



Public Document Pack

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

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

e-mail: committees@arun.gov.uk

NOTE: This meeting will be a virtual meeting and will be webcast live

3 November 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 11 November 2020** at **6.00 pm** to transact the business set out below:

A handwritten signature in black ink, appearing to read "N. V. Lynn".

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 by 5.15 pm on Thursday, 5 November 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

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 - 24)

To approve as a correct record the Minutes of the Meeting of the Council held on 16 September 2020, which are *attached*.

7. **Chairman's Announcements**

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

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 18 November 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.

9. **Motions**

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

Motion 1

This is from the Independent Group.

Proposer – Councillor Dixon
Seconder – Councillor Coster

BOGNOR REGIS REGENERATION

This Council NOTES that:

Phase 1

a) Place St Maur refurbishment has been agreed and is awaiting only confirmation of external funding

b) Sunken Gardens proposals are being brought to Cabinet on 16 November 2020

It further RESOLVES THAT

Phase 2 will aim to

2(a) Deliver a hotel

2(b) Deliver a permanent multi-purpose entertainment centre

Site for 2(a): South east corner of the Regis Centre site (includes the old Fire Station)

Opportunity: Hotel (preferably with bar and restaurant)

Objective: Use the land in order to drive economic regeneration in the centre of Bognor Regis. Both the execution of the project and upon completion, will create employment in the area, create a destination for tourists and residents alike, and drive footfall both into the town centre and the seafront.

Potential Funding: Capital borrowing and/or joint project

Indicative Timescale: Proposals and operational models to be worked up and delivered to Cabinet for approval by February 2021.

Site for 2(b): Sunken Gardens children's play area – town centre site adjacent to Hothampton car park and Sunken Gardens

Opportunity: Permanent multi-purpose entertainment centre

Objective: Create a permanent multi-purpose indoor entertainment centre –complementary to, and not competing with, the Alexandra Theatre.

Potential Funding: Capital borrowing, capital receipts, revenue receipts, possible additional match funding from government or grants, potential for sponsorship.

Indicative Timescale:

- Commission design work and financial modelling immediately.
- Public Consultation – by close of 2021
- Commence build – target March 2023

This Council also notes that:

Phase 3

Other sites: Longer term opportunity, to be informed by the recently agreed process for gathering ideas.

Opportunity: Regeneration

Motion 2

This Motion is from the Conservative Group:

Proposer – Councillor Gunner

Seconder – Councillor Dendle

Motion of No Confidence

- A. That under Part 5, Section 1, Paragraph 15 (m) of the Constitution the procedure for voting in respect of the vote of no confidence set out in Part B of this motion shall be by Secret Ballot, and not subject to the right to seek a recorded vote, that is, each Member present shall record their vote confidentially for, against or abstaining.
- B. That this Council has no confidence in the current administration and calls for their immediate resignation.
- C. That this Council henceforth appoints Councillor Shaun Gunner as Leader of the Council to form a new unity administration.

Motion 3

This is from the Conservative Group.

Proposer – Councillor Edwards

Seconder – Councillor Mrs Pendleton

Many businesses, emergency services and local authorities have recognised the Hidden Disabilities Sunflower and I would like Arun District Council to embrace this too. Anyone with a hidden disability which does not have physical signs, including learning disabilities, lung conditions and chronic illnesses can opt to

wear a Hidden Disability Sunflower to show they may require additional help, understanding or extra time to carry out an action. This symbol allows us to give them the help and understanding they may need in their day-to-day lives. I am asking the Council to support the following commitments:

- To officially recognise the Hidden Disabilities Sunflower
- To officially promote what it stands for and its importance in breaking stigma
- To help promote Hidden Disabilities Sunflower to local businesses and encourage them to formally look at recognising it
- To promote that the Council offices are Hidden Disability friendly and promote the Sunflower on its buildings so people can identify the Council as Hidden Disability friendly
- To actively promote and encourage local Town and Parish Councils and West Sussex County Council to recognise the scheme

I bring this Motion to the Council as someone who has been aware of the Sunflower Lanyard since its inception. I worked at Gatwick Airport when it was developed and had some input into the scheme as a manager within Passenger Security. Dealing with people who presented as difficult, nervous, and aggressive was a common occurrence. It was only when we dealt with the situation and discovered that the person had a hidden disability that the reason for their behaviour became apparent. So, in 2016, the Hidden Disabilities Sunflower was designed and launched when London Gatwick Airport asked, "How can we identify that one of our passengers may have a non-obvious disability?". Led by Sara Marchant, a team created a simple sunflower design on a green background for a lanyard - a subtle but visible sign to enable airport staff to identify that the wearer (or someone with them) may require some extra help, time, or assistance when moving through the airport.

Wearing the Hidden Disabilities Sunflower discreetly indicates to people around the wearer including staff, colleagues, and health professionals that they need additional support, help or a little more time. Since its launch in 2016, it has now been adopted globally by major airports and venues and in the UK, by many supermarkets, railway and coach stations, leisure facilities, the NHS, a number of police, fire and ambulance services, and an increasing number of small and large businesses and organisations. Hidden disabilities can make people's lives particularly challenging, painful, or isolating. By wearing a sunflower lanyard, badge, or wristband someone is indicating they have a hidden disability and may find certain situations difficult or stressful, causing them to act differently.

Covid-19 has created a range of extra difficulties for people with hidden disabilities such as the wearing of face coverings in many public places. This can create complex issues for people with hidden disabilities and they may encounter stigma for not wearing a face covering despite being exempt under Government guidance.

The success of the Hidden Disabilities Sunflower and the positive response it has received has increased awareness of challenges adults and children with hidden disabilities can face. Hidden Disabilities Sunflower wearers now benefit more widely from help being offered to make their daily living a little easier.

Motion 4

This is a cross-party Motion.

Proposer – Councillor Bower [Conservative]

Seconder – Councillor Northeast [Labour]

Council agrees to amend the wording of the Council's Constitution at Part 6, Section 2, Scrutiny Rule 13.4 as follows with immediate effect:

13.4. If a request for a call-in is received by the Group Head of Policy within the period between the publication of the decision and the effective date, he/she shall call-in the decision for scrutiny by the Committee. For it to be valid, the request must be:

- in writing and identify the lead Member of the call-in,
- specify the relevant decision which is to be the subject of the call-in,
- satisfy at least one of the criteria set out in paragraph 13.8, and
- be supported by any five Members of the Council who do not have related pecuniary interests with regards to the subject of the call-in
- That the group submitting the call in request comprises EITHER members from more than one political group as defined by Section 8 of The Local Government (Committees and Political Groups) Regulations 1990 OR individual members from one or more political groups as defined along with independent members who are not part of any political party or group.

Motion 5

This Motion is from the Liberal Democrat Group.

Proposer – Councillor Blanchard-Cooper

Seconder – Councillor Purchase

Littlehampton Seafront

This Council hereby instructs officers to investigate the costs and potential delivery timescales associated with delivering the “2017 Littlehampton Regeneration – Seafront” and further instructs officers to prepare a report to Cabinet, outlining potential timescales for delivery and funding options.

Motion 6

This Motion is from the Liberal Democrat Group.

Proposer – Councillor Blanchard-Cooper

Secunder – Councillor Purchase

Regeneration and Tourism Offer

The Council instructs Officers to meet with relevant stakeholders and user groups of the Windmill Entertainment Centre to ascertain their requirements and key points for delivery of live theatre and cinema within the Littlehampton area. This information is then to be used as part of a public consultation for future changes to delivery of this service within the Town, including offering options of three potential sites for the future of the facility, one of which should be the current Windmill site and the Council will endeavour to maintain this provision for the interim period. Officers are to include funding options including grants or other ways we may be able to generate the funds required.

OFFICER REPORTS

10. Disciplinary Procedure (Pages 25 - 42)

A revised Disciplinary Procedure was approved at the Formal Unison/Employer Consultation Meeting on 23 September 2020. This procedure needs formal approval by Full Council before it can be adopted.

11. Calendar of Meetings for 2021/22 (Pages 43 - 50)

In accordance with Council Procedure Rule 3.0, the Council needs to agree a programme of dates for Council Meetings prior to the commencement of the new municipal year. This report therefore proposes the arrangements for the Calendar of Meetings for 2021/2022.

