit of the discussion for tonight.

The Chairman concluded that there were two options for the Council to consider. The Chief Inspector had submitted his opinions and it was clear that Option 2 presented the best solution. Following some further discussion, Councillor Dr Walsh proposed Option 2 which was seconded by Councillor Lury.

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

Cabinet - 10.02.20

The Cabinet

RESOLVED – That

- (1) Option 2 be adopted for the provision of a new Public Spaces Protection Order containing the following restrictions and requirements at all times. The draft Order and geographical areas to be as outlined in Appendix B of the report:
  - (a) Alcohol Restriction  
No person shall refuse to stop drinking alcohol or refuse to hand over any container believed to contain alcohol when required to do so by an authorised officer.
  - (b) Anti-social Behaviour  
All persons are prohibited from behaving in a way which causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public
- (2) The new Order is implemented with effect from 1 April 2020 to 31 March 2023;
- (3) A sum of £10,000 is allocated for the promotion and signage of the agreed PSPO.

The Cabinet confirmed its decision as per Decision Notice C/034/10020, a copy of which is attached to the signed copy of the Minutes.

432. BUDGET MONITORING REPORT TO 31 DECEMBER 2019

The Deputy Leader of the Council and Cabinet Member for Corporate Support introduced this report stating that financial performance was monitored on a regular basis to ensure that spending was in line with Council policies and that net expenditure was contained within overall budget limits. The report covered performance against approved budget to the end of December 2019 in relation to General Fund, Housing Revenue Account and Capital. It was outlined that this report had a close link to the Budget 2020/21 which was the next item on the agenda.

The Chairman then invited the Financial Services Manager to work through the key highlights of the budget monitoring report and to take questions.

The Financial Services Manager outlined that this was the third report of the year to the end of December 2019. The Council's financial position had been detailed at Appendix 1 and it confirmed that the Council had a general fund underspend of £99k against current budget profile. Net expenditure of nightly paid accommodation had put pressure on the budget with Full Council agreeing a supplementary estimate to regularise the financial position in January 2020.

The Cabinet

RESOLVED - That

- (1) The report and Appendix 1 be noted;
- (2) It be noted that overall performance against budget was currently on track.

The Cabinet confirmed its decision as per Decision Notice C/035/10020, a copy of which is attached to the signed copy of the Minutes.

#### 433. ARUN DISTRICT COUNCIL BUDGET - 2020/21

In introducing the report, the Deputy Leader of the Council and Cabinet Member for Corporate Support stated that the Budget for 2020/21 was proposing an increase in Council Tax of £4.95 or 2.73% for a Band D property. This equated to just 10p per week.

It was highlighted that this report set out the Capital, Housing Revenue and General Fund Revenue Budget for 2020/21 which Cabinet would review making recommendations to the Special Meeting of the Council to be held on 19 February 2020.

The Group Head of Corporate Support was then invited to provide an overview of the Council's Budget for 2020/21 highlighting what was felt were the significant areas that Members should be made aware of.

In presenting the Budget it was explained that the Budget was a positive one, but the risks and main strategic issues were as follows:

- The draft Budget had been presented to the meeting of the Overview Select Committee held on 28 January 2020 and had received general support. An extract from the minutes of that meeting had been presented to Cabinet to consider.

Cabinet - 10.02.20

- The draft settlement had finally been issued on 21 December 2019 and set out the Government's approach to the 2020/21 settlement. The Council was expecting significant reductions due to several issues, but this had now been rolled forward to 2020/21.
- The Council stopped receiving Revenue Support Grant (RSG) in 2018/19 and the negative payment of £430k proposed for 2019/20 had been cancelled and also for 2020/21.
- Looking at Government funding, it was outlined that for New Homes Bonus (NHB) the budget included a one-off windfall and then it would only be legacy payments received from 2021/22. The Council was not anticipating any NHB from 2023/24 from a high of receiving £4m in 2016/17.
- The Business Rate Retention Scheme, which would result in a reset of the growth in business rates was now anticipated for 2021/22. It was expected that this would have a very negative impact on the Council as the accumulated growth would be wiped out when the baseline was reset, though there would be a transition period in which Officers would be able to monitor the situation – this had been set out at Paragraph 2.10.
- Looking at the General Fund Budget, the main highlights were a planned reduction in the General Fund Balance of £671k reducing the Council's balances to around £6m by the end of 2020/21. The Council was required to keep higher levels of balances given the threats to government funding forecasted for the future. The major budget variations were highlighted. These were recently approved supplementary estimates to support the cost of homelessness nightly paid accommodation and the contingency budget increase for housing related activities; the loss of £1m of recycling credits from West Sussex County Council over two years; the invest to save scheme of £250k and the Council's strategic targets.
- Looking at the Housing Revenue Account (HRA) the stock development programme had increased to what had been set out in the report – an additional £9m had been made available to allow for the necessary amount of flexibility in terms of planning for this enhanced programme.
- For 2020/21 rents would be increased by 2.7% after 4 years of rent reductions.
- Looking at the Capital Programme Budget it could be seen that the Council was investing quite heavily in infrastructure projects such as the Littlehampton Public Realm and essential IT infrastructure

The Chairman thanked the Group Head of Corporate Support for his detailed presentation and congratulated him and his team, he then invited questions from Members.

An explanation was required as there had been confusion expressed at the Overview Select Committee on the performance of recycling and whether this had been affected by the reduction in recycling credits from WSCC. It was explained that this had been purely a cost saving measure from WSCC and been levied onto all Local authorities in the Council, this had not affected the Council's performance at all.

The Chairman stated that he was pleased with this first budget of the new administration as it made provision for new services in the capital programme which began to address some of the long-standing backlog of failed maintenance on some of the Council's assets and all within the Government's suggested maximum Council Tax increase. This was a well-balanced budget in very tight economic times.

The Cabinet

RESOLVED – That

(1) It be noted that the Group Head of Corporate Support, in consultation with the Deputy Leader of the Council and Cabinet Member for Corporate Support, had approved a Council Tax base of 62,244 for 2020/21; and

(2) The Budget report in Appendix A, 1, 2 and 3 be noted.

The Cabinet then

RECOMMEND TO THE SPECIAL MEETING OF THE COUNCIL ON 19 FEBRUARY – That

(1) The General Fund Revenue Budget as set out in Appendix 1 is approved;

(2) The Council's Band D Council Tax for 2020/21 is set at £186.57, an increase of 2.73%;

(3) The Council's Council Tax Requirement for 2020/21, based on a Band D Council Tax of £186.57, is set at £11,612,863 plus parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements;

(4) The Housing Revenue Account (HRA) Budget as set out in Appendix 2 is approved;

(5) The HRA rents for 2020/21 are increased by 2.7% (CPI plus 1%) in accordance with the provisions of the rent standard;

(6) HRA garage rents are increased by 5% to give a standard charge of £12.31 per week (excluding VAT), and heating and water/sewerage charges increased on a scheme by scheme basis, with a view to balancing costs with income; and

Cabinet - 10.02.20

(7) The Capital Budget as set out in Appendix 3 is approved.

The Cabinet confirmed its decision as per Decision Notice C/036/100220, a copy of which is attached to the signed copy of the Minutes.

434. LONDON ROAD COACH/LORRY/CAR PARK - BOGNOR REGIS

The Cabinet Member for Technical Services, Councillor Stanley, presented this report outlining that back in July 2018 the then Cabinet decided that London Road lorry/coach/car park was to be sold for redevelopment to provide student accommodation, whilst retaining public car parking and enhancing the approach to the adjacent Hotham Park.

The decision taken at that time was that the public toilets on the site would not be re-provided. This report sought to amend that decision to allow for public toilets to be re-provided as part of the development. This was because although there was toilet provision within Hotham Park, the facilities in the coach park had historically always been very well used by visitors; visitors to the nearby school and the library.

The Group Head of Technical Services then provided further details stating that since the decision made by Cabinet in July 2018, an open market exercise had been undertaken and a preferred bidder had been selected, that contracts were being worked on and that the developer was preparing a planning application for the site. The Cabinet Member for Technical Services had requested that the public toilets be re-provided within the proposed development. The Council's property team had undertaken negotiations with the preferred developer who had now agreed to build new public toilets in exchange for a £50k reduction in capital receipt. He emphasised that if approved, there would be no other changes to any other elements of the decision made in July 2018.

The Cabinet spoke in support of this proposal stating that much campaigning had taken place as there were Members who were sternly against the removal of toilets from this site previously. It was felt that the retention of public toilets was vital to the local community as these were very well used facilities.

The Chairman confirmed that Councillor Chapman had requested to speak. He was interested to know exactly what was going to be constructed; what would be the built span of the new block; how long would it be situated on site for and what would the total ongoing costs be? The Chairman responded confirming that the new block would be on site for the life of that building however long that would be. The facilities would require periodic refurbishment depending upon the level of usage, there were no figures on present usage available at the moment.

The Cabinet

RESOLVED

That the proposals agreed by Cabinet on 23 July 2018 (ref: C/008/230717) relating to the Council's freehold land at London Road, Bognor Regis be extended to include the re-provision of public toilets.

The Cabinet confirmed its decision as per Decision Notice C/037/100220, a copy of which is attached to the signed copy of the Minutes.

435. GAS SUPPLY CONTRACT FOR CORPORATE AND HOUSING SITES

The Cabinet Member for Technical Services, Councillor Stanley, presented this report confirming that it was asking Cabinet to authorise entering into a contract for the supply of mains gas to the Council and to regularised authority for the previous agreement ending 31 March 2020.

The Cabinet

RESOLVED – That

- (1) The appointment of the Council's existing gas supplier until 31 March 2020 be approved;
- (2) The appointment of the Council's new gas supplier procured through the Crown Commercial Services Framework agreement for the supply of energy and ancillary services, for a term of up to 3 years, renewable every 12 months be approved;
- (3) Retrospective delegated authority be given to the Group Head of Corporate Support to enter the current contract; and
- (4) Delegated authority be given to the Group Head of Technical Services to enter into the contract commencing on 1 April 2020.

The Cabinet confirmed its decision as per Decision Notice C/038/100220, a copy of which is attached to the signed copy of the Minutes.

436. OVERVIEW SELECT COMMITTEE - 28 JANUARY 2020

The Chairman confirmed that the extract from the Minutes from the meeting of the Overview Select Committee held on 28 January 2020 in relation to Minute 405 [The Arun District Council Budget 2020/21] had already been considered earlier.

(The meeting concluded at 6.26 pm)

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**ARUN DISTRICT COUNCIL**

**DECISION NOTICES FROM THE MEETING HELD ON  
MONDAY 10 FEBRUARY 2020**

<b>REF NO.</b>	<b>DECISION</b>
C/034/100220	Public Spaces Protection Order (PSPO) – 2020 to 2023
C/035/100220	Budget Monitoring Report to 31 December 2019
C/036/100220	Arun District Council Budget – 2020/21
C/037/100220	London Road Coach/Lorry/Car Park – Bognor Regis
C/038/100220	Gas Supply Contract for Corporate and Housing Sites

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00  
A.M. ON WEDNESDAY, 19 FEBRUARY 2020 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

**REFERENCE NO:**  
**C/034/100220**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> PUBLIC SPACES PROTECTION ORDER (PSPO) - 2020 TO 2023	
<b>OFFICER CONTACT:</b> Robin Wickam – Group Head of Community Wellbeing	

**EXECUTIVE SUMMARY:**

This report informs Cabinet of the findings of a public consultation exercise to review the existing Public Spaces Protection Order (PSPO) which expires in March 2020 and recommends to Cabinet options for a new PSPO to be effective from 1 April 2020.

**DECISION:**

The Cabinet

**RESOLVED – That**

- (1) Option 2 be adopted for the provision of a new Public Spaces Protection Order;
- (2) Option 2 contains the following restrictions and requirements at all times. The order and geographical areas are as set out in Appendix B of the report:
  - (a) Alcohol Restriction  
No person shall refuse to stop drinking alcohol or refuse to hand over any container believed to contain alcohol when required to do so by an authorised Officer
  - (b) Anti-Social Behaviour  
All persons are prohibited from behaving in a way which causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public
- (3) The new Public Spaces Protection Order (PSPO) is implemented and effective from 1 April 2020; and
- (4) A sum of £10,000 is allocated for the promotion and signage of the agreed PSPO.

**REASON FOR THE DECISION:**

To mitigate the expiration of Arun's existing PSPO by implementing a new Order which meets the needs of the District and enables the Council and partners to reduce anti-social behaviour and improve community safety.

**OPTIONS CONSIDERED BUT REJECTED:**

The Cabinet considered all options and rejected Option 1, outlined in Section 2 of the report.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:**

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**REFERENCE NO:**  
**C/035/100220**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> BUDGET MONITORING REPORT TO 31 DECEMBER 2019	
<b>OFFICER CONTACT:</b> Carolin Martlew – Financial Services Manager	

**EXECUTIVE SUMMARY:**

The Budget Monitoring Report sets out the Capital, Housing Revenue and General Fund Revenue budget performance to the end of December 2019.

**DECISION:**

The Cabinet

RESOLVED – That

(1) That the report in Appendix 1 be noted; and

(2) It be noted that the overall performance against budget is currently on track

**REASON FOR THE DECISION:**

To be assured that the overall performance against budget is on track.

**OPTIONS CONSIDERED BUT REJECTED:**

None

**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:**

N/A

**REFERENCE NO:**  
**C/036/100220**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> ARUN DISTRICT COUNCIL BUDGET - 2020/21	
<b>OFFICER CONTACT:</b> Alan Peach – Group Head of Corporate Support	

**EXECUTIVE SUMMARY:**

The report sets out the Revenue and Capital Budgets for 2020/21 for both the General Fund and the Housing Revenue Account.

**DECISION:**

The Cabinet

RESOLVED – That

- (1) The Group Head of Corporate Support, in consultation with the Deputy Leader of the Council and Cabinet Member for Corporate Support, has approved a Council Tax base of 62,244 for 2020/21; and
- (2) The Budget report in Appendices A, 1, 2 and 3 be noted.

The Cabinet also

RECOMMEND TO THE SPECIAL MEETING OF THE COUNCIL ON 19 FEBRUARY 2020 – That

- (1) The General Fund Revenue Budget as set out in Appendix 1 be approved;
- (2) Arun's Band D Council Tax for 2020/21, based on a Band D Council Tax of £186.57, is set at £11,612,863 plus Parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements;
- (3) The Housing Revenue Account (HRA) Budget as set out in Appendix 2 is approved;
- (4) The HRA rents are increased by 5% to give a standard charge of £12.31 per week (excluding VAT) and heating and water/sewerage charges increased on a scheme by scheme basis, with a view to balancing costs with income; and
- (5) The Capital Budget as set out in Appendix 3 is approved.

**REASON FOR THE DECISION:**

To ensure that the Council has a firm financial basis for conducting its business in 2020/21.

**OPTIONS CONSIDERED BUT REJECTED:**

None

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S)  
RESPONSIBLE FOR DECISION:**

Councillors Dr  
Walsh and  
Purchase

	declared their Personal Interests as Members of West Sussex County Council.
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> n/a	

**REFERENCE NO:**  
**C/037/100220**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> LONDON ROAD COACH/LORRY/CAR PARK - BOGNOR REGIS	
<b>OFFICER CONTACT:</b> Nat Slade – Group Head of Technical Services	

**EXECUTIVE SUMMARY:**

Cabinet resolved on 23 July 2018 to market the disposal of freehold land at London Road, Bognor Regis for redevelopment to include student accommodation, whilst retaining public car parking. In line with the Cabinet resolution, progress has been made on this proposal and a preferred bidder has been selected.

Since the original decision, there has been a further proposal made that the re-development allow for the re-provision of public toilets. As this was not part of the original decision made in July 2018, the Cabinet is being asked to approve the extension of the proposals to include this further element.

**DECISION:**

The Cabinet

**RESOLVED**

That the proposals agreed by Cabinet on 23 July 2018 (Ref: C/008/230718) relating to the Council's freehold land at London Road, Bognor Regis be extended to include the re-provision of public toilets.

**REASON FOR THE DECISION:**

At the request of the Cabinet Member for Technical Services, to allow public toilets to be provided within the previously authorised (subject to planning permission) redevelopment of the car/coach/lorry park.

**OPTIONS CONSIDERED BUT REJECTED:**

To not accept the recommendations, thereby not re-providing public toilets in accordance with the original Cabinet Decision (C/008/230718).

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

N/A

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:**

N/A

**REFERENCE NO:**  
**C/038/100220**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> GAS SUPPLY CONTRACT FOR CORPORATE AND HOUSING SITES	
<b>OFFICER CONTACT:</b> Nat Slade – Group Head of Technical Services	

**EXECUTIVE SUMMARY:**

To authorise the Council entering into a Contract for the supply of gas to the Council's to the Council's corporate and housing sites from 1 April 2020 for a term of up to three years, renewable annually and to regularised authority for the previous agreement ending 31 March 2020.

**DECISION:**

The Cabinet

RESOLVED – That

- (1) The appointment of the Council's existing gas supplier until 31 March 2020 be approved;
- (2) The appointment of the Council's new gas supplier procured through the Crown Commercial Services Framework agreement for the supply of energy and ancillary services, for a term of up to 3 years, renewable every 12 months be approved;
- (3) Retrospective delegated authority be given to the Group Head of Corporate Support to enter into the current contract;
- (4) Delegated authority be given to the Group Head of Technical Services to enter into the contract commencing on 1 April 2020.

**REASON FOR THE DECISION:**

To ensure that the Council continues to pay the most advantageous unit price for its gas supply to corporate and housing sites. If the contract is not renewed, the Council will also pay additional charges for billing and standing charges.

**OPTIONS CONSIDERED BUT REJECTED:**

The Cabinet rejected the following options:

- (1) Not to appoint a new supplier and to procure a new contract. This is not achievable by 31 March 2020 and standard variable rates would be applied.
- (2) To take no action and run the risk of variable rates supply which would be more expensive than an agreed contract rate.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN  
RESPECT OF THIS DECISION:**

N/A



# Public Document Pack Agenda Item 21

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

3

## ELECTORAL REVIEW SUB-COMMITTEE

11 February 2020 at 6.00 pm

Present: Councillors Jones (Vice-Chair, in the Chair), Mrs Cooper, Goodheart, Lury and Oppler

Apologies: Councillors Purchase and Gunner

### 10. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 11. MINUTES

The minutes of the meeting held on 16 October 2019 were approved by the Sub-Committee as a correct record and signed by the Chairman.

### 12. GENERAL ELECTION DECEMBER 2019 REPORT

The Sub-Committee received the General Election report from the Chief Executive, who advised Members that the snap Parliamentary Election had been called after the last meeting of this Sub-Committee. While there had been some challenges that arose due to the election having been called with such short notice, he was pleased to confirm that the teams involved delivered the UKPGE (United Kingdom Parliamentary General Election) efficiently and alongside business as usual.

The Group Head of Policy then presented the report to the Sub-Committee and in doing so, drew Members attention to the following key points;

- Voting turnout was lower than expected, however not out of sync with previous General Elections
- Arun District Council's Communications Team and Arun Direct Team supported promoting key messages to the public, via the Website & Social Media Pages and made sure that people were signposted to where more information could be found as well as managing the high volume of requests and queries that came in across other communication channels.
- Between 1 November and 26 November 2019, 3,994 new electors registered to vote.
- December presented the Council with a number of weather-related issues; however, these issues were mitigated with extra heaters, lighting and absorbent mats where required.
- There was a greater focus on security for the election, the Chief Executive worked with the Chief Inspector ahead of time and Police were present for the entire duration of the Count.

Electoral Review Sub-Committee - 11.02.20

- The count went smoothly and the decision to start verification as soon as the boxes arrived proved pivotal. The count finished at 04:35am.

In referring to the letter from Chloe Smith MP, the Group Head of Policy highlighted a number of changes that the current Government were intending to put in place, with an update due by Summer 2020;

- Replacing the Fixed Term Parliaments Act;
- Ensuing updated and equal Parliamentary boundaries;
- Introduction of identification to vote at polling stations; and
- Making it easier for British expats to vote in Parliamentary elections, and removing the 15-year limit on their voting rights

In summary the Chief Executive told Members that he was pleased with how our arrangements for the election ran in practice and believed a number of other objectives were achieved also;

- Avoiding challenge to the election
- Compliance with legislation and Electoral Commission Guidance
- Maximised Voter turnout
- Accurate verification and results

He expressed his thanks to the Election Team and the wider teams who provided help and support to ensure that this election was one that delivered professionalism and consistency.

The Deputy Leader of the Council and Cabinet Member for Corporate Support expressed his thanks to all involved with not just this election, but for all of the elections that had taken place during 2019. He stated that as a candidate he felt that everything went smoothly and that the count had been uneventful which was a good thing.

The Sub-Committee noted the report and

RESOLVED – That

1. they agreed to support the Acting Returning Officer to implement any changes needed for future elections

(The meeting concluded at 6.45 pm)

# Public Document Pack Agenda Item 22

Subject to approval at the next Audit & Governance Committee meeting

331

## AUDIT & GOVERNANCE COMMITTEE

13 February 2020 at 6.00 pm

Present: Councillors Mrs Haywood (Vice-Chair, in the Chair), Bennett, Bicknell, Brooks, Chapman, Clayden, Dendle, Ms Thurston and Tilbrook

Councillors Bower, Charles, Coster and Edwards were also in attendance for all or part of the meeting.

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated: - Councillors Bicknell, Chapman, Clayden and Dendle - Minute 439 to Minute 450].

Apologies: Councillor Mrs Erskine

### 437. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 438. MINUTES

The Minutes of the Special Audit & Governance Meeting held on 19 December were approved, subject to a single correction as requested by Councillor Chapman, on page 255 the first line read that Councillor Chapman spoke from the public gallery, this was incorrect as he was a Member of the Committee.

Councillor Chapman then sought permission from the Chairman to read a statement out to the Committee in relation to the minutes of the Special meeting held on 19 December 2019. He told Members that it was his view that this Committee's function to provide, independent assurance of the adequacy of the governance and risk management framework, so as best to protect the Council's reputation had been undermined at the Full Council meeting on 15 January 2020. It was on this basis he then advised that he declined to serve further on this Committee and left the meeting.

Councillors Dendle, Clayden and Bicknell also left the meeting in support of Councillor Chapman's statement to the Committee.

### 439. ERNST & YOUNG - AUDIT PLANNING REPORT

The Manager from Ernst & Young LLP (E&Y) advised the Committee that the report communicates E&Y's responsibilities as auditors in planning for the audit of the Council's 2019/20 Accounts. In turning to the overview of the report he highlighted the following;

- Inappropriate capitalisation of revenue expenditure – No change in risk or focus from the previous year
- Misstatements due to fraud or error – No change in risk or focus
- Pension Liability Valuation & Valuation of Land and Buildings - These were highlighted as two of the biggest balances therefore was an inherently risky area for the Council - No change in risk or focus
- New Accounting Standards in respect of leases (IFRS16) – would be applicable from 1 April 2020 and work was required to prepare during this financial year including disclosures in the 19/20 accounts.

For planning purposes materiality had been set at £2.091m (2018/19: £2.07m) which represented a 2% of the prior year's gross expenditure on provision of services/ Performance materiality had been set at £1.568m (2018/19: £1.553m) which represented 75% of planning materiality. Audit differences threshold £0.105m, E&Y would report all uncorrected misstatements relating to the primary statements greater than £0.105m (2018/19 £0.104m). Other misstatements identified would be communicated to the extent that they merit the attention of this Committee.

E&Y are required to consider whether the Council had put in place 'proper arrangements' to secure economy efficiency and effectiveness on its use of resources. The audit for 2019/20 would look to confirm that in all significant respects the Council had proper arrangements in place to ensure that it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people. It was confirmed that proper arrangements were defined by the statutory guidance issued by the National Audit Office (NAO) as:

- Take informed decisions;
- Deploy resources in a sustainable manner: and
- Work with partners and other third parties.

The risk assessment at the time of planning had resulted in no significant risks relevant to E&Y's value for money conclusion.

The Committee had a full discussion around the points raised by E&Y's Manager specifically focusing on possible costs to the Council in relation to the new risk identified under the New Accounting Standards area regarding leases. It was explained that at this time the preliminary assessment was that any cost would be split over the life of the lease and therefore would have a minimal impact.

The Committee then noted the report update.

#### 440. HOUSING BENEFIT SUBSIDY CLAIM 2018/19 CERTIFICATION

The Internal Audit Manager advised the Committee that the Council was required to submit a certified claim to the Department of Works & Pensions (DWP) on an annual basis in respect of the Housing Benefit Subsidy that had been paid out. He explained that the Council engaged with Ernst & Young (E&Y) to perform the certification for a 5-

year period. In previous years the Committee would have received a summarised certification report, however that report was no longer a requirement and therefore an Officer report summarising the results of the certification work had been prepared instead. It notified them that as a result of errors identified that the claim submitted to the DWP was adjusted by £1695. Further errors resulted in an extrapolated understatement figure of £15470 reported to the DWP for a decision on any action to be taken, however this adjustment was within the allowable local authority error threshold and the Council would not lose money on this.

The Committee congratulated the team for another successful year and noted the report.

#### 441. ACCOUNTING POLICIES FOR 2019/20 ACCOUNTS

The Financial Services Manager advised the Committee that the Accounting policies were the specific principle, bases and conventions, rules and practices applied by the Council in preparing and presenting the financial statements. They are based on the code of practice for Local Authority Accounting in the United Kingdom which defines proper accounting practices. The code is supported by International Financial Reporting Standards (IFRS) and the objective of it was to specify the principles and practices of accounting required to give a 'true and fair view' of the financial position.

There were no changes to draw the Committee's attention to from the Accounting Policies used for 2018/19. In practice they were only limited opportunities for an authority to choose an accounting policy as opposed to a basis for estimating figures that would satisfy that policy.

The Committee then

#### RESOLVED

That the accounting policies could be applied to the Statement of Accounts for 2019/20

#### 442. CAPITAL STRATEGY

The Financial Services Manager explained that the adoption of a Capital Strategy was a requirement introduced by the 2017 Prudential Code and that this had been introduced in 2019 and would continue to develop over time.

She highlighted the following areas:

- The aim of the strategy was to balance Capital Expenditure needs and expectations with the limited resources available to the Council
- Members approved the strategic direction of the Council and those priorities should be reflected on the Capital Expenditure decision

Audit & Governance Committee - 13.02.20

- It was good practice to adopt whole life costing to make decisions
- Capital Expenditure was funded through a variety of sources that were extremely limited. E.g. Capital receipts had been used to fund the General Fund (GF) for housing and the Wave in the past and Capital Expenditure associated with the GF assets e.g. potentially Fitzleat carpark.

There was a separate programme for the Housing Revenue Account (HRA) and the GF, because they were totally separate funds.

The HRA Business Plan was driven by the aim of acquiring 250 new dwellings over the next 10 years and that would be funded by 30% Right to Buy (RTB) receipts and 70% borrowing. It would need to be kept under review for affordability and potential changes in government legislation. However, RTB sales have dried up which means potentially 100% borrowing for future schemes which would have implications for the HRA. The completed Stock Condition survey had also identified the need for significant investment in the existing housing.

The Annual core programme included Essential I.T, Asset Management and Disabled Facilities Grants (DFG). The DFG programme would be entirely funded from the Capital Grant. The remainder would mainly be funded from revenue contributions.

The prioritisation of any new schemes would need to show a clear benefit to the Council if it were to use limited resources, demonstration of a sound business case and be linked to the Council's strategic direction.

In summary the Capital Strategy:

- Would sit above other more detailed policies, procedures and plans and references them to allow for more detail if needed
- Shows how the Council determines its priorities for capital investment decisions
- Clearly set out how capital would be funded
- The Council needed to adopt a strategic approach for its capital planning based on sound principles, the plans were, affordable, prudent, sustainable and in line with service objectives.

The Committee had a full discussion based on the information presented to them, the key points raised were;

- How would a joint partnership or venture be assessed – where would the risk lie? This would be down to the prudent assessment that would take place prior to entering such a partnership.
- Concern was raised regarding staffing levels to support the Digital agenda
- The budget for future essential schemes and projects and where this money would come from. This was explained as effectively being a balancing figure that was flexible and would change.

The Chairman with the agreement of the Committee then invited Councillor Coster to ask a question from the public gallery. He asked what was the update regarding the Property Investment Fund (PIF) and would the Council consider more investment in property in the future? The Financial Services Manager advised that since the purchase of the Arcade in Bognor Regis there were no capital receipts in the PIF and until the Council sold something it would remain that way. The Group Head of Corporate Support then advised that there was nothing to stop the Council investing in property, it would require a full governance process and a business case as well as possible borrowing of monies as we have little or no capital receipts as earlier explained.

The Committee expressed their thanks to the Group Head of Corporate Support, the Financial Services Manager and their teams for their continued hard work.

The Committee

RECOMMEND to Full Council – That

1. the Capital Strategy 2020/21 to 2022/23 be approved

443. TREASURY MANAGEMENT STRATEGY STATEMENT & ANNUAL INVESTMENT STRATEGY

The Committee received the Treasury Management Strategy Statement and Annual Investment Strategy 2020/2021 report from the Senior Accountant which it was required to consider prior to making recommendations to the next meeting of Full Council.

In presenting this report, the Senior Accountant drew Members' attention to the following key points:

- Treasury management is the management of borrowing, investments and cashflows, it's banking and control of associated risks.
- The report was forward looking and set out parameters for the year ahead.
- The majority of investments were in highly rated banks
- Section 3.3 – The chart was updated by our advisors on 31 January 2020 and showed the next bank rate increase to be in June 2021 not March 2021.
- It had been recommended that the Council may invest in diversified funds subject to due diligence and some further research.
- The Money Market Funds (MMF) were 'triple A' rated, liquid and are all Low Volatility Net Asset Value (LVNAV)

In reviewing the report, the Committee asked questions with regard to the impact on a Brexit deal eventually being agreed and what implications that would have. It was advised that the situation was being monitored closely and working on advice that had

Audit & Governance Committee - 13.02.20

been provided so far. Members also wanted to know if the Council had entered into any diversified fund agreements it was advised no.

The Committee then

RECOMMEND TO FULL COUNCIL – That

1. the Treasury Management Strategy for 2020/21 be approved
2. the Annual Investment Strategy for 2020/21 be approved; and
3. the Prudential Indicators for 2020/21, 2021/22 and 2022/23 be approved.

444. UPDATE ON THE STATUS OF THE COUNCIL'S BUSINESS CONTINUITY (BCP) ARRANGEMENTS

The Committee received the update on the Council's Business Continuity arrangements from the Group Head of Neighbourhood Services.

In presenting this update, he drew Members attention to the following key points;

- The objectives of the corporate business continuity plan (BCP)
- The objective outcome of any incident was to ensure all services were able to return to normal functions as soon as possible
- Each service area had produced a BCP and business impact assessment (BIA) and the format of these were reviewed and improved working alongside Zurich Insurance Company Ltd
- An exercise was completed in October 2019 and, whilst some recommendations were identified, it was made clear that the Council had a much-improved response from the previous exercising and had demonstrated clear leadership and coordination with the scenario presented.
- Next steps included an exercise with several service areas to take place in February 2020, it would test the service area BCPs and BIAs as well as the response to any presented scenario.

In reviewing the report, the Committee asked questions with regard to the plans that had been put in place, reviewed and tested for officers, but where would Members fit in? it was explained that these plans were focused on the organisation and the priority needs to ensuring the day to day running of the business was in place with minimal disruption to public, e.g. if the Civic Centre was out of action, what services needed to be up and running first and foremost. In terms of Members being informed of any incident there would be a communication plan executed by the Corporate Management Team.

A request was made that a further briefing for Members on the BCP for the Council be considered, to ensure that Members were fully informed on the topic.

The Committee then noted the report.

445. UPDATE ON PROGRESS AGAINST THE RECOMMENDATIONS OF THE PARTNERSHIPS AUDIT

The Committee received the update on the progress made against the recommendations of the Partnerships Audit from the Group Head of Policy.

In presenting this update, she drew Members attention to the following key points;

- The agreed definition of what a working partnership was and the clarification that the definition did not cover contractual arrangements
- Some Partnerships are listed in the Constitution, but this would not necessarily be appropriate for the full register.
- Once a final list of partnerships had been agreed, Members would then need to decide how they would want to manage the review process, a suggestion of a regular review period being followed was made
- A number of partnerships were already scrutinised elsewhere at the Council (although these arrangements might change from 2021 when the revised Committees governance structure would be introduced) and it was suggested that a focus on those who were not currently subject to scrutiny would be recommended
- Any agreement for review periods would need consideration of the service manager workload to be taken into account.

In reviewing the report and having heard the update from the Group Head of Policy the Committee asked questions with regard to the following;

- Where the requirement for this work originated from, it was confirmed by the Internal Audit Manager that the CIPFA guidance advises that the A&G Committee should have a good overview of governance arrangements for partnerships (as identified in the agreed register) and ensure they are functioning effectively and benefit the Council.
- Clarity on when the next update would be brought to the Committee was sought and it was advised that this would be expected in the Autumn of 2020.
- There was a suggestion to include Parish/Town and County Council partnerships, however it was advised that this would not fit with the agreed definition.

In summarising the Group Head of Policy advised she would be meeting with all the Group Heads after the PCC Election in May 2020 to obtain more information from them, which would then be included in her next report update.

The Committee noted the report and were in agreement with the proposed approach to developing an up-to-date partnership register.

Audit & Governance Committee - 13.02.20

446. UPDATED STRATEGIC RISK REGISTER

The Committee received an update on the strategic risk register from the Internal Audit Manager.

In presenting the update, he drew Members attention to following changes that had been made since the last update in November 2019;

- The review of the Local Plan had been put back on the register
- Climate Change had been added to the register
- The score for the risk covering Elections had been increased at the request of the Committee

In reviewing the update that had been presented the Committee asked questions with regard to the following;

- The Amber Risk for Coastal Protection and the requirement for a future review of this risk

The Committee noted the report and;

RESOLVED – That

1. the Strategic Risk Register be approved

447. ANNUAL INTERNAL AUDIT PLAN

The Committee was advised by the Internal Audit Manager that each year the audit team is required to develop an annual audit plan for the following financial year. Should resource of the section, or work priorities alter then a revised plan would be brought to the Committee at a future meeting.

The Committee noted the update and report provided and;

RESOLVED – That

1. the outline Annual Internal Report be approved.

448. PROGRESS AGAINST THE AUDIT PLAN

The Committee received and noted the update on the progress against the audit plan from the Internal Audit Manager.

449. INFORMATION / ADVISORY DOCUMENTS RECEIVED

The Committee were advised by the Internal Audit Manager that there were no new findings to report.

The Committee noted this update.

450. WORK PLAN REVIEW 2020/21

The Committee received an update on the future work plan for 2020/21 from the Internal Audit Manager who advised that this would be updated once the Committee Calendar of meetings had been presented at the Full Council meeting on 19 February 2020 for approval. He also advised Members that a Special Meeting of the Committee would be required in order for the Independent Panel to complete their remuneration work based on the Governance changes agreed at the Full Council meeting on 15 January 2020.

The Committee noted the update.

(The meeting concluded at 7.58 pm)

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# Public Document Pack Agenda Item 23

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

23

## PLANNING POLICY SUB-COMMITTEE

25 February 2020 at 6.00 pm

Present: Councillors Mrs Yeates (Chairman), Jones (Vice-Chair), Bower, Charles, Mrs Daniells, Dixon, Elkins, Huntley, Lury, Mrs Pendleton, Ms Thurston and Mrs Worne

Councillor Coster were also in attendance for all or part of the meeting.

### 27. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor Oppler.

### 28. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 29. MINUTES

The Minutes of the meeting held on 17 December 2019 were approved by the Subcommittee and signed by the Chairman as a correct record.

### 30. REVOCATION OF OLDER SUPPLEMENTARY PLANNING DOCUMENTS AND SUPPLEMENTARY PLANNING GUIDANCE

The Subcommittee received a report from the Planning Policy Team Leader which sought agreement to the following older sets of Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) being revoked by removing them from the Council's website and deposit points.

- Open Space & Recreation Standards October 2000 SPG
- Parking Standards SPG 2000
- Telecoms October 2000
- Advertisements September 2003
- Archaeology September 2003
- Telecoms October 2000

Whilst accepting that these documents should be revoked for the reasons outlined in the report, Members also requested that the relevant procedures should be reviewed to ensure that when new planning documents and guidance were adopted by the Council, the old ones could be automatically revoked as that would negate the possibility of any confusion arising by having two sets of guidance relating to the same topic. An officer assurance was given that that point would be taken on board and actioned accordingly.

The Subcommittee

## RECOMMEND TO FULL COUNCIL

That the older Supplementary Planning Documents and Supplementary Planning Guidance set out under paragraphs 1.1 and 1.2 of the report be revoked because they are replaced, are out of date and have no material weight.

### 31. CRAWLEY REGULATION 19 PUBLICATION LOCAL PLAN CONSULTATION

The Planning Policy Team Leader presented this report to the Subcommittee which set out a proposed response to Crawley Borough Council's Regulation 19 Publication Local Plan for the period 2019 – 2035.

The report illustrated that Crawley would have a housing shortfall of 5,945 against its Objectively Assessed Need (OAN,) as based on the Government's Standard Housing Methodology (SHM). It was therefore important for this Council to understand how that shortfall would be met under the Duty to Co-operate regime. Crawley's Plan did set out an expectation that Horsham and Mid Sussex would help with the shortfall but, also, it was recognised that other neighbouring authorities would need to be asked to help. It was therefore imperative for Arun to seek information as to how Crawley would meet its unmet need. In addition, Arun was looking for an assurance within their Statement of Common Ground and under the Duty to Co-operate that Crawley would not be expecting Arun to help with that unmet housing need.

In opening up the debate, Member comment was made with regard to the urgency of achieving progress on the update to the Local Strategic Statement (i.e. LSS3) as set out at paragraph 1.4 of the report. It was stated that negotiation of LSS3 should be undertaken through the Local Strategic Planning Board (LSPB) and it seemed inappropriate that this Council's representative was not the Cabinet Member for Planning, who would be in a stronger position to push that progress. Paragraph 1.8 was welcomed which stated that:-

"It must be stressed that Crawley Borough Council has not asked ADC to assist with any unmet housing need given the Crawley Local Plan (CLP) seeks assistance from Horsham and Mid Sussex and other authorities within the North West Sussex Housing Market Area (NWSHMA). However, given the wider unmet need outlined above, and risks should there be insufficient progress on LSS3, ADC should seek a specific Statement of Common Ground with Crawley Borough consolidating this position."

Members were in agreement with the proposed response but did express reservations that the Cabinet Member for Planning was not the Council's appointed representative on the Local Strategic Planning Board. The Director of Place gave advice that the appointment of a member to the LSPB was solely within the gift of the Leader of the Council and the Subcommittee could of course express its view which could then be brought to the attention of the Leader. The Subcommittee therefore unanimously agreed that the Leader of the Council be asked to amend the Council's

membership of the LSPB from Councillor Huntley to Councillor Lury, Cabinet Member for Planning.

Following a brief discussion around the Duty to Co-operate and Statement of Common Ground, the Subcommittee

**RESOLVED – That**

- (1) In response to the Crawley Local Plan Regulation 19 consultation, Crawley Borough Council be urged to clearly set out in updated Statements of Common Ground with neighbouring authorities within its Housing Market Area, how its unmet need is to be resolved before the plan is submitted for examination;
- (2) In the absence of progress on the LSS3 update, a Statement of Common Ground be agreed specifically with Arun District Council to clarify that no assistance will be required in order to help with the level of unmet need arising from the Borough; and
- (3) The Leader of the Council be requested to replace Councillor Huntley with Councillor Lury as the Cabinet Member for Planning on the Local Strategic Planning Board.

**32. HOUSING EMPLOYMENT LAND AVAILABILITY ASSESSMENT (HELAA 2018/19)**

*(In the course of discussing this item, Councillor Elkins declared a personal interest as a member of West Sussex County Council.)*

In presenting this report on the Housing and Economic Land Availability Assessment (HELAA 2019 update), the Planning Policy Team Leader advised the Subcommittee of the following update:-

Existing HELAA site Ref 61 Tower House Allotments, Maltravers Street, which had been incorrectly shown as changed status from Not Currently Developable (NCD) to Developable in the main HELAA report should remain at NCD for the reason that “the site is existing Open Space (OSR DM1), relates to Conservation Area, Listed Buildings, and is currently used as allotments”. This therefore amended the summary figure of Deliverable sites in the covering report to 51 not 52 (a yield of 4,849 dwellings not 4,855) and NCD sites to 173 from 172.

The Planning Policy Team Leader reminded the Subcommittee that the HELAA was a key component of the evidence base which informed the preparation for the Arun Local Plan and it was essential to keep it up to date to inform future monitoring of potential land supply. He emphasised that whilst the HELAA was a useful resource, it did not allocate sites, nor did it grant planning permission, as set out at paragraphs 1.13 and 1.14 of the report.

Following discussion, a request was made that it would be useful for the additional sites included in the HELAA to be included as an appendix to the reports as it was difficult for Members to establish which sites had been added or changed status.. The Planning Policy Team Leader advised that there were many appendices to the HELAA published individually on the web site in order to keep the size of the agenda items manageable and to save paper. However, a summary table of new sites could be made available as an appendix.

The Planning Policy Team Leader responded to a number of questions raised by Members at the meeting relating to national policy around plan making and the mandatory requirement to produce a HELAA; the formal difference between “deliverable” and “developable”; and the need for the Council to call for sites on an annual basis. There were many caveats in the HELAA which stated that this was a very high level assessment of sites based on constraints identified in sections 6.10 – 6.12 of the HELAA such that the HELAA did not allocate sites, nor did it grant planning permission. He also stated that officers understood the concerns of Members with regard to sites coming forward and advised that the best way to address that was for the Council to maintain its 5 year HSL (Housing Land Supply).

The Subcommittee

#### RESOLVED

That the HELAA (Housing and Economic Land Availability Assessment) be noted as part of the evidence base for the Local Plan and any future Development Plan Document preparation.

### 33. BROWNFIELD LAND REGISTER 2019

The Planning Policy Team Leader presented the detail of this report which informed Members of the requirement to produce a Brownfield Land Register in two parts. Part 1 established a baseline stock of brownfield land which would meet specific previously developed land and delivery criteria (as described at paragraph 1.6 of the report). Part 2 introduced permission in principle (PiP) as a new route to obtaining planning permission for those sites that made it onto Part 1 of the register, in order to help to maximise the numbers of new homes built on brownfield land. However, Part 2 had not yet been established because it required a significant level of technical work, consultation and legal/procedural steps. Work had commenced on this and an update on progress would be brought back to a future meeting.

Members participated in a brief debate, during which it was mentioned that a brief summary within the report indicating the location of sites would be useful in the future. It was also suggested that, for clarity, it should be highlighted that the register provided an annual snapshot at a particular point in time. Further, it was clarified that the process for giving permission in principle would be a Development Management Committee function and so the report recommendation focused on agreeing that officers progress the work and report back to a future meeting on this process.

The Subcommittee

RESOLVED – That

- (1) the 2019 Brownfield Land Register (Part 1) be noted; and
- (2) officers work towards the production of the Brownfield Land Register (Part 2), including the carrying out of consultation and public requirements, as well as other procedures, in line with the Brownfield Land Register Regulations 2017.

34. GREEN INFRASTRUCTURE MASTERPLAN - COAST TO THE SOUTH DOWNS

*(During the course of consideration of this matter, Councillor Elkins declared a personal interest as a member of West Sussex County Council.)*

The Subcommittee received this report from the Director of Place which set out the detail of a Green Infrastructure Masterplan – Coast to the South Downs, which set out a vision for green infrastructure linking the coastline at Bognor Regis with the South Downs National Park at Fontwell. To assist Members in their deliberations, illustrative plans 1-6 of the relevant areas were circulated at the meeting. At this time, Members were being requested to endorse the report both for the purposes of assisting the assessment of any planning applications currently under consideration and for the purpose of public consultation; the illustrations should therefore be treated as informative rather than suggesting a definitive outcome. Any responses received would then be reported back to the Subcommittee so that it could consider whether to recommend to Full Council adoption of the Green Infrastructure Masterplan as a formal Supplementary Planning Document (SPD). Whilst some weight could be attached to the document in the determination of planning applications at it stood, that weight would be increased significantly if it became an SPD.

The Director of Place emphasised that the document was a vision of what could be achieved and delivered through development but that negotiations would have to be undertaken with landowners and, also, that the challenges of accessing funding would have to be addressed.

Members supported the approach being taken and views were expressed that a coherent connection between the coast and the South Downs National Park was to be welcomed.

Following a number of questions which were responded to at the meeting by the Director of Place, the Subcommittee

RESOLVED

That the report be endorsed, both for the purpose of assisting the assessment of any planning applications currently under consideration and for the purpose of public consultation.

35. HIGH LEVEL DEVELOPMENT PRINCIPLES FOR THE BARNHAM / EASTERGATE / WESTERGATE (BEW) STRATEGIC PLANNING ALLOCATION

*(Prior to consideration of the following item, Councillor Elkins declared a personal interest as a member of West Sussex County Council.)*

The Director of Place presented this report which sought endorsement of the Council to a series of high-level development principles to guide the form of development at Barnham/Eastergate/Westergate (BEW). Appendix 1 to the report detailed these principles and Members were advised of some minor amendments to 5 of them. In discussing the amendments, Members made further suggestions, particularly around SDP24 Low Carbon Energy and SDP29 Broadband and, for clarity, those amended principles are listed below with the amendments shown in bold and underlined:-

**SDP 1 Access and Strategic Movement** - The new community at BEW will have a permeable layout that integrates and maximises and prioritises sustainable patterns of movement, linking the area to the wider community. The development will also make provision for parking and access to and from the Barnham Railway Station as well as seeking to improve local bus services. Key routes through the development will be wide enough to accommodate buses in addition to parked vehicles.

**SDP 7 Place-Making Objectives** - The allocation will exemplify high standards of urban, landscape and architectural design to create a distinctive and attractive place with legible character areas that maximise the potential for sustainable design and non-car-based travel. There should be high quality public realm and public art resulting overall in a place where people will want to live, work and visit for generations to come. The layout should seek to avoid the physical coalescence of the allocation with the existing communities unless there is a sound place making objective to do so such as where part of the allocation may reasonably be regarded as an urban extension. To reinforce the sense of creating a new community any development which is physically separate from the existing communities by means of the strategic open space being created, should have a cohesive modern contemporary design approach for the whole of the new community.

**SDP 13 Education** - The allocation will facilitate the provision of a new Secondary School at Ford, at least two Primary Schools and nursery provision on site, where a need is identified by West Sussex County Council. These new facilities will be a significant focus for community life, playing a key role in fostering a new community through the development and education of younger people. and should be constructed

so as to provide a climate-smart benchmark through use of technology, renewable energy and sustainable materials.

**SDP 24 Low Carbon Energy - Development at the allocation will promote low carbon energy technologies and opportunities should be taken to incorporate renewable energy features on all buildings. The development should also embrace the transition to electric vehicles.**

**SDP29 Broadband – The allocation will ensure that all development has access to gigabit capable full fibre infrastructure and where appropriate make provision for future changes in technology, subject to viability.**

The remaining high level principles were accepted without change.

The Subcommittee

#### RECOMMEND TO FULL COUNCIL

That the High Level Development Principles appended to the report and as amended at the meeting be endorsed to guide the form of the development at the Barnham / Eastergate / Westergate (BEW) Strategic Planning Allocation.

(The meeting concluded at 8.30 pm)

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# Public Document Pack Agenda Item 24

Subject to approval at the next Environment & Leisure Working Group meeting

1

## ENVIRONMENT & LEISURE WORKING GROUP

27 February 2020 at 6.00 pm

Present: Councillors Mrs Staniforth (Chairman), Brooks (Vice-Chair), Bicknell, Mrs Catterson, Clayden, Dixon, Gunner, Huntley, Kelly and Mrs Worne

Apologies: Councillors Chapman and Ms Thurston

### 13. DECLARATIONS OF INTEREST

Councillor Brooks declared a Personal Interest in item 6 [Cemeteries Regulations & Procedures] as he personally knows one of the Cemetery Managers.

### 14. MINUTES

The minutes of the last meeting held on 7 November 2019 were approved and signed by the Chairman as a correct record.

### 15. LOCAL COMMUNITY NETWORK UPDATE

In agreement with the Chairman the Working Group agreed that due to a late apology received from the NHS representative that this item should be deferred to the next meeting of the Working Group to allow for a more meaningful discussion to be had.

The Working Group

RESOLVED – That

1) this report be deferred to the next meeting of the Working Group

### 16. CEMETERIES POLICY

The Environmental Services and Strategy Manager drew Members attention to section 1.4 of the report where he summarised that the Institute of Cemetery and Crematorium Management (ICCM) was commissioned in 2018 to undertake a review of its services. In the main review it confirmed that the service was operating well with effective systems and compliance. It did highlight the following:

- Staffing was lower than expected in respect of the size and responsibilities of the service

- There was a need to update and review service regulations and procedures

As well as the above and to further inform the review of the regulations, procedures, fees and charges, the Parks and Cemeteries Manager had completed benchmarking against other local and neighbouring authorities.

The Parks and Cemeteries Manager then drew Members attention to the following:

- Encouraging biodiversity within cemeteries with the introduction of wild flower areas
- Grave allocation & ownership, regulations now define how and when out of rotation purchases of graves may be undertaken at additional cost
- New regulations for Lawn sections
- Scattering of ashes to be allowed at designated places at Council cemeteries
- The proposal that specific areas are set aside and suitably landscaped to provide an appropriate location for deceased children
- New regulations relating to memorials and memorial installation, requirements that monumental masons provide:
  - Membership of a trade body
  - Copies of testing certificates evidencing compliance for ground anchor systems
  - Copies and receipt of public liability insurance held
  - Copies of guarantee provided to memorial and/or grave owner

A full debate took place with Members raising the following points:

- In relation to section 1.5.7 of the report a number of questions and concerns were raised, officers gave assurances that the ICCM had agreed that ADC's proposed measures in relation to memorial safety were 'entirely reasonable and went further than most'. It was agreed that a meeting would be arranged with Members who wanted to attend with Officers to discuss these concerns in more detail
- Concerns in relation to why there had been an increase in fees were raised. It was explained that on completing the benchmarking exercise it was highlighted that the Council's fees were significantly lower than other local authorities and with the Council's desire to make the improvements that had been detailed within the report it was felt that the increases were justified.
- A question was asked in relation to the cost of the work needed at Bognor Regis Chapel. It was explained that this question would require an answer from the Properties & Estates Team. The Working Group agreed to accept a written response at a later date.

## The Working Group

### RECOMMEND to Cabinet – That

- a) From 1 April 2020 Arun District Council does adopt the proposed Cemeteries Regulations and all procedures as outlined in this report.
- b) The new associated fees & charges as outlined in the report are approved for implementation from April 2020.
- c) The service enhancements & projects identified within the report are endorsed and where appropriate, delivery will be considered as part of the Council's future annual budget setting
- d) Future changes and amendments to the regulations, procedures and fees & charges, can be made in consultation with the Cabinet Member with delegated responsibility for Cemeteries.
- e) Within 12 months following the Councils adoption of these regulations, the Cemeteries Service shall submit to the ICCM a request for Arun, as a burial authority, to become a member of the Charter for the Bereaved, which further enhances the Council's reputation as a modern, compassionate, lawfully and legally compliant Cemeteries Service provider.

## 17. ENFORCEMENT CONTRACT UPDATE

The Environmental Services & Strategy Manager advised Members that since 2017 Arun District Council (ADC) had provided environmental enforcement services through an agency agreement with East Hampshire District Council (EHDC) and that the report was seeking a recommendation to Cabinet to extend the agreement for a further 2 years from 15 May 2020 to 14 May 2022.

He went on to advise that throughout the one-year trial agreed in May 2017, the delegation of enforcement powers given to EHDC to enable their officers to undertake littering enforcement across the district with a focus on Town Centres was an immediate success and subsequently extended in December 2017 for further two-year period up until 15 May 2020. He also drew Members attention to the fact that neighbouring authority Chichester District Council also commenced the scheme in November 2017 with EHDC.

The Cleansing Services Manager drew Members attention to the current statistics section of the report (2.0), he advised that the contract was efficient, that EH Commercial Services Ltd are recognised as a good performer given their 100% prosecution rate and highlighted that they are also recognised by the courts as the lead for best practice for Single Justice Procedure. He further highlighted the work the officers complete regarding education for under 18's, vulnerable adults and non-UK residents where tickets could have been issued and that they have been shortlisted for an award in the Public Service category at the 2020 LGC awards.

Environment & Leisure Working Group - 27.02.20

The Environmental Services & Strategy Manager confirmed that in extending the agreement for a further two-years, EHDC had offered a share on any income beyond the point at which operating costs are covered. This money would then be ringfenced for reinvestment in targeted additional enforcement and educational patrols against dog fouling, breaches of dog controls and other littering offences.

Members took part in a full debate and asked a number of questions of which have been summarised below;

- A request to see some benchmarking in future reports for comparison purposes was made
- Confirmation of the cost of the agreement was sought, this was confirmed as zero cost to ADC
- Overflowing bins at fast food outlets was a concern highlighted, it was advised to Members that ADC do have a Street Scene Enforcement Officer who they should report incidents like this to and a visit to the premises would be made, however this was confirmed as a separate service to the EHDC agreement
- Concerns regarding dog fouling were also raised and addressed
- A question was raised at how much income this agreement could approximately bring in, it was confirmed that it was expected to be approximately £12,000 and this would be ringfenced for use within the programme as explained previously

The Working Group

RECOMMEND to Cabinet – That

- 1) the agency agreement with East Hampshire District Council is extended for a further two years from 15 May 2020 until 14 May 2022.
- 2) the charging model of the agreement is amended, as outlined in the report. This is in order to provide Arun District Council with greater flexibility and options for additional targeted enforcement activities.

#### 18. REPORT BACK FROM CABINET/FULL COUNCIL

The Chairman confirmed that the previous recommendations made at the last meeting on 7 November 2019 to Cabinet and Full Council for consideration were;

- 1) **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].

- 2) **Minute 12 – Climate Change** – Cabinet agreed with and resolved the recommendation.

19. WORK PROGRAMME 2019/20

The Committee Manager advised Members that as this meeting was the last for this municipal year, that officers would present a draft work programme at the first meeting in the new municipal year for their review.

The Chairman agreed that Members could present suggestions for the new work programme for her to collate and pass on to officers ahead of the next meeting.

(The meeting concluded at 7.23 pm)

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# Public Document Pack Agenda Item 25

Subject to approval at the next Development Control Committee meeting

359

## DEVELOPMENT CONTROL COMMITTEE

4 March 2020 at 1.00 pm

Present: Councillors Ms Thurston (Vice-Chair, in the Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly (Substitute for Councillor Mrs Stainton) Lury, Northeast, Mrs Pendleton, Roberts, Tilbrook (Substitute for Councillor , Bennett), Mrs Worne and Mrs Yeates

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

### 468. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett and Mrs Stainton.

### 469. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 470. MINUTES

The Minutes of the meeting held on 5 February 2020 were approved and signed by the Chairman as a correct record.

### 471. CHANGE TO THE ORDER OF THE AGENDA

The Chairman advised the meeting that there would be a change to the order of the agenda as officers from County Highways were in attendance to answer questions on certain applications and as Item 7 and 9 were related it made sense to consider those consecutively. The running order would therefore be as follows:-

Agenda Item 6 – Planning Application P/58/19/PL  
Agenda Item 10 – Planning Application A/122/19/OUT  
Agenda Item 7 – Planning Application AL/84/19/PL  
Agenda Item 9 – Planning Application AL/91/19/PL  
Agenda Item 8 – Planning Application AL/85/19/PL

The remaining application would then be heard in the order set out in the agenda.

The Chairman also informed the meeting that, due to the length of the agenda, a short adjournment would be called following consideration of Agenda Item 13, and so anyone in attendance to consider subsequent applications could leave and return at 4.30 p.m.

Development Control Committee - 4.03.20

472. P/58/19/PL PREVIOUSLY CONSIDERED APPLICATION FOR FURTHER INFORMATION REAR OF INGLENOK HOTEL, 253-255 PAGHAM ROAD, PAGHAM

*(Councillor Huntley spoke to this application in his capacity as Ward Member.)*

P/58/19/PL – Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building, Rear of Inglenook Hotel, 253-255 Pagham Road, Pagham

This application had been deferred from the meeting held on 6 November 2019 as Members had requested that an independent assessment be undertaken of the highway impacts of the proposals for all highways users, to include consideration of safety issues for all users.

The report on the table presented the conclusions of the Independent Highway Assessment & Road Safety Audit (RSA), which, in summary stated that the application should not be refused as the likely impacts would not be sufficient to justify refusal. However, a series of recommendations for improvements were proposed and a number of key issues highlighted that should be addressed. The report also detailed responses from the applicant, County Highways and the Parish Council, together with additional letters of objections and the officer's response. In order to secure the improvements suggested, relevant conditions had been amended/added as detailed in the report. In addition, the applicant had proposed an alternative footpath around the back of the public house to be accessed by a security code.

The Principal Planning Officer also directed Members to the written report update that had been circulated at the meeting which detailed the following :-

- additional advice received from the Council's independent highway consultant regarding measurements taken of the access road and a summary of the risks to certain groups of people using the access
- response (e) to Further Local Resident Objections which had been omitted from the report in the agenda
- additional local resident objections and relevant officer responses
- additional Informative following advice from West Sussex County Council Fire & Rescue relating to the installation of a fire hydrant within the site
- additional condition relating to the securing of lighting of the alternative footpath route
- additional condition relating to the securing of lighting to improve the safety of the access road

The Council's Independent Highways Consultant was in attendance at the meeting and provided a presentation of his findings. An officer from County Highways also advised the meeting of the issues that were pertinent to their consideration of the matter.

In inviting discussion on the matter, the Chairman reminded the Committee to restrict their comments to the access to the site as that was the only issue on which Members had requested further information be brought back for consideration.

Members participated in a full debate and continued to express serious reservations regarding the safety of all users with regard to the shared access for both pedestrians and vehicles. Refuse lorries and larger delivery vehicles using the access were of particular concern as there was not a clear sight line due to bends in the road. Views were expressed that the access to and egress from the access could be problematic on occasion due to the parking on Pagham Road and the location of the nearby bus stop. It was felt that the mitigation measures that were being proposed were not adequate to ensure the safety of all users.

Member comment was made that the proposal was a justified use of the land but that the access was unacceptable. It was suggested that the developer should negotiate the use of a ransom strip to improve the situation and advice was given that officers had recommended the developer have conversations with the relevant party to that effect.

The Committee centred some discussion around the measurements of the access for both vehicles and pedestrians, which was felt to not be wide enough. In addition, the shared surface could lead to people believing they could walk along its length in safety but, with the blind bend, that might not necessarily be the case. A further view was expressed that there was a real potential for crime and that should be designed out of the development.

The Principal Planning Officer and the County Highways Officer reiterated that no evidence had been presented by way of the RSA to support a refusal of the application on safety grounds

In the course of debate, matters were raised relating to the location of the static caravans; Manual for Streets; gated access and requirement for key pad; and potential for the general public to use the footpath rather than just residents of the development. These points were addressed by officers at the meeting.

The Group Head of Planning reiterated, as advised at the previous meeting, that the proposals were not ideal but County Highways and an independent traffic consultant had provided advice with regard to the safety of the access and both had concluded that it was not so unsafe as to refuse planning permission. In terms of the existing use, the assessment was not against its current use but was against how it could be used without the benefit of planning permission. A number of comments had been made that the access was not as safe as it could be – that was not a test in planning terms, rather, the correct test was to assess whether the access was so unsafe as to refuse the application.

In turning to the vote, the Committee did not accept the officer recommendation to approve and, as indicated by the debate, discussed reasons for refusal. The Committee then

RESOLVED

That the application be refused for the following reason:-

The proposals will introduce a form of development that will result in significant conflicts between highways users to the detriment of highway safety. It will result in an unacceptable impact on highway safety, not result in pedestrian priority or a safe and secure development contrary to policies T SP1, D DM1 and Q SP1 of the Arun Local Plan and policies within the NPPF.

473. A/122/19/OUT LAND OFF ARUNDEL ROAD, ANGMERING BN16 4ET

A/122/19/OUT – Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road, together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan, Land off Arundel Road, Angmering

The Committee received a comprehensive report and presentation from the Principal Strategic Planner on the detail of the proposal, together with a written report update which was circulated at the meeting setting out the following:-

- Triggers for S106 contributions relating to Primary, Secondary and Sixth Form Education, together with the triggers for the Library, Fire and Rescue and the Transport contributions
- Requirement for the Council to provide a footpath connection from Palmer Road Recreation Ground to the Public Right of Way 2176 to be removed from the S106 Agreement
- Reference within the S106 Agreement of a contribution towards the implementation of a cycle route along the “Arundel Road Corridor”.
- Information relating to an Appraisal of Agricultural Land Quality, which included a Soil Resources Plan, and which had been submitted since the agenda had been uploaded to the Council’s website.
- Additional condition relating to the occupiers of the existing commercial units being given the opportunity to take up the new commercial floorspace provided if they so wished.
- An additional representation from a resident of Littlehampton.
- Officer’s response, including an additional condition relating to the soil handling measures.

In discussing the matter, a concern was raised regarding traffic issues and the County Highways Officer in attendance was able to address the matters raised.

A further concern was expressed relating to the S106 contribution for the NHS. This was based around the involvement of the CCG (Coastal Commissioning Group) in health care provision in Littlehampton when funding had not been utilised and two surgeries had now closed. The Principal Strategic Planner was able to give a reassurance that the CCG had confirmed exactly what the contribution would be going towards, i.e. Willow Green Surgery or Coppice Surgery and the proposed Health Hub in Littlehampton. He was able to advise that the CCG was working more closely with the Council than in the past and was supportive of joint working.

Following comment around the employment site and the 20m green buffer zone and responses from the Principal Strategic Planner, the Committee expressed support for the development and

RESOLVED

That the Group Head of Planning be granted delegated authority, in consultation with the Chairman and Vice-Chairman, to grant planning permission as detailed in the report and the officer report update and

- a) If the grant is on or before 31 March 2020, subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in the revised Heads of Terms circulated at the meeting, with any minor amendments authorised by the Group Head of Planning, in consultation with the Chairman and the Vice-Chairman; or
- b) If the grant is on or after 1 April 2020, subject to the Community Infrastructure Levy (CIL) payable.

474. AL/84/19/PL ALDINGBOURNE PARK, HOOK LANE, ALDINGBOURNE PO20 3YR

AL/84/19/PL – Application for removal of conditions 1, 2, 3, 4 & 5 imposed on planning reference AL/93/86 relating to timescale, number of caravans, electric lines, site licence & hedges, Aldingbourne Park, Hook Lane, Aldingbourne

Having received a report on the matter, Members were supportive of the proposal but did express reservations with regard to the condition relating to the removal of the existing boundary hedges, even though the applicant had stated that was not the intention. It was therefore agreed that conditions 1, 2, 3 & 4 could be removed and condition 5 would be amended to ensure retention of the boundary hedge.

The Committee then

RESOLVED

That removal of conditions 1, 2, 3 & 4 be agreed and condition 5 be amended to read:-

No hedgerow currently growing on the Hook Lane frontage of both Beechfield and Aldingbourne Parks shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority. Any hedgerow removed without such consent or which becomes severely damaged or seriously diseased or dying in the future shall be replaced with a hedgerow of such size and species as may be agreed with the Local Planning Authority to ensure boundary landscaping is retained in perpetuity.

Reason: To ensure the retention of existing screening vegetation important to the visual amenity of the streetscene in accordance with policy D DM1 of the Arun Local Plan.

475. AL/91/19/PL BEECHFIELD PARK, HOOK LANE, ALDINGBOURNE PO20 3YR

AL/91/19/PL – Removal of conditions 2, 3, 4 & 5 following AL/95/86 relating to number of caravans on site, electric service lines, no works constituting development required by the condition of a site licence & existing boundary hedges retained in current form, Beechfield Park, Hook Lane, Aldingbourne

Having received a report on the matter, Members were supportive of the proposal but did express reservations with regard to the condition relating to the removal of the existing boundary hedges, even though the applicant had stated that was not the intention. It was therefore agreed that conditions 2, 3 & 4 could be removed and condition 5 would be amended to ensure retention of the boundary hedge.

The Committee then

RESOLVED

That removal of conditions 2, 3 & 4 be agreed and condition 5 be amended to read:-

No hedgerow currently growing on the Hook Lane frontage of both Beechfield and Aldingbourne Parks shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority. Any hedgerow removed without such consent or which becomes severely damaged or seriously diseased or dying in the future shall be replaced with a hedgerow of such size and species as may be agreed with the Local Planning Authority to ensure boundary landscaping is retained in perpetuity.

Reason: To ensure the retention of existing screening vegetation important to the visual amenity of the streetscene in accordance with policy D DM1 of the Arun Local Plan.

476. AL/85/19/PL ALDINGBOURNE NURSERIES, CHURCH ROAD, ALDINGBOURNE PO20 3TU

AL/85/19/PL – Retention of shop used only by students of One School Global, their parents and friends of One School Global, who are registered to use the shop with no sale or display to visiting member of the public (sui generis use). This is a departure from the Development Plan, Aldingbourne Nurseries, Church Road, Aldingbourne

Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

477. BN/66/19/PL LAND OFF CANAL MEWS, BARNHAM PO22 0DP

BN/66/19/PL – Erection of 2 No. dwellings, Land off Canal Mews, Barnham

In presenting this report, the Principal Planning Officer provided a verbal update detailing that Barnham and Eastergate Parish Council had resubmitted its previous objection despite the reduction in the number of proposed dwellings from 3 to 2 and that 3 further letters of objection had been received stating that

- Previous comments to this application still applied;
- The plan to re-route the sewage pipe/pipes was likely to cause further problems to existing residents; and
- Plans as submitted included the land which was not in the applicant's ownership

As the consultation process did not expire until 19 March 2020, it was proposed that the decision be delegated to the Group Head of Planning, in consultation with the Chairman and the Vice-Chairman, to make after that date.

The Principal Planner confirmed that Southern Water and the Council's own Engineering Team had no objections with regard to foul water drainage, subject to standard conditions. The relevant pipe could be diverted – no condition had been included in the recommendation as permission would have to be obtained from Southern Water before any work could commence.

Members raised issues relating to amenity space; and size of the gardens within the proposed development, which were addressed by the Principal Planning Officer.

Following consideration, the Committee

RESOLVED

Development Control Committee - 4.03.20

That the application be approved as detailed in the report and the decision be delegated to the Group Head of Planning, in consultation with the Chairman and the Vice-Chairman, following expiry of the consultation period after 19 March 2020.

478. BN/121/19/PL SWALLOWFIELD, EASTERGATE LANE, EASTERGATE PO20 3SJ

BN/121/19/PL – Removal of redundant polytunnel & construction of 4 bedroom detached chalet bungalow with new vehicular entrance & relocation of Nursery parking area. This application is a Departure from the Development Plan, Swallowfield, Eastergate Lane, Eastergate

Having received a report on the matter, and following a brief discussion by Members, the Committee

RESOLVED

That the application be approved as detailed in the report.

479. BR/243/19/PL 130 LONGFORD ROAD, BOGNOR REGIS PO2 1AF

BR/243/19/PL – Change of use of house in multiple occupation to form 2 No. self-contained flats with a rear extension to form bathrooms at ground and first floors, and a single storey pitch roof and side extension to form a studio flat, 130 Longford Road, Bognor Regis

In presenting this report, the Principal Planner emphasised that this scheme was a reduction from a 5 unit scheme to a 3 unit scheme with a resultant reduction in bed spaces. The change from an HMO (House in Multiple Occupation) was generally supported, although some concerns were raised with regard to the lack of parking in the immediate vicinity. The Group Head of Planning confirmed that this was probably the most sustainable location in the District where a shortage of parking spaces within the development should be a necessity.

Having considered the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

The Chairman then called a half hour adjournment to the meeting.

480. CM/64/19/PL LANGFORD, HORSEMERE GREEN LANE, CLIMPING BN17 5QZ

CM/64/19/PL – Residential development comprising 2 x 3 bedroom bungalows, 2 x 3 bedroom houses, 2 x 2 bedroom houses, 3 x 4 bedroom houses along with access and parking following demolition of existing dwelling. This is a Departure from the Development Plan, Langford, Horsemere Green Lane, Climping

In presenting this report, the Planning Team Leader also directed Members to the officer's written report update which had been circulated at the meeting and which set out the following:-

- Clarification of points relating to car parking; change of one property from bungalow to chalet style property; reference to Apple Tree Road should be Apple Tree Walk; and Policy QE DM4 was relevant to determination of the application
- Amended plans were detailed and condition amended accordingly
- No objection consultation response received from Southern Water
- 2 further objections received advising on the absence of street lights in the lane
- Traffic issues had been addressed in the officer report
- Conditions – amendment to conditions and additional conditions detailed
- Unilateral Undertaking/Footpath – the provision of a footpath from the entrance of the site to meet up with the entrance to Apple Tree Walk to the east had been offered by the applicant in the form of a now completed Local Unilateral Undertaking. This had secured £10,000 in funding and the recommendation had been updated to "Approve with a S106".

Members participated in some debate on the matter and serious concerns were raised that this and forthcoming development in the immediate locality would have a severe detrimental impact on Horsemere Green Lane due to the potential for a significant increase in traffic movements. Although the contribution to the footpath by way of this development was welcomed, the view was expressed that a footpath along the entire length of Horsemere Green Lane was required – this point was reiterated by several Members and a view expressed that the lack of a footpath was unacceptable and dangerous.

Comment was made regarding the density of the development and a response given by the Planning Team Leader. Further remarks were made that it was unfortunate that the development along the Lane was piecemeal rather than providing a cohesive form in the area and was there a Design Plan? It was confirmed by the Planning Team Leader that there was no Design Plan – there were strategic allocations which could promote good design and planning principles but that did not apply to this development.

On the issue of drainage being raised, Members were informed that that was covered by pre commencement conditions whereby the applicant was required to provide details for consideration by the Council's Engineers to ensure suitable drainage

Development Control Committee - 4.03.20

would be provided. The Engineering Services Manager provided more detailed advice to assure Members that drainage matters would be satisfactorily addressed.

The Committee

RESOLVED

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

481. CM/65/19/PL ATHERINGTON LODGE, CLIMPING STREET, CLIMPING BN17 5RN

CM/65/19/PL – Demolition of existing dwelling & construction of new dwelling on existing footprint of original & retaining the same vernacular style (Resubmission of CM/33/19/PL) Departure from the Development Plan, Atherington Lodge, Climping Street, Climping

The Planning Team Leader presented the report, together with the officer's written report update circulated at the meeting which detailed the consultation response from the Council's Engineers and resultant additional informative relating to flooding. The Engineering Services was in attendance and provided clarification on the flooding issues in the locality.

The debate highlighted some Members' serious concerns in respect of the application, particularly as it was felt the design was out of character with this part of Climping and that the large dormer windows would create unacceptable overlooking. As the dwelling was partly constructed the question was asked as to how it could be checked that the floor levels adhered to condition 2 and an officer response was provided that, if asked, it could be investigated to ensure compliance with the condition.

Officers addressed the issues raised and confirmed that the first floor space was broadly similar in appearance to previously approved CM/3/18/HH. The dormer windows, whilst large, would not cause overlooking as there was a distance of some 40m to the neighbouring property and was at an oblique angle. In addition, dormer windows had been included in the previous application. An explanation was provided as to why the original building had been demolished and building recommenced and why the application was now before the Committee as a retrospective application. Members were advised that insufficient footings had been provided to support the conversion of the roof space, which had resulted in demolition of the dwelling.

Having considered the matter, the Committee

RESOLVED

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

482. EP/168/19/PL 4 BEECHLANDS COTTAGES AND LAND ADJACENT, BEECHLANDS CLOSE, EAST PRESTON BN16 1JT

EP/168/19/PL – 1 No. dwelling & alterations to roof of existing dwelling (4 Beechlands Cottages), the provision of new dormer to front elevation4 Beechlands Cottages and land adjacent, Beechlands Close, East Preston

In presenting this report, the Planning Team Leader reminded the Committee that planning permission had been granted in May 2017 for an identical development under planning application EP/41/17/PL.

On discussing the matter, comment was made that the Council had recently adopted its own parking standards and this proposal did not adhere to that. There were problems already in the locality with regard to parking. A view was expressed that the side entrance to the dwelling was not suitable and that the side window would overlook the neighbouring bungalow. Officer advice was given that it was a bedroom window and would be obscure glazed. Further Member comment stated that, as the proposal was at the end of a terrace, the design needed to be more symmetrical and, again, did not adhere to the Council's own emerging Design Guide.

On being put to the vote, the Committee did not accept the officer recommendation to approve and it was duly proposed and seconded that the application be refused on the grounds of the Council's recently adopted Parking Standards DPD (Development Plan Document) and that the design was not acceptable.

The Group Head of Planning advised that he did not think there was any prospect of defending an appeal on those grounds. However, a Member view was voiced that the Committee should stand behind its own Parking Standards and design principles and the Committee therefore

RESOLVED

That the application be refused for the following reason:-

The proposed dwelling by virtue of its poor design and lack of sufficient car parking will result in unacceptable harm to the character and appearance of the locality and areas highway safety contrary to policies D SP1, D DM1, T SP1 of the Arun Local Plan, Arun District Council Parking Standards Supplementary Planning Document and policy 1 of the East Preston Neighbourhood Plan January 2020..

483. FG/135/19/PL SILO AT FORMER MCINTYRE NURSERY, LITTLEHAMPTON ROAD, FERRING BN12 6PG

FG/135/19/PL – Demolition of a silo & erection of an office building (B1(a) Business), 6 No. parking spaces for office workers & erection of boundary fencing, Silo at Former McIntyre Nursery, Littlehampton Road, Ferring

Development Control Committee - 4.03.20

Having received the detail of the proposal from the Planning Team Leader, Members participated in a full debate. In opening the debate, comment was made that the existing silo was preferable to the building that was being proposed to replace it and, in addition, the development would impinge on the Angmering/Worthing Gap which had now been adopted.

Members were reminded that existing planning permission FG/56/18/PL had been approved in November 2018 to convert the existing silo to office space and was still valid therefore this proposal would be difficult to refuse due to its slight increase in footprint. However, views were expressed that the proposed development was obtrusive and did not sit well in the setting of Highdown Hill. The design, colour and materials were not suitable.

The Group Head of Planning gave advice that, although the previous permission was for a conversion and this proposal was for a new build, the design was in a similar style to be built on the same plot for the same use. With reference to the Angmering/Worthing Gap, there was no requirement to enhance the quality of the gap as it was not a land quality policy. Furthermore, the integration of the gap was not significant. In response to Members' comments with regard to disliking the design, he also pointed out that that was subjective and that was why it would be difficult to go back to policies.

In order to alleviate Members' reservations with regard to the design, the Planning Team Leader suggested that an additional condition could be included to require the applicant to submit details of materials, finishes, colours and textures to the Local Planning Authority prior to commencement of any works.

The Committee voted unanimously on that course of action and asked that the application be brought back to enable Members to consider the materials, etc as they wished to see the effect of the proposal softened.

The Committee

#### RESOLVED

That the application be deferred to enable the applicant to submit details of materials, finishes, colours and textures to the Local Planning Authority prior to commencement of any works.

484. F/11/19/PL WICKS FARM, FORD LANE, FORD BN18 0DF

F/11/19/PL – Construction of agricultural barn with flexible storage use (B8 Use Class) with ancillary office space, Wicks Farm, Ford Lane, Ford

The Planning Team Leader presented this report, together with the officer's written report update detailing amendment to condition 5 to better protect Poplar trees on the site and an additional informative regarding safe evacuation in the event of fire.

Following consideration, the Committee

RESOLVED

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

485. F/18/19/PL LAND ADJACENT TO 3 WICKS FARM COTTAGES, FORD LANE, FORD BN18 0DQ

F/18/19/PL – 1 No. new dwelling. This application is a Departure from the Development Plan, Land adjacent to 3 Wicks Farm Cottages, Ford Lane, Ford

In presenting the detail of this report, the Planning Team Leader also advised the Committee by way of a verbal report that:-

- The Council's Tree Officer had originally objected to the proposal. He was re-consulted and, subject to a pre-commencement condition, he was now satisfied with the proposal as it stood.

In response to a Member comment, it was confirmed that there was no defined gap between Yapton and Ford.

The Committee then

RESOLVED

That the application be approved as detailed in the report, subject to the addition of a pre-commencement condition to read as follows:-

Prior to the commencement of development the applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.

In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that an Arboricultural Method Statement (AMS) is submitted and also most importantly a Tree Protection Plan - to describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

All documents above including the Arboricultural Implications Assessment and Arboricultural Method Statement & Tree Protection Plan as required shall be submitted to and approved in writing by the

Development Control Committee - 4.03.20

Local Planning Authority and the works carried out in accordance with approved details.

486. K/32/19/PL LITTLE DEERSWOOD, GORSE AVENUE, KINGSTON GORSE BN16 1SF

K/32/19/PL – Demolition of existing dwelling and erection of 1 x 3 storey dwelling with swimming pool and associated amenity space and parking

The Planning Team Leader presented this report and directed Members to the officer's written report update circulated at the meeting which set out the detail of an additional letter of objection and additional information received from the agent regarding materials, which had resulted in a materials condition being attached to any approval.

The Committee

RESOLVED

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

487. R/268/19/PL 6 MANOR ROAD, RUSTINGTON BN16 3QT

R/268/19/PL – Demolition of existing garage & store on existing dwelling & erection of 1 No. 4 bed chalet style dwelling (re-submission of planning ref R/72/19/PL), 6 Manor Road, Rustington

The Committee received the report, together with the officer's written report update which provided information on the following:-

- Revised plans relating to west driveway crossover location; visibility splay; existing (east) driveway to remain as existing; and provision of new bin store provision
- Amended conditions relating to plans and highways
- Additional informative relating to the need for a sprinkler system
- Correction to density to 15 dwellings per hectare

In considering the matter, views were expressed that this was 'garden grabbing' and a concern was raised that approval of this proposal would set a precedent in the area.

In turning to the vote, Members did not accept the officer recommendation to approve and, having been formally proposed and seconded, the Committee

RESOLVED

That the application be refused for the following reason:-

The proposal will not result in a form of development that will enhance the quality of the environment contrary to policy QE SP1 of the Arun Local Plan.

488. LIST OF APPEALS

The Committee received and noted the appeals that had been received.

(The meeting concluded at 7.51 pm)

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# Public Document Pack Agenda Item 26

Subject to approval at the next Cabinet meeting

375

## CABINET

9 March 2020 at 5.00 pm

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

Councillors Bicknell, B Blanchard-Cooper, Bower, Charles, Clayden, Mrs Cooper, Cooper, Coster, Gunner, Mrs Hamilton, Mrs Haywood and Huntley were also in attendance at the meeting.

### 489. WELCOME

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

### 490. APOLOGY FOR ABSENCE

An Apology for Absence had been received from Councillor Purchase, the Cabinet Member for Neighbourhood Services.

### 491. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### 492. QUESTION TIME

The Chairman confirmed that one Public Question had been submitted in line with the Council's Constitution and that this was for him as Leader of the Council to respond to.

The questioner asked if an update on discussions with the Environment Agency (EA) on sea defences at Climping and beyond could be provided following the urgent update that had been provided by the Leader of the Council at the Special Meeting of the Council held on 19 February 2020. This was because since that time, there had been further significant deterioration of the sea wall.

The Leader of the Council, Councillor Dr Walsh, responded confirming that two Officers of the Council had met with representatives of the Environment Agency (EA) and had discussed recent events with other key partners. The Council would provide a full statement of its position once it was understood what the EA proposed to do, or not do. It was the Council's understanding that the EA had said that it would be undertaking an assessment of short-medium term interim measures that could be delivered to protect properties and infrastructure from a breach of the sea defences whilst working to identify options and funding for a long-term investment in flood defences in the Climping and Ropewalk area. Councillor Dr Walsh stated that the Council would endeavour to respond once this work had been completed but not before.