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

12. Constitution Working Party - 12 October 2020 (Pages 51 - 268)

The Chairman, Councillor Mrs Yeates, will present the Minutes from the meeting of the Constitution Working Party held on 12 October 2020. There are series of recommendations at:

- Minute 19 [Proposed Constitutional Changes – Update of Standing Orders Relating to Financial Procedures] – the relevant background papers are attached to the minutes.
- Minute 20 [Proposed Constitutional Update of Standing Orders Relating to Financial Procedures [- the relevant background papers are attached to the minutes
- Minute 22 [Draft Constitution – Parts 6, 7, 8 and 9] – the relevant background papers are attached to the minutes

- Minute 23 [Part 2 – Articles of the Constitution – Joint Area Committees] – the relevant background papers are attached to the minutes
- Minute 25 [Changes to Public Question time [for the Remainder of this Municipal Year] – the relevant background papers are attached to the minutes at Appendices 10 and 11
- Minute 26 [Limit on the Length of Council Meetings – Guillotine] – the relevant background papers are attached to the minutes as Appendices 8 and 9.

13. **Development Control Committee - 2 September 2020** (Pages 269 - 274)

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Development Control Committee held on 2 September 2020. There are no recommendations.

14. **Environment & Leisure Working Group - 3 September 2020** (Pages 275 - 278)

The Chairman, Councillor Mrs Warr, will present the Minutes from the meeting of the Environment & Leisure Working Group held on 3 September 2020. There is one recommendation at:

- Minute 27 [Work Programme – 2019/20] – to view the Work Programme – please click on this link - [Work Programme](#)

15. **Cabinet - 21 September 2020** (Pages 279 - 314)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 21 September 2020. There are a series of recommendations at:

- Minute 211 – [Financial Support to Leisure Operating Contract] – to view the Officer’s report please click on this link - [Report](#)
- Minute 214 [Options to Progress Webcast Improvement Project] – to view the Officer’s report please click on this link – [Report](#)

16. **Planning Policy Sub-Committee - 22 September 2020** (Pages 315 - 318)

The Chairman, Councillor Mrs Yeates, will present the Minutes from the meeting of the Planning Policy Sub-Committee held on 22 September 2020. There are recommendations at:

- Minute 14 [Arun District Council Infrastructure Funding Statement (IFS) 2019/20 – to view the Officer’s report, please click on this link – [Report](#)

17. **Standards Committee - 24 September 2020** (Pages 319 - 322)

The Chairman, Councillor Edwards, will present the Minutes from the meeting of the Standards Committee held on 24 September 2020. There are no recommendations.

18. **Development Control Committee - 30 September 2020** (Pages 323 - 330)

The Chairman, Councillor Bennett, will present the Minutes from the meeting of the Development Control Committee held on 30 September 2020. There are no recommendations.

19. **Overview Select Committee - 6 October 2020** (Pages 331 - 340)

The Chairman, Councillor Northeast, will present the Minutes from the meeting of the Overview Select Committee held on 6 October 2020. There are no recommendations.

20. **Littlehampton Regeneration Sub-Committee - 7 October 2020** (Pages 341 - 346)

The Chairman, Councillor Miss Seex, will present the Minutes from the meeting of the Littlehampton Regeneration Sub-Committee held on 7 October 2020. There are no recommendations.

21. **Cabinet - 19 October 2020** (Pages 347 - 376)

The Chairman, Councillor Dr Walsh, will present the Minutes from the meeting of Cabinet held on 19 October 2020. There is a recommendation at:

- Minute 257 – [Engineering Services Annual Review] – to view the Officer’s report and Appendices, please click on this link – [Report](#) and [Appendix 1](#) and [Appendix 2](#)
- Minute 260 -[Supplementary Estimate for the Procurement and Award of a New Housing Management IT System] – to view the Officer’s report, please click on this link - [Report](#)

22. **Bognor Regis Regeneration Sub-Committee - 21 October 2020** (Pages 377 - 382)

The Chairman, Councillor Stanley, will present the Minutes from the Bognor Regis Regeneration Sub-Committee held on 21 October 2020. There are no recommendations.

23. **Questions from Members**

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

24. **Committee Memberships**

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

25. **Representation on Outside Bodies**

The Council is asked to approve any changes to its representation on Outside Bodies. Any changes will be reported at the meeting by the Leader of the Council.

- Members are reminded that if they have detailed questions, would they please inform the relevant Cabinet Member/Chairman and/or Director in advance of the meeting in accordance with the Council Procedure Rules
- Copies of the reports on the recommendations from Cabinet and other Committees are provided via an e-link, where appropriate
- Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [Filming Policy](#)

Subject to approval at the next Full Council meeting

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**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 16 SEPTEMBER 2020 AT 6.00 PM**

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

Honorary Alderman Dingemans was 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: - Councillor Mrs Hamilton- Minute 182 (Part); Councillor Goodheart – Minute 182 to 183 (Part); Councillor Northeast – for the vote on Minute 195 [Audit & Governance – Minute 156]; Councillor Purchase – Minute 182 to Minute 195; Councillor Smith – Minute 198 to Minute 202; Councillors Chapman, Mrs Gregory, Purchase, Miss Rhodes and Miss Seex for the vote on Motion 1 – Minute 199; Councillors Chapman, Coster, Dixon, Mrs Gregory, Oliver-Redgate, Miss Rhodes, Miss Seex, Smith, Mrs Stainton, and Tilbrook on Motion 2 the first recorded vote; Councillor Chapman, Coster, Dixon, Mrs Gregory, Mrs Hamilton, Oppler, Miss Rhodes, Miss Seex and Smith on Minute 199 – Motion 2 the second recorded vote; and Councillors Chapman, Coster, Dixon, Mrs Gregory, Mrs Hamilton, Miss Rhodes, Miss Seex and Smith – Minutes 201 to 202].

182. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and officers to the Council Meeting. A special welcome was extended to Honorary Alderman Norman Dingemans.

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183. TRIBUTE IN MEMORY OF FORMER MEMBER OF STAFF - CATHY SOUTHCOMBE

The Chairman announced the news that former Council Officer, Cathy Southcombe had passed away in early August 2020. Cathy had worked in the Council's Tourist Information Centres back in the 1990s at Arundel, Bognor Regis and Littlehampton but had been based more permanently at the Fontwell TIC office which had received the award "Best TIC in England in 1992".

The Chairman passed on the Council's thoughts and prayers to Cathy's family and friends at this time and then asked the Council to take part in a minute's silence to her memory.

184. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Caffyn, Mrs Catterson and Mrs Erskine and from Honorary Aldermen Mrs Goad, MBE, Mrs Morrish and Mrs Stinchcombe.

185. DECLARATIONS OF INTEREST

Councillor Northeast made a request for his name to be added to the usual table of declarations included in the minutes outlining those Councillors who had declared on their register of interest that they were either a Town, Parish or West Sussex County Councillor.

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

Name	Town or Parish Council or West Sussex County Council [WSCC]
Councillor Kenton Batley	Bognor Regis
Councillor Jamie Bennett	Rustington
Councillor Paul Bicknell	Angmering
Councillor Billy Blanchard-Cooper	Littlehampton
Councillor Jim Brooks	Bognor Regis
Councillor Ian Buckland	Littlehampton and WSCC
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington
Councillor Sandra Daniells	Bognor Regis
Councillor David Edwards	WSCC
Councillor Roger Elkins	Ferring and WSCC

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

186. PUBLIC QUESTION TIME

The Chairman invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the rules of the Council's Constitution and the Virtual Meeting Procedure Rules amended by the Council on 15 July 2020.