Cabinet - 9.03.20

The questioner asked a supplementary question. He stated that he appreciated the work that Climping Parish Council had done in hosting meetings and publishing minutes but who would be dealing with issues surrounding householders and the wider picture being Ropewalk. It was the questioner's view that a mechanism needed to be established between Arun and the EA and stakeholders in Ropewalk to ensure ongoing dialogue.

Councillor Dr Walsh responded reminding the questioner that it was the EA who was responsible as the lead agency. He invited the Director of Place to provide input and he outlined that this matter had been raised on Friday, 6 March 2020 where Officers of the Council had attended a meeting with the EA and other groups where it was clear that further dialogue was needed with the residents group for Ropewalk. Work had commenced on looking at emergency procedures should they need to be actioned making sure that communications were clear between all relevant parties.

493. URGENT BUSINESS - A27 ARUNDEL BY-PASS CONSULTATION  
FEBRUARY 2020 AND LITTLEHAMPTON HARBOUR BOARD

The Chairman confirmed that there were two urgent items that needed to be considered by Cabinet.

As both of these were key urgent items, with special urgency, the approval of the Chairman of the Overview Select Committee, Councillor Coster, had been sought and received in accordance with Part 3 (Responsibility for Functions), Section 2.0 – Paragraph 2.3 of the Constitution. Both items had therefore been published with less notice than the 'five clear days' and would not be subject to the Call-In procedure as set out in the Scrutiny Procedure Rules at Part 6 of the Council's Constitution.

The first report was on the A27 Arundel By-Pass Consultation. The circumstances for presenting this report as urgent were to ensure that Members were aware of the response made by the Leader of the Council and the Chief Executive to the most recent consultation on the A27 Arundel By-Pass.

The second urgent item related to the Littlehampton Harbour Board which was proposing to change its governance through a Harbour Revision Order. The proposed changes would significantly reduce this Council's and West Sussex County Council's representation on the Board, reducing the Council's influence over the Board and its precept. The circumstances for presenting this report as urgent were because it would be helpful, if the Councils wished to proceed with any alternative options, for these to be discussed now, prior to the validation of the Board's application. As the Harbour Board was keen to avoid the HRO being unnecessarily delayed, a short time period had been provided for the Councils to consider their options at this stage. This report was being considered under Exempt business and so would be deferred to the end of the meeting.

The Chairman then introduced the first urgent item on the A27 Arundel Bypass Consultation February 2020. He announced that Highways England (HE) had confirmed a further four-week consultation period to end on 1 March 2020 in February 2020 as several errors had been identified in the underlying technical documents supplied. Having had discussions with the Chief Executive it was concluded that most corrections were technical and did not materially impact the previous decision made by the Council on its preferred route to support Magenta, as confirmed at a Special Meeting of the Council on 10 October 2019. Councillor Dr Walsh confirmed that he and the Chief Executive had taken part in a joint conference call with HE and its Contractors, WSP, on 2 March 2020 and had worked through the questions that the Council had relating to the Council's preferred route and whether it would alter any aspects of the Council's decision made on 10 October 2019. The conversation had concluded that there were no substantive changes as the matters raised were technical and mainly transcription errors caused by human error. Based on this, a formal response was sent to HE to confirm the Council's original Council decision made on 10 October 2019 and that this still stood. Links had been provided in the report setting out the response made in writing on 2 March 2020 to HE and to reconfirm the Council resolution made on 10 October 2019. Councillor Dr Walsh asked Cabinet to endorse the action taken by him and the Chief Executive on this matter.

The Chairman reconfirmed that in accordance with Part 3 (Responsibility for Functions) Section 2.0, Paragraph 2.3 of the Council's Constitution, the Cabinet was considering this item under Special Urgency as set out in Part 6 (Procedure Rules (Other) of the Constitution. In line with Constitutional requirements the agreement of the Chairman of the Overview Select Committee, Councillor Coster, had been sought and agreed in terms of the reason for its urgency which had been to comply with HE's latest consultation period. As this was being dealt with under special urgency rules, the report had been published with less notice than the 'five clear days' and would not be subject to the Call-In Procedure.

The Cabinet

#### RESOLVED

That the action taken by the Leader of the Council on 2 March 2020 be endorsed reconfirming the Council's decision on its preferred route for the proposed A27 Arundel By-Pass as agreed at the Special Meeting of the Council on 10 October 2019.

The Cabinet confirmed its decision as per Decision Notice C/039/090320, a copy of which is attached to the signed copy of the Minutes.

#### 494. MINUTES

The Minutes of the Cabinet meeting held on 10 February 2020 were approved by the Cabinet as a correct record and signed by the Chairman.

Cabinet - 9.03.20

495. BUDGET VARIATION REPORTS

There were no matters discussed.

496. EXTENSION OF EXISTING ELECTRICAL SUPPLY CONTRACTS FOR CORPORATE HOUSING SITES

The Cabinet Member for Technical Services, Councillor Stanley, presented this report confirming that it was asking Cabinet to authorise extending the existing electrical supply contract by twelve months and to regularise authority for the previous agreement ending 31 March 2020. The proposed supply would from 1 April 2020 be generated exclusively from renewable sources.

The Cabinet

RESOLVED – That

- (1) The appointment of the Council's existing electricity supplier via a broker until 31 March 2020 be approved;
- (2) The renewal of the existing contract for an additional twelve months to 31 March 2021 be approved;
- (3) Retrospective delegated authority be given to the Group Head of Corporate Support to enter into the existing agreement; and
- (4) Delegated authority be given to the Group Head of Technical Services to enter into the renewal contract.

The Cabinet confirmed its decision as per Decision Notice C/040/090320, a copy of which is attached to the signed copy of the Minutes.

497. CORPORATE PLAN 2018-2022 - QUARTER TWO PERFORMANCE REPORT FOR THE PERIOD 1 JULY 2019 TO 30 SEPTEMBER 2019

The Deputy Leader of the Council and Cabinet Member for Corporate Support, Councillor Oppler, introduced this item confirming that the 2020 Vision programme was established to provide the strategic direction required to help the Council become a more effective and sustainable one and to enable it to meet future demands that were placed upon it. The three Council Priority themes and the 2020 Vision were outlined as:

1. Your services
2. Supporting you
3. Your future

Behind these priorities were a series of targets that were measurable and, ideally, in the control of the Council. These were the Corporate Plan indicators. Service targets (Service Delivery Plan indicators (SDP's)) sat beneath these corporate priorities to provide more detail about how the service was doing.

Performance of the indicators was reported to the Corporate Management Team every quarter and to the Overview Select Committee and Cabinet every six months and at year end.

The information within this report had been presented to the Overview Select Committee on 28 January 2020. The minutes from that meeting, and the recommendation needs to be considered by Cabinet at this meeting.

The Group Head of Policy then provided an overview of the report and confirmed that the indicator targets being reported were for 2019-20 not 2018-2022. There were 11 Corporate Plan Indicators and six of these were measured at Quarter four. A full commentary for each indicator had been provided in Appendix A to the report. It was explained that there was no data available for Indicator CP7 [Homelessness Applications where Homelessness is Prevented] because due to a change in how statistics were recorded as a result of the Homelessness Reduction Act, the percentage needed to be calculated on an annual basis rather than being measured quarterly. An indicator not achieving its target was CP11 [Household Waste Sent for Reuse, Recycling and Composting]. Whilst not achieving the 50% target figure for Q2, it was explained that this figure showed an increase of almost 1.26% on the rate at the corresponding period last year. This had mainly been attributed to a decrease in black bag waste taken to recycling centres whilst the tonnages for recycling and composting had remained similar to the previous year. It was noted that the target for this indicator had been increased from 40% to 50% for 2019/20 and it was expected that the target of 50% would be reached by the end of this year.

Indicator CP3 [Council Tax Collected] was over achieving its target at Q2. Customers now having the ability to pay their council tax over 12 months had helped. Targets CP6 [Time Taken to Process Housing Benefit/Council Tax Benefit New Claims], CP8 [Number of New Council Hoes Built or Purchased Per Annum] and CP10 [Total Rateable Business Value for the Arun District] were all over achieving their targets. The Group Head of Policy referred Cabinet to a recommendation from the Overview Select Committee at Minute 411 to amend the target figure for Indicator CP10 from £91m, to £99.138m with effect from Quarter 1 in 2020.

Finally, the Group Head of Policy confirmed that the Corporate Management Team (CMT) had provided their comments on the targets set out in the report and were happy that everything was working in the way that it should. It was therefore felt that no remedial action was required for all but one of the Corporate Plan Indicators at Q2 as most measured at this stage were either achieving or over achieving their target at this point in the year and the indicator that was not achieving was only just behind target with it being anticipated that it would be achieved by the end of the year.

Cabinet - 9.03.20

The Cabinet

RESOLVED – That

(1) The Council's Quarter Two performance against the targets for the Corporate Plan indicators as set out in this report and Appendix A attached to the report be noted; and

(2) The minutes from the meeting of the Overview Select Committee held on 28 January 2020, be noted.

The Cabinet

RECOMMEND TO FULL COUNCIL

That approval be given to amend the target figure for Indicator CP10 from £91m to £99m with effect from Quarter One in 2020.

The Cabinet confirmed its decision as per Decision Notice C/041/090320, a copy of which is attached to the signed copy of the Minutes.

498. SERVICE DELIVERY PLAN 2018-2022 - QUARTER TWO PERFORMANCE REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2019

The Deputy Leader of the Council and Cabinet Member for Corporate Support, Councillor Oppler, introduced this item and stated that as mentioned previously in the Corporate Plan report, the service targets were the Service Delivery Plan indicators which sat beneath the corporate priorities to provide more detail about how services were performing.

The Group Head of Policy confirmed that there were 23 Service Delivery Plan (SDP) Indicators and that 13 of these were measured at Q2. The full commentary for each indicator had been set out in Appendix A to the report showing that 9 had been categorised as overachieving their targets with one being categorised as achieving its target. There were two indicators that were behind target at Q2 and one which had not achieved its target being SPD 18 [Cost of Emergency Accommodation Per Annum (net)]. This indicator was being closely monitored by the Director of Services and it was outlined that the Council was aware of the situation due to the Supplementary Estimate that had been agreed by the Council on 15 January 2020.

The Group Head of Policy outlined that the Corporate Management Team (CMT) had provided their comments and believed that no remedial action was required at Q2 as most indicators were measured at Q2 were either overachieving or achieving their target at this point in the year. The two indicators that were behind target were only slightly behind and were largely out of the Council's control. An updated position would be provided at Q4.

In discussing the report, the Cabinet Member for Residential Services, Councillor Mrs Gregory, outlined that the additional staff for the housing service as approved by Council on 15 January 2020 would see numbers reduce quite quickly as this would allow staff to deal with families and individuals more quickly and so would hopefully shorten the term of those placed into emergency accommodation. This was not a situation common to just Arun, as every District in the country was experiencing the same homelessness issues.

The Cabinet Member for Technical Services, Councillor Stanley, outlined that he wished to highlight some points in relation to SPD Indicator 4 [Occupied Retail Units in Littlehampton] and SPD 5 [Occupied Retail Units in Bognor Regis]. In Bognor Regis he outlined that the work that had been undertaken had been stretched to include the wider Bognor Regis Business Improvement District (BID) area and that the place branding work had been very effective. A presentation had been made to the last meeting of the Bognor Regis Regeneration Sub-Committee to outline this and in acknowledging that the vacancy rates in Town Centres were at their highest ever. Councillor Stanley stated that it was important not to underestimate the impact of place branding and the messages going out. At Littlehampton it was important not to underestimate the impact of public realm and the positives that this would bring. Good quality public realm work showed that the Council had confidence in its High Streets, and this would attract investment into the area. The work that was taking place would support vacancy rates. This was endorsed by the Chairman who stated that he eagerly awaited the start of public realm work in Littlehampton and as this had been supported by a vast majority of the traders. He highlighted that the vacancy rates in both Bognor Regis and Littlehampton were a lot lower than most seaside towns in the South East which had upwards of around 30% vacancies.

The Cabinet

RESOLVED – That

- (1) the Council's Quarter Two Performance against the targets for the Service Delivery Plan (SDP) indicators as set out in this report and Appendix B be noted;
- (2) the minutes from the meeting of the Overview Select Committee held on 28 January 2020 be noted.

The Cabinet confirmed its decision as per Decision Notice C/042/090320, a copy of which is attached to the signed copy of the Minutes.

499. PUBLIC REALM PROJECTS IN BOGNOR REGIS - THE SUNKEN GARDENS AND PLACE ST MAUR

The Chairman presented this report and outlined that it was originally seeking approval for the design brief and procurement strategy for both the Sunken Gardens project and the public realm at Place St Maur in Bognor Regis. Further options for the

Cabinet - 9.03.20

Sunken Gardens were still being worked upon therefore the Place St Maur was the project which had been identified as a priority to be taken forward. The recommendations within the report would enable consultants to be procured to prepare enhancement proposals for the site. The Sunken Gardens project would be reported to a future Cabinet meeting due to the complexity of the site.

The Principal Landscape Officer was then invited to outline the key highlights of the report. She stated that the Place St Maur was an important public space in Bognor Regis and was situated in a key location lying adjacent to the seafront. At the moment the site was not fulfilling its potential and so it was planned to appoint a Consultant to enhance this area. Full details of the design brief had been set out in Appendix 1 of the report. This confirmed the strategic objectives which were to complete the enhanced public realm link between the seafront and the Town Centre; to create a high quality, welcoming space for visitors to spend time in; and to create a flexible venue for outdoor events. The proposed features were to enhance hard surfacing; provide areas of soft landscaping; water jets; seating; and flexible space to accommodate a variety of events. The Consultants appointed would be for the duration of the whole project including concept design; public consultation and overseeing the work on site. It was outlined that the construction procurement would be a separate exercise. The capital cost for delivering this project was anticipated to be in the region of £1.5m and there was no budget set aside for this work. It was proposed to vire £235k from the Sunken Gardens budget to enable the procurement of the consultants and survey work to be undertaken.

The Chairman commenced the debate on this item acknowledging that the site, as it stood now, was untidy and unkept and was an uninspiring open space. He also outlined that any work undertaken on the Place St Maur would not be allowed to impact discussions taking place on the remainder of the Regis Centre site.

The views put forward by Cabinet were that the Place St Maur was well overdue a makeover given its key location. The objective to provide a flexible venue for outdoor events was especially welcomed and all were in favour of the provision of water jets. It was agreed that the project would provide a welcome addition for tourists visiting Bognor Regis to enjoy and in the right location. It was acknowledged that with the Christmas Ice Rink, the redeveloped site had the potential to be a real draw for the community and would provide the key link between the seafront and the rest of the Town. This was vital from an economic perspective and was a hugely exciting project. A request was made to consider adding coloured lighting to the proposed features.

The Chairman confirmed that Councillor Gunner had requested to speak, and this was approved by Cabinet. Councillor Gunner stated that he was pleased that this project was progressing but referred to the section of the project brief outlining stakeholder needs stating that the Council needed to be more collaborative in terms of the way it made decisions. He felt that this item should have been reported first to the Bognor Regis Regeneration Sub-Committee and he asked how other Members of the Council would be able to contribute to such an important item. It was outlined by the

Director of Services that the brief did detail the expected programme for the project and showed that there would be a full public consultation exercise which everyone would be welcome to take part in ensuring that an open and inclusive consultation exercise would be undertaken. The Chairman agreed and stated that he was sure that as the project developed reports would be submitted to the Bognor Regis Regeneration Sub-Committee and the Bognor Regis BID, the project brief had also set out when the Consultant would be required to report and update Members on each stage of the project.

The Cabinet

RECOMMEND TO FULL COUNCIL – That

- (1) the design brief for public realm improvement at Place St Maur, Bognor Regis be approved which will form the basis of the tender process for the project;
- (2) delegated authority be given to the Director of Services to procure consultants to undertake RIBA Stages 0-7 to enable the delivery of the Place St Maur project;
- (3) subject to the approval of Recommendation (2) above, funding of up to £235k be vired from the Sunken Gardens project to this project for the associated project costs;
- (4) enhancement proposals for Place St Maur are prepared for public consultation; and
- (5) these new proposals rescind all previous decisions taken on the Hothampton site.

The Cabinet confirmed its decision as per Decision Notice C/043/090320, a copy of which is attached to the signed copy of the Minutes.

500. REVIEW OF PLANNING SERVICES

The Chief Executive introduced this report stating that the Planning Service was a high profile important statutory function of the Council and so it was important to ensure that the service was fit for the future to meet both statutory requirements and to support strategic priorities and objectives.

The Chief Executive highlighted that the Development Control Committee had recently had a hiatus of issues, partly around the lack of acceptance of the Local Plan Strategic Sites and with the Planning section struggling to secure sufficiently experienced planning officers. A comprehensive review of the Planning service was therefore planned to confirm whether the Council's planning procedures were fully

Cabinet - 9.03.20

effective; legitimate and up to date. The areas that the review would focus on and cover had been outlined in sections 1.5 and 1.6 of the report.

The Chief Executive outlined that the specification for the work had been agreed with the Leader and Deputy Leader of the Council; the Cabinet Member for Planning; and the Chairman of the Development Control Committee. The recruitment process for suitable consultants was explained. The Chief Executive and the Cabinet Member for Planning, Councillor Lury, had interviewed two consultants on 31 January 2020 and one had been selected as the preferred consultant to undertake this review. The Chief Executive had used his delegated authority to engage the selected consultant's services in line with the Constitution and retrospective approval by noting the action taken was now needed from Cabinet so that the review could proceed.

In debating the item, Councillor Lury confirmed that he fully supported this process in view of the great challenges lying ahead for the service.

The Chairman confirmed that there were several Councillors in the Public Gallery who had indicated that they wished to speak. Cabinet approved this.

The points made were why was this review happening when an LGA Peer Review of the Planning Service had been undertaken only in 2018. It was felt that another review was a hasty action to take, particularly as the Council would be moving to a Committee structure in 2021. The Chief Executive responded stating that the request for the review had been driven by Officers. It was also acknowledged that not all the recommendations from the Peer Review had been implemented. The review would also address issues that Members were fully aware of such as vacancy management; and the quality of decision making. Waiting until after the Committee system was in place would be too long to wait.

The Cabinet

#### RESOLVED

That the delegated authority by the Chief Executive for the procurement of external consultancy services for the sum of approximately £40,000 (plus expenses) be noted in order to conduct an independent review of the Planning Service.

The Cabinet confirmed its decision as per Decision Notice C/044/090320, a copy of which is attached to the signed copy of the Minutes.

501. POP UP RETAIL PROJECT - BOGNOR REGIS AND LITTLEHAMPTON

The Group Head of Economy presented this report which proposed to provide Pop-Up Retail space in Bognor Regis and Littlehampton. It was outlined that this report followed on from the Innovating High Streets item that Cabinet had approved in the latter part of 2019. As both Towns were struggling with vacant units there was a need to find a way to respond to this. The initiative of providing pop-up retail space was a way of assisting the crisis in the High Street. It was explained that this would operate on a short-term basis with the exact maximum term to be agreed, to allow businesses to market test their product, or where they already had this confidence, to give them a start with High street trading. The report before Members provided an outline to this new project and sought agreement to proceed with it.

The report identified a vacant unit in Bognor Regis and Littlehampton and sought agreement to enter negotiations to take up leases to allow the project to proceed. It was explained that in respect of the lease proposals for Littlehampton, further negotiations needed to take place and so the premises highlighted in the report could not be confirmed yet. In view of this, a slight amendment was proposed to Recommendation 4 to now read as follows:

“Agree to enter into negotiations to take a lease, at a competitive price, on an appropriate property in Littlehampton, with delegated authority being given to the Leader of the Council and Cabinet Member for Economy in conjunction with the Director of Place to approve this”.

The Chairman outlined that he fully supported this project and that it would help revitalise the District's High Streets at a time of experiencing challenging economic conditions. The scheme would help new start-up retail businesses test their viability and have a foothold in a retail property. Councillor Dr Walsh stated that he believed this intervention would bring more economic activity to the District's Town Centres and would support local entrepreneurs.

Cabinet fully supported this project and referred to some of the discussion that had taken place earlier in the meeting on shop premises vacancy rates in both Towns. The Chairman confirmed that there were Members in the Public Gallery that had indicated a wish to speak on this item. Cabinet approved this.

Those speaking welcomed this proposal but asked if Unit 10 in the Bognor Regis Arcade would be rented or used on a rent-free basis. It was explained that funding for this project had been allocated by Cabinet on 7 October 2019 but that the project was dependent upon income which was difficult to estimate. The set-up costs had been outlined in the report and it was stated that the Council needed to focus on the retention of businesses not just the start-up of them. Rent would be paid as part of the business plan for the Arcade. Questions were asked in terms of what the measures of success would be for this project? The Group Head of Economy outlined that as the project moved forward, the measures of success would be moving small start-up businesses into their own premises and then occupying these for a reasonable amount of time.

Cabinet - 9.03.20

## The Cabinet

### RESOLVED – That

- (1) the contents of the report be noted;
- (2) the funding set aside in the 2020/21 Budget for “New Start Up Business Town Centre Fund” be used for this project instead;
- (3) the use of Unit 10 Bognor Regis Arcade for the project be noted;
- (4) agreement be given to enter negotiations to take a lease, at a competitive price, on an appropriate property in Littlehampton, with delegated authority being given to the Leader of the Council and Cabinet Member for Economy in conjunction with the Director of Place to approve this; and
- (5) authority is delegated to the Leader of the Council and Cabinet Member for Economy and the Director of Place to determine the details of the scheme.

The Cabinet confirmed its decision as per Decision Notice C/045/090320, a copy of which is attached to the signed copy of the Minutes.

## 502. JOINT AREA COMMITTEES

The Cabinet received and noted the Minutes of the meetings of the Joint Area Committees as follows: -

- (1) Joint Eastern Arun Area Committee – 5 November 2019; and
- (2) Joint Western Arun Area Committee – 27 November 2019

## 503. OVERVIEW SELECT COMMITTEE - 28 JANUARY 2020

It was noted that Cabinet had already considered and approved the recommendation from the Overview Select Committee as part of the Agenda item on the Corporate Plan Quarter Two Performance Reports for the period 1 July to 30 September 2019 – this being Minute 411 - Corporate Plan 2018-2022 – Q2 Performance Outturn Report for the period 1 April 2019 to 30 September 2019

504. HOUSING & CUSTOMER SERVICES WORKING GROUP - 6 FEBRUARY 2020

The Chairman invited the relevant Cabinet Members to introduce the recommendations from the Minutes of the meeting of the Housing & Customer Services Working Group held on 6 February 2020 – these had been circulated to the meeting.

The first recommendation was at Minute 12 [Asbestos Policy and Management Plan] which would ensure that the Council was able to meet the regulations and requirements set out in the Control of Asbestos Regulations 2012.

The Cabinet

RESOLVED - That

- (1) The Asbestos Policy 2020 be adopted;
- (2) The Asbestos Management Plan be adopted;
- (3) Delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the Policy and Plan.

The next set of recommendations were at Minute 13 [Tenancy & Lettings Policy] where it had been explained that the Policy presented had been an amalgamation of the previous Tenancy Policy 2012 and Introductory Tenancy Policy 2016. The main driver of the introduction of flexible fixed term tenancies had been to improve better use of housing stock.

The Cabinet

RESOLVED – That

- (1) The Tenancy and Lettings Policy April 2020 be adopted;
- (2) All current flexible tenancies be converted to secure lifetime tenancies from April 2020;
- (3) Delegated authority be given to the Group Head of Residential Services to make minor changes to the Policy.

The next set of recommendations were at Minute 14 [Pets Policy] where approval was sought to adopt a Pets Policy in respect of the management of the Council's tenancies.

Cabinet - 9.03.20

The Cabinet

RESOLVED – That

- (1) The Pets Policy April 2020 be adopted; and
- (2) Delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the Policy.

The next recommendations were at Minute 15 [Empty Homes Update] which sought approval to adopt an updated Enforced Sale Procedure and use of existing funds. Councillor Stanley provided a brief update on the work that had been undertaken in bringing empty homes back into use as a result of the Empty Homes Strategy which had been adopted by Cabinet in 2018 and he applauded the work of the Council's Empty Homes Officer who had just secured the Empty Homes Practitioner of the Year Award.

The Cabinet

RESOLVED – That

- (1) The updated Enforced Sale Procedure be noted; and
- (2) Delegated authority be given to the Group Head of Technical Services to make changes to the end Enforced Sale Procedure, with a review to take place by the end of 2022; and
- (3) Approval of the use of existing revenue funds identified below for Empty Homes Assistance Programme with any unspent funds to be earmarked at the end of the financial year for:
  - (a) £66k currently earmarked for Empty Homes
  - (b) Unspent receipts from discretionary housing grants repayments (current balance £20k)
  - (c) Unspent receipts up to £44k from disability facilities grant repayments.

Finally, Cabinet was alerted to the last set of recommendations at Minute 16 [Energy Efficiency Strategy].

The Cabinet

RESOLVED

That the Energy Efficiency and Fuel Poverty Strategy 2020-2025 be adopted.

The Cabinet confirmed its decision as per Decision Notice C/047/090320, a copy of which is attached to the signed copy of the Minutes.

505. ENVIRONMENT & LEISURE WORKING GROUP - 27 FEBRUARY 2020

The Chairman alerted Members to the Minutes of the Environment & Leisure Working Group held on 27 February 2020, which were circulated to the meeting. These also contained recommendations for Cabinet to consider.

The first was at Minute 16 [Cemeteries Policy] which sought approval for the Council to adopt the proposed Cemeteries Regulations and Procedures from 1 April 2020.

The Cabinet

RESOLVED – That

- (1) From 1 April 2020 Arun District Council adopts the proposed Cemeteries Regulations and all procedures as outlined in the report; #
- (2) The new associated fees & charges as outlined in the report are approved for implementation from April 2020;
- (3) The service enhancements & projects identified within the report are endorsed and where appropriate, delivery will be considered as part of the Council's future annual budget setting;
- (4) Future changes and amendments to the regulations, procedures and fees & charges, can be made in consultation with the Cabinet Member with delegated responsibility for Cemeteries;
- (5) Within 12 months following the Council's adoption of these regulations, the Cemeteries Service shall submit to the ICCM a request for Arun, as a burial authority, to become a member of the Charter for the Bereaved, which further enhances the Council's reputation as a modern, compassionate, lawfully and legally complaint Cemeteries Service provider.

Cabinet - 9.03.20

The Cabinet was then alerted to final recommendations at Minute 17 [Enforcement Contract Update] where the Council was being asked to approve extending its existing agreement with East Hampshire District Council for a further two years from 15 May 2020 to 14 May 2021 which would allow for the continued enforcement and educational patrols to continue against dog fouling, breaches of dog controls and other littering offences.

The Cabinet

RESOLVED – That

- (1) The agency agreement with East Hampshire District Council is extended for a further two years from 15 May 2020 until 14 May 2022;
- (2) The charging model of the agreement is amended, as outlined in the report, in order to provide the Council with greater flexibility and options for additional targeted enforcement activities.

The Cabinet confirmed its decision as per Decision Notice C/048/090320, a copy of which is attached to the signed copy of the Minutes.

506. LITTLEHAMPTON HARBOUR BOARD [EXEMPT PARAGRAPHS 5 & 6 - INFORMATION RELATING TO LEGAL PROCEEDINGS AND ENACTMENT]

The Chairman introduced this report stating that the Littlehampton Harbour Board (LHB) was proposing changes to its governance through a Littlehampton Revision Order (LRO).

The proposed changes would significantly reduce this Council's and West Sussex County Council's representation on the LHB, which in turn would significantly decrease the two Council's influence over the LHB. It was outlined that both Councils would have the opportunity to make formal representations on the LHB's HRO during the statutory consultation period when this commenced in due course.

The report presented, considered the draft LHB HRO and options available to the Council. As highlighted earlier, the Chairman confirmed that this was an urgent report which was being taken in accordance with Part 3 (Responsibility for Functions), Section 2.0, Paragraph 2.3 of the Council's Constitution. The circumstances for presenting this report as a matter of special urgency were because it would be helpful if the Councils wished to proceed with any alternative options, for these to be discussed now, prior to the validation of the LHB's application. The LHB was keen to avoid its HRO application being unnecessarily delayed and so a short time period had been provided for the Councils to consider their options at this stage.

As this was a key decision, the agreement of the Chairman of the Overview Select Committee, Councillor Coster, had been sought and he had agreed to this report being presented along with the reasons for its urgency. It was outlined that as this was being dealt with as an item of special urgency, the report had been published with less notice than the 'five clear days' and the call-in arrangements therefore did not apply.

It was highlighted that the reasons for presenting this item were largely financial. The Littlehampton Harbour Board was a unique piece of legislation which stated that the Council and West Sussex County Council shared any yearly deficit on a 50/50 basis. The cost to this Council in recent years were outlined and it was confirmed that this Council's share of the 2020/21 budget would be approximately £142k. The LHB's plans to change the democratic arrangement by reducing the Local Authority representatives to 2 had been highlighted earlier in terms of the impacts this would have. Further background information surrounding the LHB's proposed changes to its governance and changes to funding were explained. The options available to the Council were also highlighted as well as the costs involved.

In view of the options available to the Council, which were fully supported by the Cabinet, it was agreed that a further report would be brought to Cabinet during the statutory consultation period on the LHB HRO so that Cabinet could provide the Council's formal consultation response. The representations to possibly consider were outlined and the Chief Executive explained that if needed he would use his delegated authority as the Responsible Officer. This would be in line with Paragraph 5.2 of Part 6 (Contract Standing Orders) of the Council's Constitution.

The Chief Executive outlined that there were no conflicts of interest in considering this report, the resignations of Councillor Dr Walsh [as a West Sussex County Council nominated representative] and the Director of Place [as a District Council nominated representative] of the LHB had been confirmed.

The Cabinet

RESOLVED – That

- (1) A further report be brought back to Cabinet to consider representations to be made in response to a statutory consultation on Littlehampton Harbour Board's Harbour Revision Order; and
- (2) The Council make a formal proposal to West Sussex County Council for the two Councils to explore jointly commissioning an options appraisal.

The Cabinet confirmed its decision as per Decision Notice C/049/090320, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 6.38 pm)

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**ARUN DISTRICT COUNCIL**

**DECISION NOTICES FROM THE MEETING HELD ON  
MONDAY 9 MARCH 2020**

<b>REF NO.</b>	<b>DECISION</b>

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00  
A.M. ON 2020 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

**REFERENCE NO:**  
**C/039/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 16.00 OF THE SCRUTINY PROCEDURE RULES</b>	<b>YES</b>
<b>SUBJECT:</b> Urgent Business - A27 Arundel By-Pass Consultation February 2020	
<b>OFFICER CONTACT:</b> Nigel Lynn - Chief Executive	

**EXECUTIVE SUMMARY:**

This urgent report is presented at the request of the Leader, Councillor Dr Walsh, so the Cabinet can be updated on the actions taken to respond to the most recent consultation on the A27 Arundel Bypass.

In accordance with Part 3 (Responsibility for Functions) Section 2.0, Paragraph 2.3 of the Council's Constitution, the Cabinet may consider items of an urgent nature where special circumstances apply. The circumstances for presenting this report as a matter urgency are to ensure that Members are aware of the response made by the Leader of the Council and the Chief Executive to the most recent consultation on the A27 Arundel Bypass. As this is a key decision, the agreement of the Chairman of the Overview Select Committee, Councillor Coster, has been sought and he has agreed to this report and the reason for its urgency. As this will be dealt with as an urgent matter, under special urgency, the report is being published with less notice than the 'five clear days' and will not be subject to the Call-In procedure as set out in the Scrutiny Procedure Rules at Part 6 of the Council's Constitution.

The report provides the background to the consultation by Highways England on a set of corrections to the revised 'A27 Bypass – Further Consultation Brochure', published in September 2019. It explains the urgency of the decision and the reason for the response given by the Leader of the Council to Highways England.

**DECISION:**

The Cabinet

**RESOLVED**

The action taken by the Leader of the Council, Councillor Dr Walsh, on 2 March 2020, as set out in the report, be endorsed in reconfirming the Council's decision on its preferred route for the proposed A27 Arundel by-Pass as agreed at the Special Meeting of the Council held on 10 October 2019.

**REASON FOR THE DECISION:**

This urgent decision was needed to comply with Highways England's consultation period.

**OPTIONS CONSIDERED BUT REJECTED:**

No other options to consider.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:**



**REFERENCE NO:**  
**C/040/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.00/16.00 OF THE SCRUTINY PROCEDURE RULES</b>		NO
<b>SUBJECT:</b> EXTENSION OF EXISTING ELECTRICAL SUPPLY CONTRACTS FOR CORPORATE HOUSING SITES		
<b>OFFICER CONTACT:</b> Lloyd Willson, Senior Surveyor (Property & Estates) Tel: 01903 737527 lloyd.willson@arun.gov.uk		

**EXECUTIVE SUMMARY:**

To extend the existing electrical supply contract by 12 months and regularise authority for previous agreement ending 31 March 2020.

**DECISION:**

The Cabinet

RESOLVED – That

- (1) The appointment of the Council's existing electricity supplier via a Broker until 31 March 2020 be approved;
- (2) The renewal of the existing contract for an additional twelve months to 31 March 2021 be approved;
- (3) Retrospective delegated authority be given to the Group Head of Corporate Support to enter into the existing agreement; and
- (4) Delegated authority be given to the Group Head of Technical Services to enter into the renewal contract.

**REASON FOR THE DECISION:**

To ensure the Council continues to pay the most advantageous unit price for its electricity supply to Corporate and Housing sites. If the contract is not renewed, the Council will also pay additional charges for billing and standing charges.

**OPTIONS CONSIDERED BUT REJECTED:**

Not to renew the existing agreement and procure a new contract. This is not achievable by 31 March 2020 and standard variable rates would be applied.

To take no action and run the risk of variable rate supply which will be more expensive than an agreed contract rate.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:**

**REFERENCE NO:**  
**C/041/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> CORPORATE PLAN 2018-2022 - QUARTER TWO PERFORMANCE REPORT FOR THE PERIOD 1 JULY 2019 TO 30 SEPTEMBER 2019	
<b>OFFICER CONTACT:</b> Jackie Follis, Group Head of Policy - <b>01903 737580</b> jackie.follis@arun.gov.uk	

**EXECUTIVE SUMMARY:**

This report sets out the Q2 performance outturn for the Corporate Plan performance indicators for the period 1 July 2019 to 30 September 2019.

**DECISION:**

Cabinet

RESOLVED – That

- (1) The Council's Q2 performance against the targets for the Corporate Plan indicators as set out in the report and Appendix A; be noted; and
- (2) The minutes from Overview Select Committee on 28 January 2020 and associated comments and queries, be noted;

Cabinet also

RECOMMEND TO FULL COUNCIL

That approval be given to amend the target figure for indicator CP10 from £91m to £99m be approved with effect from Q1 2020.

**REASON FOR THE DECISION:**

In order for Cabinet to be updated with the Q2 Performance Outturn for the Corporate Plan for the period 1 July 2019 to 30 September 2019 and to support the recommendation to amend the target figure for indicator CP10 from £91m to £99m with effect from Q1 2020.

**OPTIONS CONSIDERED BUT REJECTED:**

To request further information and/or remedial actions be undertaken.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S)  
RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN  
RESPECT OF THIS DECISION:**

**REFERENCE NO:**  
**C/042/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> SERVICE DELIVERY PLAN 2018-2022 - QUARTER TWO PERFORMANCE REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2019	
<b>OFFICER CONTACT:</b> Jackie Follis – Group Head of Policy <b>Tel:</b> 01903 737580 <b>Jackie.follis@arun.gov.uk</b>	

**EXECUTIVE SUMMARY:**

This report sets out the Q2 performance outturn for the Service Delivery Plan (SDP) performance indicators for the period 1 July 2019 to 30 September 2019.

**DECISION:**

Cabinet

RESOLVED – That

- (1) The Council's Q2 performance against the targets for the Service Delivery Plan (SDP) indicators, as set out in the report and Appendix B, be noted; and
- (2) The Minutes from Overview Select Committee on 28 January 2020 and associated comments and queries, be noted.

**REASON FOR THE DECISION:**

In order for Cabinet to be updated with the Q2 Performance Outturn for the Service Delivery Plan indicators for the period 1 July 2019 to 30 September 2019.

**OPTIONS CONSIDERED BUT REJECTED:**

To request further information and/or remedial actions be undertaken.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S)  
RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN  
RESPECT OF THIS DECISION:**

**REFERENCE NO:**  
**C/043/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>		<b>NO</b>
<b>SUBJECT:</b>	PUBLIC REALM PROJECTS IN BOGNOR REGIS - THE SUNKEN GARDENS AND PLACE ST MAUR	
<b>OFFICER CONTACT:</b>	Philippa Dart – Director of Services	
<b>Tel:</b>	01903 737811	
	<a href="mailto:Philippa.dart@arun.gov.uk">Philippa.dart@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:**

This report seeks approval for the design brief and procurement strategy for the Sunken Gardens project and the public realm at Place St Maur, Bognor Regis.

**DECISION:**

Cabinet

RECOMMEND TO FULL COUNCIL – That

- (1) The design brief for public realm improvements at Place St Maur, Bognor Regis, be approved which will form the basis of the tender process for the project;
- (2) Delegated authority be given to the Director of Services to procure consultants to undertake RIBA stages 0-7 to enable the delivery of the Place St Maur project;
- (3) Subject to approval of recommendation (2), funding of up to £235k be vired from the Sunken Gardens project to this project for the associated project cost;
- (4) Enhancement proposals for Place St Maur be prepared for public consultation; and
- (5) These new proposals rescind all previous decisions taken on the Hothampton site.

**REASON FOR THE DECISION:**

To progress enhancement plans for the Place St Maur site.

**OPTIONS CONSIDERED BUT REJECTED:**

To not approve the recommendations and to propose an alternative direction for these projects.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:**

REFERENCE NO:  
C/044/090320

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>	NO
<b>SUBJECT:</b> REVIEW OF PLANNING SERVICES	
<b>OFFICER CONTACT:</b> Nigel Lynn – Chief Executive <b>Tel:</b> 01903 737600 <a href="mailto:Nigel.Lynn@arun.gov.uk">Nigel.Lynn@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:**

The report sets out the detail of the procurement of an external consultant to undertake an independent review of the Planning Service.

**DECISION:**

Cabinet

**RESOLVED**

That the delegated authority by the Chief Executive for the procurement of external consultancy services for the sum of approximately £40,000 (plus expenses) in order to conduct an independent review of the Planning Service, be noted.

**REASON FOR THE DECISION:**

It is important that the Council ensures that the Planning Service is fit for the future to meet both statutory requirements and to support strategic priorities and objectives.

**OPTIONS CONSIDERED BUT REJECTED:**

No options were considered as the Chief Executive has delegated authority to make this decision within the Council's Constitution, so Members are only asked to note the decision made, in consultation with the Leader of the Council and Portfolio Holder for Planning.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S)  
RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN  
RESPECT OF THIS DECISION:**

**REFERENCE NO:**  
**C/045/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> POP UP RETAIL PROJECT - BOGNOR REGIS AND LITTLEHAMPTON	
<b>OFFICER CONTACT:</b> Denise Vine – Group Head of Economy <b>Tel:</b> 01903 737845 <a href="mailto:Denise.vine@arun.gov.uk">Denise.vine@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:**

The project proposes to provide Pop Up Retail space in Bognor Regis and Littlehampton. This would be available on a short-term basis, the exact maximum term to be agreed, to allow businesses to market test their product or, where they already have this confidence, to give them a start with High street Trading. This report provides an outline and asks Cabinet to agree this project.

**DECISION:**

Cabinet

RESOLVED – That

- (1) The contents of the report be noted;
- (2) Funding set aside in the 2020/21 budget for “New Start Up Business Town Centre Fund” be used for this project instead;
- (3) The use of Unit 10 Bognor Regis Arcade for the project be noted;
- (4) Agreement be given to enter into negotiations to take a lease, at a competitive price, on an appropriate property in Littlehampton, with delegated authority being given to the Leader of the Council and the Cabinet Member for Economy; in conjunction with the Director of Place to approve this.
- (5) Authority be delegated to the Director of Place, in consultation with the Leader of the Council and the Cabinet Member for Economy, to determine the details of the scheme.

**REASON FOR THE DECISION:**

To bring additional footfall to shopping areas in Bognor Regis and Littlehampton and allow potential new retailers to experience ‘High Street’ trading.

**OPTIONS CONSIDERED BUT REJECTED:**

To not agree the report and project.

To agree to go ahead with either the Bognor Regis or Littlehampton project.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:**

**REFERENCE NO:**  
**C/046/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> OVERVIEW SELECT COMMITTEE - 28 JANUARY 2020	
<b>OFFICER CONTACT:</b> Jackie Follis – Group Head of Economy <b>Tel:</b> 01903 737580 <b>Jackie.follis@arun.gov.uk</b>	

**EXECUTIVE SUMMARY:**

The Minutes of the meeting of the Overview Select Committee held on 28 January 2020 included a recommendation to Cabinet at Minute 411 Corporate Plan 2018-2022 – Q2 Performance Outturn Report for the period 1 April 2019 – 30 September 2019.

**DECISION:**

It was noted that Cabinet considered and approved the recommendation from the Overview Select Committee as part of the Agenda item on the Corporate Plan Quarter Two Performance Reports for the period 1 July to 30 September 2019 – this being Minute 411 - Corporate Plan 2018-2022 – Q2 Performance Outturn Report for the period 1 April 2019 to 30 September 2019.

**REASON FOR THE DECISION:**

To endorse the recommendation put forward by the Overview Select Committee.

**OPTIONS CONSIDERED BUT REJECTED:**

To not agree the recommendation of the Overview Select Committee.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S)  
RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN  
RESPECT OF THIS DECISION:**

**REFERENCE NO:**  
**C/047/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>		NO
<b>SUBJECT:</b>	HOUSING & CUSTOMER SERVICES WORKING GROUP - 6 FEBRUARY 2020	
<b>OFFICER CONTACT:</b>	Committee Manager – Carley Lavender <a href="mailto:Carley.lavender@arun.gov.uk">Carley.lavender@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:**

The Cabinet considered the Minutes of the meeting of the Housing & Customer Services Working Group held on 6 February 2020 which contained recommendations at Minute 12 Asbestos Policy & Management Plan; Minute 13 Tenancy & Lettings Policy; Minute 14 Pets Policy; Minute 15 Empty Homes Update; and Minute 16 Energy Efficiency Strategy.

**DECISION:**

Cabinet

RESOLVED – That

**Minute 12 – Asbestos Policy & Management Plan**

- (1) The Asbestos Policy 2020 be adopted;
- (2) The Asbestos Management Plan be adopted;
- (3) Authority be delegated to the Group Head of Residential Services, in consultation with the Cabinet Member for Residential Services, to make minor changes to the Policy and Plan.

**Minute 13 – Tenancy & Letting Policy**

- (1) The Tenancy & Letting Policy April 2020 be adopted;
- (2) All current flexible tenancies be converted to secure lifetime tenancies from April 2020; and
- (3) Authority be delegated to the Group Head of Residential services in consultation with the Cabinet Member for Residential services, to make minor changes to the Policy.

**Minute 14 – Pets Policy**

- (1) The Pets Policy April 2020 be adopted;
- (2) Authority be delegated to the Group Head of Residential services, in consultation with the Cabinet Member for Residential Services, to make minor changes to the Policy.

**Minute 15 – Empty Homes Update**

- (1) The updated enforced Sale Procedure be adopted;

- (2) Authority be delegated to the Group Head of Technical Services to make changes to the Enforced Sale Procedure with a review to take place by the end of 2022; and
- (3) Approval of the use of existing revenue funds identified below for Empty Homes Assistant Programme with any unspent funds to be earmarked at the end of the financial year:
- a. £66k currently earmarked for Empty Homes;
  - b. Unspent receipts from discretionary housing grants repayments (current balance £20k)
  - c. Unspent receipts up to £44k from disability facilities grant repayments

### **Minute 16 – Energy Efficiency Strategy**

The Energy Efficiency and Fuel Poverty Strategy 2020-2025 be adopted.

#### **REASON FOR THE DECISION:**

To endorse the recommendations put forward by the Housing & Customer Services Working Party.

#### **OPTIONS CONSIDERED BUT REJECTED:**

To not endorse the recommendations of the Housing & Customer Services Working Party.

#### **CABINET MEMBER(S):**

#### **DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

None

#### **DISPENSATIONS GRANTED :**

N/A

#### **CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:**

**REFERENCE NO:**  
**C/048/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>		<b>NO</b>
<b>SUBJECT:</b>	<b>ENVIRONMENT &amp; LEISURE WORKING GROUP - 27 FEBRUARY 2020</b>	
<b>OFFICER CONTACT:</b>	<b>Committee Manager – Carley Lavender</b> <b>Carley.lavender@arun.gov.uk</b>	

**EXECUTIVE SUMMARY:**

To consider the recommendations included in the Minutes of the meeting of the Environment & Leisure Working Group held on 27 February 2020.

**DECISION:**

The Cabinet

RESOLVED – That

**Minute 16 – Cemeteries Policy**

- (1) From 1 April 2020 Arun District Council does adopt the proposed Cemeteries Regulations and all procedures as outlined in this report;
- (2) The new associated fees & charges as outlined in the report are approved for implementation from April 2020;
- (3) The service enhancements & projects identified within the report are endorsed and where appropriate, delivery will be considered as part of the Council's future annual budget setting;
- (4) Future changes and amendments to the regulations, procedures and fees & charges, can be made in consultation with the Cabinet Member with delegated responsibility for Cemeteries; and
- (5) Within 12 months following the Council's adoption of these regulations, the Cemeteries Service shall submit to the ICCM a request for Arun, as a burial authority, to become a member of the Charter for the Bereaved, which further enhances the Council's reputation as a modern, compassionate, lawfully and legally compliant Cemeteries Service provider.

**Minute 17 – Enforcement Contract Update**

- 1) the agency agreement with East Hampshire District Council is extended for a further two years from 15 May 2020 until 14 May 2022;
- 2) the charging model of the agreement is amended, as outlined in the report. This is in order to provide Arun District Council with greater flexibility and options for additional targeted enforcement activities.

**REASON FOR THE DECISION:**

To endorse the recommendations of the Environment & Leisure Working Group.

**OPTIONS CONSIDERED BUT REJECTED:**

To not endorse the recommendations of the Environment & Leisure Working Group.

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

**REFERENCE NO:**  
**C/049/090320**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 15.0/16.0 OF THE SCRUTINY PROCEDURE RULES</b>		<b>YES</b>
<b>SUBJECT:</b>	LITTLEHAMPTON HARBOUR BOARD [EXEMPT PARAGRAPHS 5 & 6 - INFORMATION RELATING TO LEGAL PROCEEDINGS AND ENACTMENT]	
<b>OFFICER CONTACT:</b> Nigel Lynn – Chief Executive <b>Tel: 01903 737600</b> <a href="mailto:Nigel.lynn@arun.gov.uk">Nigel.lynn@arun.gov.uk</a>		

**EXECUTIVE SUMMARY:**

Littlehampton Harbour Board (LHB) is proposing changes to its governance through a Harbour Revision Order (HRO). The proposed changes will significantly reduce Arun District Council's and West Sussex County Council's representation on the LHB, which in turn would substantially decrease the two Council's influence over the LHB. Despite this proposal, there are no changes proposed to remove, reduce or cap the two Councils financial liability to fund the harbour. Both Councils will have an opportunity to make formal representations on LHB HRO during the statutory consultation period when this commences in due course.

This report considers the draft LHB HRO and options available to the Council.

This is an urgent report which is being taken in accordance with Part 3 (Responsibility for Functions) Section 2.0 Paragraph 2.3 of the Council's Constitution, the Cabinet may consider items of an urgent nature where special circumstances apply.

The circumstances for presenting this report as a matter of urgency are because it would be helpful if the Councils wish to proceed with any alternative options, for these to be discussed now, prior to the validation of LHB's application. LHB are keen to avoid their HRO being unnecessarily delayed, so a short time period has been provided for the Councils to consider their options at this stage.

As this is a key decision, the agreement of the Chairman of the Overview Select Committee, Councillor Coster, has been sought and he has agreed to this report and the reason for its urgency.

As this will be dealt with as an urgent matter, the report is being published with less notice than the 'five clear days' and the call-in arrangements will not apply.

**DECISION:**

Cabinet

RESOLVED – That

- 1) A further report to be brought to Cabinet to consider representations to be made in response to a statutory consultation on Littlehampton Harbour Board's Harbour Revision Order; and
- 2) The Council makes a formal proposal to West Sussex County Council for the two Councils to explore jointly commissioning an options appraisal.

As this was an Urgent Decision taken in line with the Constitution, this decision is not subject to the Call-In Procedure at Part 6 of the Constitution.

<b>REASON FOR THE DECISION:</b> To consider the implications of the report.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> To consider the options open to the Council.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	N/A
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b>	



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# Public Document Pack Agenda Item 27

Subject to approval at the next Overview Select Committee meeting

393

## OVERVIEW SELECT COMMITTEE

10 March 2020 at 6.00 pm

Present: Councillors Coster (Chairman), Clayden (Vice-Chair), Bicknell, B Blanchard-Cooper, Mrs Catterson, Dendle, Elkins, English, Huntley, Miss Needs, Tilbrook, Mrs Worne, Batley (Substitute for Bennett) and Mrs Staniforth (Substitute for Miss Seex)

### 507. WELCOME

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

### 508. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Bennett, Miss Rhodes and Miss Seex and also from the Leader of the Council, Councillor Dr Walsh, the Cabinet Member for Neighbourhood Services, Councillor Purchase and the Cabinet Member for Residential Services, Councillor Lury.

### 509. DECLARATIONS OF INTEREST

Councillor B Blanchard-Cooper declared a Personal Interest in Agenda Item 5 [Greenspace Management Contract] in his capacity as Chairman of the Friends of Mewsbrook Park.

### 510. MINUTES

The Minutes from the meeting of the Committee held on 28 January 2020 were approved by the Committee as a correct record and signed by the Chairman, subject to the following amendments:-

Minute 411 [Corporate Plan 2018-2022 – Q2 Performance Outturn Report for the Period 1 April to 30 September 2019] – that the following question from Councillor Dendle be added to the list of questions asked “I ask the Leader of the Council to supply details of what initiatives/special reductions had been offered to new tenants (Business Rate Payers) in the District to enable them to pay business rates and take on currently empty business properties; and

On the same minute a request had been received from Councillor Purchase to change part of the minute in relation to Indicator CP11 – “would the food trial include the recycling of nappies? Councillor Purchase explained that the trial would include all “smelly” waste including hygiene products, not just food” – the request had been to change the word **all ‘smelly’ waste** to **as much ‘smelly waste’**.

There were Members of the Committee who did not agree with this request to change the accuracy of the minutes and having put this request to the vote it was declared LOST.

The Minutes were then approved with the addition of Councillor Dendle's question outlined above.

511. ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

In line with Constitutional requirements, the Chairman confirmed that two urgent key decisions had been presented to Cabinet on 9 March 2020 and that he wished to confirm to the Committee that he had given his agreement, as Chairman of the Overview Select Committee, for these items to be presented on the reasons of special urgency – in line with Part 3 (Responsibility for Functions – Section 2, Paragraph 2.3 of the Constitution.

The Committee was advised that the first report had been on the A27 Arundel By-Pass Consultation which took place in February 2020. The consultation and respond period had been set to take place within a very short timescale with a response required by the Council by 2 March 2020. This required an urgent response to be made by the Leader of the Council and the Chief Executive which Cabinet had been asked to endorse in order to achieve the timescale set.

The Chairman outlined that the second urgent item had been on the Littlehampton Harbour Board, which was a confidential due to the nature of the content. The reason for this special urgency had been down to the timescales in place for the Council to consider how it would respond to the Littlehampton Harbour Board's proposal to change its governance through a Harbour Revision Order.

The Committee noted the content of the update provided.

512. GREENSPACE MANAGEMENT CONTRACT

The Environmental Services & Strategy Manager introduced the representatives from Tivoli Group Ltd to the meeting, being Brad Cole and Ian McIlroy [Regional Directors] and Dave O'Hare [Local Contract Manager]. James Jones McFarland from the Council's Neighbourhood Services section was also present.

The Committee received a report providing a performance update for the Council's Greenspace Management Contract and were advised that this would include a presentation from the Council's current contract provider, Tivoli Group Ltd. The report from the Environmental Services & Strategy Manager provided background from the commencement of the contract to date as well as the services and operations covered by the Contract. It was explained that routine performance monitoring was formalised every quarter and reported through the Council's Service Delivery Plans. The

Contractor had to achieve a prescribed level of performance in delivering operations with Officers from the Council's Parks Team monitoring performance by undertaking 'mystery shopper' inspections of open spaces across the contract in terms of the geographical area and typology. Performance was assessed against the range of contractual operations applicable to each site such as grass cutting; litter collection and shrub maintenance. The contractual performance targets had been set out in the report for 2019/20. These scores illustrated that the performance targets reached were in excess of the contractual performance requirements. It was the Council's aim to work to ensure that these scores continued to steadily improve throughout the duration of the Contract.

The Committee was advised that 2019 had been a positive and consistent year with no contractual defaults issued. Standards had been generally maintained to high levels which met expectation and excellent progress had been made over the winter period in terms of pruning and enhancement work.

The play areas repair, and maintenance element of the Contract continued to run efficiently with a two-man team undertaking repairs and maintenance based on works and priorities identified from weekly play area inspections.

Looking at achievements in 2019 the Council had been awarded with its fifth Green Flag Award for Old Rectory Gardens in Felpham. This site adjoined Hotham Park, Mewsbrook Park, Marine Park Gardens and Norfolk Gardens sports site in achieving this award which recognised best practice in green space management. Such successes demonstrated the strong partnership working in place enabling the delivery of excellent services and so it was hoped to increase this number to six awards in 2020 by entering Brookfield Park into the award scheme, coinciding with the park's 20<sup>th</sup> anniversary of open space.

The Committee then received a detailed presentation from the representatives from Tivoli and the key points have been summarised below:

- The background and history of the company
- The core values of the company
- The use of technology for contract and innovation using TOPs [Tivoli Operating Platform] - allowing job information on sites and visits to be electronically captured to record work undertaken; before and after photographs; precise location details and electronic sign-off etc. It also enabled teams to competently risk assess sites prior to undertaking work; undertake machinery and vehicle equipment checks and issue targeted safety information on matters such as severe weather warnings.
- Detail was provided on the apprenticeship scheme and the partnership working in place with local Colleges.
- Employees were supported with personal and professional development and a new personal development review process would be rolled out soon

- Other training and development programmes were explained
- The health and wellbeing of employees and the safeguarding of clients were key priorities. The initiatives in place to support these priorities were explained.
- Corporate Social Responsibility (CSR) examples were provided with reference being made to the fact that all employees were encouraged to take part in community and volunteering events. A great success of this had been support given to an Arun District local community group on behalf of East Preston Parish Council. This had been a great example of biodiversity and conservation work where a wildflower meadow sowing event had involved local children and parents from an after-school group. Other vital community work was outlined.
- key initiatives to be carbon neutral were explained outlining plans with company vehicles; commercial vehicles, battery operated equipment; carbon positive schemes; and looking at data analysis to reduce carbon footprint.

The Chairman thanked the representatives from Tivoli for a very informative and detailed presentation and invited questions from Members. These have been summarised below:

- The emptying of bins on Tivoli sites and waste and dog bins on leisure sites – could the Council's waste Contractor empty bins on leisure sites? The ES&SM responded stating that Biffa emptied dog bins in parks and open spaces, there would be an opportunity for more efficient working across both contracts at re-tendering stage. The ES&SM stated that he would be happy to look at improving efficiencies but that this might require a variation to the existing contract in place with Tivoli.
- Were glyphosate-based weed killers used with live phosphates and did they have any plans to cut back or stop or find natural weed killer. It was explained that this work was in its infancy stage. Trials were taking place in terms of what could be used for killing moss – what had to be considered was that reduced phosphates would mean a lesser standard of weed killer. It was outlined that the Council was part of an Amenity Forum looking at advancing weed eradication methodology. There was a need to have chemical weed killers to combat weeds such as Japanese Knotweed. Studies were also in place looking at the knock-on effect of reducing the use of high chemical weed killing versus the machinery used for weed strimming which were classed as a pollutant.
- Plaudits were given in term of Tivoli's green credentials and a question was asked about planting in Arundel and whether there was any flexibility in the type of planting that could take place. The Parks & Cemeteries Manager explained that he would be happy to work with anyone who wanted a change to current planting schemes and he invited all Councillors to make contact if they had any ideas or requests on planting, including cemeteries.

- Reference was made to the minimum performance target of 66% and that it had been mentioned that this be increased to demonstrate a commitment to continuous performance improvement – could this be raised to 70% as it looked like this could easily be achieved. The ES&SNM explained that this contract target had been based on satisfactory levels of performance and so he would be reluctant to increase this at the present time. Whilst Tivoli could do its utmost to ensure standards to meet the target, it had to be accepted that regionally severe weather [such as the constant rain experienced recently] then presented massive challenge to keep up standards.
- On biodiversity and conservation – the wildflower meadows were applauded as making a fantastic impact. One had been launched in Felpham Way last year but no maintenance work had been undertaken since with the area deteriorating massively. What were the reasons for this – it was outlined that the centenary wildflower meadows had been trialled last year for the first time using different seed mixes. What had happened with some sites was that the seed mix in some cases had not worked well. There was now a better understanding in place in terms of what worked well for different soils around the District and how these areas responded to weather conditions and so a staggered approach to sowing would be adopted for this year.
- Could consideration be given to involving local schools in these projects so that they could become involved in biodiversity and as a way of encouraging future generations. It was explained that although there were several schools in the area, many preferred to focus on their own projects on school grounds, however, this could be investigated further.
- Reference was made to the Council's Youth Council and if Tivoli could work with youth council members on tree planting programmes. It was explained that there were proposals in place to launch a tree planting strategy around September 2020. An action plan was in the process of being drafted covering the next 10 years. Plans for the Strategy would be reported to the Environment & Leisure Working Group.
- Further praise was given to the Tivoli team in delivering such excellent results and in introducing the wildflower meadows. The explanation provided on how difficult they were to maintain had been accepted which led to questions being asked about the many challenges the contractor had to overcome with experiencing variable weather conditions and dealing with open spaces near main roads. Were such factors considered when looking at performance, as this was a question that Councillors often got asked. The ES&SM explained the performance based contract tolerances for example different lengths of grass versus different sites and how these would differ. Such sites were monitored daily in terms of standards. As outlined in the report, if work did not meet the required standard then defaults/financial penalties could be issued.
- Was there anything that Tivoli would like the Council to do? The Tivoli team stated that they worked very closely with Arun's team. The last 18 months had been very challenging due to varying weather patterns

causing different grass growing issues. Ongoing and close working from both sides ensured that plans were put into place to address attention needed in agreed areas of the District. The roadworks on the A259 last year had caused some delay issues; along with the usual rain challenges.

- What liaison did they have with Parishes? It was confirmed that Tivoli had quite close relationships with Parishes – they did not know of the work schedules in place, but liaison did take place with them.
- At Marine Park Gardens, could some work be undertaken to the hedges on the other side of the road by houses opposite as these were too high and overhung the pathway. It was explained that this may not come under the contract in place, but this would be investigated.
- Was there scope to compost grass cuttings at the place they were cut? This was not possible though community groups could be encouraged to compost so there could be opportunities to explore.
- How ambitious would the Tree Strategy be? It was explained that this was still in the scoping stage, but liaison would take place with Town and Parish Councils and local community groups before coming to the Council for consideration.
- Were there any proposals in place to promote green roofs and living roofs? It was explained that this was very much a new initiative that could be explored however such projects did come with significant expense and health and safety issues – such as working at a height, so the safeguarding of employees and accessibility could be an issue.

Having congratulated Tivoli's Management Team and the Council's Neighbourhood Services team for the work that they did, the Committee noted the information in the report concerning the performance of the Council's Greenspace Management Contract.

#### 513. SECTION 106 REVIEW - BRIEFING NOTE

The Group Head of Planning presented to the Committee a briefing note that had been prepared in response to an item that had been placed on the Committee's Work Programme by the former Chairman of the Committee, Councillor Dingemans, in respect of Section 106 agreements.

Before working through the detail of the briefing note, the Group Head of Planning reminded Members that a report had been presented to Cabinet on 9 December 2019 outlining the current position on Section 106 agreements. This had set out the amount of contributions the Council had by category; the scale of payments that were overdue/outstanding; some current issues as well as specific projects for which contributions had been collected and needed to be progressed. Cabinet had raised no questions on the content of the report and had noted its contents.

The briefing note confirmed three issues for the Committee to note in terms of the updates provided in relation to:

- (1) Have there been any issues with Section 106 monitoring processes since the Committee was last updated?
- (2) The recruitment of Section 106 data and monitoring post – has this resolved the issues of delays and oversights as described at 12 March meeting?
- (3) Former Councillor Dingemans suggested placing bonds (PGB) on developers – what is the update on this suggestion/is it/has it been considered?

The Group Head of Planning confirmed that in respect of (1) and (2) above, the facts had been outlined in the report to Cabinet on 9 December 2019 and that the briefing note presented provided detailed responses. He advised Members that once the Community Infrastructure Levy (CIL) was adopted in April 2020, the number of Section 106 agreements would reduce with most applications would be covered by CIL and would need to make payments for infrastructure through a standard process. S106 agreements would only focus on larger strategic sites and so there would still be a level of monitoring required.

The following questions/points were asked:

- In view of the large number of strategic sites still to come forward, it was felt that bonds should be put into place. The point was made that if this had not been the case at Site 6 [Felpham] then the infrastructure now in place, the relief road mainly, would not have occurred. The Group Head of Planning explained why this would not work if applied to every application received and would not be appropriate to apply blanketly on every obligation but may be relevant to some sites.
- In view of this response, there were some Councillors who believed that more information should be brought before the Committee on this issue in terms of the Council's strategy for the larger sites, in terms of how this would work.
- Questions were asked about the S106 monies and the deposit left for new schools – the process was explained and the role of West Sussex County Council, as the Education Authority.
- Contribution to libraries was raised and whether unspent monies from Yapton developments could be released for a mobile library to be provided to cover the Yapton area. The Group Head of Planning explained that Arun did not collect library contributions and that this was a West Sussex County Council function.
- Had there been any further issues to report since the Committee had last had an update on this? The Group Head of Planning outlined that it had been acknowledged that monitoring processes had not been satisfactory between around 2013 and 2017 as resources had been insufficient to be able to adequately monitor all planning obligations; this had resulted in the potential loss of some funds and non-financial obligations not being adhered to sufficiently and timely. Since then, two full time equivalent Officers had been in post to deal solely with S106 monitoring and reporting. New monitoring systems and processes were in place with additional resource obtained for monitoring the strategic site non-financial

obligations. All historic cases had been investigated and were resolved or in hand to resolve. Therefore, such delays and oversights were far less likely now.

- Debate again took place on the issue of bonds with a request being made that a further report be brought to the Committee in December 2020. The Group Head of Planning reiterated his advice provided earlier in that he would be very reluctant to apply a blanket bond for future development as this would create a complex system and would mean that agreements would take much longer to conclude. He confirmed that if the Committee insisted to make a recommendation to discuss this further, then it would have to be a matter for the Development Control Committee to consider further, not this Committee. The Director of Place outlined the risks in place in terms of the cost of bonds and associated insurance, the bigger the development, then the cost of insurance would increase in line with this. He also stated that in a matter of weeks, following the adoption of CIL, there would be significantly less s106 agreements, with these being limited to strategic sites as outlined already and so the bond argument would not apply. At the moment there were principally, three large strategic sites being West Bersted, Ford, Barnham, Eastergate and Westergate (BEW) - in terms of roads where bonds were more likely to appear, WSCC would deal with the northern part of the BEW site as they would be making the application and so a bond was not required. The Director of Place outlined that it was necessary to look at each individual case and he provided some caution to exercising a bond as already explained by the Group Head of Planning. The Group Head of Planning provided some reassurance to Members reminding them of the Advisory Groups in place across the District where infrastructure need was fully discussed.

Following a further debate on the issue of bonds, the Committee then noted the content of the update provided.

*(During the course of the discussion on this item, Councillor Elkins declared a Personal Interest as a Cabinet Member for West Sussex County Council).*

514. FEEDBACK FROM MEETING OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 31 JANUARY 2020

The Committee received an update report from the Cabinet Member for Wellbeing, Councillor Mrs Yeates, following her attendance at a meeting of the Sussex Police and Crime Panel held on 31 January 2020.

Various questions were then asked by Members of the Committee as outlined below: -

- Could an update be provided on estate matters?

- Was the PCC keeping up her promises made in terms of recruitment? Councillor Mrs Yeates reported the latest recruitment numbers which were on target.
- It was felt that Littlehampton major incident facility needed to be reused as a manned police station for Littlehampton, especially as more houses were being built and as people had confirmed that they no longer felt secure living in Littlehampton. Could the Cabinet Member push this request forward?
- Could the Cabinet Member please provide details on crime statistics for the area.
- Response to 101 calls was still a concern. Could the Committee be provided with the results of the assessment undertaken and be provided with an update on call response times? Councillor Mrs Yeates outlined that the next meeting of the Panel would cover 101 statistics which were monitored very carefully.
- A request was made that this feedback includes the number of 'drop-off' calls.

The Committee then noted the content of the report and looked forward to receiving answers to the points raised at a future meeting.

#### 515. CABINET MEMBER QUESTIONS AND UPDATES

A wide range of questions were asked by the Committee to Cabinet Members present in the Public Gallery. These have been summarised below:

- Councillor Dendle to the Leader of the Council, Councillor Dr Walsh stated that he had, at the last meeting of the Committee, asked to be supplied with details of what initiatives/special reductions had been offered to new tenants (Business rate payers) In the District to enable them to pay business rates and take on currently empty business properties.

A written response had been prepared by the Leader of the Council which was read out by the Chairman in his absence. This stated that under current legislation the Council did not offer any discounts or incentives for new start-ups. However, any new business that took premises having a rateable value of less than £12,000 would qualify for Small Business Rates Relief at 100%, effectively removing the Council Tax charge, as long as this was their only premise. There was a sliding reduction for a premise that had an RV between £12001 and £15000. Above £15000 no relief was available. (legislative). Arun currently had 2414 businesses that received 100% relief and a further 142 businesses that received varying amounts of relief with an RV between £12,000 and £15,000. From a regeneration point of view regarding new businesses and the use of vacant premises, a report had been considered by Cabinet only yesterday proposing the establishment of Pop-up shops in high streets.

It was proposed that shop units, currently vacant, would be adapted so that smaller/start-up retailers could occupy these units on competitive terms, providing them with the opportunity to have shop front premises and test the viability of their business whilst also bringing new businesses to the high streets. For this proposal, the Council would be renting the premises and would be responsible for paying the business rates on those premises. The retailers would pay a fee for the space they occupied to the council and would not pay business rates in addition to this.

Councillor Dendle responded with his view that the Council could provide more incentives and that the Council needed to do more as nothing was really being achieved in solving the empty shop crisis in Arun's Towns. He suggested introducing a target period of time say for first 3-6 months at no charge to encourage new businesses and he asked if the Leader of the Council could consider this.

- Councillor Dendle to the Deputy Leader of the Council and Cabinet Member for Corporate Support - Can you advise what the Council's Policy is for employees and Councillors regarding drugs and drink? Is there regular testing? Should there be? Councillor Oppler responded confirming that the Council did have a Drugs and Alcohol Misuse Policy for its employees. Under the Health and Safety at Work Act 1974, the Council had a general duty to ensure the health, safety and welfare of its employees. If it knowingly allowed an employee under the influence of alcohol or drugs to continue working, and this placed the employee or others at risk, the Council would be deemed as liable. An employee could also be liable if their alcohol consumption or drug-taking put the safety of themselves or others at risk. This did not mean that the Council could randomly test employees for drug or alcohol consumption. If a Line Manager suspected that an employee was under the influence of drugs or alcohol at work and this was considered to be a one-off incident, the member of staff would be sent home and a disciplinary investigation would follow. If, however, there was concern that there may be an underlying dependency or addiction, the Council would seek medical advice from Occupational Health with a view to supporting the employee.
- Councillor Dendle asked what the position was for Councillors. Councillor Oppler stated as Councillors were not employees of the Council this procedure did not apply to Councillors. However, Councillor Oppler suggested that if there was a problem it should be down to Councillor colleagues to pick up and identify a solution within the Political Group. Any serious problem would become a Member Code of Conduct issue.
- Councillor Bicknell asked if drug testing should be rolled out to all new employees? The Group Head of Policy stated that she was not sure if this was necessary as no other public service organisations insisted on undertaking such testing.

- Councillor Dendle to the Cabinet Member for Technical Services, Councillor Stanley – as the Council's nominated representative for the LGA Special Coastal Issues Group, how many meetings had he attended since taking up his portfolio at annual Council in May 2019? Councillor Stanley stated that he had sent his apologies to the meeting held in January 2020 as this had been held in Wales and that he was taking part at the next meeting on 25 March 2020 via telephone conference call.
- Councillor Dendle to the Cabinet Member for Neighbourhood Services, Councillor Purchase - when would the food waste trial start; which areas would this be rolled out to and what items would be used for residents to place food waste in and what would happen to food waste and when would it be rolled out to the rest of the District? Councillor Oppler confirmed that he would pass the detail of this question onto Councillor Purchase so that a response could be provided in writing.
- Councillor Dendle to the Deputy Leader of the Council and Cabinet Member for Corporate Support. For the new governance structure – what were the Committees to be and the associated costs? Councillor Oppler confirmed that the Chief Executive was working through the proposals and that various items would be reported to meetings of the Constitution Working Party, the dates of which had now been agreed with Working Party Members. He confirmed that there would also be a training seminar for Members to be held later this year and that he would keep Councillors informed as things developed.

#### 516. WORK PROGRAMME 2020/2021

The Group Head of Policy presented to the Committee its draft Work Programme for 2020/21 and reminded the Committee that the Council's Constitution required it to report annually on its future work programme to Full Council for approval. This would take place at the Full Council meeting in July 2020.

The Committee was asked to consider the work programme for the 2020/21 year identifying any issues to develop or review, whilst working to the key themes of the Committee's responsibilities, so that these could be included within a draft work programme that would be presented to the Committee for final approval in June 2020.

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

- Some Members questioned the value of having the Arundel Chord as an item as this concept had always received cross-party support. Was there really a need to scope this as its intention was clear? It was also felt unlikely that Network Rail would accept any invitation to attend a meeting. Following further discussion, it was agreed that Councillors Bicknell and Dendle would meet with the Group Head of Policy to pull together the scope for this review.

Overview Select Committee - 10.03.20

- It was agreed that Southern Water Services be invited to a meeting to discuss their operation working. It was agreed that a clear brief would need to be agreed so that they would know what they would be questioned on. The Group Head of Policy agreed to prepare something ready for the Committee's June meeting.
- Approval was given to inviting the Environment Agency to discuss the recent flooding issues experienced.

The Committee then noted the detail of its draft Work Programme for 2020/21 and were reminded that they could add further ideas when the work programme would be represented for approval at its next meeting on 9 June 2020.

(The meeting concluded at 8.22 pm)

# Public Document Pack Agenda Item 28

Subject to approval at the next Cabinet meeting

405

## CABINET

29 April 2020 at 5.00 pm

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

Councillors Bennett, Bicknell, Chapman, Clayden, Cooper,  
Mrs Cooper, Dendle, Edwards, English, Gunner, Mrs Pendleton and  
Roberts were also in attendance at the meeting.

### 517. WELCOME

The Chairman welcomed Members, the press, officers and members of the public to this historic first virtual meeting held by the Council.

He provided a brief summary of how the meeting would be conducted and the protocol that would be followed and, as this was a brand new experience for all participants, how any break in the proceedings due to technical difficulties would be managed.

The Chairman took this opportunity to thank all Council staff for their hard work in dealing with the demands of the pandemic.

### 518. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 519. QUESTION TIME

No public questions had been submitted.

### 520. MINUTES

The Minutes of the meeting held on 9 March 2020 were agreed by the Cabinet and would be signed by the Chairman as soon as practically possible.

### 521. OFFICER DECISIONS TAKEN DURING THE CORONAVIRUS PANDEMIC

The Chairman introduced this item and stated that when major emergencies occurred, such as the present Coronavirus crisis, officers were able to make urgent decisions and report back to Members at a later date, as set out in the Council's Constitution.

Almost daily Emergency Planning Team meetings had been held over recent weeks, whereby a team of officers, led by the Director of Services, had been dealing

Cabinet - 29.04.20

with the emergency and the Chairman expressed his thanks to that team. He also took the opportunity to thank Council staff who had continued to work diligently, mostly from home, to ensure the Council continued to provide services to its communities and that they were provided with the information they needed during the Coronavirus emergency.

As the pandemic continued, the CEO (Chief Executive Officer) had set up a series of communication processes to ensure Members were kept up to date, whilst acknowledging that, for the first few weeks at least, things had been changing on an almost daily basis. As part of this process, the CEO had had regular discussions with the Leader and Deputy Leader, as well as weekly meetings with the other three political Group Leaders, Councillors Chapman, Dixon and Mrs Thurston. The CEO had also had many conversations with individual Councillors and, through these various communications, had discussed decisions being made by officers as they occurred. Support had therefore been obtained from the four Group Leaders at the relevant time prior to the decisions in the report being taken.

The Chief Executive then presented the report and drew attention to the fact that the Directors, Group Heads and himself had authority to make urgent decisions in emergency situations under powers set out in the Council's Constitution. He thanked the Leader, the Cabinet and the other three Group Leaders for their full support on every decision that had been taken as, without that support, the task of officers would have been far more difficult.

Three decisions, in particular were highlighted by the Chief Executive, namely:-

- (i) The substantial distribution of business grants – the Government had provided £39m and, as of 28 May 2020, £18,825 had been distributed to small businesses, a percentage of 63.77. It was anticipated that the remainder of the eligible grant funding would go out in the next few days.
- (ii) Freedom Leisure had requested financial support as it was a Trust and did not have a large financial holding; assistance was therefore required to enable it to survive. The Council had provided support in respect of the management fee; keeping the building safe; and staffing costs and how repayment might be managed was being looked at and might include the extension of the present contract.
- (iii) £13,000 had been outlaid to provide partitioning at the Bognor Regis and Littlehampton Reception areas to enable members of the public to still be able to access the offices and yet keep members of staff safe. The work had been done by the Facilities Team during the first weekend of lockdown.

Before opening the debate, the Chairman advised that, right from the beginning of the emergency and in consultation with the CEO, the following main priorities had been identified irrespective of what support came from central Government or elsewhere and these were:

- To deal with the homeless, rough sleepers and domestic abuse and violence cases and provide accommodation, which had been provided by Butlins.
- To introduce a commercial rent holiday on properties leased from the Council and to defer payments for 3 months plus giving tenants longer to pay of up to 1 year and, in extreme situations, up to 2 years.
- To make car parks free and to not enforce single yellow lines across the District.
- In the event of staff sickness/absence the waste, recycling and green collection services would be subject to cascading but, after an initial glitch at the beginning, the service was running normally.

The Chairman thanked his Cabinet Member colleagues for their contribution and involvement in discussions with officers.

As there was no debate from the Cabinet, the Chairman turned to questions from other Members who had submitted these prior to the meeting. The Committee Services Manager clarified that a full schedule of questions, answers and supplementary questions and answers would be attached to the signed copy of the Minutes and would also be uploaded to the website as a separate document following the meeting. The Chairman sought and received support from the Cabinet that questions asked at the meeting should be in line with the procedure for virtual meetings and that there would not be an opportunity for Members to participate in a general question and answer session.

The Cabinet then

#### RESOLVED

That the action taken by officers be noted and supported.

#### 522. UPDATE ON FINANCIAL CONSEQUENCES OF THE CORONAVIRUS PANDEMIC

Prior to introducing the report, the Cabinet Member for Corporate Support took the opportunity to thank all the staff of the Council for enabling and facilitating its work across all the different platforms for the benefit of residents. He also thanked the Facilities Team, working in the background, for their hugely professional effort in erecting the new partitions in the receptions at Bognor Regis and Littlehampton, which had been completed within a very tight timescale.

The Cabinet Member for Corporate Support stated that the purpose of this report was to provide an update on the financial consequences of the Covid-19 pandemic. He advised that the Group Head of Corporate Support would provide some more contextual information whilst the Financial Services Manager would add a further explanation of Appendix 1 which closely correlated to the Ministry of Housing, Communities & Local Government (MHCLG) return that was submitted on Wednesday 15 April 2020. He also highlighted that the situation that this Council and Councils

Cabinet - 29.04.20

across the country were facing was unprecedented and had resulted in direct financial consequences in terms of loss of income and cash flow, additional expenditure had been incurred and there would continue to be significant cash flow implications. He confirmed that this was going to be very much an ongoing situation and certainly in the short and medium term the impact on the cash flow position of the Council would be serious.

The Group Head of Corporate Support provided a brief overview of the current position by reminding Members that, in participating in various discussions on the Budget, it had been anticipated that Government funding would be considerably less for 2021/22 and only last night the Government had announced that the Fair Funding Review had been rolled forward yet again to 2022/23, which could only further affect the financial position of the Council. He was of the view that there would be a probable recession and that less resources would be received by the Council in future years.

An approximate estimate of the Council's losses due to the emergency had been provided to the Government and in last night's announcement, Arun was due to receive £1.6m towards those costs. Whilst welcoming that, the Cabinet was advised that there would still be a significant shortfall and there would have to be careful consideration of the Council's current budget and its medium term financial strategy going forward in light of how long the emergency might last and the resultant financial implications.

The Financial Services Manager then presented the report which provided an update on the financial consequences of the corona virus emergency. The summary tied up with the financial response supplied to the MHCLG on 15 April 2020. It was stressed that, although the financial information was just a snapshot in time, it did provide a good overview of what was a fast moving environment, with the underlying assumption that the lockdown would continue for 3 months before things gradually returned to some form of normality.

The Financial Services Manager advised that the estimates in Appendix 1 illustrated that the Council's finances would be £2.4m worse off in 2020/21 and beyond and that that figure was dominated by the anticipated loss of income of around £1.9m. The actual losses would depend on how long the lockdown continued and what the economy looked like when things returned to the new normal.

The significant loss of income reflected the importance of fees and charges to the Council's budget, and some of this would not be recouped, such as car park income. Other estimates depended on how badly the economy was going to be affected which could, in turn, reflect in a potential reduction in collection rates in areas like Council Tax and Business Rates. It was stressed that the estimates would change as more information became available.

To summarise and to put the fast pace of financial change into context, the Financial Services Manager advised:-

- £1.6bn Government C19 Emergency funding was announced on 19 March – Arun's share was just £64k

- The MHCLG return was submitted on 15 April
- The Cabinet Report was finalised on 16 April and 2 days later on 18 April Government announced a further £1.6bn C19 support - with no detail of allocations.
- The £1.6m grant announced last night was good news but the funding to date did not cover the Council's anticipated losses. Therefore a measured approach must be taken in supporting individuals and suppliers as resources were limited.

The Financial Services Manager concluded her presentation by reiterating that the figures provided in the report were subject to change and would be kept under review.

In discussing the report, Members again expressed their thanks to staff for their efforts in maintaining services.

The Leader and CEO were thanked for their input into lobbying Government for a fairer share of the emergency funding that was being made available and the Leader confirmed that that had been done not just in respect of funding but also to stress the importance of the horticultural industry within the local economy.

Following further discussion which centred around the effects of the lockdown on the physical and mental wellbeing of residents during the period of lockdown, the Chairman turned to a question from another Member. A full schedule of questions, answers and supplementary questions and answers would be attached to the signed copy of the Minutes and would also be uploaded to the website as a separate document following the meeting.