The Chairman confirmed that twelve questions had been submitted – these have been very briefly summarised below:

1. From Mr Cosgrove to the Leader of the Council, Councillor Dr Walsh regarding Bognor Regis Regeneration
2. From Mr Chester to the Leader of the Council, Councillor Dr Walsh regarding coastal erosion at Climping
3. From Mr Coppard to the Cabinet Member for Residential Services, Councillor Mrs Gregory regarding a housing issue surrounding his lodger
4. From Mrs Birch to the Leader of the Council, Councillor Dr Walsh regarding the Climate Change Emergency declared by the Council
5. From Mr Burt to the Cabinet Member for Community Wellbeing, Councillor Mr Yeates regarding the establishment of a community lottery

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6. From Mr Cosgrove to the Cabinet Member for Technical Services, Councillor Stanley regarding the Bognor Regis Arcade
7. From Mr Chester to the Leader of the Council, Councillor Dr Walsh regarding police presence in Littlehampton
8. From Mr Cosgrove to the Leader of the Council, Councillor Dr Walsh regarding the London Road Lorry Park in Bognor Regis
9. From Mr Cosgrove to the Leader of the Council, Councillor Dr Walsh regarding Bognor Regis regeneration and applying for a loan from the Local Government Loans Board
10. From Mr Cosgrove to the Leader of the Council, Councillor Dr Walsh regarding the consideration of regeneration proposals at a future meeting of the Bognor Regis Regeneration Sub-Committee
11. From Mr Cosgrove to the Cabinet Member for Commercial and Business Development, Councillor Coster regarding the climate for inward investment and new revenue streams for the District
12. From Mr Cosgrove to the Leader of the Council, Councillor Dr Walsh regarding the free transfer of the ownership of Hotham Park to Bognor Regis Town Council.

All of the questions were responded to and supplementary questions asked in respect of questions 1, 6 and 10.

(A schedule of the full questions asked and the responses provided can be found on the Pubic Question Web page at: <https://www.arun.gov.uk/public-question-time>)

The Chairman then drew Public Question Time to a close.

187. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

There were no questions for this item.

188. PETITIONS

The Chairman confirmed that no Petitions had been received

189. MINUTES

The minutes from the Full Council Meetings held on 15 and 22 July 2020 were approved as a correct record by the Council. The Chairman confirmed that these would be signed at the earliest opportunity available to her.

190. CHAIRMAN'S ANNOUNCEMENTS

The Chairman alerted Members to the list of engagements and events that had been attended since the meetings of Full Council held on 15 and 22 July 2020, which had been emailed to Councillors recently.

The Chairman then provided an overview of the events that she had attended during the Covid-19 lockdown period.

191. URGENT MATTERS

The Chairman confirmed that there was one urgent item requiring the consideration of the Council.

This was the need to present the minutes from the meeting of the Overview Select Committee held on 9 June 2020 which had been deferred at Full Council on 22 July 2020.

The Chairman confirmed that these minutes would be presented as a new Item 15a – prior to the presentation of the Minutes from the Overview Select Committee held on 1 September 2020. The minutes had been published to the Full Council web page on 15 September 2020 as part of the second supplement pack.

192. CABINET - 20 JULY 2020

The Chairman, Councillor Dr Walsh, presented the Minutes from the meeting of Cabinet held on 20 July 2020.

Councillor Dr Walsh alerted Members to a recommendation at Minute 91 [Supplementary Estimate to Defend Appeals at Middleton Poultry Farm [M/80/19/PL; Inglenook Hotel, Pagham [P/58/19/PL]; and Land East of Shripney Road, Shripney [BE/109/19/OUT]. Councillor Dr Walsh outlined that approval was being sought for a supplementary estimate of £40,000 to allow the Council to defend three planning appeals for major development where planning permission had been refused by the Development Control Committee. Councillor Dr Walsh formally proposed the recommendation which was then seconded by Councillor Lury.

In debating the recommendation many comments were made. Concern was expressed over the fact that the Planning Department had a very limited budget for this work and that the increase in workload for Officers could not be sustained by existing resources. Another concern, which had been detailed in the Officer's report, was that it may be difficult to find a consultant that would be willing to defend the decisions taken by the Council. It was felt that the Development Control Committee was making unreasonable decisions and that the £40k supplementary estimate request did not include the cost of potentially losing the appeals. The report had also warned Councillors of the fact that there could be further appeals that could place the Council back into this situation again.

Other opinions provided focused on the performance of the Planning Department in terms of defending appeals, and the quality of decision making at Development Control which was often contrary to Officer advice.

Following a lengthy debate,

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The Council

RESOLVED

That a supplementary estimate of £40,000 is agreed in order to defend decisions taken on planning applications M/80/19/PL, P/58/19/PL and BE/109/19/OUT at planning appeal be approved.

[The Band D equivalent for £40k supplementary estimate is £0.64].

193. HOUSING & CUSTOMER SERVICES WORKING GROUP - 21 JULY 2020

The Chairman, Councillor Bennett, presented the Minutes from the meeting of the Housing & Customer Services Working Group held on 21 July 2020.

Councillor Bennett confirmed that there was one recommendation to consider at Minute 9 [Work Programme] which was to approve the Working Group's Work Programme for the remainder of the Municipal Year 2020/21 which he formally proposed. The recommendation was then seconded by Councillor Mrs Pendleton.

The Council

RESOLVED

That the Work Programme for the Housing & Customer Services Working Group for 2020/21 be approved.

194. DEVELOPMENT CONTROL COMMITTEE - 29 JULY 2020

The Chairman, Councillor Bennett, presented the Minutes from the meeting of the Development Control Committee held on 29 July 2020.

195. AUDIT & GOVERNANCE COMMITTEE - 30 JULY 2020

The Vice-Chairman, Councillor Mrs Haywood, presented the Minutes from the Audit & Governance Committee held on 30 July 2020.

Councillor Mrs Haywood alerted Members to the first set of recommendations at Minute 156 [Treasury Management Annual Report] which she duly proposed. The recommendations were then seconded by Councillor Bennett.

The Council

RESOLVED – That

- (1) the actual prudential and treasury indicators for 2019/20 contained in the report be approved;
- (2) the annual treasury management report for 2019/20 be noted; and
- (3) the treasury activity during 2019/20 which has generated interest receipts of £850,000 (1.31%). Budget £596,000 (1.24%) be noted.

Councillor Mrs Haywood then alerted Members to the final recommendation at Minute 157 [Chairman's Annual Report] which she duly proposed. The recommendation was seconded by Councillor Bennett.

The Council

RESOLVED

That the content of the Chairman's annual report be endorsed.

The Chairman then adjourned the meeting for a short comfort break.

In proceeding to the next item on the agenda, the Chairman proposed a Motion without Notice to change the order of the agenda to allow Agenda Items 14 and 15 to be considered together. This Motion was seconded by Councillor Brooks. On this Motion being to the vote, it was declared CARRIED.

196. CONSTITUTION WORKING PARTY - 17 AND 24 AUGUST 2020

The Chairman, Councillor Mrs Yeates, presented the Minutes from the meetings of the Constitution Working Party held on 17 and 24 August 2020.

Councillor Mrs Yeates explained that the Constitution Working Party was reporting back to Full Council on the progress of the work to date in implementing the new governance arrangements. The minutes from the meeting held on 24 August 2020, contained a list of recommendations relating to Parts 1 to 5 of the Constitution. The background papers showing the replacement sections for Parts 1 to 5 of the Constitution had been uploaded to the Full Council website on 9 and 15 September 2020.

Councillor Mrs Yeates confirmed that there was a slight error in the minutes from the meeting of 24 August 2020 at Recommendation (4) in that the Service Committee set out in the third bullet point should read the Environment and Neighbourhood Services Committee and not the Environment and Wellbeing Service Committee. It was outlined that Parts 6 to 8 would be considered by the Working Party at its next meeting.