The Cabinet

RESOLVED – That

- (1) The action taken and likely financial consequences contained in the report be noted; and
- (2) The continued lobbying of Central Government for additional funding be endorsed.

The Cabinet confirmed its decision as per Decision Notice C/050/290420, a copy of which is attached to the signed copy of the Minutes.

## 523. ELECTRIC VEHICLE STRATEGY AND CHARGE POINT INSTALLATION

The Cabinet Member for Technical Services introduced this report by advising that the Adoption of Electric Vehicles and a Strategy for Charging Points was an element of the many changes that would be needed to meet the UK's commitment to be carbon neutral by 2050. The government had banned the sale of petrol and diesel cars from 2040 and was consulting on bringing that date forward to 2035 or 2032 – that would require a switch to electric vehicles (EV). A move to EV would also improve local air quality, which was already above the legal limits in Arun and the Council should play

Cabinet - 29.04.20

its part in facilitating that switch, in particular in providing the charging infrastructure which was required.

The Group Head of Technical Services advised Cabinet that, over the last year investigations had been undertaken as to whether Arun should be involved in providing EV charge points, and the options available for doing so. Feasibility work on installing EV charge points on the Council's car parks had been commissioned and the Council had been keeping in contact with the County Council whilst they had been developing an EV Strategy.

Public consultation undertaken as part of the development of that strategy identified "range anxiety" and the lack of EV charging infrastructure as the main barriers to residents switching. This led to the strategy prioritising the installation of charging facilities for those residents without private driveways. though there would also be some "destination charging" included such as town centres and tourist beaches.

In recognition of the Councils' financial positions, a key principle of the strategy was that the installation of EV charge points would be at zero cost to the participating Councils. The proposed way of doing this would be for participating Councils to jointly procure a concession contract which would commit a supplier to install EV charge points across a portfolio of sites to form a countywide network. This portfolio approach should avoid "cherry picking" of the most commercially attractive sites, ensuring more & better located charge points would be provided.

The Group Head of Technical Services highlighted that, under paragraphs 2.0 and 6.1 of the report there was reference to profit share: this had changed since the report had been written, as the project team at WSCC had identified that it would be administratively more efficient to share a proportion of the revenue, rather than the more readily challengeable profit element. It was therefore proposed that a share of the revenue arising from charges levied for electricity use would be provided to the Councils and split on the basis of the number of plugs on each Council's land.

If Members decided to take part, the Council would need to enter into an Inter Authority Agreement and provide a list of sites before the procurement process commenced on 1 July 2020, with contracts expected to be signed in November. The first year would focus on developing a network and delivery plan, with the supplier committing to install a minimum number of charge points; therefore the first EV charge points should be installed by November 2021.

In opening up the debate, the Chairman advised that this was a part of the vital strategy in achieving a reduction in pollution. He sought clarification as to whether there was going to be a standardisation of rapid charging points across the network so that vehicles could be charged as rapidly as possible and secondly, he understood that there were 2 or 3 different plug in systems and he wished to see a common standard being set nationally to avoid the use of adaptors, etc when using the charging points.

The Group Head of Technical Services advised that there would be two speeds of charging point – fast and rapid. Fast would be the cheaper installation and would be

suitable for overnight charging for residential areas whereas the more expensive rapid charging facilities would be more suited for destination charging, such as town centres. He went on to confirm that at the moment there were three different types of plugs used by different manufacturers but it was Type 2 that had the support of the Government and its funding streams and was therefore the most prevalent one on the market.

In considering the matter, comment was made that this initiative would support the Climate Change Emergency that the Council had declared and would appear to be a good starting point with minimal risk to the Council. It was felt that if the nation was to achieve the Government's target of banning diesel and petrol cars by 2040 then Councils should be part of collaborations like this across the country. It was an ideal way for Local Government to lead the way in making the transition from fossil fuelled cars to electric vehicles.

The Cabinet Member for Technical Services stated that the proposal did dovetail with the Council's strategies and there were environmental benefits as well. There were going to be economic challenges ahead, as previously discussed, and to have this infrastructure in place at zero cost to the Council would be of benefit to the District and the collaborative approach would provide consistency of charging across the County.

In closing the debate, the Chairman acknowledged that the Electric Vehicle Strategy was going in the right direction but he asked whether the Group Head of Technical Services was aware of any discussions at regional or county level with regard to the use of hydrogen power for public transport and private vehicles, etc which would move forward rapidly the achievement of a 0% carbon economy. An officer response was given that hydrogen had been considered in the early stages of the project but that the technology lagged behind electric vehicles by about 10 years and the car industry was moving in the direction of electric vehicles.

The Chairman then turned to questions from other Members who had submitted these prior to the meeting. A full schedule of questions, answers and supplementary questions and answers would be attached to the signed copy of the Minutes and would also be uploaded to the website as a separate document following the meeting.

The Cabinet

RESOLVED - That

- (1) The Electric Vehicle Strategy for 2019-2030 be approved;
- (2) The Council agrees to participate in the partnership approach to installing electric vehicle charge points on Arun District Council owned land; and
- (3) Delegated authority be given to the Group Head of Technical Services, in consultation with the Cabinet Members for Technical Services and Neighbourhood Services, to enter into the Inter Authority Agreement and contract with a supplier following satisfactory completion of a West

Subject to approval at the next Cabinet meeting

412

Cabinet - 29.04.20

Sussex County Council led procurement process and to agree other matters in concluding the process of installing electric vehicle charge points on Arun District Council owned land.

The Cabinet confirmed its decision as per Decision Notice C/051/290420, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 7.50 pm)

**ARUN DISTRICT COUNCIL**

**DECISION NOTICES FROM THE MEETING OF CABINET HELD ON  
WEDNESDAY 29 APRIL 2020**

<b>REF NO.</b>	<b>DECISION</b>
C/050/29042020	Update on Financial Consequences of the Coronavirus Pandemic
C/051/29042020	Electric Vehicle Strategy and Charge Point Installation

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM  
10.00 A.M. MONDAY, 11 MAY 2020 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

REFERENCE NO:  
C/050/290402020

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>		NO
<b>SUBJECT:</b>	UPDATE ON FINANCIAL CONSEQUENCES OF THE CORONAVIRUS PANDEMIC	
<b>OFFICER CONTACT:</b>	Alan Peach – Group Head of Corporate Support 01903 737558 <a href="mailto:alan.peach@arun.gov.uk">alan.peach@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:**

The Coronavirus pandemic is a public health emergency as well as an economic emergency. The Council has a significant role in supporting those affected in the District, in addition to the effect on the Council's financial position. The purpose of this report was to raise awareness of the issues and to inform Members of the actions taken to date, whilst starting to evaluate the potential financial consequences.

**DECISION:**

The Cabinet

RESOLVED – That

- (1) The action taken and likely financial consequences contained in the report be noted; and
- (2) The continued lobbying of Central Government for additional funding be endorsed

**REASON FOR THE DECISION:**

To ensure that the Council has an initial understanding of the extremely volatile financial position it faces in 2020/21.

**OPTIONS CONSIDERED BUT REJECTED:**

There were no other options considered.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

**DISPENSATIONS GRANTED :**

None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:** None

**REFERENCE NO:**  
**C/051/29042020**

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> ELECTRIC VEHICLE STRATEGY AND CHARGE POINT INSTALLATION	
<b>OFFICER CONTACT:</b> Nat Slade – Group Head of Technical Services 01903 737683 <a href="mailto:Nat.slade@arun.gov.uk">Nat.slade@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:**

This report sought the approval for an Electric Vehicle (EV) Strategy developed by West Sussex County Council. The Government has made it clear that a transition to EVs forms part of its approach to achieving net zero carbon by 2050. Sales of petrol and diesel engine cars have been banned from 2040 and there is a Government consultation on bringing that date forward to 2035 or 2032. One of the barriers to this transition is the availability of charge points. The proposed Strategy suggests that the Council support the take up of EVs by installing charge points on suitable Council owned car parks.

The County Council wants to work in collaboration with District and Borough Councils, as well as Parish Councils, to deliver a county wide network of charge points. To reduce the complexity of accessing the charge points the network would be run by one supplier. The charge points would be powered by renewable energy. The collaboration with the County Council would be via an Inter Authority Agreement. This would commit Arun District Council to add its suitable car parks to a county wide portfolio of sites within a procurement process to select a supplier to install electric vehicle charge points on its land.

**DECISION:**

The Cabinet

RESOLVED – That

- (1) The Electric Vehicle Strategy for 2019-2030 be approved;
- (2) The Council agrees to participate in the partnership approach to installing electric vehicle charge points on Arun District Council owned land; and
- (3) Delegated authority be given to the Group Head of Technical Services, in consultation with the Cabinet Members for Technical Services and Neighbourhood Services, to enter into the Inter Authority Agreement and contract with a supplier following satisfactory completion of a West Sussex County Council led procurement process and to agree other matters in concluding the process of installing electric vehicle charge points on Arun District Council owned land.

**REASON FOR THE DECISION:**

To provide a framework for installing Electric Vehicle charge points across the District to support the take up of Electric Vehicles which in turn will contribute to a reduction in carbon emissions and improvement in local air quality.

Also, collaboration with West Sussex County Council will give access to a contract to install electric vehicle charge points on District Council owned land.

**OPTIONS CONSIDERED BUT REJECTED:**

The following options were outlined in the report but rejected:

- (1) The do-nothing option would leave the market to install charge points in the District. However, most areas of the District are not commercially attractive at present. Cities are attracting the most interest from private sector suppliers/installers. The latter are also less likely to provide charge points for residents in areas without the ability to charge at home. This is the main thrust of the proposed Strategy.
- (2) The Council could seek to both own and manage any new EV charge points. However, it does not have the resources, knowledge of skills for this. For example, a dedicated back office system is required to take payment from EV users charging at points.
- (3) Another option was for the Council to own the charge points but pay a third party to install and manage the points via a procurement process exclusively for Arun District Council. The main disadvantage with this approach is that significant capital investment would be required by the Council, equivalent to £367k in Year 1 to purchase and install EV charging points on each of the Council's main car parks, though the Council may be able to access part funding from an Office of Low Emission Vehicles grant scheme. Some suppliers offer a model where they cover all of the capital costs. However, this would be limited to commercially attractive sites. An initial investigation confirmed that only eleven of Arun District Council owned car parks are considered commercially attractive on this basis. If the Council owns the charge points it is responsible for paying for any faults that occur outside the maintenance contract. Experience with the existing charge points is that the income from the charge points is not at present high enough to offset these costs.
- (4) The Council could offer a concession contract for a contractor to install and manage the charge points without another public sector partner. Advice from the Energy Saving Trust is that the number of sites that the Council is offering is unlikely to attract a commercial partner. Also, this approach would not provide a cohesive charge point network across the County.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

Councillors Oppler, Purchase and Dr Walsh declared a Personal Interest as Members of West Sussex County Council

Councillor Edwards [in attendance] also declared a Personal Interest as a Member of West Sussex County Council.

Yes

**DISPENSATIONS GRANTED :**

None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None**



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# Public Document Pack Agenda Item 29

Subject to approval at the next Development Control Committee meeting

13

## DEVELOPMENT CONTROL COMMITTEE

26 May 2020 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Smith (Substituting for Mrs Warr), Tilbrook and Mrs Yeates

### 22. APOLOGY

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

### 23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 24. MINUTES

The Minutes of the meeting held on 4 March 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

### 25. START TIMES

The Committee

RESOLVED

That the start times of meetings for the remainder of 2020/21 be 2.30 p.m.

### 26. FG/135/19/PL - SILO AT FORMER MCINTYRE NURSERY, LITTLEHAMPTON ROAD, FERRING BN12 6PG

FG/135/19/PL – Demolition of a silo & erection of an office building (B1(a) Business, 6 No. parking spaces for office workers & erection of boundary fencing, Silo at Former McIntyre Nursery, Littlehampton Road, Ferring

This application had been deferred from the meeting on 4 March 2020 as Members had expressed concerns that the visual appearance of the building was not in keeping with the character of the area – officers were therefore instructed to discuss use of alternative materials with the applicant. The Planning Team Leader presented the detail of what was now considered to be acceptable, with the use of timber cladding,

Development Control Committee - 26.05.20

white render and anthracite windows. A verbal update was provided to include an additional condition relating to the requirement for a schedule of materials and finishes to be used to be submitted and approved by the Local Planning Authority prior to development.

Members welcomed the use of the alternative materials and were of the view that what was now being proposed was a vast improvement and the Committee therefore

#### RESOLVED

That the application be approved as detailed in the report of 4 March 2020, subject to addition of the following condition:-

No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roof) of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

27. LU/91/19/PL - VARIOUS SITES ALONG LITTLEHAMPTON PROMENADE, LITTLEHAMPTON BN17 5LP

Public Speakers:- Mr D. Warne, East Beach Residents Association, Objector  
Mr P. Borrington, Objector  
Sloane & Brown, Agent  
Cllr Andy Cooper, Objector

LU/91/19/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 Littlehampton Promenade, Littlehampton

The Planning Team Leader introduced this item by advising that considerable negotiations had taken place, in consultation with the Economic Development Team, to reduce the number of sites proposed from 5 down to 2 and for their use to be complementary and not in competition with nearby commercial interests. The sites identified for the units were (1) the wider part of the promenade near the River Arun; and (2) Banjo Road where coaches parked.

In considering the proposal, an in depth discussion was had by Members with a number expressing concerns relating to safety; the lack of detail being provided; the potential for restricted coach parking; rents in relation to such premium locations; the

impact of a possible increase in day tripper numbers following the easing of lockdown restrictions due to the corona virus pandemic; and that the views of the Littlehampton Regeneration Subcommittee should be sought.

The Group Head of Planning emphasised that Members should be addressing the planning merits of the application only as the issues being raised in the debate would be dealt with by other departments of the Council. He pointed out that the Council had agreed to set up a Commercial Manager post as well as an additional Cabinet Member to specifically look at opportunities such as this as part of the overall aspiration of the Council. This was the type of proposal that was in accordance with those aspirations. In addition, Members were advised that they were being asked to determine permission for a temporary change of use of the land and that the structures that would go on that land did not require planning permission. However, if there was a view as to a limit on the number of units, an informative could be place on any permission.

It was moved and duly seconded under Part 5, Section 3, Paragraph 10.10(v) that the debate be adjourned for the matter to be considered by the Littlehampton Regeneration Subcommittee and, on being put to the vote, the Committee

RESOLVED

That the application be deferred for the matter to be considered by the Littlehampton Regeneration Subcommittee.

28. LU/352/19/PL 56-57 PIER ROAD, LITTLEHAMPTON BN17 5LP

LU/352/19/PL – Extensions, alterations & new fire escape staircase to enable change of use from 1 No. restaurant into 2 No. restaurants (A3 – Restaurants & Cafes) & conversion of 1 No. 5 bed flat into 2 No. 3 bed flats, 56-57 Pier Road, Littlehampton

Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

29. AL/74/19/PL - NORTON DAIRY, OLD DAIRY LANE, NORTON, PO20 3AF

Public Speaker:- Mr N. Locke, Agent

AL/74/19/PL – Removal of condition 10 following the approval of AL/92/08 relating to the tourist accommodation lets (resubmission following AL/37/19/PL), Norton Dairy, Old Dairy Lane, Norton

Having received a report on the matter, the Committee

RESOLVED

Development Control Committee - 26.05.20

That the application be approved as detailed in the report.

30. CM/56/19/PL - UNIT H6, RUDFORD INDUSTRIAL ESTATE, FORD ROAD, FORD BN18 0BD

Public Speakers:- Ms J. Betteridge, Objector  
Mr H. Neathercote, Objector

CM/56/19/PL – Erection & operation of concrete batching plant to include distribution of concrete from the facility, Unit H6, Rudford Industrial Estate, Ford Road, Ford

In presenting this report, the Planning Team Leader gave a verbal update that the informative at 13 on the recommendation sheet was incomplete and incorrect and should read:-

“The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being developed, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.”

The Committee was advised that the proposal was an industrial use within an industrial estate and, as the structure would be of similar appearance to others within the site, it would be in character with the locality.

In participating in a full discussion on the application, Members raised concerns regarding noise and dust; HGV movements and the unsuitability of the local road network; hours of operation; and the potential for concrete dust to be carried onto the highway.

The Planning Team Leader and the Group Head of Planning provided advice which addressed the issues raised and some Members, whilst sympathising with the concerns expressed, acknowledged that there would be insufficient grounds to refuse the application. In particular, the Planning Team Leader highlighted that a condition to require wheel washing was, in his view, not necessary as County Highways had powers under the Traffic Act to deal with any such problem should it occur.

In concluding the debate, it was formally proposed and seconded that a wheel washing and residue condition be attached to any approval, the wording to be agreed in consultation with the Chairman and Vice-Chairman and, in turning to the vote, the Committee

RESOLVED

That the application be approved as detailed in the report and the verbal update provided at the meeting,, subject to the addition of the following condition agreed in consultation with the Chairman and Vice-Chairman:-

The concrete batching plant hereby approved, shall not be used unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details to be agreed with the Local Planning Authority. The approved wheel washing facility shall be used by all vehicles prior to leaving the site. The agreed facility shall be retained in working order and used for the duration of the approved use

Reason: In the interests of road safety and in accordance with policy TSP1 of the Arun Local Plan.

31. BR/5/20/PL - 114 VICTORIA DRIVE, BOGNOR REGIS PO21 2EJ

Public Speaker:- Mr C. Westbury, Agent

BR/5/20/PL – Reduce size of existing flat roof rear extension, new lantern light, changes to fenestration & extension of boundary wall on north east elevation, 114 Victoria Drive, Bognor Regis

Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(The meeting concluded at 5.15 pm)

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# Public Document Pack Agenda Item 30

Subject to approval at the next Cabinet meeting

19

## CABINET

1 June 2020 at 5.00 pm

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

Councillors Bennett, Bicknell, Bower, Clayden, Cooper, Mrs Cooper, Dendle, Edwards, English, Gunner, Mrs Pendleton and Roberts were also in attendance at the meeting.

### 32. WELCOME

The Chairman welcomed two new Cabinet Members to the meeting being Councillor Mrs Staniforth [replacing Councillor Purchase as Cabinet Member for Neighbourhood Services] and Councillor Hugh Coster [Cabinet Member for Commercial & Business Development, which was a new Cabinet Portfolio] and had been reported and noted at the Annual Council Meeting held on 20 May 2020. The Chairman then welcomed Members, the press, officers and members of the public to this virtual Cabinet meeting.

The Chairman provided a brief summary of how the meeting would be conducted and the protocol that would be followed and how any break in the proceedings due to technical difficulties would be managed

### 33. ITEMS PUT FORWARD BY THE OVERVIEW SELECT COMMITTEE AND WORKING GROUPS

The Chairman advised that no items had been put forward.

### 34. DECLARATIONS OF INTEREST

The Chairman, Councillor Dr Walsh, declared a Personal Interest in Agenda Item 8 [The Council's Response to the Covid-19 Pandemic Situation] as a Member of West Sussex County Council.

### 35. QUESTION TIME

No public questions had been submitted.

### 36. MINUTES

The Minutes of the meeting held on 29 April 2020 were agreed by the Cabinet and would be signed by the Chairman as soon as practically possible.

Cabinet - 1.06.20

37. START TIMES

The Cabinet

RESOLVED

That its start times for meetings during 2020/21 be 5.00 pm.

38. BUDGET VARIATION REPORTS -

The Chairman introduced this item and then invited the Financial Services Manager to present a verbal update on Round 2 of the Ministry of Housing, Communities & Local Government (MHCLG) return on the financial consequences of COVID-19.

The Financial Services Manager advised Cabinet that there were 2 significant changes to this return which had been submitted on 15 May 2020. The return now included the Housing Revenue Account (HRA) as well as General Fund expenditure and loss of income.

The second return came with the specific instruction to base the Council's submission on the assumption that lockdown would continue until the end of July 2020 and then everything would return to normal. This meant that some figures would hopefully be better but some worse and only time would tell.

Starting with the General Fund, the estimated loss for the current year and beyond had increased to £2.9m from the £2.4m reported on 29 April 2020. The change was mainly due to the worsening assumptions which were stipulated by the Government.

The adverse effect on the Housing Revenue Account (HRA) was estimated to be around £730k for the current year and beyond, but this was based on the assumptions mentioned previously.

The Financial Services Manager stressed the level of uncertainty around the figures. No one knew what the new normal would be and how local circumstances would develop. It had been mentioned at the last Cabinet meeting (29 April 2020) that the Council had received £1.6m from Central Government but the figures suggested that there would still be a shortfall for 2020/21 and beyond.

The Chief Executive commented that it was hoped that a third tranche of funding would be released by the Government. It had been announced that there was a shortfall of £9billion across the country, with most local authorities experiencing a two-thirds shortfall. In addition, the Government had still not responded on the matter of the New Homes Bonus.

The Chairman invited questions and comments from Cabinet Members. A question was asked concerning the assumption of returning to 'normal' at the end of the

July. The Financial Services Manager advised that this was to ensure that all local authorities responded to the return on the same basis. The Financial Services Manager was asked to confirm what the projected year end revenue deficit would be, based on the current expenditure. She clarified the forecast was £2.9m, on the assumption that the situation returned to normal on 1 August 2020. This would also depend on the private sector businesses returning to 'normal' and re-establishing income streams for example parking charges and Council Tax payments. The Financial Services Manager confirmed that no further modelling had taken place as there was no further data to work on at this moment in time, but the Council would be looking to carry out further modelling in due course. The Chief Executive added that the Corporate Management Team had been looking at a number of options and would be reporting back to Cabinet on this in the near future. The current situation was producing a deficit of c£500k per month, but this could change if the lockdown continued further. Cabinet was asked whether any actions were being taken to reduce overheads in order to make savings. The Chief Executive advised that the Council was keeping expenditure to a minimum and that the budget was being closely monitored.

Cabinet then noted this report.

### 39. THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION

The Chairman introduced this report and paid tribute to the staff and contractors of Arun District Council in maintaining the front-line services, and also to the residents of the District in observing the guidelines regarding social distancing. He then invited the Chief Executive to present his report.

The Chief Executive presented his report on the Council's response to the pandemic situation; its reaction to Government guidance; the continuation of service provision to its residents; and liaison with Members, Partners and Town and Parish Councils.

The Chief Executive started by clarifying that Paragraph 1.3.17 in the report referred to only the Business Rates Revaluation that had been postponed, not the Business Rates reset. It was still to be confirmed whether the reset would be postponed into 2022.

The report identified the timeline of actions taken to enable staff to work remotely in order to observe the social distancing regulations and to ensure their safety. It also referred to the actions taken to provide continued service provision to residents, particularly in relation to the financial support measures announced by Central Government. The Chief Executive gave verbal updates on how much financial support had been awarded since the production of the report.

The report identified some lessons that had been learned from the Council's reactions to the pandemic situation, which would be taken forward and fed into the Recovery Management Team meetings taking place on a weekly basis. These lessons included:-

Cabinet - 1.06.20

- Improvements to the communication plan
- Consistent messaging
- Limited finances to purchase necessary IT equipment to enable staff to work from home
- Time taken to test and trial various platforms for video-conferencing solutions, however caution was necessary due to reports of 'bombing' and hacking
- Confusion across West Sussex regarding differences in delivery of Community Hub

The final section of the report identified proposals for a Coronavirus Exit Strategy to prepare for the 'recovery' stage of the pandemic, and what the Council could look like as it moved into the 'new normal' phase. These included:-

- Revisiting our ambitions for the future with likely reduced resources
- Bringing forward work on the Medium-Term Financial Strategy and Corporate Plan
- The need to continue to move digital responses more quickly than previously envisaged
- Anticipating the different use of Town Centres, parks, open spaces and seafronts

The Chief Executive confirmed that a further report would be brought to the next Cabinet meeting to update on these matters.

The Chairman then invited questions and comments from Cabinet Members. Whilst Cabinet Members acknowledged the delay in setting up communications plans, the use of social media [in particular VLOGs from the Leader, the Chief Executive and staff] was a very well-received and supported move. Improvements in technology to enable remote working and virtual meetings had set the bar for future working arrangements. It was noted that the report referred to a staff survey and a summary of the outcomes of that survey was awaited.

Cabinet Members raised questions regarding the placement of rough sleepers and homeless households following the pandemic; potential ongoing work with climate change activities such as encouraging cycling and walking; concerns for the future of local businesses and the impact of continued social distancing on them and the local markets; gauging the expectations of the public in terms of what they would like us to do;

The Chief Executive responded to these questions and advised that the results of the staff survey were being analysed; the environmental and sustainability agenda was expanding in reaction to the activities of the pandemic situation; the senior management team were reviewing the increased use of digital contacts and would be working on this through the Arun Improvement Board; the Council would also be considering reviewing bylaws in relation to cycling and improving accessibility, and

pedestrianisation opportunities including road closures/restrictions; the Council's newsletter and social media responses would be used to gather feedback from the public to inform the Council on what they would like to see.

The Chairman referred to tourism and the attractions of the Arun District, the need to capitalise on this to increase the income derived from this, working together with local businesses, particularly the leisure and hospitality industry.

The Chairman then turned to the written questions submitted in advance of the meeting, received from Councillors English and Edwards. Councillor English advised that his questions were for Full Council, not Cabinet, but proceeded with his question regarding the reopening of London Road and the provision of a one-way movement through the Town of Bognor Regis.

A full schedule of questions, answers and supplementary questions and answers would be attached to the signed copy of the Minutes and would also be uploaded to the website as a separate document following the meeting.

The Chairman turned to questions from other Members and sought and received support from the Cabinet that questions asked at the meeting should be succinct and be in line with the procedure rules for virtual meetings, and that there would be an opportunity for a supplementary question arising from the response given.

A lengthy discussion on the report and associated activities then took place. Members asked for clarification and assurance that the Council would continue to support local businesses and residents throughout the emergency and beyond. The Chief Executive acknowledged that the Council's reactions may have been a little slow but there was pressures to deal with the guidelines issued by central government, particularly with regard to processing Business Grants, the guidance for which had been amended several times which impacted on speed of delivery of the financial assistance. This emergency situation was very fluid and there were frequent changes to guidelines in response to the changing situation. The Chairman commented that he and the Chief Executive have been in regular discussion with partners, stakeholders, Government offices, and other local authorities to consider and agree the Council's approach and understanding of the support services available and how these agencies could work collaboratively to provide the support that was needed.

There was a clear desire for a strategy to be taken forward to develop policies for how the Council would deal with the recovery phase and beyond. The Chairman clarified that the Chief Executive's report included suggestions for how the future may look, and that any strategy had not yet been formulated whilst the Council was still deliberating what measures needed to be considered, taking into account the lessons learned from this emergency situation. The Chief Executive added that he would welcome any comments and suggestions to contribute to the recovery strategy.

Cabinet then noted the contents of the report and supported the actions taken. A further report would be brought to Cabinet at its next meeting on 22 June 2020.

Cabinet - 1.06.20

The Cabinet then

RESOLVED

That the actions identified in the report be noted and supported.

40. FURTHER OFFICER DECISIONS TAKEN DURING THE CORONAVIRUS EMERGENCY

The Chief Executive introduced this item which related to two further officer decisions taken, relating to contractual payments to the housing repair and maintenance contract and the reinstating of car parking charges.

The Cabinet then

RESOLVED

That the action taken by officers be noted and supported.

41. CORPORATE PLAN 2018-2022 - QUARTER 4 PERFORMANCE OUTTURN REPORT FOR THE PERIOD 1 APRIL 2019 TO 31 MARCH 2020

The Chairman invited the Cabinet Member for Corporate Support to introduce this item.

The Cabinet Member, Councillor Oppler, reported that the 2020 Vision programme was established to provide the strategic direction required to help the Council become a more effective and sustainable one and to enable it to meet future demands that would be placed upon it. The three Council Priority themes and the 2020 Vision were as follows:-

1. Your services
2. Supporting you
3. Your future

Behind upon these priorities were a series of targets that were measurable and, ideally, in the control of the Council. These were the Corporate Plan indicators. Service targets (Service Delivery Plan indicators – SDPs) sat beneath these corporate priorities to provide more detail about how the services were doing. Performance against these indicators was reported to the Corporate Management Team every quarter, and to Overview Select Committee and Cabinet every six months and at year end.

The Cabinet Member for Corporate Support then invited the Group Head of Policy to present the reports and explain the outturn performance figures, as detailed in the report and associated appendices.

The Group Head of Policy informed Cabinet that the Council may need to consider implementing a new Corporate Plan in 2021 as a result of the Covid-19 pandemic, subject to the timing of the end of the lockdown period. Further consideration would be given to this and reported back to a future meeting. It was also highlighted that the outturns being reported would have been only minimally affected by the Covid-19 pandemic situation as the lockdown situation was implemented towards the end of the reporting period. The impact of the emergency situation would inevitably affect performance being reported at the six-monthly interval, particularly to indicators CP3, CP5, CP7, CP8, CP9, and CP10, which would require close monitoring.

The Cabinet then noted the report.

42. SERVICE DELIVERY PLAN 2018-2022 - QUARTER 4 PERFORMANCE OUTTURN REPORT FOR THE PERIOD 1 APRIL 2019 TO 31 MARCH 2020

The Chairman invited the Cabinet Member for Corporate Support, Councillor Oppler, to introduce this item. The introduction was much the same as the introduction for the previous item, referring to Council priority themes and strategic direction.

The Cabinet Member for Corporate Support then invited the Group Head of Policy to present the reports and explain the outturn performance figures, as detailed in the report and associated appendices.

The Group Head of Policy advised Cabinet that there was an amendment to the number of indicators that had over-achieved. The original report referred to 13 indicators – the correct figure was 14. It was further explained that, in relation to SDP23, the outturn reported should have read 84% (against a target of 80%) so this indicator was actually over-achieving.

As with the Corporate Plan report, Cabinet were advised that the impact of the Covid-19 pandemic situation was likely to adversely impact future performance. Accordingly, close monitoring of indicators SDP4, SDP5, SDP7, SDP16, SDP18, SDP18, SDP21, and SDP 23 will need to take place. SDP1, SDP3 and SDP10 would also need close monitoring in an attempt to improve performance.

Cabinet were asked to agree to an increase in the target figure for SDP21 – Average time from property vacated to being re-let - from the current target of 15 days to a new target of 24 days. The standard of 24 days 'key to key' was the standard as per the new contract with Osbornes which commenced on 1 April 2020.

Cabinet Members offered appreciation for the work undertaken by Officers to achieve the positive results for many of the indicators. Comments were also made on the indicators relating to empty commercial premises in the Towns and the Director of Place added that the current emergency situation would also contribute to that although plans were in place to encourage and assist smaller businesses to thrive during the recovery phase. The Chairman also clarified that public realm funding could only be spent on public realm works, and that investigative work was underway to explore the possibility of extending the timeframe for spending this funding as a consequence of the

Cabinet - 1.06.20

emergency situation. The Chief Executive referred to decisions made last year with regard to funding for town centre events and the provision of 'pop-up' retail opportunities, which would need further consideration once the Council moved into the recovery phase.

Cabinet were requested to note this report and to approve the increase in the target for SDP21 (Average time from property vacated to property re-let) for 2020/21 from 15 days to 24 days.

The Cabinet

RESOLVED - That

- (1) The report be noted; and
- (2) The performance indicator SDP21 be increased from 15 days to 24 days for 2020/21.

The Cabinet confirmed its decision as per Decision Notice C/001/010620, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 8.05 pm)

**ARUN DISTRICT COUNCIL**

**DECISION NOTICES FROM THE MEETING HELD ON  
MONDAY 1 JUNE 2020**

<b>REF NO.</b>	<b>DECISION</b>
C/001/01062020	SERVICE DELIVERY PLAN 2018-2022 - QUARTER 4 PERFORMANCE OUTTURN REPORT FOR THE PERIOD 1 APRIL 2019 TO 31 MARCH 2020

**PLEASE NOTE THAT THIS DECISION WILL COME INTO EFFECT FROM 10.00 AM ON  
WEDNESDAY 10 JUNE 2020 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

REFERENCE NO: C/001/01062020

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>		NO
<b>SUBJECT:</b>	SERVICE DELIVERY PLAN 2018-2022 - QUARTER 4 PERFORMANCE OUTTURN REPORT FOR THE PERIOD 1 APRIL 2019 TO 31 MARCH 2020	
<b>OFFICER CONTACT:</b>	<b>Jackie Follis, Group Head of Policy</b> <b>Ext : 01903 737580</b> <b>Email : Jackie.Follis@arun.gov.uk</b>	

<b>EXECUTIVE SUMMARY:</b> This report sets out the Q4 performance outturn for the Service Delivery Plan (SDP) performance indicators for the period 1 January to 31 March 2020.	
<b>DECISION:</b> Cabinet is requested to:  a) Note the Council's Q4 performance against the targets for the Service Delivery Plan (SDP) indicators as set out in this report and Appendix A and B which are <b>attached</b> . b) Approve the increase in the target for SDP21 (Average time from property vacated to property re let) for 2020/21 from 15 days to 24 days	
<b>REASON FOR THE DECISION:</b> In order for Cabinet to be updated with the Q4 Performance Outturn for the Service Delivery Plan indicators the period 1 January to 31 March 2020.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> i. To note the report. ii. To request further information and/or remedial actions be undertaken	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	N/A
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	

# Public Document Pack Agenda Item 31

Subject to approval at the next Development Control Committee meeting

27

## DEVELOPMENT CONTROL COMMITTEE

3 June 2020 at 1.00 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Oppler (Substitute for Mrs Warr), Mrs Pendleton, Roberts, Tilbrook, Mrs Worne (Substitute for B Blanchard-Cooper) and Mrs Yeates

### 43. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Blanchard-Cooper and Mrs Warr.

### 44. DECLARATIONS OF INTEREST

Councillor Mrs Yeates declared a personal interest in Planning Application BE/109/19/OUT.

### 45. AW/237/19/PL THE FORMER SHIP INN, ALDWICK STREET, ALDWICK PO21 3AP

AW/237/19/PL – Variation of conditions imposed on planning reference AW/211/14/PL relating to condition 8 – delivery times & condition 10 – delivery of goods serving the store in accordance to the Delivery Management Schedule, The Former Ship Inn, Aldwick Street, Aldwick

This application had been deferred from the meeting held on 8 January 2020 to enable an independent Road Safety Audit (RSA) to be undertaken for tracking diagrams to be provided to illustrate the effect of two refuse collection vehicles were passing in opposite directions when a delivery was being made.

The report on the table presented the conclusions of the Independent RSA Highway Assessment & Road Safety Audit (RSA) which, in summary, concluded that the minor issues raised would all be resolved either through the discharge of condition 7 (Servicing Management Plan) or through the S.278 Agreement process. There were no objections to the tracking diagrams. There was therefore no change to the original officer recommendation to approve the proposal. It was highlighted that, should the Committee refuse the application then the Council's position at appeal would be substantially weaker given the requested additional highway work that had been undertaken did not differ from the advice received from the Highway Authority. The potential for an award of costs would therefore be substantially increased.

An officer report update had been provided which set out the detail of two additional objections, together with the applicant's and the officer's response.

Development Control Committee - 3.06.20

Members participated in a full debate and continued to express serious concerns around the proposal which centred on the potential for a significant increase to the impact on the highway and the safety of road users and pedestrians. Advice was received from WSCC officers that the proposals were for a minor amendment to previously agreed delivery arrangements and these were not considered significant or would result in any severe risk to highway safety. It was confirmed at the January 2020 meeting that the view of WSCC was that it was unlikely that two vehicles would be able to pass when a vehicle was servicing the premises but that this would result in minor additional delays and the proposals were for only two additional deliveries per day. Members were also advised that an increase in congestion did not automatically mean that there would be a resultant decrease in highway safety and, in order to sustain a reason for refusal, any impact on highway safety had to be severe.

The Committee did not support the officer's recommendation to approve and therefore

RESOLVED

That the application be refused for the following reason:-

The significant increase in the frequency of deliveries and the increase in the size of vehicles would give rise to an increased level of safety risk to motorists, pedestrians and cyclists travelling along Aldwick Street by virtue of increased congestion. The proposals would therefore conflict with Policy T SP1 of the Arun Local Plan and policies within the NPPF.

46. AW/26/20/HH 61 QUEENS FIELD WEST, ALDWICK PO21 5SH

AW/26/20/HH – Two storey front extension, 61 Queens Fields West, Aldwick

The Committee received a report and presentation from the Planning Team Leader on the detail of the proposal and, following consideration, Members

RESOLVED

That the application be approved as detailed in the report.

47. BE/89/19/PL BABSHAM BUSINESS CENTRE, BABSHAM LANE, BERSTED PO21 5EL

Public Speaker: Ms A. Van Koolbergen – Objector

BE/89/19/PL – The change of use of land for the storage of building materials, equipment & plant & for the parking for fixed body vehicles together with part boundary screen fence with a secure gated access point to the site, Babsham Business Centre, Babsham Lane, Bersted

Having received a report on the matter, together with the officer's written report update detailing an additional objection, Members received clarification on issues raised with the officers.

The Committee then

**RESOLVED**

That the application be approved as detailed in the report subject to the following additional conditions: -

A scheme to show improvements to, and a management plan for, the access road between the site and the adopted highway boundary shall be submitted to the Local Planning Authority within 3 months of the date of the permission. The approved details shall be implemented within 3 months of the approval by the Local Planning Authority. The access road shall be retained in perpetuity in accordance with the management plan.

Reason: In the interests of the amenities of neighbouring properties in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

Details of the provision for bat boxes shall be submitted to the Local Planning Authority within 3 months of the date of this permission. The boxes shall be erected on site within 3 months of the date of approval by the Local Planning Authority and retained in perpetuity.

Reason: In the interests of wildlife in accordance with policies ENV SP1 and ENV DM5 of the Arun Local Plan.

Within three months of the date of the permission a scheme shall be submitted to control dust from the site. The scheme as approved shall be implemented within 3 months of the date of the approval of the details and retained in perpetuity.

Reason: In the interests of the amenities of neighbouring residents in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

48. BE/109/19/OUT - LAND EAST OF SHRIPNEY ROAD AND SOUTH OF HADDEN HOUSE, SHRIPNEY ROAD, BERSTED PO22 9NW

Public Speakers: Ms J. Wyatt – Objector  
Mr N, Jarvis – Agent

BE/109/19/OUT – Outline application with some matters reserved for up to 46 No. dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney

Development Control Committee - 3.06.20

Conservation Area, Land east of Shripney Road & south of Haddan House, Shripney Road, Bersted

Having received a report on the matter, together with the officer's written report update detailing matters in respect of Policy SO DM1 and the loss of agricultural land; and a further letter of objection received, the Planning Team Leader presented the detail of the application.

Members participated in a comprehensive debate with some Members highlighting their concerns about flooding issues, sustainability and highway safety. The Committee was advised by the Group Head of Planning and the Principal Solicitor Planning that an appeal had been allowed for residential development on a site only a few metres away from this site. Officer advice was clear in that there would need to be demonstrable and exceptional evidence provided to demonstrate that those conclusions were fundamentally incorrect. A failure to do so would expose a significant risk of unreasonable behaviour at a future appeal. Further debate took place on whether to defer the application for a site visit and, on being put to the vote, was not supported.

The Committee did not support the officer's recommendation to approve but were unable to formulate full reasons for refusal at the meeting. An extensive list of issues was raised and it was proposed that the application be deferred in order to allow officers time to draft some reasons for the Committee to consider. The Committee therefore

RESOLVED

That the application be deferred for reasons for refusal to be drafted.