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Councillor Mrs Yeates then provided a summary and brief overview of the work undertaken by the Working Party on 17 and 24 August 2020 to assist Members in considering the list of recommendations before them. A summary of the verbal report made has been set out below:

- Part 1 – Summary and Explanation – It was explained that a glossary of terms had been drawn up which would be updated as necessary when Parts 6 to 8 of the Constitution were reviewed.
- Part 2 [Articles of the Constitution], any references to the Cabinet system had been removed and consequential changes made. At the heart of the Committee system was Article 11 where at Paragraph 3 four types of decision making had been identified being:
 - (a) Decisions reserved to Full Council
 - (b) Decisions made by Committees appointed by the Full Council
 - (c) Decisions made by Sub-Committees appointed either by the Full Council or a Committee
 - (d) Decisions made by Officers
- Part 3 of the Constitution [Responsibility for Functions]. Under the Committee system, little change had been made to Full Council. Looking at Committees, the new Constitution functions not reserved by Full Council would be delegated to the six Service Committees and no longer to Cabinet. This section of the Constitution identified the six Service Committees and the four Regulatory Committees. The role and remit of each of the Service Committees had been fully investigated and debated by the Working Party and the minutes had clearly detailed the key issues detailed below:
 - property matters - property and asset management. Following full debate, the Working Party had proposed that Asset Management Strategy and the Property Investment Strategy be the responsibility of the Economic Committee. It had then been suggested that the rational for the division of functions was that the Corporate Committee would be responsible for operational properties and that commercial properties would be the responsibility of the Economic Committee. An enquiry into how this would work has been commissioned by the Working Party and so this part of the review would be considered by the Working Party and therefore Full Council at a later date.
 - Development Control and Planning – It was agreed that any review relating to Development Control and Planning would be delayed until the outcome of the Planning review had been received.
 - Role and remit of the other Regulatory Committees – these were already in operation under the current form of governance.
 - Sub-Committees, Working Parties and Panels – Sub-Committees could be established by Committees or by Full Council. For the

existing two Regeneration Sub-Committees [which would be disbanded under the new system] it was agreed that should the Economic Committee wish to create Regeneration Sub-Committees, these would be established reporting directly into this Committee.

- Financial thresholds to Committees – strong views had been expressed about the level of thresholds
- At Part 4 - Chief Executive Delegation – a request had been made to add a new paragraph stipulating that the Chief Executive should not be able to grant a leave of absence for a Councillor and that this matter should be for Full Council to consider with the Chief Executive not being able to make such a decision under emergency action.
- Part 4 – Officer Scheme of Delegation – It was brought to Members' attention that Part 4, Section 2, Paragraph 3 onwards was the responsibility of the Chief Executive to draft and so was not within the remit of the Working Party and therefore not a decision for Full Council to make when the Constitution was adopted in May 2021.
- Part 4 – Officer Scheme of Delegation – Section 2 - Chief Executive and Directors – Urgent Decisions – for those decisions that needed to be made in between Committee or Full Council meetings, it was proposed to limit the urgent decision making threshold to £100k and to add that this had to be in consultation with Group Leaders or Deputy Group Leaders.
- Part 5 – Meeting Procedure Rules – all reference to Cabinet Procedure Rules had been deleted.
- The Public Speaking Rules for the Development Control Committee had been removed from this section with its principles incorporated into a proposed new Planning Protocol, as this would reflect good practice, but would be presented to the Working Party at a future meeting once the Planning Review had been completed.
- Virtual Meeting Procedure Rules had not been considered at this stage of the review as the legislation currently only provided for remote meetings to 6 May 2021. If further legislation was introduced by the Government to extend these provisions or to introduce other arrangements such as a 'hybrid' model, then these Meeting Procedure Rules would be revised at that time.
- Points of Order – wording had been added to provide Councillors wishing to raise a Point of Order reasonable time to indicate the Procedure Rule in question.
- Public Question Time – suggestions to change the current rulings in place for Public Question Time were not agreed. It was also agreed to limit Public Question Time to Full Council and Service Committees only.
- Referral and Recovery – it was explained that as the Council had chosen not to establish a Scrutiny Committee as part of the new structure, Officers had been requested to draft a referral and recovery option. This proposal had been accepted by the Working Party, subject to increasing the trigger number to 28 Councillors for both recovery and referral.

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Councillor Mrs Yeates then formally proposed the recommendations which were then seconded by Councillor Mrs Gregory.

The Chairman then invited debate on the recommendations. The debate saw concerns being raised over the potential cost to the Council and its ratepayers from moving from a Cabinet form of governance back to a Committee system. It was felt that this was not a wise use of money. Concern was also expressed over the speed of decision making under the new structure; the delegation to officers; the lack of scrutiny and the quorum for meetings. Under the proposals, this meant that just four Councillors could make key decisions without the opportunity for other Councillors to scrutinise such decisions as the existing Overview Select Committee would be abolished. Concerns were also raised over the need to address structure of the Council which needed to change to fit with the new Committee system and the new Constitution. Comments were made that the review of the Constitution had been rushed to meet an unrealistic deadline and so some Councillors stated that they needed more time to address these key issues.

A specific concern was raised in relation to the functions delegated to the Joint Area Committees as the South Downs National Park and other key organisations such as Southern Water and National Growers were not members of these Committees. The point argued was how could the delegated functions listed at (a), (b) and (d) be undertaken without these key players forming membership of these Committees when these functions were partly their responsibility. In view of these concerns, Councillor Bower, who had raised this issue, formally proposed that the delegation of functions for the Joint Area Committees be re-examined by the Constitution Working Party. This proposal was then seconded by Councillor Gunner.

Before inviting Councillors to debate this proposal, the Chairman asked the Chief Executive for his input. The Chief Executive confirmed that the delegation of functions for the Joint Area Committees had not changed and were as set out in the current Constitution.

A question was asked if Councillors would have the opportunity to review all aspects of the new Constitution before it became final and operating from May 2021. It was explained that as many of the remaining sections of the Constitution would be considered by the Working Party in October so that recommendations could be considered by Full Council at its next meeting on 11 November 2020.

More clarification was sought in relation to the delegated functions of the Joint Area Committees and whether Article 11 of the Constitution could be reviewed again by the Working Party. Following a lengthy debate, it was agreed that the Articles relating to Joint Area Committees and their associated delegated functions be reviewed further by the Working Party. In recognition of this, it was agreed to withdraw Recommendation (2) set out in the minutes as the Articles would be reviewed further.

Debate on the remaining recommendations continued and the Working Party was thanked for its hard work and long hours of deliberation. This illustrated how thoroughly all Sections of the Constitution had been reviewed. Concern was expressed over the decision made to abolish the scrutiny function of the Council, despite this decision having been made back in January 2020. It was pointed out that active scrutiny would still take place at Full Council and by each of the Service Committees. The delegated powers given to Officers was a concern and the point was made as to whether each of the Service Committees could take charge of this issue.

It had been disappointing for some Members to learn that the Working Party had decided not to make further adaptations to Public Question Time as it was felt that the 15 minutes allocated should be extended to 30 minutes. It had also been hoped that Public Question Time would be extended to include all Sub-Committees and questions were asked as to the future of the two existing Regeneration Sub-Committees.

Debate again focused about scrutiny and the keenness of some Members to have Public Question Time extended to a time period of 30 minutes. It was pointed out that any of the six Service Committees could establish their own Sub-Committees and that the Economic Committee would be investigating very early on the possibility of setting up four Regeneration Sub-Committees. To address the concerns raised over scrutiny, the new Council Procedure Rule 18 Referral and Recovery introduced a new process to allow a scrutiny function to take place. This had been significantly discussed by the Working Party as to whether it was necessary or not. After much deliberation, the Working Party decided to retain this as it provided an opportunity for Scrutiny.

Councillor Mrs Gregory, as seconder to the recommendations, urged Members to approve the recommendations as they more than adequately set out how Committees would operate in the future.

Councillor Mrs Yeates, as proposer of the recommendations, was satisfied that most issues raised by Councillors had been addressed.

The Council

RESOLVED – That

- (1) The proposed revisions to be incorporated into the new 2021 Constitution at Part 1 [Summary and Explanation] at Appendix 1 be approved;
- (2) The proposed revisions to be incorporated into the new Constitution at Part 3 [Responsibility for Functions] as set out in Appendix 3 be approved;
- (3) As a result of the changes proposed in (3) above, and provided these are approved, the minor changes being suggested to the Service Committees, as set out in Appendix 4] as shown highlighted in grey relating to the areas set out below, be approved:

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Corporate Policy and Performance

- Under service areas to include the wording after Partnership and Liaison [excluding where this falls within other Service Committees]
- To lead on@ to include Climate Change Strategy

Residential and Wellbeing Services to not lead on:

- Foreshores

Environment and Neighbourhood Services to lead on:

- Foreshores

Economic – to have included as a service area:

- Commercial Activities

(4) The proposed revisions to be incorporated into the new 2021 Constitution at Part 4 [Officer Scheme of Delegation] as set out in Appendix 5;

(5) The proposed revisions to be incorporated into the new 2021 Constitution at Part 5 [Meeting Procedure Rules] as set out in Appendix 6; and

(6) To comply with the binding decisions already taken by the Council to change its form of governance, these revisions to take effect from the Annual Council Meeting on 19 May 2021.