49. FG/8/20/PL EASTLANDS, LITTLEHAMPTON ROAD, FERRING BN12 6PB

Public Speakers: Cllr S. Abbott – Ferring Parish Council  
Mr E. Miller – Objector

FG/8/20/PL – Erection of 1 No. equestrian dwelling & retention of 1 No. gazebo & 2 No. carports. This application is a Departure from the Development Plan & may affect a Public Right of Way, Eastlands, Littlehampton Road, Ferring

Having received a report on the matter, together with the officer's written report update detailing amendment to Condition 2 to include wording relating to the site plan as that had been omitted, the Committee

RESOLVED

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

50. FG/152/19/PL 40 LITTLE PADDOCKS, LITTLE PADDOCKS, FERRING BN12 5NJ

Public Speakers: Cllr S. Abbott – Ferring Parish Council  
Mr E. Miller – Objector

FG/152/19/PL – Erection of 2 x 3 bed detached chalet bungalows with associated parking and amenity space including the demolition of the existing house and garage, 40 Little Paddocks, Little Paddocks, Ferring

In presenting this report, the Planning Team Leader highlighted the officer's written report update which detailed the Environment Officer's consultation response that there was scope for roosting bats on the site and an additional condition and informative was therefore included in the amended recommendation sheet.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer's written report update and subject to the following additional condition: -

The windows at first floor level in the Eastern elevation of the building '40 Little Paddocks', as well as the Eastern and Western elevations of the building '39 Little Paddocks' shall at all times be and remain glazed entirely with obscure glass, and fixed to be non-opening, below 1.7m from internal floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

51. LU/51/20/PL THE LOOK AND SEA CENTRE, SURREY STREET, LITTLEHAMPTON BN17 5AW

LU/51/20/PL – Change of use of upper 2 floors from the existing mixed use to 6 No. suites for tourist accommodation (C1 Hotels). This application may affect the setting of a listed building & may affect the character & appearance of the Littlehampton (River Road) Conservation Area, The Look & Sea Centre, Surrey Street, Littlehampton

Having received a report on the matter, together with the officer's written report update detailing that the Environment Agency had no objection to the proposal, the Committee participated in some discussion on the proposal.

The Committee

RESOLVED

Development Control Committee - 3.06.20

That the application be approved as detailed in the report.

52. APPEALS

The Committee received and noted the appeals that had been received.

(The meeting concluded at 6.27 p.m.)

# Public Document Pack Agenda Item 33

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

1

## LITTLEHAMPTON REGENERATION SUB-COMMITTEE

10 June 2020 at 6.00 pm

Present:

Councillors Cooper (Chairman for the meeting), Bicknell, Buckland, Goodheart, Gunner, Miss Rhodes, Miss Seex and Dr Walsh

[Councillor Buckland was absent from the meeting during consideration of Minutes 9 – 11.]

### 1. ELECTION OF CHAIRMAN FOR THE MEETING

Due to the exceptional circumstances created by the pandemic, the Chairman of the Subcommittee, Councillor Miss Seex, was unable to chair the meeting (although she would be in attendance and would participate in the proceedings) and the Vice-Chairman had given apologies on compassionate grounds. It was therefore necessary to elect a Chairman for the meeting and, having been formally proposed and seconded, the Subcommittee

RESOLVED

That Councillor Cooper be elected Chairman for the meeting.

### 2. WELCOME

The Chairman welcomed Members, guests, press and the public to this virtual meeting of the Subcommittee and explained the process that would be followed.

### 3. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Blanchard-Cooper.

### 4. DECLARATIONS OF INTEREST

Councillors Dr Walsh and Buckland declared a personal interest as Members of West Sussex County Council and Littlehampton Town Council.

Councillors Miss Seex and Miss Rhodes declared a personal interest as Members of Littlehampton Town Council.

### 5. MINUTES

The Minutes of the meeting of 18 November 2020 were approved by the Subcommittee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

6. START TIMES

The Subcommittee

RESOLVED

That the start times of meeting be 6.00 p.m. for the remainder of 2020/2021.

7. LITTLEHAMPTON TOWN CENTRE PUBLIC REALM IMPROVEMENTS

The Chairman was pleased to welcome to the meeting:-

Tim South, Principal Design Consultant, LDA Design

Max Barnes, Landscape Architect, LDA Design

Tom Newman, Senior Project Manager for the regeneration scheme, Faithful + Gould

Mr South gave a comprehensive slide presentation on the detail of what was envisaged to improve Littlehampton's public realm and to create a more positive and welcoming vista for the town. He congratulated officers on their efforts in securing external funding to make the project achievable.

The importance of Littlehampton's maritime heritage had been acknowledged in the design and it was suggested that perhaps the clock tower could be retained but moved as its present location reduced the flexibility of that space and detracted from the open aspect that was integral to the overall feel of the whole scheme. It was hoped that it could be worked into the design proposal in an alternative way.

Members were advised that this ambitious but deliverable plan would take the emphasis away from the car with traffic calming measures to reclaim the town centre for pedestrians.

In opening up the debate, the Chairman expressed his thanks for the extremely interesting and informative presentation that have been given on the principles behind the design.

The Subcommittee participated in a lengthy question and answer session with the consultants, during the course of which a concern was raised with regard to The Arcade and the need for the surface there to be upgraded. The Group Head of Economy advised that that was outside of the remit of this scheme as it fell under the responsibility of West Sussex County Council. However, discussions could be undertaken to explore with the County Council whether something could be negotiated to enable improvements to The Arcade.

Further matters raised related to disability issues; disabled parking; traffic flows; cycling racks; the link between the High Street and East Bank; signage; events infrastructure; and street furniture, all of which were addressed at the meeting. A

question was asked relating to the economic benefit of such schemes and the Group Head of Economy stated that could be provided to Members as the information had been included in the bid documents covering outcomes and impact on the local economy.

A concern was raised in respect of unauthorised changes being made to the scheme by the contractor during the course of work. An assurance was given that it would be a Design and Build contract so if the contractor wished to make changes for technical reasons or such like, any such changes would require the prior approval of the Council.

With regard to the proposals put forward for street furniture, a request was made that the Subcommittee indicate its preference to give a steer to the consultants. An informal vote was taken and an overwhelming majority indicated that their preference would be for the natural finish suite to be installed as that would be a better match with what was at the East Bank.

It was emphasised that, under the terms of the funding agreement, work had to commence in January 2021 in order to ensure the project was delivered on time.

The Chairman closed the debate by thanking Mr South, Mr Barnes and Mr Newman for their attendance and contribution to an interesting and informative presentation.

#### 8. ST MARTINS CAR PARK

The Group Head of Economy presented this report which simply sought Members support to enable officers to investigate development options for the St Martins car park site. On clarity being sought, it was agreed that the wording to be voted on would be that as set out under Section 2 of the report as that recommendation was more comprehensive of the way forward.

In discussing the matter, it was agreed that it would be useful for Members to be appraised of previous studies that had been undertaken for this site and the Group Head of Economy stated that she would forward the relevant information to the Subcommittee.

It was confirmed that no costs would be incurred by the Council at this stage as officers would only be having discussions with developers to ascertain what would be a feasible and viable mix for this site, taking into account the changes facing the country's High Streets.

Following general discussion about the site and before turning to the substantive recommendation, it was formally proposed and seconded that the words "within 9 months" be added. Having been agreed, the Subcommittee then

RESOLVED

That officers investigate potential development options for the St Martins Car Park, Littlehampton, and that a further report be brought back to Members with conclusions and recommendations for options for a way forward for the development of the site within 9 months.

9. BUSINESS SUPPORT ENTERPRISE UPDATE

The Subcommittee received this regular update report from the Business Development Manager on the services provided to local businesses by the Council.

Due to the current emergency of the pandemic, she informed Members in particular that

- (i) The Business of the Year Awards due to be held for 2020 had been cancelled but that a future event would certainly be organised; and
- (ii) The discretionary business grants would be suspended from 23 June 2020 but the situation would be reviewed.

The Chairman thanked the Business Development Manager for her comprehensive report, which the Subcommittee duly noted.

10. SUMMARY OF TOURISM SUPPORT CURRENTLY PROVIDED BY ARUN DISTRICT COUNCIL

Having received this report from the Tourism Business Development Officer, the Subcommittee focussed on the impact of the pandemic on local tourism businesses due to the importance of this sector to the local economy.

Members were advised that as a result of the current situation, there had been even more positive collaboration between the various tourism organisations and local businesses to establish a recovery plan for the sector.

In the course of discussion a number of issues were raised, including :-

- Disparity of the figures included in the report – the Tourism Business Development Officer stated that these had been provided by Tourism South East and she would look at them and send out further information following the meeting
- Sussex by the Sea website and the use of social media – it was recognised that an overhaul was required of the website to present a much more attractive view of the local area and the offer of Member engagement and involvement was welcomed. It was also suggested that more analysis of social media information should be included in future update reports.
- It should be recognised that there was a need to develop a strategy for the District, not just relying on a website.

- Action must be taken to ensure that the South East (to include Arun) took a bigger share of tourism away from the South West, North West and Scotland as the country comes out of lockdown.

The Chairman thanked the Tourism Business Development Officer for a weighty and comprehensive report, which the Subcommittee duly noted.

11. LH POSITION STATEMENT FOR JUNE 2020

In considering the Position Statement, a Member view was expressed that it was disappointing that parts of the information provided was out of date and a request was made that this be rectified for the future. Further particular comment was made in respect of the following:-

**Business Support Grants** – thanks were expressed to all those involved in getting these out in a timely manner and the huge effort made was recognised.

**Look & Sea Centre** – a very recent decision at the Development Control Committee had approved the change of use of the two top floors to tourist accommodation.

Following general comments relating to signage for car parks and The Arcade, the Subcommittee noted the Position Statement.

(The meeting concluded at 9.49 pm)

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# Public Document Pack Agenda Item 34

Subject to approval at the next Bognor Regis Regeneration Sub-Committee meeting

1

## BOGNOR REGIS REGENERATION SUB-COMMITTEE

17 June 2020 at 6.00 pm

Present: Councillors Stanley (Chairman), Brooks (Vice-Chair), Mrs Daniells, Dixon, English, Mrs Madeley, Oppler, Roberts (Substitute for Mrs Stainton) and Mrs Warr

Councillors Charles, Coster, Dendle, Edwards, Goodheart, Gunner and Mrs Pendleton were also in attendance for all or part of the meeting.

### 1. APOLOGIES FOR ABSENCE

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

### 2. DECLARATIONS OF INTEREST

Councillor Brooks – Personal as (i) voting member of Arun Arts which runs the Alexander Theatre; (ii) had made a submission to Arun District Council on elements of an informal scheme on the Regis site; and (iii) Premier Inn cardholder.

Councillor Mrs Daniells – Personal as (i) voting member of Arun Arts; and (ii) Whitbreads shareholder but under £25,000 threshold as stipulated under the Council's Code of Conduct.

Councillor Dixon – Personal as a member of Bognor Regis Civic Society.

Councillor English – Personal. He stated that some of the questions he was asking were from supporters of the Sir Richard Hotham Project and he saw no reason to treat them any differently from any other residents of the Arun District. He saw that as the best way forward. As there were a number of questions which were being asked on behalf of lobbying groups and to which he did not know the answers, he had sent those to the Director of Place in advance of the meeting. On reflection, he was concerned that the questions might or could now be treated by some in a prejudicial way rather than as straight forward questions to be answered factually or clearly. He was not in any way connected to or part of any lobbying groups with regard to regeneration but, if asked, would make his own decision to pursue an answer or question or not. He had not attended any meetings, Council or otherwise, of any lobbying groups in respect of regeneration to the best of his memory.

### 3. MINUTES

The Minutes of the meeting held on 4 February 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

4. START TIMES

The Subcommittee

RESOLVED

That the start times of meetings for the remainder of 2020/21 be 6.00 p.m.

5. BID UPDATE

The Chairman welcomed to the meeting Mr Jason Passingham, who was in attendance to provide the Subcommittee with an update on the work of BID.

Mr Passingham provided a comprehensive outline of the work he and his team had undertaken to assist businesses in a variety of ways to navigate the very serious effects of the pandemic and resultant lockdown that had been put in place by the Government. He thanked the Group Head of Economy and the Senior Regeneration Officer for their contribution to the partnership working that had taken place, particularly with regard to the signage that had been prepared and which had been designed uniquely for Bognor Regis and its surrounding area.

Following a brief question and answer session, Members of the Subcommittee commended Mr Passingham and his team for the huge effort they had made in assisting businesses in the town, and the Chairman also expressed his thanks for the way they had passed on all the information and guidance from the Government, which had been extremely beneficial for the business community.

6. UPDATE ON OPTIONS FOR THE REDEVELOPMENT OF THE REGIS CENTRE AREA

The Director of Place presented this report which provided the background to the Council's development strategy for the potential redevelopment of the Regis Centre but which might now be severely impacted in light of the challenging economic conditions that would be experienced as a direct result of the corona virus pandemic. A number of recommendations to Full Council had been set out in the report in order to facilitate an amended scheme which could be delivered commercially without resorting to any significant public subsidy.

In participating in a full debate, there was an overwhelming concern expressed by Members that they were being asked to make recommendations on a matter which they did not feel fully informed about. The previous administration had agreed a strategy but it was felt that far more detail was required, particularly with regard to the financial aspects relating to negotiations with Whitbreads and the future of the Alexander Theatre. There was also a certain disquiet that what was being proposed was piecemeal development and was not regeneration.

The Chairman, having picked up on the concerns being raised, proposed that the matter be deferred to seek further information around the financial implications, with a further report to be brought back by the Director of Place to a future meeting. This was duly seconded.

Further comments were made indicating that the development plans of the Sir Richard Hotham Project should be revisited and that the feasibility of opening the Royal Hall should be explored.

The Director of Place, in confirming that he would present a further report to a future meeting in the event the matter was deferred, advised that that report would set out the basis of the negotiations undertaken previously and also include other issues raised in the debate relating to, for example, the condition of the buildings. Due to the nature of its content, much of the report would necessarily have to be of a confidential nature.

The Director of Place also took the opportunity to remind Members that in 2018 the Council did have a redevelopment strategy for the Regis site, known as the Winter Gardens Project. It had been agreed at that time that, in order to deliver a complex and overall package of proposals, that would be best achieved through a series of individual developments. The report on the table was inviting Members to approve the first phase of that strategy to build a hotel and to bring back into the Council's full control the public house and theatre to allow the Council to move forward on developing the site. The Subcommittee was reminded that there was therefore a strategy, there was a plan, and the report was inviting Members to commence the delivery of the scheme. However, he did request that if Members now wished to deliver something completely different, officers be provided with clarity around what they wished to see delivered.

A further proposal was put forward that a recommendation be made to Full Council that the Sir Richard Hotham Project, proposals for a water feature and all other options be explored to deliver the best possible outcome for the people and businesses of Bognor Regis and to ensure that all Councillors were brought up to date to understand all the options available.

In line with the Council's procedure rules, the Subcommittee turned to the first proposal to defer and, having been voted on with an overwhelming majority,

#### RESOLVED

That the matter be deferred to enable the Director of Place to present a further report to a future meeting setting out the detail of previous negotiations and other matters.

#### 7. BOGNOR REGIS REGENERATION POSITION STATEMENT

In receiving and noting the Position Statement, the Subcommittee received/made particular comment on the following:-

**Enterprise Bognor Regis:** An update was requested on the A29 realignment which was provided by the Director of Place who was able to advise that the County Council would be submitting a planning application in July/August for the northern section and a planning application for the whole of the road and the northern section of the strategic allocation would be coming forward at around December. Advice was also given that the Advisory Group was involved in discussions and there would be opportunities for public engagement.

Mention was made that a sign at Rolls Royce had still not been installed.

**Town Centre Initiatives:** A question was asked with regard to experimentation for improving pedestrianisation and cycling in front of the Arcade and the Station. The Subcommittee was informed that the Senior Regeneration Officer was working on that so that if money became available a bid could be submitted.

**Seafront Regeneration:** The Chairman advised that, in his role as Cabinet Member for Technical Services, a confidential mediation meeting had been held with the suppliers of the new toilet block. Good progress had been made and a satisfactory outcome had been reached. In the meantime, temporary toilets would be provided for use from 10 July to 3 September 2020. He expressed his thanks to officers for their work on this matter.

(The meeting concluded at 8.08 pm)

# Public Document Pack Agenda Item 35

Subject to approval at the next Cabinet meeting

33

## CABINET

22 June 2020 at 5.00 pm

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

Councillors Bennett, Bicknell, Bower, Charles, Mrs Cooper, Cooper, Edwards, Gunner, Mrs Pendleton and Roberts were also in attendance at the meeting.

### 53. WELCOME

The Chairman welcomed Councillors, Officers and members of the public to what was the third virtual meeting of Cabinet. He provided a brief summary of how the meeting would be conducted and the protocol that would be followed and how any break in the proceedings due to technical difficulties would be managed.

### 54. DECLARATIONS OF INTEREST

The Chairman, Councillor Dr Walsh, declared a Personal Interest in Agenda Item 8 [The Council's Response to the Covid-19 Pandemic Situation] as a Member of West Sussex County Council.

### 55. QUESTION TIME

The Chairman confirmed that no questions had been submitted for this meeting.

### 56. URGENT BUSINESS - FURTHER OFFICER DECISION TAKEN DURING THE CORONAVIRUS EMERGENCY

The Chairman confirmed that in accordance with the provisions of the Officer Scheme of Delegation in the Council's Constitution, one urgent Officer Decision had been taken by the Interim Monitoring Officer in relation to the Council's Virtual Meeting Procedure Rules. This decision had been uploaded to the Council's webpages earlier that day and had been taken on 19 June 2020.

The Chairman explained that in consultation with the Chief Executive, who in turn had consulted with the Group Leaders on 18 June 2020; and in consultation with the Chairman and Vice-Chairman of the Constitution Working Party, and the Portfolio Holder being notified, in order to conduct remote hearings of the Licensing Sub-Committee in accordance with relevant legislation, an addition to the Virtual Meeting Procedure Rules had been required at Paragraph 14 in respect of the Licensing Sub-Committee and the ability of this Sub-Committee to hold hearings in accordance with relevant legislation to ensure a fair hearing.

Cabinet - 22.06.20

Part 5, Section 5 – The Virtual Meeting Procedure Rules had been updated to allow the access of the public and press to attend and participate in Licensing Sub-Committee meetings. The change to the Constitution had been urgently required to allow a Licensing Sub-Committee to proceed on 26 June 2020.

The Cabinet noted and supported the actions taken by the Interim Monitoring Officer.

57. MINUTES

The Minutes of the meeting held on 1 June 2020 were agreed by the Cabinet and would be signed by the Chairman as soon as practically possible.

58. BUDGET VARIATION REPORTS

The Chairman confirmed that there were no items to bring to this meeting,

59. UPDATE ON WEBCASTING OF MEETINGS - PROCUREMENT OPTIONS

The Cabinet Member for Technical Services, Councillor Stanley, introduced this item outlining that following the reports that had been made to Cabinet on 8 July and 9 December 2019, this report fed back to Cabinet the findings from the corporate officer group that had been established to examine the future webcasting needs of the Council and associated costs. This report had been slightly adjusted to reflect the Council's current financial position as a result of Covid 19 meaning that it would now be necessary to consider a range of options and possibly at different time stages and so a further report would be presented to Cabinet setting out the costs and long-term financial implications of these options for webcasting.

In view of the timescales involved for this work, Cabinet was being asked to instruct Officers to extend the existing contract with Auditel for the webcasting of all public meetings for the next twelve months, the cost of which would be met from existing budgets as the existing contract with Auditel would imminently be expiring.

It was also intended, subject to any future decisions regarding the options for webcasting, that when meetings returned to the Civic Centre with the public being allowed to physically attend, then webcasting would revert back to web-streaming live Full Council and Development Control Committee meetings only.

Councillor Stanley emphasised the fact that the officer group had undertaken a lot of work which had included a soft market testing exercise to understand the technical requirements of upgrading and extending the current webcasting arrangements including the Committee Suite and the key information relating to this had been set out in Section 2.1 of the report. It was also highlighted that the Committee Services team, ICT and the Senior Estates Surveyor have worked collaboratively with Auditel's Senior Management Team in escalating and resolving the issues previously reported to this meeting, the result of which has been a much-improved client relationship.

The Director of Place endorsed the points made by Councillor Stanley and invited questions from Cabinet Members.

Comments from the Cabinet outlined the importance of this report as one of the Council's long-term objectives was to improve the transparency and accountability of its meetings. Previously, the equipment installed in the Council Chamber had seen only the Development Control Committee rely on the equipment for webcasting meetings. Cabinet endorsed its view that webcasting needed to be widened out and needed to be continued to be used and to reflect the increasing numbers of those who watched the web streams either live or on demand.

It was also acknowledged that the current pandemic had forced the Council to change its focus on how meetings were now run and as this had worked successfully it was important for the Council to consider options for webcasting moving forward. In view of this, Councillor Stanley confirmed that he wished to make an amendment to Recommendation (3) to read as follows – additions have been shown using **bold** and deletions have been shown using ~~strikethrough~~:

~~If within the next 6 months the public are allowed to attend meetings in the Civic Centre then the webcasting will revert to the Full Council and Development Control Committee meetings only.~~ **In the event of physical meetings becoming possible in the next six months which the public are allowed to attend in the Civic Centre, Officers investigate the ongoing use of Zoom and/or the utilisation of the Council Chamber for both Cabinet and the Overview Select Committee to be webcast alongside Full Council and the Development Control Committee.**

This amendment was seconded by Councillor Oppler.

The Chairman then invited debate on the amendment asking Officers firstly if they could provide any comment on the amendment made.

As there were no questions from Cabinet Members, the Chairman invited non-Cabinet Members to ask questions.

Questions were asked with regard to the key elements of the draft specification for a fully comprehensive system as had been set out in the report at Section 2.1 in relation to the number of microphones that would be provided and if these would be wireless.

Positive comments were received in relation to the amendment as it was felt that all Council meetings should be webcast. Councillors were also interested to learn what the viewing figures had been for meetings. Councillor Stanley confirmed that for Cabinet on 29 April 2020 there had been 354; for Annual Council there had been 379; and for the Littlehampton Regeneration Sub-Committee 65. This confirmed that there was a considerable difference between the larger Committees compared with smaller

Cabinet - 22.06.20

Sub-Committees and this was why the amendment to Recommendation 3 had been proposed.

Moving forward Councillors agreed that as it was difficult to anticipate when physical meetings could once again resume, the possibility of being able to look into using a hybrid approach for meetings could resolve a number of issues and most likely save on costs. It would therefore be interesting to see what other alternatives could be available.

Following some further discussion, the amendment to Recommendation 3 was put to the vote and this was declared carried.

The Cabinet therefore

**RESOLVED – That**

- (1) In view of the timescales involved for this project, to instruct Officers to extend the existing contract with Auditel, for the webcasting of all public meetings for the next twelve months the cost of which is to be met from existing budgets;
- (2) To note that a further report will be provided to Cabinet setting out the anticipated costs and long-term financial implications of a range of options for webcasting; and
- (3) In the event of physical meetings becoming possible in the next six months which the public are allowed to attend in the Civic Centre, Officers investigate the ongoing use of Zoom and/or the utilisation of the Council Chamber for both Cabinet and the Overview Select Committee to be webcast alongside Full Council and the Development Control Committee.

The Cabinet confirmed its decision as per Decision Notice C/002/220620, a copy of which is attached to the signed copy of the Minutes.

**60. THE COUNCIL'S RESPONSE TO THE COVID 19 PANDEMIC SITUATION**

The Chairman introduced this report confirming that it provided another update in terms of how the Council had been dealing with the Coronavirus over recent weeks. All Members had been receiving a weekly update from the Chief Executive and the Leader of the Council and the bulk of those briefings had also been sent to the Council's partners. The first part of the report provided a formal record of what had been done to date.

The Chairman then outlined that it was now very important for the Council to consider not only the economic impact on the Council, local businesses and the community, but also that these social impacts be fully considered. The report also discussed both aspects from a short, medium and long-term point of view.

Finally, the report proposed the establishment of a Working Party to discuss, in private, how the Council could help the Council and the community to recover from this terrible pandemic. The Chairman confirmed that he welcomed and fully supported this approach, and that he believed that the three other political parties were also supportive of this approach.

The Chief Executive then presented his report confirming that he wished to thank the Economic and Communications Teams for their recent phases of work in preparing for getting the District's High Streets ready for coming out of Lockdown last Monday, 15 June 2020. They had had to work with very little Government guidance and very little time to deliver the programme that balanced a warm welcome with confidence for the public to return to shops safely. They had worked closely with Town and Parish Councils to make practical arrangements for retail areas across the entire District and were now currently working with the Town and Parish Councils on further improvements.

The Chief Executive outlined that the report discussed possible changes in society addressing the terrible downsides; deaths, isolation, mental health issues, domestic violence, business failures and unemployment issues. There had also been positive outcomes being an uplift in community spirit, caring for others, improved health, lower pollution and family time - all of which had encouraged stronger support for supporting being "local" and more sustainable in the future.

This was an important time for the Council to provide Leadership, economic stimulus and to facilitate recovery, using the positives that had come out of the pandemic. As a Council, Members and Officers together, had just as much chance as any expert or consultant to come up with possible answers for the recovery programme, and the report proposed the establishment of a Working Party to help take this forward and to provide proposals for Cabinet to consider in the future months. The report suggested short, medium and long-term issues to consider and work on.

The Council's finances were of great concern as it headed towards a possible deficit of £2.9m for this financial year. The Council's Corporate Management Team (CMT) had been meeting regularly to discuss possible financial solutions which would be discussed further with Cabinet over the coming weeks. The Council would also have to consider its priorities and probably make difficult and swift decisions to help the recovery phase move forward quickly.

The Chairman thanked the Chief Executive for his presentation and invited questions from Cabinet Members.

Firstly, the Chairman confirmed that the details of a new financial package from Government were awaited and would hopefully be received by the end of this week it was also hoped that further guidance might be received soon to establish when and how Leisure Centres could reopen alongside further revisions to social distancing rules, all of which would have significant impacts on the reopening of certain Council facilities

Cabinet - 22.06.20

as well as retail and leisure businesses such as pubs/restaurants which were all key parts of the local economy.

The Chairman stated that he was pleased to be able to announce that West Sussex County Council (WSCC) had confirmed that it would not levy its proposed tax on establishments wishing to place tables and chairs outside of their premises. This would allow cafes and restaurants, when they did reopen, to be able to spread out and enable a safe reopening experience.

Cabinet confirmed that it was delighted with the help that the Council had given to shops and businesses in the District since they had re-opened on 15 June 2020. It was also pleasing to report that shops had also positively fed back the assistance being provided by the public in maintaining social distancing and how they had conformed to queuing and other stipulated measures. This allowed a very clear message to be passed on in that the District was a safe area to visit and shop in.

The Cabinet then allowed non-Cabinet Members to ask questions and submit statements. These saw comments being made about the terms of reference proposed for the Covid-19 Recovery Working Party in that these should not be restrictive in any way whilst also acknowledging that it was just as important for Councillors to be able to look at what could have been handled better during the Pandemic looking at lessons learnt as this would assist the Council in the event of any second spike of the virus.

Non-Cabinet Members also sought Cabinet's assurance that the support already provided to hospitality businesses would continue as it was vital to get the local economy up and running again.

Discussion focused upon the business support grant and reaching out to those businesses who were entitled to receive the grant but had either refused or had not made an application. The need to continue processing appeal applications was also seen as vital.

Looking at the impact Covid19 had had on the social and well-being of some of Arun's residents, an update was requested on the showering facilities at Flaxmean House. The Cabinet Member for Residential Services, Councillor Mrs Gregory, confirmed that a written response had been provided on this issue.

Other comments on the report related to the public conveniences on the promenade at Bogor Regis; the need to think about providing free wi-fi in Town Centres to assist social distancing; to ensure that a campaign was in place to market the popular areas of the District as safe areas for tourists during a time of fantastic weather; and would the new Working Party address such issues.

The Chief Executive responded confirming that the terms of reference of the new Working Party had been kept deliberately brief to ensure that a wide-ranging review could be undertaken. The purpose of the Working Party was to focus on looking forward in line with the short, medium and long-term proposals that had been set out in the report.

Finally, the Chairman thanked the Council's Officers for processing nearly £28 m of business support grants. The Cabinet then

RESOLVED –That

- (1) The action taken to date be noted;
- (2) Consideration be given to the way for the Council post-recovery;
- (3) As part of the work in (2) above, support the establishment of a Coronavirus Recovery Working Party based on the following terms:
  - (a) Terms of Reference– to conduct a review on the way forward for the Council post recovery
  - (b) Size of the Working Party – 10 Members with seats allocated as follows – Lib Dems [4]; Cons [4]; Ind [1] Green [1]
  - (c) Nominations to the seats – to be made by the relevant Group Leader and confirmed as Councillors Bennett, Chapman, Mrs Cooper, Cooper, Dendle, Mrs Haywood, Mrs Staniforth, Tilbrook, Ms Thurston and Dr Walsh;
  - (d) Proposals for the allocation of seats if vacancies occur– to be for the relevant Group Leader to fill the vacant seat and report this information to the next Full Council meeting;
  - (e) Timescale for the work to be undertaken – over the next few months of recovery and to include whatever time is required in view of the uncertainty of Covid19
  - (f) To report back to Cabinet on 20 July 2020; and further meetings
- (4) If established, the Working Party can then:
  - (a) Review its terms of reference at its first meeting and recommend any change back to Cabinet;
  - (b) Make any recommendations to Cabinet based on the terms of reference – it will have no decision-making authority; and
  - (c) Meet in private unless it agrees that it will work to the Meeting Procedure Rules at Part 5 of the Council's Constitution.

The Cabinet then confirmed its decision as per Decision Notice C/003/220620, a copy of which is attached to the signed copy of the minutes.

Cabinet - 22.06.20

61. JOINT ARUN AREA COMMITTEES

The Cabinet received and noted the minutes from the meeting of the Joint Western Arun Area Committee held on 11 March 2020. Cabinet noted that the meeting of the Joint Eastern Arun Area Committee planned for 17 March 2020 had been cancelled.

(The meeting concluded at 6.28 pm)

**ARUN DISTRICT COUNCIL**

**DECISION NOTICES FROM THE MEETING OF CABINET HELD ON  
MONDAY 22 JUNE 2020**

<b>REF NO.</b>	<b>DECISION</b>
C/002/220620	Update on Webcasting of Meetings – Procurement Options
C/003/220620	The Council's Response to the Covid-19 Pandemic Situation

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00  
A.M. ON WEDNESDAY, 1 JULY 2020 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

REFERENCE NO: C/002/220620

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>		NO
<b>SUBJECT:</b> UPDATE ON WEBCASTING OF MEETINGS - PROCUREMENT OPTIONS		
<b>OFFICER CONTACT:</b> Karl Roberts – Director of Place 01903 737760 <a href="mailto:Karl.roberts@arun.gov.uk">Karl.roberts@arun.gov.uk</a>		

**EXECUTIVE SUMMARY:**

Following the reports that were made to Cabinet on 8 July and 9 December 2019, this report feeds back to the Cabinet the findings from the Corporate Officer Group that was established to examine the future webcasting needs of the Council and associated costs but has been amended to reflect the Council's current financial position.

**DECISION:**

The Cabinet

RESOLVED – That

- (1) In view of the timescales involved for this project, to instruct Officers to extend the existing contract with Auditel, for the webcasting of all public meetings for the next twelve months the cost of which is to be met from existing budgets;
- (2) To note that a further report will be provided to Cabinet setting out the anticipated costs and long-term financial implications of a range of options for webcasting; and
- (3) In the event of physical meetings becoming possible in the next six months which the public are allowed to attend in the Civic Centre, Officers investigate the ongoing use of Zoom and/or the utilisation of the Council Chamber for both Cabinet and the Overview Select Committee to be webcast alongside Full Council and the Development Control Committee.

**REASON FOR THE DECISION:**

To respond to Cabinet's request for an update to be given on the procurement exercise undertaken with suppliers in a pre-tender stage by the Corporate Officer Group.

**OPTIONS CONSIDERED BUT REJECTED:**

To propose an alternative way forward.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

None

**DISPENSATIONS GRANTED :**

N/A

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:**

None

REFERENCE NO: C/003/220620

<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>		NO
<b>SUBJECT:</b>	THE COUNCIL'S RESPONSE TO THE COVID 19 PANDEMIC SITUATION	
<b>OFFICER CONTACT:</b>	Nigel Lynn – Chief Executive Officer 01903 737600 <a href="mailto:Nigel.lynn@arun.gov.uk">Nigel.lynn@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:**

This report updates Cabinet on the Council's response to the pandemic situation and our proposals for economic recovery.

**DECISION:**

The Cabinet

RESOLVED – That

- (1) The action taken to date be noted;
- (2) Consideration be given to the way for the Council post-recovery
- (3) As part of the work in (2) above, support the establishment of a Coronavirus Recovery Working Party based on the following terms:
  - (a) Terms of Reference – to conduct a review on the way forward for the Council post recovery
  - (b) Size of the Working Party – 10 Members with seats allocated as follows – Lib Dems [4]; Cons [4]; Ind [1] Green [1]
  - (c) Nominations to the seats – to be made by the relevant Group Leader and confirmed as Councillors Bennett, Chapman, Mrs Cooper, Cooper, Dendle, Mrs Haywood, Mrs Staniforth, Tilbrook, Ms Thurston and Dr Walsh;
  - (d) Proposals for the allocation of seats if vacancies occur – to be for the relevant Group Leader to fill the vacant seat and report this information to the next Full Council meeting;
  - (e) Timescale for the work to be undertaken – over the next few months of recovery and to include whatever time is required in view of the uncertainty of Covid19
  - (f) To report back to Cabinet on 20 July 2020; and further meetings
- (4) If established, the Working Party can then:
  - (a) Review its terms of reference at its first meeting and recommend any change back to Cabinet;
  - (b) Make any recommendations to Cabinet based on the terms of reference – it will have no decision-making authority; and
  - (c) Meet in private unless it agrees that it will work to the Meeting Procedure Rules at Part 5 of the Council's Constitution.

<b>REASON FOR THE DECISION:</b> This is mostly for information only but asks the Cabinet to support the establishment of a Working Party which will review the recovery work of the Council.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> Not to support the actions taken.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	Councillor Dr Walsh as a Member of West Sussex County Council
<b>DISPENSATIONS GRANTED :</b>	N/A
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	



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# Public Document Pack Agenda Item 36

Subject to approval at the next Development Control Committee meeting

41

## DEVELOPMENT CONTROL COMMITTEE

24 June 2020 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Oppler (Substitute for Mrs Warr), Mrs Pendleton, Roberts, Tilbrook and Mrs Yeates

### 62. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Blanchard-Cooper and Mrs Warr.

### 63. DECLARATIONS OF INTEREST

Planning Application LY/4/20/PL – Councillor Roberts declared a prejudicial and personal interest as he lived in a close by neighbouring property and the proposed barn would be a few hundred metres away. He assessed that a member of the public with a knowledge of the relevant facts would reasonably regard that as to be significant so as to likely prejudice his judgement. He stated that he would therefore take no part in the discussion or remain in the meeting or take part in the vote.

Planning Application BE/109/19/OUT – Councillor Mrs Yeates stated that, following on from comments made at the previous meeting and for clarification and transparency purposes only, she wished to advise that she did not have any interest in the two Bersted items on the agenda. However, as she had declared a personal interest in this application at the previous meeting, she would redeclare that here for consistency.

### 64. MINUTES

The Minutes of the meetings held on 26 May and 3 June 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

### 65. BE/109/19/OUT LAND EAST OF SHRIPNEY ROAD & SOUTH OF HADDON HOUSE, SHRIPNEY ROAD, BERSTED PO22 9NW

*(Prior to consideration of this application, Councillor Mrs Yeates redeclared her personal interest and remained in the meeting and took part in the debate and vote)*

BE/109/19/OUT – Outline application with some matters reserved for up to 46 No. dwellings together with access. This application is a Departure from the development Plan & may affect the character and appearance of the Shripney Conservation Area, Land east of Shripney Road & south of Haddan House, Shripney Road, Bersted

Development Control Committee - 24.06.20

The Committee had received a report on the matter, together with the officer's written report update detailing:-

- Amendment to refusal reason 3
- As no Section 106 Agreement had been signed, two additional reasons for refusal to be agreed
- An update was provided in respect of the two Arun DC Climate Mapping from the Strategic Flood Risk Assessment plans to take account of river and sea defences to mitigate and reduce the risk of flooding.

In considering the matter, both the Planning Team Leader and the Group Head of Planning reminded Members that this application had been voted upon at the previous meeting to not accept the officer recommendation to approve and that Members had voted to refuse the application on the grounds proposed by Councillor Coster. The only matter for discussion was for the Committee to agree the reasons for refusal (as amended above), based on the debate at that meeting. It was therefore stressed that the application itself should not be discussed further or additional issues put forward as reasons for refusal.

Councillor Coster, who had proposed that the application be refused, stated he was happy with the reasons for refusal but asked that reason 1 include reference to Policies TSP1 and TDM1 of the Arun Local Plan and Paragraph 110 and 122 of the NPPF.

In the course of discussion, some Members expressed their concern that the application had been refused as they felt the decision was unsafe and they would therefore be voting against the recommendation to approve the reasons for refusal. A recorded vote was requested.

The Committee

RESOLVED

That the reasons for refusal be approved as detailed in the report and the officer report update and subject to inclusion of Policies TSP1 and TDM1 of the Local Plan and Paragraph 110 and 122 of the NPPF in reason 1.

As a recorded vote had been requested, Councillors Bennett, Coster, Mrs Hamilton, Lury, Oppler, Ms Thurston and Mrs Yeates voted FOR (7); Councillors Bower, Charles, Kelly, Mrs Pendleton and Roberts voted AGAINST (5); and Councillors Edwards and Tilbrook ABSTAINED (2).

66. BN/18/20/PL FORMER BROOKS NURSERY, EASTERGATE

Public Speakers: Mr J. Gateley, David Wilson Homes  
Mr B.Barbary, Objector  
Mr J. Donabie, Objector

BN/18/20/PL – Variation of condition 15 imposed under EG/29/13 relating to condition 15 to change the foul drainage scheme from Sewage Treatment Plant to Pumping Station with associated drainage works, Former Brooks Nursery, Eastergate

The Committee received this report and the officer's written report update detailing:-

- Additional objections and the officer's response
- Changes to conditions, i.e. condition 1 deleted; condition 2 to become condition 1 and as amended in the report update; condition 3 to become condition 2

Having presented the detail of the report and in response to the representations from local residents, the Planning Team Leader advised that the points that had been raised reflected existing issues. It was important to note that the applicant had been working with Southern Water with regard to the connection point and Southern Water was ultimately responsible for ensuring that the network would be suitable. In addition, the Environment Agency had raised no objection.

In discussing the matter, Members expressed concerns about the proposal in light of the problems experienced in the area over a long period of time and felt that more detail was required. Southern Water had just started work in the vicinity of the Barnham main road and it was felt it was unclear what effect that would have. It was proposed and duly seconded that the matter should be deferred for further information.

Having listened to the ensuing comments of Members, the Group Head of Planning advised that it appeared that what was being proposed was in fact the need for an alternative scheme to come forward. He advised that Members should be determining what was on the table and, if that was felt to be unacceptable, they should be refusing the application. The application should not be deferred in order for an entirely different scheme to come forward as that should be a new planning application.

However, in the course of further debate, it was felt that information should be required of Southern Water as to whether the scheme could be connected to the Barnham main road sewer once the current repairs being undertaken was completed. There was a reluctance to refuse at this stage. The Committee therefore

RESOLVED

That the application be deferred for further information from Southern Water.

Development Control Committee - 24.06.20

67. WA/48/19/RES LAND TO THE EAST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL

Public Speaker: Walberton Parish Council, Supporter  
Cllr Dendle, Ward Member, Supporter  
Dandara, Applicant

WA/48/19/RES – Approval of Reserved Matters following outline permission WA/22/15/OUT comprising 400 new homes (incl. affordable), 360sqm of retail space (A1 to A3), 152sqm of community space (D1 to D2 & including retention & refurbishment of 12sqm ‘Old Smithy’), demolition of remaining buildings to Arundel Road along with public open space, LEAP, MUGA, allotments, car & cycle parking, drainage & associated works. This site also lies within the parish of Barnham & Eastergate, Land to the East of Fontwell Avenue, Fontwell Avenue, Fontwell

The Committee received a comprehensive presentation from the Principal Planner on the detail of the application and explained why it was being recommended for refusal for the four reasons outlined in the report.