197. **OVERVIEW SELECT COMMITTEE - 9 JUNE 2020**

The Chairman, Councillor Northeast, presented the minutes from the meeting of the Overview Select Committee held on 9 June 2020 which had been circulated separately to the agenda as a Supplement.

198. **OVERVIEW SELECT COMMITTEE - 1 SEPTEMBER 2020**

The Chairman, Councillor Northeast, presented the minutes from the meeting of the Overview Select Committee held on 1 September 2020.

Councillor Northeast confirmed that there was one recommendation for the Council to consider at Minute 172 which was to approve the Committee's Work Programme for the remainder of 2020/21. Councillor Northeast formally proposed this recommendation which was seconded by Councillor English.

Councillor Gunner made a statement and asked questions in accordance with Council Procedure Rules 13.1 and 13.2 on Minute 171 [Cabinet Member Questions and Updates] in relation to responses that had been provided by the Leader of the Council,

Councillor Dr Walsh and other Cabinet Members as part of that item. Councillor Gunner referred to a range of issues which he felt were broken election promises made by the Liberal Democrat Group.

Following some discussion and having had a Point of Order raised, the Council returned to consider the vote on Recommendation 171 [Work Programme for 2020/21].

The Council

RESOLVED

That the Work Programme for the Overview Select Committee for the remainder of 2020/21 be approved.

Having received an explanation from the Chief Executive on Council Procedure Rules 13.1 and 13.2, the Chairman invited Councillor Gunner to continue to ask his questions on Minute 171 [Cabinet Member Questions and Updates].

Councillor Gunner made a statement outlining what were in his opinion broken promises made by the Liberal Democrat Group relating to revamping tourism; regeneration options for Bognor Regis; plans to enhance the heritage asset; the future of the Bognor Regis Arcade; and matters relating to Council Tax.

Councillor Dr Walsh responded reminding Councillors that the Council had been dealing with the Covid-19 pandemic for the past six months and that this had had to be the Council's priority. He confirmed that the Bognor Regis Town Hall could only be transferred to Bognor Regis Town Council has a sale and that it could not be gifted. Regeneration plans were ongoing for Bognor Regis but had been slowed down due to Covid-19. Finally, Councillor Dr Walsh confirmed that he was delighted with the cross-party Covid-19 Working Party that had been established by Cabinet to address how the Council would embrace recovering from the Covid-19 pandemic. This had been set up as a joint initiative from himself, as Leader of the Council, the Chief Executive and Councillor Gunner a Leader of the Opposition.

A range of further politically driven questions were asked by Councillors Chapman and Dendle which were responded to.

199. MOTIONS

Prior to the commencement of this item, the Chairman called a five- minute adjournment.

The Chairman confirmed that two Motions had been received and accepted as valid in accordance with Council Procedure Rules 14.1 and 14.2.

The Chairman confirmed that the first Motion had been submitted from the Green and Liberal Democrat Groups and she invited the proposer, Councillor Ms Thurston to present her Motion.

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Councillor Ms Thurston outlined that this Motion had been delayed from the 18 March 2020 Full Council meeting which had been cancelled due to the Covid-19 pandemic. She emphasised that many people had, during the lockdown period, valued wildlife more with some species benefitting from a pause in human activity, however this had been only been a short pause.

This Motion was very timely as the UN's report on Biodiversity had just been published and recent television programmes starring David Attenborough had addressed the real threat that some plants were threatened with extinction which was a major concern. This confirmed that the United Kingdom was one of the more nature depleted countries in the world with over half of its species being in decline caused by climate change, a loss of habitat and due to the impact of infrastructure and road building on natural habitats.

The Council's Local Plan stated that it would protect the District's land however it was currently the case that many examples were being overridden by conflicting demands – all too often a wildlife site was marooned and surrounded by development impacting local species. Arun was an area that was lucky to have rare chalk streams and sites of specific scientific interest as well as traditional farmland and a beautiful coastline. At the same time, more and more pressure was being put onto the Council to build on some of these areas and this threat would continue to increase.

This Motion sought to raise the profile of biodiversity moving forward and it sought to ensure that part of the work that the Council would be undertaking in addressing its climate emergency would seek to protect and enhance natural habitats. The Government's Environmental Bill recognised some of these problems and proposed a Nature Recovery Strategy together with funding for local authorities to protect biodiversity. If accepted, the Motion would put the Council into a good position to start work and when funding became available.

A lot of work had commenced but the Motion would bring the objectives that the Council needed to achieve together in the form of a Biodiversity Action Plan.

Councillor Mrs Staniforth then seconded the Motion.

The wording of the Motion has been set out below:

The Council declared a Climate Emergency at Full Council in January 2020. Whilst welcoming much good ecological work that is ongoing, such as tree planting and the planned creation of Green Infrastructure, further action is required. The Council will review and update the bio-diversity policies within the Local Plan, informed by a new Bio-Diversity Action Plan 2021-2026 to be created. This Action Plan to include consideration of the following:

- A local Nature Reserve site map, showing existing wildlife areas, parks, green spaces, woods and marine protected and other areas such as churchyards and school fields, to inform new development and ensure habitat is joined up.
- Reviewing recognised and potential wildlife corridors and areas of protection and looking at ways of joining them to provide wider foraging areas.
- SPD covering new guidelines for developers on including wild areas and 'pocket parks' as part of planting as well as ensuring the areas are maintained. With such high levels of building, these areas will ensure stepping-stones of biodiversity across the District.
- Ensuring the increased planting of wild areas in Council owned parks and properties
- Including information for the public about the purpose and importance of wilding
- Managing invasive species
- Promoting opportunities for community engagement for activities such as tree planting and the creation of wildflower areas as well as looking after such spaces
- Launching a public awareness campaign to encourage and promote wildlife-friendly gardening in the district, including pesticide awareness
- Setting a target for the council to phase out the use of glyphosates and to join the growing number of councils that are pesticide free
- Commissioning a report into watercourses and aquifers in the District and strengthening measures to prevent pollution caused by chemicals that leach into the soil and water from farming and run off

The Chairman then invited debate on the Motion. This saw many positive comments being made and support given. Councillors recognised the importance of the Motion and confirmed that if supported, it would show how serious the Council was about tackling its climate change emergency. Many were in support of establishing a public awareness campaign to promote wildlife friendly gardening. It was hoped that a dialogue with local nurseries could be developed to help residents know the best seeds and plants to put in their gardens to encourage wildlife.

There were some Councillors who although supported the sentiments of the Motion, reminded Members that much of what was being proposed was already the subject of Policy adopted by the Council. The Biodiversity duty of Local Authorities had been Government produced in 2014 and pre-dated the inspection on the Council's Local Plan which would have not been recommended for adoption if it had not conformed with Government Policy. Of concern was that no costings had been supplied to produce this action plan. It had been hoped that the Council's Section 151 Officer would have been approached to provide an indicative cost to assist Members with their decision making. Another issue to consider was what other resources might be needed. The engagement of professional consultants and the need for the Council to engage with other authorities were issues to consider. Councillors confirmed that they did not reject the sentiment of the Motion but would feel more comfortable to understand full costs to also include Officer resources in undertaking the required work. This was an important point that needed to be addressed as the Council was facing many serious financial pressures as a result of the Covid-19 pandemic.

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In supporting the Motion, Councillors urged for work to take place with farmers and the District's agricultural industry to tackle the prevention of using harmful chemicals. Others felt that there was the need to support creating space for nature and water and for people to enjoy the local environment. The issue of tackling evasive species needed to be a priority to protect plants that assisted wildlife. A view was made that a budget should be established to support this work and that the Council should reach out to countryside charities and experts who may be willing to volunteer their expertise. The work of other voluntary groups should be considered in assisting with pushing this work forward and it was recognised that there were groups in existence that already assisted the Council with planting wildflower gardens that could protect and sustain certain species. It was felt that a lot of work could be achieved by working with different groups which could tap into revenue funding whilst having a minimal cost for the Council.

Councillor Cooper then proposed that 'the question be now put'. Although this was not seconded, the Chairman confirmed that she was satisfied that the Motion had been sufficiently discussed.