In response to the representations heard, a Member question was asked that if the application was refused would it mean going back to the beginning, with the potential for costs for the Council and the applicants, and whether, if it was deferred, it could still be refused in the future? The Group Head of Planning advised that there would be costs for the applicant because it would involve either a new or redesigned scheme. From the Council’s perspective, any appeal could be defended so he was quite comfortable with the recommendation in front of Members. He confirmed that if the matter was deferred it could be refused in the future. However, he did point out that officers had spent a lot of time with the applicants and there was still not an acceptable scheme on the table and that a refusal would be the best way forward.

In turning to the debate, Members did express views that the application should not be refused at this time and that the exceptional circumstances of the pandemic had in part contributed to the delays that had been experienced. The Group Head of Planning advised that, if a deferral was the preferred option, then certainly a time limit for the autumn should be set to make it very clear to the applicants that the proposal would be determined at that time.

Having been formally proposed and duly seconded, the Committee

RESOLVED

That the application be deferred until the October 2020 meeting pending more work to be undertaken by the applicant on the design of the scheme.

The Chairman then called a short adjournment to the meeting to allow a comfort break.

68. P/40/20/DOC LAND NORTH OF SEFTER ROAD AND 80 ROSE GREEN ROAD, PAGHAM

PA/40/20/DOC – Approval of details reserved by condition imposed under ref P/134/16/OUT relating to Conditions Nos 9 – arboricultural method statement; 15 – ecology; 20 – employment & skills plan; 28 – energy & conservation; 30 – archaeological; 32 – noise; 33 – electric vehicle charging; and 34 – retention of WW2 Infantry section post, Land North of Sefter Road & 80 Rose Green Road, Pagham

Having received a report on the matter, the meeting had been advised that this application had been withdrawn from the agenda.

69. LY/4/20/PL BROOMHURST FARM, LYMINSTER ROAD, LYMINSTER BN17 7QW

Public Speakers: Mr Harriott, Applicant  
Mr Clark, National Farmers' Union, Supporter

*(Prior to consideration of this application, Councillor Roberts had declared a personal/prejudicial interest and was placed in the waiting room and did not take part in the debate and vote.)*

LY/4/20/PL – Erection of steel framed storage barn, Broomhurst Farm, Lyminster Road, Lyminster

Having received a report on the matter and following a brief debate, the Committee

RESOLVED

That the application be approved as detailed in the report.

70. LU/370/19/PL 49 HORSHAM ROAD, LITTLEHAMPTON BN17 6DB

LU/370/19/PL – Demolition of existing outbuilding and stair access to first floor flat. Erection of a rear extension to existing retail unit, creation of new rear stairwell with access to new first floor office and flat, 49 Horsham Road, Littlehampton

Having received a report on the matter and a comprehensive presentation from the Planning Team Leader on the detail of the application, the Committee

RESOLVED

That the application be approved as detailed in the report.

71. FP/258/19/PL 107 FELPHAM WAY, FELPHAM PO22 8QB

Development Control Committee - 24.06.20

FP/258/19/PL – Conversion, alteration & extension to provide 1 No. Class A1 Shop Unit, 1 No. Flexible Use Commercial Unit Classes A1,A2 and B1, a health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only (sui generis) & 3 No. flats together with secure cycle & refuse storage facilities (resubmission following FP/32/19/PL), 107 Felpham Way, Felpham

Having received a report and a presentation from the Planning Team Leader on the detail of the application, the Committee participated in some debate on the matter.

Whilst acknowledging that the proposal in itself was acceptable, comment was made that the lack of parking within the site was of serious concern as it was disputed that there was adequate on street parking in the immediate vicinity. To park on Felpham Way, with a mini roundabout, pedestrian crossing and entrance and exit to a garage all within very close proximity was felt to be hazardous and dangerous. Poor amenity was also cited as a concern and, whilst that was addressed by the Planning Team Leader, his comments relating to the existing use and parking in comparison to what was being proposed was not sufficiently severe as to warrant refusal of the application did not allay Members concerns regarding parking.

A suggestion was made that could the land at the back of the site not be included within the site to provide parking for the development? Having received confirmation that that land was within the ownership and control of the applicant and shown by the blue edge, it was proposed and duly seconded that the applicant be requested to redesign the scheme to bring that land within the red edge of the application and show how parking and turning could be achieved. If that was agreed with the applicant, the application would then be reconsulted on with the Parish Council, County Council and neighbours. The Planning Team Leader did highlight that the applicant would have the option to not agree to that proposal, in which case the application would be brought back to the next available meeting for determination as it stood.

The Committee therefore

RESOLVED

That the application be deferred to enable adequate parking and turning to be included within the red edge of the site.

72. BE/137/19/RES THE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS PO22 9PA

Public Speaker: ECE Planning on behalf of the applicant

*(In consideration of this application, Councillor Mrs Yeates stated that, in her role as Chairman of Bersted Parish Council's Planning Committee at the time, she had previously heard an earlier application in January 2018 which related to this one. She did not think she necessarily had a prejudicial interest due to the time lapse but acknowledged that it could be seen that she had as she had expressed her opinions at*

*that time in relation to the earlier application – she would therefore take no part in the debate or vote on the matter and, as this was a virtual meeting, was subsequently placed in the waiting room whilst it was considered.)*

BE/137/19/RES – Application for approval of phase 2 reserved matters following outline permission BE/63/17/OUT (as amended by BE/131/18/PL) for 20 No. dwellings, The Cottage, Shripney Road, Bognor Regis

The Committee received a comprehensive presentation from the Planning Team Leader on the detail of the report, together with the officer's written report update setting out the following:-

- Additional Parish Council response of objection
- Council's Tree Officer's response and addition of two further conditions
- Council's Drainage Engineer's response
- New/amended conditions – Condition 1 updated to show revised landscape drawings
- Conditions 2 & 3 added in response to Tree Officer's requirement
- Condition 7 added to require future approval of materials as originally omitted

In opening the discussion, the provision of car ports rather than garages was welcomed and it was proposed that a condition should be added to any approval to require the removal of Permitted Development Rights (PDR) to ensure they remained as car ports rather than be converted to garages in the future.

Following Member comment with regard to the design of the development being unsympathetic to the character of the area and drainage concerns, the Planning Team Leader addressed these at the meeting. He also stated that, should Members so wish, Condition 13 could be duly amended to include "no car port attached to a dwelling can be amended or altered in any way", which was formally proposed and seconded.

The Committee turned to the amendment to amend the wording of Condition 10 (as set out in the agenda and prior to addition of conditions detailed in the update report) to not allow changes to car ports and, on being put to the vote, was declared carried. The Committee then

#### RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to amendment of new Condition 13 to include wording to not allow changes to car ports.

Development Control Committee - 24.06.20

73. LIST OF APPEALS

In receiving and noting the list of appeals that had been received, the Committee was advised by the Group Head of Panning that the appeal on Planning Application BE/69/19/OUT for up to 31 houses at the same site as the last application on the agenda, had been allowed and which followed a previous appeal that had been dismissed.

(The meeting concluded at 5.58 pm)

# Public Document Pack Agenda Item 37

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

1

## PLANNING POLICY SUB-COMMITTEE

30 June 2020 at 6.00 pm

Present: Councillors Mrs Yeates (Chairman), Jones (Vice-Chair), Bower, Chapman, Charles, Dixon, Elkins, Huntley, Lury, Mrs Pendleton, Ms Thurston and Tilbrook

Councillors Bicknell, Coster and Gunner were also in attendance at the meeting

Councillor Huntley was absent from the meeting during consideration of the matters detailed at Minutes 8 to 10.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Daniells and Oppler.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 3. MINUTES

The Minutes of the meeting held on 25 February 2020 were approved by the Subcommittee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

### 4. START TIMES

The Subcommittee

RESOLVED

That the start times of meetings for the remainder of 2020/21 be 6.00 p.m.

### 5. ARUN DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Work commenced on the Arun District Design Guide Supplementary Planning Document (SPD) in 2019 to provide further detail to the Design policies set out in the Arun Local Plan (Chapter 13) and in order to raise the standard of design across the District. A public consultation on the draft version of the Guide had been undertaken from 9 January to 21 February 2020 and the report on the table now informed Members on the representations made and the proposed responses. In addition, approval was sought to progress with a four week Regulation 12 Public Participation period in

Planning Policy Sub-Committee - 30.06.20

accordance with Regulation 35 and as required by The Town & Country Planning (Local Planning)(England) Regulations 2012, pending clarification and cover for meeting consultation regulations as a result of the COVID-19 restrictions in place due to the pandemic. It was unclear at this time whether this would still be required in light of the exceptional circumstances or how it would be undertaken as guidance was awaited from the Government.

The Planning Policy Team Leader introduced this report and advised that, once the SPD was adopted, it would be a material consideration that could be accorded significant weight in the determination of development proposals in the District.

In the course of a brief discussion, particular comment was made about consultation and how to engage a wider sector of the population to take part in the process. It was also suggested that steps should be taken to appraise the wider community about the delays being experienced and to encourage the public to participate in the final consultation.

An assurance was sought and given that the Subcommittee would be advised of the response in respect of Regulation 35 Public Participation consultation and that the draft would still be brought back for consideration by Members prior to going to Full Council for approval.

The Group Head of Planning and his team were congratulated on producing a very good document that was nicely laid out and easy to understand.

In turning to the vote, it was suggested and agreed that a slight amendment be made to recommendation (3) to insert the words “if required” after “following the four week Public Consultation” pending whether any further response was received. The Committee then

**RESOLVED - That**

- (1) The proposed modifications schedule which addresses the comments made from the public consultation can progress to a Regulation 12b Public Participation period in accordance with Regulation 35;
- (2) The Group Head of Planning, in consultation with the Planning Portfolio Holder and the Chairman, be granted delegated authority to finalise the Design Guide SPD for Regulation 12b Public Participation; and
- (3) Following the four week Public Participation period, if required, any responses are reported back to agree any further changes prior to the Design Guide being referred to Full Council for adoption.

6. HIGH LEVEL DEVELOPMENT PRINCIPLES FOR THE WEST OF BERSTED STRATEGIC ALLOCATION

The Strategic Development Team Leader presented this report which sought the endorsement of the Council to a series of high level development principles to guide the form of development at West of Bersted. The relevant Parish Councils, developers/site promoters of the strategic allocation and both internal and external consultees had been invited to comment on the wording of the principles, which had subsequently been revised and issued for comment. These had also been presented to the West of Bersted Advisory Group on 11 June 2020, which had requested that the last sentence of SDP 16 be amended to read “The green infrastructure framework will retain a view of the South Downs from Chalcraft Lane.”

The Subcommittee participated in a brief debate and it was agreed that SDP5 would be amended to read “The Masterplan ~~should~~ **will** provide for at least one neighbourhood centre...” to provide a more certain way forward.

The Subcommittee

RECOMMEND TO FULL COUNCIL

That the High Level Development Principles appended to the report, and as amended, be endorsed to guide the form of the development at the West of Bersted Strategic Planning Allocation.

7. ARUN LOCAL PLAN TRANSPORT EVIDENCE UPDATE

*(In the course of discussing this item, Councillors Elkins and Mrs Pendleton declared a personal interest as members of West Sussex County Council and remained in the meeting and took part in the debate and vote.)*

The Planning Policy Team Leader presented this report which provided an update on the technical work being undertaken to support the delivery of the Arun Transport Study junction mitigation measures, which included a transport apportionment paper which identified funding contributions from strategic housing allocations towards all such schemes. The report also provided information on safety mitigation schemes at the Comet Corner and Oystercatcher junctions on the A259 between Littlehampton and Bognor Regis. It was highlighted to Members that the costs in the apportionment paper were based on figures that were 4 years old and, as such, costs quoted would be subject to change. In addition, the A259 corridor had been identified as part of the Major Road Network by Transport for the South East and WSCC was investigating more strategic options for improving the stretch between Bognor Regis and Littlehampton in order to support future funding applications, which could impact on their current approach.

In participating in discussion on this matter, Member comment was made that the area around the junction highway improvements must be wide enough to include all

new developments that would have an impact on those improvements and must not be just those that were in the immediate vicinity as it was of vital importance to secure sufficient funding. A question was asked relating to the apportionment costs for the junction improvements at Comet Corner and the Oystercatcher on housing development at Ford and how that would be calculated. As part of a detailed response, the Principal Planning Officer confirmed that development at the strategic housing allocation at Ford would contribute to the Comet Corner and Oystercatcher schemes. Other non-strategic sites would not be subject to S106 contributions towards the junctions but would contribute via the Community Infrastructure Levy (CIL).

Following further general comment, the Subcommittee

**RESOLVED**

That the Arun Local Plan Transport Apportionment Paper (ADC 2020) and the Comet Corner and Oystercatcher Design Report (WSP 2019) be noted.

**8. LOCAL LIST OF NON DESIGNATED HERITAGE ASSETS**

The Planning Policy Team Leader presented this report which set out the detail of how the Council would follow Planning Practice Guidance that all non-designated heritage assets would be contained within one list, based on published criteria. Further, the proposal would ensure that additional assets could be included in the list to enable them to be fully identified or that assets could be deleted where no longer of merit for inclusion. Non-designated heritage assets were those buildings, monuments, sites, places, areas or landscapes which had some local heritage significance; in Arun these had been identified as being of two different types, (i) Areas of Character and (ii) Buildings or Structures of Character.

Following brief Member comment relating to Supplementary Planning Guidance, the Planning Policy Team Leader was able to provide assurance that the Local List would have the same weight as a material consideration and that the process would be simplified and provide more flexibility.

The Subcommittee

**RESOLVED**

That those non-designated assets included within the new local list be endorsed; and

**RECOMMEND TO FULL COUNCIL**

That the Buildings or Structures of Character and Areas of Character Supplementary Planning Documents be deleted and that the existing

Area of Character descriptions be saved and placed on the Council's website.

9. ARUN LOCAL DEVELOPMENT SCHEME

The Subcommittee received a report from the Planning Policy Team Leader which provided the detail of why the Council's current Local Development Scheme (LDS) needed to be updated, namely to address its new priorities and strategic targets for achieving sustainable development established in November 2019; its declared Climate Change Emergency; and its decision to review and update the Local Plan on 15 January 2020.

General comments were made by Members relating to the review of the Local Plan; the Climate Change Emergency; and the Council's lack of a 5 year Housing Land Supply, following which the Subcommittee

RECOMMEND TO FULL COUNCIL – That

- (1) The Local Development Scheme July 2020 for the period 2020–2023 as amended (and set out in Background Paper 1) be adopted; and
- (2) Authority be delegated to the Group Head of Planning, in consultation with the Chairman and the Portfolio Holder for Planning, to undertake minor updating and drafting of any amendments required to the LDS prior to publication.

10. ARUN STATEMENT OF COMMUNITY INVOLVEMENT

The Planning Policy Team Leader presented this report which outlined the temporary arrangements that had been put in place to keep residents up to date with the plan making process as a result of the Covid 19 pandemic and the consequential restrictions in place with regard to social distancing. As the measures were temporary and pragmatic, it was not considered necessary to undertake a consultation on a revised Statement of Community Involvement (SCI) for adoption by Full Council. However, it would be made clear that the changes were temporary and would be publicised on the Council's website alongside the existing SCI as soon as possible.

The Subcommittee

RESOLVED

That the temporary arrangements to be put in place to publicise and compensate for commitments that the Authority is unable to make on depositing documents for inspection and face to face engagement while the Covid-19 social distancing measures remain in place be noted.

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

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Planning Policy Sub-Committee - 30.06.20

(The meeting concluded at 7.50 pm)

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF FULL COUNCIL ON 15 JULY 2020

**SUBJECT: Local Government Pension Scheme – Pension Discretions for Arun District Council.**

**REPORT AUTHOR:** Alan Peach, Group Head for Corporate Support  
**DATE:** 24 June 2020  
**EXTN:** 37558  
**PORTFOLIO AREA:** Corporate Support

#### **EXECUTIVE SUMMARY:**

Arun District Council provides a staff pension scheme which is part of the Local Government Pension Scheme (LGPS). It is a requirement under the LGPS Regulations for each scheme employer to formulate, publish and keep under review how it will deal with a number of discretionary areas within the LGPS rules. This paper sets out where we propose to make minor changes to our local discretions with an explanation for those changes and describes the consultation process. Full Council is required to agree any changes to the Pension Scheme.

#### **RECOMMENDATIONS:**

- a) To agree the proposed changes to Arun District Council's Pension Discretions as set out in Appendices 1 and 2 to this report; and
- b) To give delegated authority to the Group Head for Corporate Support to make necessary changes to the pension discretions resulting from changes to employment legislation or Council Policy.

#### **1. BACKGROUND:**

The LGPS has been changed significantly over time and consists of a number of schemes which are separately identified and in a number of cases have separate discretions which apply to people who had membership at different times.

The discretions are therefore set out as:

- Discretions in relation to Scheme members who joined on or after 1.4.14
- Discretions in relation to Scheme members (excluding councillor members) who ceased active membership on or after 1.4.08 and before 1.4.14

- Discretions in relation to Scheme members who ceased active membership on or after 1.4.98 and before 1.4.08
- Discretions in relation to Scheme members who ceased active membership before 1.4.98.
- Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)
- Discretions under the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)
- Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Appendix 2 lists all discretions the Council can apply, however, there are certain discretions where it is mandatory for the Council to state its position and these are shown as shaded on the table. Appendix 1 provides a summary of the changes that have been made as a result of this latest review.

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

- Agree the proposed changes to Arun District Council's Pension Discretions as set out in Appendices 1 and 2 to this report.
- To give delegated authority to the Group Head for Corporate Support to make necessary changes to the pension discretions resulting from changes to employment legislation or Council policy.

## **3. OPTIONS:**

- To agree the proposed changes to Arun District Council's Pension Discretions
- Not to agree the proposed changes to Arun District Council's Pension Discretions and retain current discretions.
- To give delegated authority to the Group Head for Corporate Support to amend the pension discretions should changes to employment legislation or Council policy arise prior to the next review date.
- Not to give delegated authority to the Group Head for Corporate Support to amend the pension discretions should changes to employment legislation or Council policy arise prior to the next review date.

## **4. 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"> <li>Corporate Management Team</li> <li>Formal Staff Consultation Panel (including the Cabinet Member for Corporate Governance and UNISON)</li> </ul>	✓	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
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)		✓
<b>6. IMPLICATIONS:</b> It is a statutory requirement to review and update Arun's Local Pension Discretions.		

<b>7. REASON FOR THE DECISION:</b> To comply with the LGPS requirement to review and update Arun District Council's local pension discretions.
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<b>8. BACKGROUND PAPERS: None</b>
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## **Appendix 1**

### **Summary of Changes to Pension Discretions**

#### **New Discretions**

	<b>Discretion</b>
TP10(6)	<p>Whether to extend the 12 month time limit within which a member (who has not elected to be treated as a member who, in the same employment, was contributing to the scheme on and before 1 April 2014) who has a deferred LGPS benefit in England or Wales following the cessation of employment <b>before</b> 1 April 2014, to elect to aggregate their deferred benefits with the new LGPS employment that commenced on or after 14 May 2018, to purchase earned pension.</p> <p><b><u>Arun Discretion</u></b> Arun will consider a limited extension of this period if the member has not been provided with information in a timely way or where evidence indicates that the member made an election within the 12 months' time period, but the election was not received by the Pension Fund Administering Authority.</p>
R21(5A) & R21(5B)	<p>Whether, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP)?</p> <p>When a member is:</p> <ul style="list-style-type: none"><li>- on reduced contractual pay or no pay due to sickness or injury, or</li><li>- absent during ordinary maternity, paternity or adoption leave, or paid shared parental leave, or during paid additional maternity or adoption leave, or</li><li>- absent on reserve forces service leave, or</li><li>- retires with a Tier 1 or Tier 2 ill health pension, or</li><li>- dies in service.</li></ul> <p><b><u>Arun Discretion</u></b> This will be considered, in exceptional circumstances and each case should be considered on an individual basis by the Group Head for Corporate Support.</p>
paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and	<p>Whether to "switch on" the 85-year rule upon the voluntary early payment of deferred benefits.</p> <p><b><u>Arun Discretion</u></b> Arun does not exercise the discretion to "switch on" the 85-year rule upon the voluntary early payment of deferred benefits.</p>

Amendment) Regulations	
[paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]	<p>Whether to “switch on” the 85-year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension?</p> <p><b>Arun Discretion</b></p> <p>Arun does not exercise the discretion to “switch on” the 85-year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension</p>
paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]	<p>Whether to “switch on” the 85-year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension?</p> <p>(Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members).</p> <p><b>Arun Discretion</b></p> <p>Arun does not exercise its discretion to “switch on” the 85-year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension</p>

**Discretions that have been removed as they are no longer within the LGA’s full list of pension discretions.**

	<b>Discretion</b>
RSch 2 Part 3, para 12(c)	Whether in respect of an admission body providing a service in respect of outsourced work, to set off against payments due to that body any sums due from that body to the fund. (discretion for transferor employer)
R16 (10)	Whether to turn down an application to pay an APC/SCAPC if not satisfied that the member is in reasonably good health.
TP15(1)(d) & A25(3)	Whether, how much and in what circumstances to continue to contribute to a shared cost AVC arrangement entered into before 1.4.14

A58 (7) (b)	Whether to extend the six-month period to lodge a stage one IDRP Appeal
B31(4)	Decide whether a deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria
B31(7)	Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment
B11(2)	Whether to allow a member to select the final pay period for fees to be any 3 consecutive years ending 31 March in the 10 years prior to leaving
B30(2)	Whether to grant an application for early payment of deferred benefits on or after age 55 and before age 60
B30(5)	Whether to waive on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30(2)
31(7A)	Councillor opt out and pre 1.4.08 employee opt out only to get benefits paid from Normal Retirement Date (NRD) if employer agrees
34(2) and 38	Amount of injury allowance following loss of employment through permanent incapacity after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of a job.
40	Amount of death in service gratuity payable to surviving dependent, spouse or civil partner.
41	Amount or retirement gratuity payable
42	Amount if redundancy gratuity payable

#### Discretions that have been amended – Change shown in bold

Page	Regulation	Change
	R22(8)(b)	<p>Whether to extend the 12-month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with a new employment</p> <p><u>Arun Discretion</u>  Arun will consider a limited extension of this period if the member has not been provided with information in a timely way <b>or where evidence indicates that the member made an election within the 12 months' time period, but the</b></p>

		<b>election was not received by the Pension Fund Administering Authority.</b>
	R22(7)(b)	<p>Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment</p> <p><u>Arun Discretion</u>  Arun will consider a limited extension of this period if the member has not been provided with information in a timely way <b>or where evidence indicates that the member made an election within the 12 months' time period but the election was not received by the Pension Fund Administering Authority.</b></p>
	R30(6) & TP11(2)	<p>Whether to allow flexible retirement for staff aged 55 or over who, with the agreement of the Scheme employer, reduce their working hours or grade [regulation 30(6) of the LGPS Regulations 2013] and, if so, as part of the agreement to allow flexible retirement:</p> <ul style="list-style-type: none"> <li>• whether, in addition to the benefits the member has built up prior to 1 April 2008 (which the member must draw), to allow the member to choose to draw</li> <li>• all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014, and / or</li> <li>• all, part or none of the pension benefits they built up after 31 March 2014 [regulations 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014], and</li> <li>• whether to waive, in whole or in part, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA) [regulation 3(5) of the LGPS (Transitional Provisions).</li> </ul> <p><u>Arun Discretion</u></p> <p>i) Whether to allow flexible retirement</p> <p>Arun District Council has a Flexible Retirement Policy. The approval process for Flexible Retirement is set out in the relevant policy document.</p> <p>ii) Whether to allow the member to choose to take</p> <p>a. part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014, and / or</p>

		<p>Arun will permit a member to draw all or part of the pension benefits they accrued before 1 April 2014 so long as this complies with the Flexible Retirement Policy.</p> <p>b. all, part or none of the pension benefits they built up after 31 March 2014</p> <p>Arun will permit a member to draw all or part of the pension benefits they accrued on or after 1 April 2014 so long as this complies with the Flexible Retirement Policy.</p> <p>iii) Whether to waive, in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (R30(8))</p> <p><b>Arun District Council has a Flexible Retirement Policy which states that Flexible Retirement will be at no additional cost to The Council. Arun will not therefore waive any actuarial reduction that would apply, except in exceptional circumstances and where it has been determined by Full Council or an Individual Cabinet Member decision that restructuring proposals achieve a payback within 3 years.</b></p>
	TP3(1) B30A(5) B30A(5)*	<p>Whether to waive, in whole or in part, any actuarial reductions on benefits which a member voluntarily draws before normal pension age (other than on grounds of Flexible Retirement) where the member has both pre and post April 2014 benefits</p> <p><u>Members joined before 1 October 2006 and who reached 60 before 1 April 2016 – <b>Group 1</b></u></p> <ul style="list-style-type: none"> <li>• To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2016</li> <li>• To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2016</li> </ul> <p><u>Members joined before 1 October 2006 and who reach age 60 between 1 April 2016 and 31 March 2020 and also meet their critical retirement age before 1 April 2020 (date member meets the 85 year rule)– <b>Group 2</b></u></p> <ul style="list-style-type: none"> <li>• To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2020</li> <li>• To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2020</li> </ul>

		<p><u>Members joined before 1 October 2006 and who reach age 60 after 1 April 2016 but before 31 March 2020 and don't meet their critical retirement age before 1 April 2020 (date member meets the 85 year rule)– <b>Group 3</b></u></p> <ul style="list-style-type: none"> <li>• To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014</li> <li>• To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2014</li> </ul> <p><u>Members joined after 1 October 2006 – <b>Group 4</b></u></p> <ul style="list-style-type: none"> <li>• To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014</li> <li>• To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2014</li> </ul> <p><u><b>Arun Discretion</b></u>  <b>Arun will consider waiving actuarial reduction of benefits on compassionate grounds for all of the above mentioned groups.</b></p> <p><b>Compassionate grounds are likely to be considered as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Looking after a sick relative</b></li> <li>• <b>Ill health where payment of unreduced benefits might not be certified</b></li> <li>• <b>Other exceptional compassionate grounds</b></li> </ul> <p><b>Each case will be considered on an individual basis and will require the agreement of a CMT member in conjunction with the Group Head for Corporate Support.</b></p>
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## Arun District Council Pension Discretions Policy April 2020

### Background and Authority

There have been many changes to the Local Government Pension Scheme over the years and on some matters the Council is required to set out its discretions for beneficiaries, deferred beneficiaries and active members for each of these periods. The beginning of each section makes it clear which period of membership the discretion relates to.

Please note that mandatory discretions are shaded to make them easily identifiable. This document has been cross referenced with the LGA's full list of LGPS discretionary policies for England and Wales.

The Policy applies to all employees or members of Arun District Council who are in, eligible to join, or have been a member of the Local Government Pension Scheme.

Where the discretion refers to 'the dismissing officer', this means a member of the Corporate Management Team or Group Head.

**Summary of the key discretions to be exercised on and after 1 April 2014 (as at 14 May 2018) in relation to active members (excluding councillor members) and members (excluding councillor members) who cease active membership after 31 March 2014**

Regulation	Regulation and Arun Discretion
R3(1)(b)	<p>To whom to offer membership of the LGPS</p> <p><b><u>(Arun Discretion)</u></b>  <b>All Arun employees who are under the age of 75 and with a contract of 3 or more months who meet the earnings criteria are automatically enrolled into the LGPS from the first day of employment, although they may choose to opt out after this. Casual staff employed for less than 3 months will not automatically be enrolled into the LGPS but may opt to join.</b></p>
R9(1) & R9(3)	<p>Determine rate of employees' contributions</p> <p><b><u>Arun Discretion</u></b>  <b>The contribution rate paid by active members is determined by reference to pay bands which form part of the contract of employment for an individual. Other variable and non-variable pay which is pensionable is detailed in a list held by HR &amp; Payroll. These elements will be assessed for individual members of staff every three months to determine whether a change in contribution band is necessary. Elements of remuneration relating to travel are not included in this calculation.</b></p> <p><b>Under Scheme rules members also have the option to pay 50% contributions for 50% benefits for a period to be determined by them. The process for determining elements to be considered for the 50:50 option will be as above.</b></p>
TP10(6)	<p>Whether to extend the 12 month time limit within which a member (who has not elected to be treated as a member who, in the same employment, was contributing to the scheme on and before 1 April 2014) who has a deferred LGPS benefit in England or Wales following the cessation of employment <b>before</b> 1 April 2014, to elect to aggregate their deferred benefits with the new LGPS employment that commenced on or after 14 May 2018, to purchase earned pension.</p>

Regulation	Regulation and Arun Discretion
	<p><b><u>Arun Discretion</u></b></p> <p><b>Arun will consider a limited extension of this period if the member has not been provided with information in a timely way or where evidence indicates that the member made an election within the 12 months' time period, but the election was not received by the Pension Fund Administering Authority.</b></p>
R16(2)(e) & R16(4)(d)	<p>Whether, how much and in what circumstances to contribute to a Shared Cost Additional Pension Contribution (SCAPC)</p> <p><b><u>Arun Discretion</u></b>  <b>Arun does not exercise the option to contribute towards the cost of purchasing extra pension via a Shared Cost Additional Pension Contribution (SCAPC) entered into on or after 1 April 2014.</b></p>
R16 (16)	<p>Whether to extend a 30-day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child related leave or reserve force service leave).</p> <p><b><u>Arun Discretion</u></b>  <b>Arun does not exercise the option to contribute towards the cost of purchasing extra pension via a Shared Cost Additional Pension Contribution (SCAPC) entered into on or after 1 April 2014.</b></p>
R17(1)	<p>Whether, how much and in what circumstances to contribute to shared cost Additional Voluntary Contributions (SCAVC) arrangements entered into on or after 1.4.14</p> <p><b><u>Arun Discretion</u></b>  <b>The Council will pay SCAVC contributions where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer SCAVC contributions will not exceed the amount of salary sacrificed by the employee. This is a Council</b></p>

Regulation	Regulation and Arun Discretion
	<b>discretion which is subject to the employee meeting the Council's conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.</b>
R19(2)	<p>No right of return of contributions if member left due to an offence of a fraudulent character or gross misconduct unless the employer directs a total or partial refund is to be made</p> <p><b><u>Arun Discretion</u></b>  <b>Members of the LGPS are entitled to return of their contributions within the first 2 years of membership of the scheme when they leave employment. This should only be withheld in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered.</b></p>
R20(1)(b)	<p>Specify in an employees' contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable</p> <p><b><u>Arun Discretion</u></b>  <b>Information on which payments/benefits are to be pensionable is included as a contractual term and an up to date list is available from Human Resources and payroll.</b></p>
R21(5)	<p>In determining Assumed Pensionable pay, whether a lump sum payment made in the previous 12 months is a 'regular lump sum'.</p> <p><b><u>Arun Discretion</u></b>  <b>The elements which make up pensionable pay for Arun employees are set out on the intranet or from Human Resources. Where a lump sum payment arises and is not covered by the current definition the decision will be made by the Group Head for Corporate Support or delegated to the Human Resources Manager in their absence.</b></p>

Regulation	Regulation and Arun Discretion
R21(5A) &R21 (5B)	<p>Whether, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP)?</p> <p>When a member is:</p> <ul style="list-style-type: none"> <li>- on reduced contractual pay or no pay due to sickness or injury, or</li> <li>- absent during ordinary maternity, paternity or adoption leave, or paid shared parental leave, or during paid additional maternity or adoption leave, or</li> <li>- absent on reserve forces service leave, or</li> <li>- retires with a Tier 1 or Tier 2 ill health pension, or</li> <li>- dies in service</li> </ul> <p><b><u>Arun Discretion</u></b>  <b>This will be considered, in exceptional circumstances and each case should be considered on an individual basis by the Group Head for Corporate Support.</b></p>
R22(8)(b)	<p>Whether to extend the 12-month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with a new employment</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will consider a limited extension of this period if the member has not been provided with information in a timely way or where evidence indicates that the member made an election within the 12 months' time period, but the election was not received by the Pension Fund Administering Authority.</b></p>
R22(7)(b)	<p>Whether to extend the 12-month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment</p>

Regulation	Regulation and Arun Discretion
	<p><b><u>Arun Discretion</u></b>  <b>Arun will consider a limited extension of this period if the member has not been provided with information in a timely way or where evidence indicates that the member made an election within the 12 months' time period, but the election was not received by the Pension Fund Administering Authority.</b></p>
R30(6) & TP11(2)	<p>Whether to allow flexible retirement for staff aged 55 or over who, with the agreement of the Scheme employer, reduce their working hours or grade [regulation 30(6) of the LGPS Regulations 2013] and, if so, as part of the agreement to allow flexible retirement:</p> <ul style="list-style-type: none"> <li>• whether, in addition to the benefits the member has built up prior to 1 April 2008 (which the member must draw), to allow the member to choose to draw</li> <li>• all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014, and / or</li> <li>• all, part or none of the pension benefits they built up after 31 March 2014 [regulations 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014], and</li> <li>• whether to waive, in whole or in part, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA) [regulation 3(5) of the LGPS (Transitional Provisions).</li> </ul> <p><b><u>Arun Discretion</u></b></p> <p><b>i) Whether to allow flexible retirement</b></p> <p><b>Arun District Council has a Flexible Retirement Policy. The approval process for Flexible Retirement is set out in the relevant policy document.</b></p> <p><b>ii) Whether to allow the member to choose to take</b></p> <p>a. part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014, and / or</p>

Regulation	Regulation and Arun Discretion
	<p><b>Arun will permit a member to draw all or part of the pension benefits they accrued before 1 April 2014 so long as this complies with the Flexible Retirement Policy.</b></p> <p>b. all, part or none of the pension benefits they built up after 31 March 2014</p> <p><b>Arun will permit a member to draw all or part of the pension benefits they accrued on or after 1 April 2014 so long as this complies with the Flexible Retirement Policy.</b></p> <p>iii) <b>Whether to waive, in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (R30(8))</b></p> <p><b>Arun District Council has a Flexible Retirement Policy which states that Flexible Retirement will be at no additional cost to the Council. Arun will not therefore waive any actuarial reduction that would apply, except in exceptional circumstances and where it has been determined by Full Council or an Individual Cabinet Member decision that restructuring proposals achieve a payback within 3 years.</b></p>
R30(8)	<p>Whether to waive, in whole or part, actuarial reduction on benefits paid on flexible retirement</p> <p><b><u>Arun Discretion</u></b></p> <p><b>Arun District Council has a Flexible Retirement Policy which states that Flexible Retirement will be at no additional cost to The Council. Arun will not therefore waive any actuarial reduction that would apply, except in exceptional circumstances and where it has been determined by Full Council or an Individual Cabinet Member decision that restructuring proposals achieve a payback within 3 years.</b></p>
R30(8)	<p>Whether to waive, in whole or part actuarial reduction on benefits which a member voluntarily draws before normal pension other than on the grounds of Flexible Retirement (and/or where the member only has post 31/3/14 membership)</p>

Regulation	Regulation and Arun Discretion
	<p><b><u>Arun Discretion</u></b>  <b>Arun does not exercise the right to waive any actuarial reduction on benefits accrued after 31 March 2014, for a member who wishes to retire voluntarily on or after age 55, other than on compassionate grounds.</b></p>
TPSch 2, paras 1(2) and 1 (1)(c)	<p>Whether to ‘switch on’ the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement)</p> <p>(Active members are now able to voluntarily retire between ages 55 and 60. If they were a member of the LGPS on 30 September 2006 then some of their benefits could be protected from reductions applied to early payment under the 85-year rule. This rule only applies automatically to members voluntarily retiring from age 60 but the employer has the discretion to “switch it on” for voluntary retirements between age 55 and 60).</p> <p>This discretion does not apply to flexible retirement (see <a href="#">Regulation 30(6)</a>) whereby the 85 year rule is always switched on.)</p> <p><b><u>Arun Discretion</u></b>  <b>Where a member meets the criteria for the 85-year rule and wishes to retire on or after age 55 and before age 60, the Council will only grant such an application in exceptional or compassionate circumstances. Each application will be considered in its own right by the relevant CMT Member in conjunction with the Group Head for Corporate Support.</b></p>
TP3(1) B30A(5) B30A(5)	<p>Whether to waive, in whole or in part, any actuarial reductions on benefits which a member voluntarily draws before normal pension age (other than on grounds of Flexible Retirement) where the member has both pre and post April 2014 benefits</p> <p><b><u>Members joined before 1 October 2006 and who reached 60 before 1 April 2016 – Group 1</u></b></p> <ul style="list-style-type: none"> <li>• To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2016</li> <li>• To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2016</li> </ul>

Regulation	Regulation and Arun Discretion
	<p><u>Members joined before 1 October 2006 and who reach age 60 between 1 April 2016 and 31 March 2020 and also meet their critical retirement age before 1 April 2020 (date member meets the 85-year rule)– <b>Group 2</b></u></p> <ul style="list-style-type: none"> <li>• To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2020</li> <li>• To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2020</li> </ul> <p><u>Members joined before 1 October 2006 and who reach age 60 after 1 April 2016 but before 31 March 2020 and don't meet their critical retirement age before 1 April 2020 (date member meets the 85-year rule)– <b>Group 3</b></u></p> <ul style="list-style-type: none"> <li>• To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014</li> <li>• To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2014</li> </ul> <p><u>Members joined after 1 October 2006 – <b>Group 4</b></u></p> <ul style="list-style-type: none"> <li>• To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014</li> <li>• To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2014</li> </ul> <p><u><b>Arun Discretion</b></u>  <b>Arun will consider waiving actuarial reduction of benefits on compassionate grounds for all of the above-mentioned groups.</b></p> <p><b>Compassionate grounds are likely to be considered as follows:</b></p> <ul style="list-style-type: none"> <li>• Looking after a sick relative</li> <li>• Ill health where payment of unreduced benefits might not be certified</li> <li>• Other exceptional compassionate grounds</li> </ul>

Regulation	Regulation and Arun Discretion
	<b>Each case will be considered on an individual basis and will require the agreement of a CMT member in conjunction with the Group Head for Corporate Support.</b>
R31	<p>Whether to grant additional pension of up to £6,822 to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency</p> <p><b><u>Arun Discretion</u></b>  <b>Arun does not exercise the option to award additional pension to active scheme members either during employment or within 6 months of ceasing to be active member by reason of redundancy or business efficiency.</b></p>
TP12(6)	<p>Whether to use a certificate produced by an IRMP under the 2008 scheme for the purposes of making an ill health determination under the 2014 scheme</p> <p><b><u>Arun Discretion</u></b>  <b>When making a decision on ill health retirement Arun will use the certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme.</b></p>
R37 (3) & (4)	<p>Determine whether a person in receipt of Tier 3 ill health pension has started gainful employment and whether to recover any overpaid Tier 3 pension following commencement of gainful employment.</p> <p><b><u>Arun Discretion</u></b>  <b>Where an ex-employee starts gainful employment whilst in receipt of a Tier 3 ill health pension, the tier 3 ill health pension will be discontinued, and any overpayment will normally be recovered. Where the overpayment is due to factors beyond the control of the member, individual circumstances will be considered by the Group Head for Corporate Support or in their absence the Human Resources Manager</b></p>

Regulation	Regulation and Arun Discretion
	<b>Gainful employment is defined as paid employment for not less than 30 hours in each week for a period of not less than 12 months</b>
R38(3)	<p>Decide whether a deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least 3 years, whichever is sooner</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</b></p>
R38(6)	<p>Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</b></p>
R91(1) & (8)	<p>Whether to apply to the Secretary of State for a forfeiture certificate (where a member is convicted of a relevant offence)</p> <p><b><u>Arun Discretion</u></b>  <b>This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered</b></p>

Regulation	Regulation and Arun Discretion
	<b>This would only be considered where there has been a direct cost to the employer resulting from the actions which led to dismissal</b>
R91(4)	<p>Where a forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to Guaranteed Minimum Pension and see R95)</p> <p><b><u>Arun Discretion</u></b>  <b>This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head for Corporate Support . The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered</b>  <b>This would only be considered where there has been a direct cost to the employer resulting from the actions which led to dismissal</b></p>
R92(1) & (2)	<p>Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or pay benefits</p> <p><b><u>Arun Discretion</u></b>  <b>Where forfeiture of pension benefits is being considered Arun will consider directing interim payments out of the Pension Fund until a decision has been taken. This will require the approval of the dismissing officer, Chief Executive or in his absence a Director, in consultation with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered</b></p>
R93(2)	Whether to recover from the fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APC's or AVC's or, subject to R95 below, in respect of any Guaranteed Minimum Pension

Regulation	Regulation and Arun Discretion
	<p>(GMP)) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment</p> <p><b><u>Arun Discretion</u></b>  <b>Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any monetary obligation from the individual which have been lost to the Council as a direct result of the act. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the dismissing officer, Chief Executive or in his absence a Director, in consultation with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered.</b></p>
R95	<p>Whether, if the member has committed treason or been subject to a custodial sentence for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R91 or recovery of a monetary obligation under R93 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement</p> <p><b><u>Arun Discretion</u></b>  <b>Where an employee has been convicted of treason or received a custodial sentence of at least 10 years for one or more offences under the Official Secrets Acts, the Council will consider forfeiture under R91 or recovery of a monetary obligation under R93 in order to deprive the member or the members spouse or civil partner of any Guaranteed Minimum Pension entitlement. Each case will be considered on an individual basis and a decision made by the Chief Executive in conjunction with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered</b>  <b>This would only be considered where there has been a direct cost to the employer resulting from the actions which led to dismissal.</b></p>
R98(1)(b)	Agree to bulk transfer payment

Regulation	Regulation and Arun Discretion
	<p><b><u>Arun Discretion</u></b>  <b>Arun will agree to the terms of a bulk transfer of staff to another employer under TUPE where the actuary is satisfied that the terms of the transfer and pension rights ensure fair value; safeguard the employer and the fund and members are not disadvantaged as a result of the compulsory transfer.</b></p>
R100(6)	<p>Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS</p> <p><b><u>Arun Discretion (and Administration Authority)</u></b></p> <p><b>Where a member asks for an extension of the 12-month option period for aggregation of deferred benefits, Arun will grant this discretion where there are sound reasons, normally as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Member not made aware of the right to aggregate</b></li> <li>• <b>Member not provided with the necessary paperwork</b></li> <li>• <b>Previous delays in providing information within that fund</b></li> </ul> <p><b>This will require the approval of the Group Head for Corporate Support and the Pension Administrators.</b></p>
TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)	<p>Whether to allow a member to select the final pay period for fees to be any 3 consecutive years ending 31 March in the 10 years prior to leaving</p> <p><b><u>Arun Discretion</u></b>  <b>Where fees are not regular the nature of the fee needs to be considered and a decision on which payments count as pensionable pay will be made by the Group Head for Corporate Support. Normal practice at Arun is to use the best of the final three years in any calculation.</b></p>

**Summary of the discretions to be exercised on and after 1 April 2014 (as at 14 May 2018) in relation to members (excluding councillor members) who ceased active membership between 1 April 2008 and 31 March 2014**

Regulation	Regulation and Arun Discretion
TSch1 & L66(8) & Former L66(9)(b)	<p>Allow late application to convert scheme AVC's into membership credit, i.e. allow application more than 30 days after cessation of active membership</p> <p><b><u>Arun Discretion</u></b>  <b>Where a member has an AVC contract commencing before 13 November 2001 under certain circumstances they can use this AVC to buy membership in the scheme within 30 days of leaving. The Council will extend this deadline if there are delays in providing information to the member on their options.</b></p>
A47(2)	<p>No right of return of contributions due to offence of a fraudulent character of grave misconduct unless employer directs a total or partial refund is to be made</p> <p><b><u>Arun Discretion</u></b>  <b>Members of the LGPS are entitled to return of their contributions within the first 2 years of membership of the scheme when they leave employment. This should only be withheld in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered.</b></p>

Regulation	Regulation and Arun Discretion
A49 (1) & (2)	<p>Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund</p> <p><b><u>Arun Discretion</u></b>  <b>If a member is entitled to receive a refund of contributions, this will be subject to deduction of fund tax and a contribution equivalent premium (CEP) which is the payment to reinstate the member into the state scheme as if the member had never paid into the LGPS. This is due to members paying a lower rate of tax and National Insurance contributions whilst paying into the LGPS.</b></p>
A72(1) & (6)	<p>Whether to apply to Secretary of State for a forfeiture certificate (where member of staff is convicted of a relevant offence)</p> <p><b><u>Arun Discretion</u></b>  <b>This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered</b></p>
A72 (3)	<p>Where a forfeiture certificate is issued, whether to direct that benefits are to be forfeited</p> <p><b><u>Arun Discretion</u></b>  <b>This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered</b>  <b>This would only be considered where there has been a direct cost to the employer resulting from the fraudulent actions/gross misconduct.</b></p>

Regulation	Regulation and Arun Discretion
A73(1) & (2)	<p>Where a forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or pay benefits</p> <p><b><u>Arun Discretion</u></b>  <b>Where forfeiture of pension benefits is being considered Arun will consider directing interim payments out of the Pension Fund until a decision has been taken. This will require the approval of the dismissing officer, Chief Executive or, in his absence a Director, in consultation with the Group Head for Corporate Support.</b></p>
A74(2)	<p>Whether to recover from the fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or AVC's/SCAVC's) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment</p> <p><b><u>Arun Discretion</u></b>  <b>Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any monetary obligation from the individual which have been lost to the Council as a direct result of the act. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the dismissing officer, Chief Executive or in his absence a Director, in consultation with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered.</b></p>
A76(2) & (3)	<p>Whether to recover from the Fund any financial loss caused by a fraudulent offence or grave misconduct of an employee (who has left because of that) or the amount of refund if less</p> <p><b><u>Arun Discretion</u></b>  <b>Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any financial loss caused by the fraudulent offence or misconduct of the</b></p>

Regulation	Regulation and Arun Discretion
	<p>employee (who has left because of that) or the amount of the refund if less. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the Chief Executive or, in his absence a Director, in consultation with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered.</p>
B30(5) TPSch2, Para 2 (1)	<p>Whether to waive on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (Member)</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will consider waiving actuarial reduction of deferred benefits paid early under B30 (2) on compassionate grounds, where a member retires voluntarily on or after age 55. Circumstances likely to be considered are:</b></p> <ul style="list-style-type: none"> <li>• Looking after a sick relative</li> <li>• Ill health where payment of unreduced benefits might not be certified</li> <li>• Other exceptional compassionate grounds</li> </ul> <p><b>Each case will be considered on an individual basis and will require the agreement of the Group Head for Corporate Support.</b></p>
B31(4)	<p>Decide whether a deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</b></p>
B31(7)	<p>Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</b></p>

Regulation	Regulation and Arun Discretion
paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations	<p>Whether to “switch on” the 85-year rule upon the voluntary early payment of deferred benefits.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun does not exercise the discretion to “switch on” the 85-year rule upon the voluntary early payment of deferred benefits.</b></p>
[paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]	<p>Whether to “switch on” the 85-year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension?</p> <p><b><u>Arun Discretion</u></b>  <b>Arun does not exercise the discretion to “switch on” the 85-year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension</b></p>

**Summary of the discretions to be exercised on and after 1 April 2014 (as at 14 May 2018) in relation to active and deferred councillor members and any other members who ceased active membership between 1 April 1998 and 31 March 2008**

Regulation	Regulation and Arun Discretion
31(2)	<p><b>Whether to grant application for early payment of deferred benefits on or after age 50 and before age 55.</b></p> <p>A member with a deferred benefit who left the scheme between 1 April 1998 – 31 March 2008 can claim their benefits from age 50 with their employers’ consent.</p> <p>However, these benefits may be reduced for early payment and/or be subject to an unauthorised payment charge under the Finance Act 2004</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will consider an application for early payment of deferred benefits on or after age 55 and before age 60. This would normally only be granted in exceptional compassionate circumstances. Whether or not to grant early payment will require the agreement of the Group Head for Corporate Support.</b></p>
31(5)	<p>Whether to waive any actuarial reduction on compassionate grounds which would normally be applied to benefits which are paid before age 65.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will consider waiving actuarial reduction of deferred benefits paid early under B30 (2) on exceptional compassionate grounds, where a member retires voluntarily on or after age 55. Circumstances likely to be considered are:</b></p> <ul style="list-style-type: none"> <li>• Looking after a sick relative</li> <li>• Ill health where payment of unreduced benefits might not be certified</li> <li>• Other exceptional compassionate grounds</li> </ul>

Regulation	Regulation and Arun Discretion
	<b>Each case will be considered on an individual basis and will require the agreement of the Group Head for Corporate Support.</b>
34(1)(b)	<p>Decide, in the absence from a post 31.3.98/pre 1.4.08 leaver of an election form from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme Membership</p> <p><b><u>Arun Discretion</u></b>  <b>If this situation arises, and Arun is not able to contact the member following reasonable efforts the case will be considered and a decision made on an individual basis by the Group Head for Corporate Support</b></p>
88(2)	<p>No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (councillors and pre 1.4.08 leavers)</p> <p><b><u>Arun Discretion</u></b>  <b>This will be considered on an individual basis by the Group Head for Corporate Support.</b></p>
89(1) & (2)	<p>Employer may deduct contributions from reserve forces pay</p> <p><b><u>Arun Discretion</u></b>  <b>Pension contributions will be deducted according to scheme rules from reserve forces pay.</b></p>
92	Contribution Equivalent Premium (CEP) in excess of Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (councillor leavers and pre 1.4.08 leavers).

Regulation	Regulation and Arun Discretion
	<p><b><u>Arun Discretion</u></b>  If a member is entitled to receive a refund of contributions, this will be subject to deduction of fund tax and a contribution equivalent premium (CEP) which is the payment to reinstate the member into the state scheme as if the member had never paid into the LGPS. This is due to members paying a lower rate of tax and National Insurance contributions whilst paying into the LGPS.</p>
111 (2) & (5)	<p>Forfeiture of pension rights on issue of Secretary of State's Certificate (councillors and pre 1.4.08 leavers)</p> <p><b><u>Arun Discretion</u></b></p> <p>This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered</p> <p>This would only be considered where there has been a direct cost to the employer resulting from the fraudulent actions/gross misconduct.</p>
112(1)	<p>Where a forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or pay benefits (councillors and pre 1.4.08 leavers)</p> <p><b><u>Arun Discretion</u></b></p> <p>Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any financial loss caused by the fraudulent offence or misconduct of the employee (who has left because of that) or the amount of the refund if less. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the</p>

Regulation	Regulation and Arun Discretion
	<b>Chief Executive or, in his absence a Director, in consultation with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered.</b>
113(2)	<p>Recovery from fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights) (councillors and pre 1.4.08 leavers)</p> <p><b><u>Arun Discretion</u></b>  <b>Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any financial loss caused by the fraudulent offence or misconduct of the employee (who has left because of that) or the amount of the refund if less. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the Chief Executive or, in his absence a Director, in consultation with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered.</b></p>
115(2) & (3)	<p>Recovery from fund of financial loss caused by employee, or amount of refund if less (councillors and pre 1.4.08 leavers)</p> <p><b><u>Arun Discretion</u></b>  <b>Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any financial loss caused by the fraudulent offence or misconduct of the employee (who has left because of that) or the amount of the refund if less. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the Chief Executive or, in his absence a Director, in consultation with the Group Head for Corporate Support. The rules are complicated, and advice must be sought from the Pension Administrators if such actions are being considered.</b></p>
paragraph 1(1)(c) & 1(2) of	Whether to "switch on" the 85-year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension?

Regulation	Regulation and Arun Discretion
Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]	<p>(Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members).</p> <p><b><u>Arun Discretion</u></b>  <b>Arun does not exercise its discretion to “switch on” the 85-year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension.</b></p>

Summary of the discretions to be exercised on and after 1 April 2014 (as at 14 May 2018) in relation to members who ceased active membership before 1 April 1998.

Regulation	Regulation and Arun Discretion
D11(2)(c)	<p>Whether to grant early payment of a deferred benefit on compassionate grounds, on or after age 50 and before normal retirement date (NRD).</p> <p><b><u>Arun Discretion</u></b>  <b>Arun will consider granting an application for early payment of deferred benefits on or after age 50 for a pre-1.4.98 leaver only on compassionate grounds. Each case will be considered on an individual basis and will require the agreement of the Group Head for Corporate Support.</b></p>
D10	<p>Decide in the absence from a pre-1.4.98 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership</p> <p><b><u>Arun Discretion</u></b>  <b>If this situation arises, and Arun is not able to contact the member following reasonable efforts the case will be considered and a decision made on an individual basis by the Group Head for Corporate Support.</b></p>

**Summary of the discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006**

Regulation	Regulation and Arun Discretion
5	<p>To base redundancy payments on an actual weeks' pay where this exceeds the statutory weeks' pay</p> <p><b><u>Arun Discretions</u></b>  <b>The Council will base any redundancy payment on actual weeks' pay where it exceeds the statutory weeks' pay limit.</b></p>
6	<p>Whether to award lump sum compensation of up to 104 weeks' pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.</p> <p><b><u>Arun Discretion</u></b>  <b>Where a Council employee is made redundant, the sum to be paid in compensation will be based on a multiplier of 2.2 of the redundancy payment. This compensation will incorporate statutory redundancy pay.</b></p> <p><b>Where an individual is made redundant in the case of a joint appointment post being terminated, redundancy arrangements will have been agreed at the start of the joint appointment and payment will be in accordance with this agreement.</b>  <b>Where employment is terminated on the grounds of efficiency of the service the lump sum compensation will be agreed at the time by the employee and the Council. The maximum payment will be limited to the lump sum compensation available to an employee being made redundant; it may be less than this.</b></p>

Summary of the discretions to be exercised under the Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations 2000

Regulation	Regulation and Arun Discretion
21(4)	<p>How to apportion any surviving spouses or civil partner's annual compensatory added years payment.</p> <p><b><u>Arun Discretion</u></b>  <b>Council policy is that where a deceased person is survived by more than one spouse or civil partner this should be apportioned equally.</b></p>
25 (2)	<p>How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children.</p> <p><b><u>Arun Discretion</u></b>  <b>This will be determined on an individual basis by the Group Head for Corporate Support.</b></p>
21(5)	<p>Whether, in respect of a spouse of a person who ceased employment before 1.4.98 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 4 98, the normal pension suspension rules should be dis-applied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid</p> <p><b><u>Arun Discretion</u></b>  <b>Where a surviving spouse or civil partner remarries or enters into a new civil partnership or cohabits after 1.4.98 the normal suspension rules will be dis-applied, and benefits should continue to be paid.</b></p>
21(7)	<p>Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partner's annual CAY payment, the normal rule requiring one of them to forego payment</p>

Regulation	Regulation and Arun Discretion
	<p>whilst the period of marriage, civil partnership or co-habitation lasts, should be dis-applied, i.e. whether the spouses' or civil partners' annual CAY payment should continue</p> <p><b><u>Arun Discretion</u></b>  <b>Where a surviving spouse or civil partner remarries or enters into a new civil partnership or cohabits after 1.4.98 with another person who is also entitled to a spouse's or civil partners annual CAY payment , the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be dis-applied, i.e. the payment should continue.</b></p>
17	<p>Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government</p> <p><b><u>Arun Discretion</u></b>  <b>Council policy is that during any period of re-employment the level of annual compensation, LGPS pension and earnings do not exceed the current value of pay in the former post.</b></p>
19	<p>How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government</p> <p><b><u>Arun Discretion</u></b>  <b>Council policy is that following a period of re-employment any compensatory added years payment will be reduced on a day for day basis to ensure that the individual receives no more membership than they would have attained by normal retirement date.</b></p>

Summary of the discretions to be exercised under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Under Regulation 14 of the Injury Allowances Regulations, each LGPS employer (other than an Admitted Body) is required to formulate, publish and keep under review the policy that it will apply in the exercise of its discretionary powers to make any award under the Injury Allowances Regulations in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012.

Regulation	Regulation and Arun Discretion
3(1)	<p>Whether to grant injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance following reduction in remuneration as a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job. Employees recorded as having an industrial injury continue on full pay and therefore should not have a reduction in their remuneration.</b></p>
3(4) & (8)	<p>Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy relating to the amount of injury allowance following reduction in remuneration as a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of the job.</b></p>
3(2)	<p>Determine whether a person continues to be entitled to injury allowance awarded under regulation 3(1)</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy relating to whether a person continues to be entitled to an injury allowance awarded under Regulation 3(1).</b></p>

Regulation	Regulation and Arun Discretion
4(1)	<p>Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy relating to granting an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out the duties of the job. In this circumstance an ill health retirement would be considered.</b></p>
4(3) & (8)	<p>Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy on the amount of any injury allowance to be paid as a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job. In this circumstance an ill health retirement would be considered.</b></p>
4(2)	<p>Determine whether a person continues to be entitled to an injury allowance awarded under regulation 4(1)</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
4(5)	<p>Whether to suspend or discontinue injury allowance awarded under regulation 4(1) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months</p>

Regulation	Regulation and Arun Discretion
	<p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
6 (1)	<p>Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a reg 3 payment was being made at date of cessation of employment but reg 4 does not apply.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
6 (1)	<p>Determine amount of any injury allowance to be paid under regulation 6 (1).</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
6 (2)	<p>Determine whether and when to cease payment of an injury allowance payable under regulation 6 (1)</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
7(1)	<p>Whether to grant an injury allowance to the spouse, civil partner, nominated cohabiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job</p>

Regulation	Regulation and Arun Discretion
	<p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out the duties of the job.</b></p>
7(2) & 8	<p>Determine amount of any injury allowance to be paid under 7(1)</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to determine the amount of any injury allowance to be paid under 7(1).</b></p>
7(3)	<p>Determining whether and when to cease payment of an injury allowance payable under regulation 7(1)</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to determine whether and when to cease payment of an injury allowance payable under Regulation 7(1).</b></p>

## Discretions under the Local Government (Discretionary Payments) Regulations 1996 (as amended)

The following discretions under the Discretionary Payment Regulations 1996:

- a) Which related to injury allowances, apply only in respect of leavers, deaths and reductions in pay that occurred before 16 January 2012; and
- b) Which relate to gratuities, apply only in respect of leavers and deaths that occurred before 16 January 2012.

Regulation	Regulation and Arun Discretion
34(4)	<p>Suspend on discontinue injury allowance if person becomes capable of working again.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
35(3) and 38	<p>Amount of injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of a job.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
36	<p>Amount and duration of injury allowance following cessation of employment where reg 35 payment was being made but reg 34 does not apply.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>

37(3), 37(6) and 38	<p>Amount and duration of a dependant's spouse's or civil partner's injury allowance following death of an employee after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
37(4)	<p>Reinstate spouse's or civil partner's injury allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
41(4)	<p>Amount of gratuity payable to surviving dependent, spouse or civil partner where amount of annuity payments fall short of their capital value at the date of award.</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
42(4)	<p>Amount of gratuity payable to surviving dependent, spouse or civil partner where amount of redundancy annuity payments falls short of their capital value at date of award</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
42(7)	<p>Amount of gratuity payable to any other surviving dependent, spouse or civil partner where amount of annuity payments paid under 42(4) fall short of their capital value at date of award</p>

	<p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>
46A	<p>Formulate and keep under review the injury allowance and gratuity policies to be operated by the authority</p> <p><b><u>Arun Discretion</u></b>  <b>Arun District Council has no general policy to grant an injury allowance as a result of an employee sustaining an injury or contracting a disease in the course of carry out the duties of their job.</b></p>

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF FULL COUNCIL ON 15 JULY 2020

**SUBJECT: Pay Policy Statement 2020-2021**

**REPORT AUTHOR:** Alan Peach – Group Head for Corporate Support **DATE:** 3 March 2020 **EXTN:** 37558

#### **EXECUTIVE SUMMARY:**

The Localism Act 2011, section 38(1) requires that local authorities prepare an annual Pay Policy Statement. This paper introduces the draft Pay Policy Statement for 2020/2021 (attached) and asks Members to approve it.

#### **RECOMMENDATIONS:**

- a) To approve the Pay Policy Statement 2020/2021 for publication on the Arun website; and
- b) To give delegated responsibility to the Group Head for Corporate Support to make changes to the Pay Policy Statement should new legislation be introduced during the forthcoming year that has an effect on its contents.

#### **1. BACKGROUND:**

- 1.1 The Localism Act 2011, Section 38(1) requires that local authorities prepare an annual Pay Policy Statement. This should set out an authority's own policies towards a range of issues relating to the pay of its workforce, particularly its senior staff and its lowest paid employees. This statement must be prepared for each financial year and must be approved by Full Council ready for publishing.
- 1.2 The Pay Policy Statement for 2020 – 2021 (The Statement) is attached as Appendix 1, along with two other relevant appendices.
- 1.3 The Statement sets out our processes for determining remuneration and several related issues, including the use of bonuses (or not in our case), severance pay, enhancement of pension entitlement (not in our case), allowances etc. The contents of the Statement are matters of fact and simply set out current practice.
- 1.4 Section 9 of the Statement, "Relationship between remuneration of Chief Officers and employees who are not Chief Officers" sets out the relationship between the highest and lowest paid officers.

<b>2. PROPOSAL(S):</b>		
a) To approve the Pay Policy Statement 2020/2021 for publication on the Arun website. b) To give delegated responsibility to the Group Head for Corporate Support to make changes to the Pay Policy Statement should new legislation be introduced during the forthcoming year that influences its contents.		
<b>3. OPTIONS:</b>		
a) Agree the Pay Policy Statement for 2020/2021 to be published on the Arun website b) Not approve the Pay Policy Statement for 2020/2021		
<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		
Unison	✓	
CMT		✓
Cabinet Member for Governance		✓
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
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)		✓
<b>6. IMPLICATIONS:</b>		
Requirement to publish under the Localism Act 2011		

<b>7. REASON FOR THE DECISION:</b>
To comply with our obligations under the Localism Act 2011 in the interests of transparency

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<b>8. BACKGROUND PAPERS:</b> None
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## ARUN DISTRICT COUNCIL Pay Policy Statement Financial Year 2020 – 2021

### 1. Purpose

- 1.1 This Pay Policy Statement (Statement) is provided in accordance with Section 38(1) to 43 of the Localism Act 2011 and the Statement will be updated annually
- 1.2 The Statement sets out Arun District Council's (ADC) policies relating to the pay of its workforce for the financial year 2020 – 2021, in particular:
- The remuneration of its Senior Management, third tier and above
  - The remuneration of its "lowest paid employees"
  - The relationship between the remuneration of its senior managers and employees who are not senior managers

### 2. Definitions

- 2.1 For the purpose of this Pay Policy the following definitions will apply:

**"Pay/Remuneration"** in addition to salary includes charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements and termination payments.

**"Chief Officers"** refers to the following roles within ADC:

- Chief Executive as Head of Paid Service
- Directors
- Group Heads

**"Lowest Paid Employees"** refers to those staff employed on Grade 2 of the Council's pay scales. The definition for the "lowest paid employees" has been adopted because Grade 2 is the lowest grade on which employees are paid within the Council's pay framework.

**"Employee who is not a Chief Officer"** refers to all staff who are not covered under the Chief Officer group above. This includes the "lowest paid employees".

### 3. Pay Framework and Remuneration Levels

#### 3.1 Remuneration for staff up to and including Director Level

##### 3.1.1 *Determining the Grades of Posts*

- 3.1.2 The Council uses a locally agreed Job Profiling Scheme to evaluate the grade applied to each job role. This is to ensure that jobs are graded fairly, equitably and consistently and that the Council complies with the Equal Pay Act.
- 3.1.3 Decisions on grading are by consensus of a pay profiling panel following a thorough assessment of each job role. The panel is made up of both employer and union representatives and panellists are trained in use of the scheme to ensure fairness in application.
- 3.1.4 The profiling scheme covers all posts within the Council with the exception of the Chief Executive. This is because an evaluation exercise is not needed to establish that this is the highest paid post in the Council as the post holder will have ultimate accountability and responsibility.

### **3.2 *Pay Structure and Pay Increases***

- 3.2.1 The Council's pay and grading structure is based on the national pay scale issued by the National Joint Council (NJC) as part of the National Agreement for Local Government Services. This pay scale incorporates posts graded 2 to 14 (Grade 14 is covered by an extension to the National Pay Scales). Incremental rises within each grade is automatic on the 1<sup>st</sup> April each year until the employee reaches the top of the scale.
- 3.2.2 The Council has a separate pay scale for Group Heads and Directors. Incremental increases are not automatic for these staff and are at the Chief Executive/Director's discretion.
- 3.2.3 All staff, other than the Chief Executive, are awarded an annual cost of living increase which is linked to national pay negotiations for the National Joint Council for Local Government Services.
- 3.2.4 There is no provision for the payment of bonus payments to staff in these grades.

### **3.3 *Remuneration of the Chief Executive***

- 3.3.1 It is essential for good governance that decisions on pay and reward for the Chief Executive are made in an open and accountable way and that there is a verified and accountable process for recommending the level of pay for this post.
- 3.3.2 The remuneration of the Chief Executive is recommended by the Chief Executive Remuneration Committee and the decision is made by Full Council. This Committee comprises of elected councillors from the main political parties and determines the pay of the Chief Executive on appointment and annually thereafter, following the rules as set out in the Council's Constitution as Part 3

– Section 9.2 and additional guidance provided in the “National Salary Framework and Conditions of Service Handbook’ for Local Authority Chief Executives”. The Remuneration Committee will take account of recommendations concerning performance from the Chief Executive Appraisal Panel, details of which are also set down in Part 3, section 9.1 of the Constitution. It will also review market data relevant to Chief Executive Pay and any other significant considerations which arise. The Chief Executive does not receive any additional payment other than fees in connection with election duties in his role as Returning Officer. Election fees are set out annually in the ‘Scale of Returning Officer’s expenditure for Local Government Elections, Polls and Referendums’, attached as Appendix 1.

- 3.3.3 There is no provision for the payment of bonus payments to the Chief Executive. Other payments made will be in line with Council policies on allowances.

#### **4.0 Publication of Chief Officer Salaries including the Chief Executive**

- 4.1 Information on remuneration for the Chief Executive, Directors and Group Heads is published as part of the Annual Statement of Accounts. This is published each year in June/July and can be found on the Council’s website. Officers below this level will not be identified in this way.
- 4.2 A structure chart showing the membership and responsibilities of the Corporate Management Team is attached to this document as Appendix 2.

### **5 Other Pay Elements**

#### *5.1 Market Supplements*

- 5.1.1 The Council will consider the use of market supplements where there are significant recruitment or retention difficulties. In situations where a market supplement is being considered, a report detailing the business case will be presented for consideration by the Corporate Management Team in conjunction with the HR Manager. Market Supplements are time limited and subject to review.

#### *5.2 Honoraria/Honorariums*

- 5.2.1 There is provision within the Council’s Human Resources Guidance for the payment of “honoraria” in exceptional circumstances (as defined in the guidance), to any staff employed by the Council. For Directors, honoraria must be approved by the Chief Executive, in consultation with the Leader of the Council. For Group Heads, this must be approved by the relevant Director in consultation with the Chief Executive. For the Chief Executive this must be approved by the Remuneration Committee.

### 5.3 *Other Allowances*

- 5.3.1 There are a number of other allowances which staff may be eligible for such as car allowance, standby/call out allowance etc. Any allowance or other payment will only be made to staff in connection with a particular role or the patterns of hours that they work. Allowances will be payable subject to the employee meeting the eligibility criteria as laid out in the relevant policy.
- 5.3.2 Payments made to staff working during elections, polls and referendums will be in line with the Scale of Returning Officer's expenditure for Local Government Elections, Polls and Referendums, as attached at Appendix 1.

## **6 Pensions**

- 6.1 All staff, as a result of their employment with Arun District Council, are eligible to join the Local Government Pension Scheme (LGPS). Full details of the scheme can be found at [www.lgps.org.uk](http://www.lgps.org.uk). The LGPS is a contributory scheme and contributions are made by both the employer and the employee. The level of contribution is dependent on the employee's earnings.
- 6.2 The LGPS requires employers to prepare and publish a written policy on its discretionary powers in relation to pensions. These are known as the Council's Pension Discretions, they are reviewed annually and can be found on the Council's intranet.

## **7 New Starters Joining the Council**

- 7.1 Employees new to the Council will be appointed to a salary point within the grade for the post considered appropriate taking into account their experience and ability to undertake the role. This will be at the discretion of the recruiting manager.

## **8 Termination of Employment**

- 8.1 All employees who leave the Council's employment are entitled to payment of their contractual notice (except in cases of summary dismissal following disciplinary proceedings) along with any outstanding holiday pay.
- 8.1.2 The Council has determined that a vote by the Council pm severance payments above a defined threshold is not required. This is due to the fact that the Joint Consultative Panel agrees all pay policies including those affecting severance payments. All severance payments are paid in accordance with Council policy and in compliance with employment legislation.

### 8.2 *Redundancy Payments*

8.2.1 Redundancy payments are payable to employees whose post is made redundant and the post holder has two years' service or more. ADC's redundancy payments are determined by the age of the employee and length of service and are based on actual salary and a 2.2 multiplier of the Statutory Redundancy Pay Table.

8.2.2 There is no local discretion to increase an employee's total pension scheme membership or award additional pension except in exceptional circumstances where compassionate grounds apply.

### **8.3 Settlement Agreements**

8.3.1 In exceptional circumstances, and specifically to settle a claim or potential dispute, the Chief Executive in consultation with the Section 151 Officer, can agree payment of a termination settlement sum up to the value of £50,000. In such cases, each decision as to the level of payment will be taken on its individual merits and with advice taken from the Human Resources Manager.

### **8.4 Re-employment of Officers**

8.4.1 The Council needs to retain the flexibility to respond to recruitment demands and labour shortages and therefore, in some circumstances, it may be in the Council's best interests to re-employ former local government employees who have previously left the service on the grounds of redundancy or efficiency. If the Council were to re-employ a previous local government employee who had received a redundancy or severance package on leaving, then the Council's policy is to ensure that the rules of the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 is applied. In addition, the Council will ensure that a fair, transparent selection process has taken place before any appointment is confirmed.

## **9 Relationship between remuneration of "Chief Officers and "employees who are not Chief Officers"**

9.1 The mean average remuneration for the 2020/2021 budget is £38,560 and the highest paid employee £153,750. This includes all allowances and employers pension contributions at 21.4%. The pay multiple between the two is 3.99. This is based on current pay scales, including an estimated 2% national pay award.

In comparison, the mean average remuneration for the 2019/2020 budget was £36,400 and the highest paid employee £146,630. This includes all allowances and employers pension contributions at 17.8%. The pay multiple between the two is 4.03. This was based on current pay scales, including the proposed 2% pay award.

- 9.2 The lowest paid employee is at £7,650 and the highest paid employee £153,750. This includes allowances and employers pension contribution at 21.4% and the pay multiple between the two is 20.09\*. This is based on current pay scales, including an estimated 2% national pay award.

In comparison, for the 2019/2020 budget, the lowest paid employee was at £11,350 and the highest paid employee £146,630. This included allowances and employers pension contribution at 17.8%. The pay multiple between the two is 12.92. This was based on current pay scales, including the proposed 2% pay award.

\*note that this includes apprentice pay. The multiplier excluding apprentice pay is 8.02.

Date approved by Full Council

**SCALE OF RETURNING OFFICERS EXPENDITURE FOR LOCAL GOVERNMENT ELECTIONS, POLLS AND REFERENDUMS IN HELD WEST SUSSEX 2019/2020**  
(issued 13 March 2019)

**PART A – PERSONAL FEE FOR RETURNING OFFICER’S SERVICES**

- A.1 Personal fee in respect of each electoral area for executing all the statutory duties of the Returning Officer for the conduct of the election, including the appointment of Deputy Returning Officers, the publication of prescribed notices, the distribution preparation, verification and adjudication of candidates’ nomination papers and consents, the provision of polling stations and ballot papers (including the dispatch and receipt of postal ballot papers), the appointment of presiding officers, poll clerks and counting assistants, the dispatch of poll cards, the issue of notifications of secrecy, the supervision of the counting of votes and declaration of the result of poll, the submission of returns and the custody of records.

For all services in an uncontested election or for services up to the close of the withdrawals period in a contested election

£76.50

For services after the close of the withdrawals period in a contested election

£30.00 for every 500  
local government electors  
(or part 500)

For a countermanded election:-

- |    |   |                    |
|----|---|--------------------|
| a) | If countermanded before the close of the withdrawals period | £76.50             |
| b) | If countermanded after the close of the withdrawals period  | £76.50 plus £16.00 |

**PART B – DISBURSEMENTS BY RETURNING OFFICER**

B.1 Staff for polling Stations

- |    |   |         |
|----|---|---------|
| a) | Presiding Officer’s services  | £215.00 |
| b) | Supplementary fee to Presiding Officers for combined polls for district, parish or county elections                   | £44.00  |
| c) | Poll Clerk’s services (one clerk for each 1000 local government electors or part 1000 allocated to a polling station) | £135.00 |
| d) | Supplementary fee to Poll Clerk for combined polls for district, parish or county elections                           | £28.50  |

e)	Services of part-time Poll Clerk (where not required for whole of polling hours)	Hourly rate (as proportion of normal fee) on basis of hours employed
f)	Supplementary fee to Presiding Officer who acts as Senior Presiding Officer at a polling place where there is more than one polling station	£15.00
g)	Polling Station Inspector	£205.00
h)	Fee in respect of attendance at training session for up to	£42.00

## B.2 Staff for Counting of Votes

a)	Counting Assistant's services (for sorting and counting ballot papers)	£24.50 plus £8.50 per hour, or part, of duration of count proceedings or £24.50 plus £10.00 per hour, or part, of duration if count held overnight
b)	Counting Supervisor's services (for directing Counting Assistant's functions to ensure proper verification of ballot boxes)	£18.00 (responsibility supplement for each electoral area) plus £12.00 per hour, or part.
c)	Deputy Returning Officer's services	£43.00 (responsibility supplement for each electoral area) plus the fee for Counting Assistant's services
d)	Fee in respect of Count Supervisors attendance at training up to	££42.00

## B.3 Staff for Clerical Assistance

a)	General Assistance for purposes of preparation for the dispatch and receipt of postal ballot papers	££27.50 for every 50 ballot papers (or part of 50)
b)	General assistance for all other matters in district, parish or county elections (including completing, handling and dispatch of poll cards)	£8.00 for every 100 electors (or part 100); allowance to be reduced by 5% in parish elections where no poll cards are issued
c)	Staff payments in respect of despatch and opening of postal ballot papers	££27.50 per half day session or £8.50 per hour (or part hour) where hourly rate is applicable <b>or</b> £10.00 per hour (or part hour) where working after 5pm is involved <b>or</b> £12.00 per hour (or part hour) where weekend/bank holiday working is involved
d)	Postal Vote Supervisor (opening and despatch)	£15 plus payment of despatch/opening fee

### Travelling and Subsistence Expenses

- a) Journeys necessarily made for any purposes approved by the Returning Officer in relation to the election proceedings

Actual cost of rail fare (second class) or other forms of public transport. Top allowance on NJC Scale for use of private vehicle

- b) Travel Expenses paid to staff in connection with the election

Fixed Fee for Presiding Officer

Fixed Fee for Poll Clerks/Counting Assistants

£10.00

£7.00

For those being paid mileage rate

.45p per mile

### B.5 Ballot Boxes and Stamping Instruments

- a) Cleaning and preparation of equipment before issue from storage place

£3.00 for each polling place

### B.6 Poll Cards

For hand delivery of poll cards

18p per card

### B.7 All other expenses necessary for the proper conduct of the election proceedings, including the following particular matters:-

- a) Provision, use and fitting up of accommodation for polling stations
- b) Provision and transport of equipment for polling stations (e.g. voting compartments, tables and chairs)
- c) Provision and publication of notices, poll cards, ballot papers, registers of electors and postal and proxy voters' lists
- d) Provision of all other stationery and documents
- e) Postage and telephone charges
- f) Compensation for injury to persons or damage to property

### Notes

- 1 The prescribed amounts in the scale are payable in respect of each separate electoral area
- 2 "Electoral area" means any ward/parish/division for which a separate election is held
- 3 The prescribed amounts in the scale are maximum sums and Returning Officers may pay lesser amounts for those items in circumstances where they consider this to be specifically justified
- 4 "Elector" means a person registered as a local government elector in the register for the electoral area concerned.
- 5 Fees for Parish polls will be adjusted according to the workload and timing of the poll.



## ARUN DISTRICT COUNCIL

### REPORT TO FULL COUNCIL ON 15 JULY 2020

<b>SUBJECT:</b>	<b>CONSTITUTIONAL AMENDMENT – COUNCIL PROCEDURE RULE 27 (SUBSTITUTION)</b>
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<b>REPORT AUTHOR:</b>	Louise Green – Interim Monitoring Officer and Legal Services Manager
<b>DATE:</b>	20 June 2020
<b>EXTN:</b>	01903 737830

#### **EXECUTIVE SUMMARY:**

This report seeks an amendment to Part 5, Section 1 of the Council's Constitution to remove the practice of substitution rules applying to the membership of the Licensing Committees in line with legal advice.

#### **RECOMMENDATIONS:**

It is recommended that:

- (1) Part 5, Section 1, Council Procedure Rule 27 (Substitution) is amended to add the words "These substitution rules will not apply to meetings of the Licensing Committees";
- (2) Any reference to Substitute Members on the Licensing Committees be removed from the list of Appointments to Committees in the current municipal year and future years; and
- (3) The Interim Monitoring Officer be authorised to make any further consequential amendments to the Constitution.

#### **1.0 BACKGROUND**

- 1.1 The Licensing Act 2003 and the Council's Constitution stipulate that Licensing Committees should consist of 10 to 15 Members who should be named as members of the Licensing Committee. Those Members must have received full training before they can serve on any committee.
- 1.2 The Licensing Act 2003 states:
  - Section 6(1) Each licensing authority must establish a committee consisting of at least ten, but not more than fifteen, members of the authority.
  - Section 9(1) A licensing committee may establish one or more sub-committees consisting of three members of the committee.
- 1.3 The Constitution confirms this under its Responsibility for Functions at:

	<ul style="list-style-type: none"> <li>Part 3, paragraph 4.2, Licensing Committee – at least 10 but no more than 15 Members of the Council. No Member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Cabinet Member for Technical Services has been undertaken; and</li> <li>Part 3, paragraph 5.5, Licensing Sub-Committee – Members of the Council drawn from the Licensing Committee</li> </ul>
1.4	<p>From reviewing the legislation and taking legal advice, there is no provision for substitute or reserve members to be appointed to any Licensing Committee. This therefore means that the current practice of the Council allowing substitution at meetings of any Licensing Committee, in line with Council Procedure Rule 27, can no longer be continued.</p>
<b>2.0 PROPOSALS</b>	
2.1	<p>The Constitution needs to be amended to reflect this latest legal advice. It is proposed that Council Procedure Rule 27 is amended to add the words to the end of this section “These substitution rules will not apply to meetings of the Licensing Committees.”</p>
2.2	<p>It is also proposed that any reference to Substitute Members on the Licensing Committees be removed from the list of Appointments to Committees in the current municipal year and future years.</p>
2.3	<p>This proposal is being made direct to the Council rather than through the Constitution Working Party as the change needs to be made with immediate effect. The Chairman and Vice-Chairman have been consulted on this and are supportive of the proposal.</p>

<b>3.0 OPTIONS:</b>		
1. None as the Council is required to follow the legal advice received with immediate effect.		
<b>4.0 CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> <li>Group Leaders</li> <li>Members and Substitute Members of the Licensing Committee</li> <li>Chairman and Vice-Chairman of the Constitution Working Party</li> </ul>	✓	
<b>5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)</b>	<b>YES</b>	<b>NO</b>
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:

The Group Leaders were advised of this proposed change as they make nominations to the Annual Council Meeting on who should be appointed to the Licensing Committees. None have raised any concerns to be presented to the Council. The quorum for this meeting will continue to follow the requirements of Committee Procedure Rule 4 set out in Part 5, Section 3 of the Council's Constitution.

## 7.0 REASON FOR THE DECISION:

To respond to recent legal advice that the current practice of allowing substitute members to be appointed to the Licensing Committees should not be continued.

## 8.0 BACKGROUND PAPERS:

Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Arun District Council's Constitution

<https://www.arun.gov.uk/constitution>

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