Councillor Mrs Staniforth, as seconder to the Motion, was therefore invited to speak and she confirmed that the Motion would bring to the forefront of people's minds the importance of remembering wildlife and biodiversity when building in the area. The climate change situation was constantly changing due and so this Motion confirmed that the cost of not doing anything would be a far worse situation to deal with.

Councillor Ms Thurston, as proposer of the Motion, thanked Councillors for their support and helpful suggestions and ideas. She understood the concerns expressed over costs and confirmed that she had decided not to approach the Council's Section 151 Officer as it would have been difficult for him to have confirmed an accurate figure at a time when there could be more funding opportunities for the Council to consider in addressing this work. It was hoped that this would be a six-year rolling ambition and that funds could be set aside in next year's Budget. The new Sustainable Officer, when recruited, would address what funding could be applied for and would pull together a plan to address the ideas put forward.

The Council

RESOLVED – That

The Council declared a Climate Emergency at Full Council in January 2020. Whilst welcoming much good ecological work that is ongoing, such as tree planting and the planned creation of Green Infrastructure, further action is required. The Council will review and update the bio-diversity policies within the Local Plan, informed by a new Bio-Diversity Action Plan 2021-2026 to be created. This Action Plan to include consideration of the following:

- A local Nature Reserve site map, showing existing wildlife areas, parks, green spaces, woods and marine protected and other areas such as churchyards and school fields, to inform new development and ensure habitat is joined up.
- Reviewing recognised and potential wildlife corridors and areas of protection and looking at ways of joining them to provide wider foraging areas.
- SPD covering new guidelines for developers on including wild areas and 'pocket parks' as part of planting as well as ensuring the areas are maintained. With such high levels of building, these areas will ensure stepping-stones of biodiversity across the District.
- Ensuring the increased planting of wild areas in Council owned parks and properties
- Including information for the public about the purpose and importance of wilding
- Managing invasive species
- Promoting opportunities for community engagement for activities such as tree planting and the creation of wildflower areas as well as looking after such spaces
- Launching a public awareness campaign to encourage and promote wildlife-friendly gardening in the district, including pesticide awareness
- Setting a target for the council to phase out the use of glyphosates and to join the growing number of councils that are pesticide free
- Commissioning a report into watercourses and aquifers in the District and strengthening measures to prevent pollution caused by chemicals that leach into the soil and water from farming and run off

(During the course of the debate on Motion 1, Councillor Blanchard-Cooper declared a Personal Interest as he was Chairman of the Friends of Mewsbrook Park Group that assisted the Council with planting projects in that Park).

The Chairman confirmed that a second Motion had been received from the Conservative Group and she invited Councillor Roberts, as proposer of the Motion, to present his Motion.

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

This Council recognises the impact Covid-19 continues to have across the District, and the economic uncertainty it has presented. Council notes the continuing opportunity for Bognor Regis to play a major part in the economic growth of the District and the necessary regeneration required to support such growth.

Council believes that the prospects of regeneration of Bognor Regis will be strengthened if proposals are developed through an open and meaningful consultation, and that all prospective developers are given the opportunity to make presentations to the viability of regeneration schemes.

This Council wishes to extend an invitation to the Sir Richard Hotham Project (SRHP), and any other prospective developer to present the merits of their scheme in a presentation, face to face, or virtual, at their earliest convenience.

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Officers are instructed to facilitate such arrangements.

Councillor Roberts confirmed that he wished to amend his Motion and that he asked for his amendment to be displayed for all to see at the meeting. The amendment is set out below with deletions shown using ~~striketrough~~ and additions shown using **bold**.

This Council recognises the impact Covid-19 continues to have across the District, and in particular the economic uncertainty it has presented. Council notes the continuing opportunity for Bognor Regis to play a major part in the economic growth of the District and the necessary regeneration required to support such growth.

Council believes that the prospects of regeneration of Bognor Regis will be strengthened if proposals are developed through an open and meaningful consultation, and that all prospective developers are given the opportunity to make presentations to the viability of regeneration schemes.

This Council wishes to extend an invitation to the Sir Richard Hotham Project (SRHP), aka project sunrise and any other **forthcoming, or previous stakeholder, be it a developer, architect, development partner, the Council or community group, to present the merits of their scheme in a presentation, face to face, or virtual, at their earliest convenience. This Council will be open to requests to make such presentations up until and including 13 November 2020. Group Leaders will meet separately to discuss and agree the process in detail.**

Officers are instructed to facilitate such arrangements.

Councillor Roberts confirmed that his Motion focused on three issues, being purpose, process and payoff. Its purpose was to help achieve the regeneration that Bognor Regis deserved and had been promised but had not been progressed. Its process was that it had to be recognised that currently everyone was living in uncertain times and that regeneration would be good for the economic growth for the whole of the District with the proposals being developed through open and meaningful consultation with all interested parties being given the same opportunity to present schemes. Although it was accepted that specific mention had been made of one scheme, it was important to note that consultation would be inclusive and open for all. In terms of the amendment, this would allow an invitation to be made for all to present ideas at the earliest convenience by indicating an intention on or before and by 13 November 2020 whilst also instructing Officers to progress this work by following Members' instructions. The payoff would be the retransformation of Bognor Regis into a vibrant and successful resort making it a national holiday destination once again which in turn would create jobs and boost the local economy for the authority.

Talking to the amendment, Councillor Roberts confirmed that it invited forthcoming or previous stakeholders to submit their ideas up until and including 13 November 2020. Group Leaders would then meet separately to discuss and agree the process in detail. Councillor Roberts then explained his reasoning for mentioning the SRHP stating that there had not been a Council vote to reject the project and that the Council had a duty of care to hear from SRHP and any other schemes so that the Council could then act in the best interests of the District and allow all developers/groups to have the same opportunity to present the merits of their proposals.

The Chief Executive raised a query in terms of the wording of the amendment as presented by Councillor Roberts. Councillor Roberts was asked to reconfirm the wording of his amendment which is set out below - deletions have been show using ~~striketrough~~ and additions have been show using **bold**:

This Council recognises the impact Covid-19 continues to have across the District, and in particular the economic uncertainty it has presented. Council notes the continuing opportunity for Bognor Regis to play a major part in the economic growth of the District and the necessary regeneration required to support such growth.

Council believes that the prospects of regeneration of Bognor Regis will be strengthened if proposals are developed through an open and meaningful consultation, and that all prospective developers are given the opportunity to make presentations to the viability of regeneration schemes.

This Council wishes to extend an invitation to the Sir Richard Hotham Project (SRHP), **aka Project Sunrise** and any other **forthcoming , or previous stakeholder, be it a developer, architect, development partner, the Council or community group, to present the merits of their scheme in a presentation, face to face, or virtual, at their earliest convenience** ~~prospective developer to present the merits of their scheme in a presentation, face to face, or virtual, at their earliest convenience.~~ **This Council will be open to requests to make such presentations up until and including 13 November 2020. Group Leaders will meet separately to discuss and agree the process in detail.**

Officers are instructed to facilitate such arrangements.

Councillor Roberts confirmed that this wording, his amendment, was correct and that he had a seconder in Councillor Dendle.

Councillor Coster raised a Point of Order seeking clarification on whether this amendment would be voted upon now without discussion or debated as a substantive motion.

Various questions were then asked in terms of the process that would be followed in considering the motion as amended. The Chief Executive provided advice.

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Councillor Dendle then seconded the Motion as amended.

The Chairman then invited debate. Councillor Coster stated that this now appeared to be the substantive motion and that there did not appear to be an opportunity to discuss the amendment made. If this was the substantive motion, he wished to propose that in line with Council Procedure Rule 16.11 [Motions which may be moved during debate] (e) to adjourn the debate to a future meeting so that full clarity could be provided on the proposals as the amendment proposed was confusing.

Points of Order were raised by Councillors Dendle and Roberts as the seconder and proposer of the tabled amendment in which they stated that the motion as amended needed to be discussed now.

The advice of the Chief Executive was sought. Working to Council Procedure Rule 16.7 [Amendments to Motions], it was confirmed that Councillor Robert's amendment which had been proposed and seconded would be debated first, any subsequent amendments would then be considered in the order received.

Following more Points of Orders raised, and questions asked about process, the Chairman confirmed that the amendment would now be debated, and a vote taken.

More Points of Orders were raised in relation to the motion that had been moved by Councillor Coster and seconded by Councillor Dixon. The Chief Executive reinforced his advice already given from the Constitution at Council Procedure Rule 16.7 [Amendments to Motions].

The Chairman confirmed that she would now invite debate on the Motion as amended.

This saw many Councillors raising their concern that the invitation to present a scheme specifically named the SRHP. It was felt that this gave an unfair advantage and was not democratic and did not make the exercise a level playing field. Many Councillors confirmed that they could support the Motion, as amended, but without mentioning the SRHP. Other Councillors disagreed stating that the Motion, as amended, still provided ample opportunity for all groups to make a request to present their schemes.

Concern was also expressed that the Motion did not specifically refer to what sites any schemes would relate to and that it was could be difficult to agree to any Motion without naming sites and areas. Concern was also raised over the stipulated deadline which was felt to be too restrictive. It was hoped that the deadline would not prevent ideas from being submitted outside of the District.

Further Points of Order were again raised by Councillors Coster and Roberts. Having heard these, the Chairman confirmed that she wished to continue with the debate.

Further Points of Order were raised, advice was provided by the Chief Executive and the Chairman confirmed that she wished to continue with the debate.

The debate continued. This saw some Councillors confirming that they supported the core principles of the motion but did not feel easy about accepting specifying a developer to engage with, this was felt to be inappropriate meaning that the amendment did not achieve fairness.

Further debate took place with Councillor Gunner providing some explanation as to why the amendment had been made. The list for prospective parties had been extended to make it more inclusive. The deadline of 13 November 2020 was to submit an intention to make a presentation, not to submit any final detail of a presentation. This was to make sure that regeneration would eventually happen within a reasonable timeframe. Reassurance was provided to Councillors on the process to be followed which was that Group Leaders would meet to discuss and agree on the process to take regeneration forward.

Councillor Gunner confirmed that he would be happy, as Leader of the Opposition and Conservative Group, to remove mention of the SRHP if he could receive a 'cast iron' guarantee from the Leader of the Council that the SRHP would be invited to present their regeneration plans. Without receiving this guarantee, it would be necessary to leave reference to SRHP in the motion.

Councillor Dr Walsh confirmed that he would be willing to provide an absolute guarantee that this administration would convene a virtual meeting for all Councillors to attend inviting all interested parties to make their presentations. A similar guarantee was sought from the Chief Executive.

The Chairman asked Councillors Roberts and Dendle as the proposer and seconder to the Motion how they wished to proceed in view of the guarantees made. Following considerable discussion, it was agreed to continue with the debate and then move to the vote on the then amended motion, if approved.

Following further debate and Points of Order made, the Chairman confirmed that she would now put the motion to the vote.

Depending upon the outcome of the vote, the Council could then consider moving forward with any other requests.

Before proceeding with the vote, the Chairman invited Councillor Dendle to speak, as seconder to the motion. Councillor Dendle outlined that Bognor Regis was crying out for regeneration and had been for many years. The motion, and the amendments made, attempted to make the process as inclusive as possible. Group Leaders would then out the protocols and procedures to establish how to take this work forward.

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Councillor Roberts, as proposer to the motion, outlined that the motion had been drafted to push forward regeneration. It provided the opportunity for the Council to hear from everyone and anyone.

A request was made that the named vote undertaken on this item be recorded.

Those voting for the Motion, as amended, were Councillors Bennett, Bicknell, Blanchard-Cooper, Bower, Brooks, Buckland, Charles, Clayden, Mrs Cooper, Cooper, Mrs Daniells, Dendle, Edwards, Elkins, English, Goodheart, Gunner, Mrs Haywood, Hughes, Jones, Kelly, Lury, Mrs Madeley, Miss Needs, Northeast, Oliver-Redgate, Mrs Pendleton, Purchase, Roberts, Mrs Staniforth, Stanley, Tilbrook, Dr Walsh, Mrs Warr, Mr Worne and Mrs Yeates (36). Those voting against were Councillors Huntley and Mrs Stainton (2). Councillor Ms Thurston abstained from voting.

The Motion as amended was therefore CARRIED.

The Chairman then returned to the motion as amended and invited debate. This saw Councillors expressing the desire to remove reference to the SRHP as discussed earlier.

Councillor Dr Walsh confirmed that he wished to make an amendment to what was now the substantive motion which was to remove the words "Sir Richard Hotham Project (SRHP) aka Project Sunrise and any other" after the words invitation – as set out below:

This Council recognises the impact Covid-19 continues to have across the District, and in particular the economic uncertainty it has presented. Council notes the continuing opportunity for Bognor Regis to play a major part in the economic growth of the District and the necessary regeneration required to support such growth.

Council believes that the prospects of regeneration of Bognor Regis will be strengthened if proposals are developed through an open and meaningful consultation, and that all prospective developers are given the opportunity to make presentations to the viability of regeneration schemes.

This Council wishes to extend an invitation to ~~the Sir Richard Hotham Project (SRHP), aka Project Sunrise and any other~~ any forthcoming, or previous stakeholder, be it a developer, architect, development partner, the Council or community group, to present the merits of their scheme in a presentation, face to face, or virtual, at their earliest convenience This Council will be open to requests to make such presentations up until and including 13 November 2020. Group Leaders will meet separately to discuss and agree the process in detail.

Officers are instructed to facilitate such arrangements

Councillor Oppler seconded this amendment.

Councillor Dr Walsh explained that he wanted to see regeneration proposals coming forward for Bognor Regis. This amendment made it clear that not just one specific project was being mentioned and that all previous and new proposals could come forward with an approach to the Council, without giving any preference to any scheme.

At this point, Councillor Dendle challenged the process claiming that he had proposed that the 'question now be put' but had been ignored.

Following further challenges made about the process followed, the Chairman confirmed that it was her view that the debate should continue. There was confusion as to whether what was being debated was the amended motion or the substantive. The advice of the Chief Executive was sought.

Debate continued. This showed support for the further amendment as it removed any question of bias towards one developer.

Following some further discussion, the Chairman then requested a recorded vote to be taken on the amendment made to the substantive motion.

Those voting for were Councillors Bennett, Bicknell, Blanchard-Cooper, Bower, Brooks, Buckland, Charles, Clayden, Mrs Cooper, Cooper, Mrs Daniells, Dendle, Edwards, Elkins, English, Goodheart, Gunner, Mrs Hamilton, Mrs Haywood, Hughes, Huntley, Jones, Kelly, Lury, Mrs Madeley, Miss Needs, Northeast, Oppler, Mrs Pendleton, Purchase, Roberts, Mrs Staniforth, Stanley, Ms Thurston, Dr Walsh, Mrs Warr, Mr Worne and Mrs Yeates (38). No Councillors voted against and there were no abstentions.

The substantive motion as amended was therefore declared CARRIED.

Returning to the substantive motion as amended, clarification was sought that the SRHP project would be invited to make a presentation. This was supported and confirmed. The Chairman then moved to the vote and the motion was declared CARRIED.

The Council

RESOLVED – That

This Council recognises the impact Covid-19 continues to have across the District, and in particular the economic uncertainty it has presented. Council notes the continuing opportunity for Bognor Regis to play a major part in the economic growth of the District and the necessary regeneration required to support such growth.

The Council believes that the prospects of regeneration of Bognor Regis will be strengthened if proposals are developed through an open and

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meaningful consultation, and that all prospective developers are given the opportunity to make presentations to the viability of regeneration schemes.

This Council wishes to extend an invitation to any forthcoming, or previous stakeholder, be it a developer, architect, development partner, the Council or community group, to present the merits of their scheme in a presentation, face to face, or virtual, at their earliest convenience This Council will be open to requests to make such presentations up until and including 13 November 2020. Group Leaders will meet separately to discuss and agree the process in detail.

Officers are instructed to facilitate such arrangements

200. QUESTIONS FROM MEMBERS

There were no questions for this meeting.

201. COMMITTEE MEMBERSHIPS

The Council noted various changes to Committee memberships as detailed below:

- (1) Councillor Bower to replace Councillor Dendle on the Audit & Governance Committee;
- (2) Councillor Roberts to replace Councillor Mrs Madeley on the Constitution Working Party;
- (3) Councillor Mrs Caffyn to replace Councillor Cooper on the Littlehampton Regeneration Sub-Committee;
- (4) Councillor Hughes to replace Councillor Mrs Pendleton on the Planning Policy Sub-Committee;
- (5) Councillor Bicknell to replace Councillor Dendle on the Housing & Customer Services Working Group;
- (6) Councillor Mrs Cooper to replace Councillor Clayden on the Overview Select Committee; and
- (7) Councillor Clayden to replace Councillor Mrs Caffyn on the Staff Appeals Panel

202. REPRESENTATION ON OUTSIDE BODIES

There were no changes made to the representation of Outside Bodies.

(The meeting concluded at 11.37 pm)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF FULL COUNCIL ON 11 NOVEMBER 2020

SUBJECT: Disciplinary Procedure for Employees

REPORT AUTHOR: Karen Pearce, Human Resources Manager

DATE: 24 September 2020

EXTN: 37807

PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY:

A revised Disciplinary Procedure was approved at the Formal Unison/Employer Consultation Meeting on 23 September 2020. This procedure needs formal approval by Full Council before it can be adopted.

RECOMMENDATIONS:

- (1) The Council is requested to approve and formally adopt the Disciplinary Procedure; and
- (2) Ask the Group Head for Corporate Support to be authorised to make any further consequential changes to the Policy.

1. BACKGROUND:

A revised Disciplinary Procedure was presented at the Formal Unison/Employer Consultation meeting on 23 September 2020 by Karen Pearce, Human Resources Manager. The disciplinary procedure sets out the process to be followed should an allegation of misconduct be raised against an employee, this includes information on when suspension may be invoked, the investigation, hearing and appeal process. The disciplinary procedure follows the principles of the ACAS guidance and therefore the changes made are for clarity and ease of reference. A copy of the revised Disciplinary Procedure is attached.

2. PROPOSAL(S):

Members are asked to approve the revised Disciplinary Procedure for adoption by the Council.

3. OPTIONS:

To adopt the revised procedure, this has been updated and provides greater clarity on the process for Managers and staff.

To reject the revised procedure and the Council will continue to use the current disciplinary procedure.

4. CONSULTATION:
 HR Management has consulted with Unison Representatives at informal meetings and the final version was agreed at the Formal Unison/Employer Consultation Meeting.

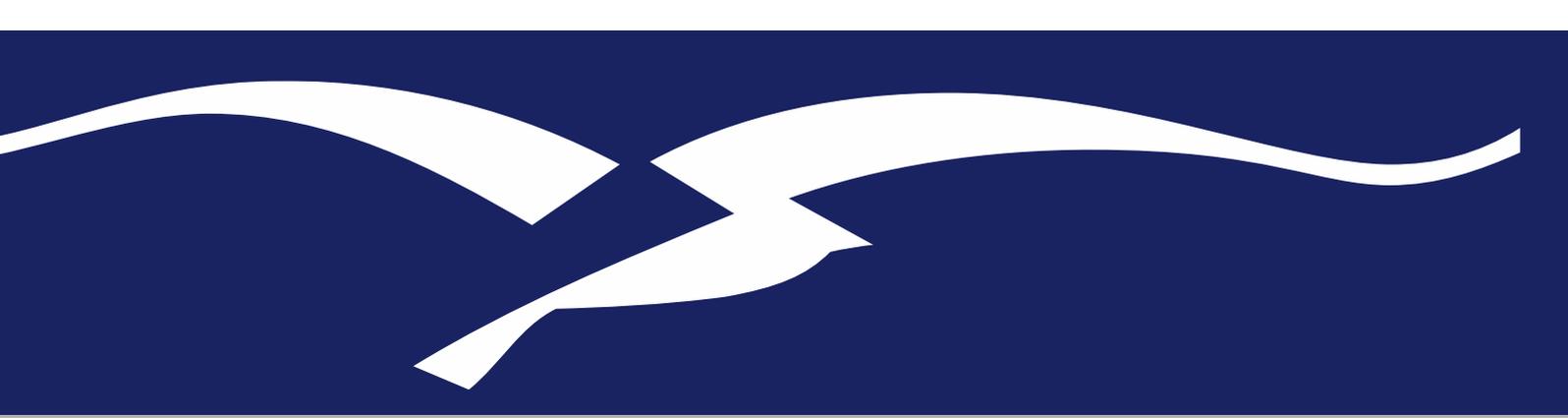
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)	Unison	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		

6. IMPLICATIONS:
 There are certain elements of the current procedure that has required further explanation, such as the circumstances as to when suspension is appropriate. The revised procedure offers greater clarity and therefore without the adoption of this procedure, clarification on points of process will continue to be sought.

7. REASON FOR THE DECISION:
 The Disciplinary Procedure is a legal requirement and is required to ensure that claims of misconduct against employees are dealt with fairly and consistently.

8. BACKGROUND PAPERS:
 A copy of the revised Disciplinary Procedure.



Disciplinary Procedure

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Introduction

It is necessary for the proper operation of the Council's business and the health and safety of employees that the organisation operates a disciplinary procedure. This document provides guidance on how to manage the disciplinary process which will be applied fairly in all instances where disciplinary action is regarded as necessary. The Council does encourage an informal resolution for any minor act of misconduct committed by an employee if it is appropriate in the circumstances.

The organisation reserves the right to implement the procedure at any stage as set out below taking into account the alleged misconduct of an employee. Employees will not ordinarily be dismissed for a first disciplinary offence unless it is considered as gross misconduct.

Where time limits are referred to in the course of this procedure they may be varied by agreement between the employee and the Council.

Employees have the right to be accompanied at a disciplinary hearing by: a work colleague; a trade union official employed by the union; or a trade union official who is certified in writing by the union as having the necessary experience or training to act as a companion. The work colleague or trade union representative, if employed by the Council, is entitled to reasonable paid time off to fulfil their responsibility as the employee's representative.

Scope of the Procedure

This policy applies to all employees and casual workers regardless of length of service. It does not apply to agency workers, whereby disciplinary matters should be referred to the Employment Agency.

It should not be used in cases of under-performance for which the Capability Procedure will be applied, unless there is wilful reluctance by the employee to carry out their duties effectively or efficiently.

In cases of capability/attendance related to sickness, please refer to the Sickness Absence Management Policy in the first instance.

Examples of Disciplinary Offences/Gross Misconduct

Matters that the Council views as amounting to disciplinary offences include (but are not limited to):

- persistent bad timekeeping;
 - unauthorised absence;
 - damage to the Council's property;
 - failure to observe the Council's procedures;
 - abusive behaviour;
 - unreasonable refusal to follow an instruction issued by a manager or supervisor;
 - absences that are not genuine or not for the reason provided;
 - data protection breaches and misuse of the Council's information;
 - smoking (or use of an e-cigarette) in non-designated areas of the Council's premises;
- and

- bribery offences under the Bribery Act 2010.

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the organisation. If an employee commits an act of gross misconduct, the Council will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.

Matters the organisation views as amounting to gross misconduct include (but are not limited to):

- theft or fraud (stealing from the Council, employees or the public)
- other offences of dishonesty;
- unauthorised absence;
- falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
- falsification of records including reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
- data protection breaches, disclosure of Council documents or other confidential information to unauthorised third parties;
- indecency;
- physical violence or bullying;
- deliberate damage to or misuse of property;
- gross insubordination;
- the use or distribution of illegal drugs while at work; (please refer to the Alcohol and Substance Misuse Policy in the first instance)
- serious incapability at work brought on by alcohol; (please refer to the Alcohol and Substance Misuse Policy in the first instance)
- possession, custody or control of illegal drugs on the Council's premises;
- serious breach of the Council's rules, including, but not restricted to, health and safety rules and rules on computer use;
- gross negligence;
- conviction of a criminal offence that is relevant to the employee's employment;
- misuse or abuse of social media in and outside work;
- deliberately accessing pornographic, offensive or obscene material;
- conduct that brings the Council's name into disrepute; and
- unlawful discrimination or harassment.

Other acts of misconduct may come within the general definition of gross misconduct.

Investigation

An employee's supervisor or manager will undertake the role of Investigating Officer (or, where appropriate, a different manager). They will initially discuss the situation with a Human Resources (HR) Officer and will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the Council's policies or rules or may otherwise be a disciplinary matter. The relevant Director will be advised of the situation, but not in detail as they may become involved at a later stage. The employee will be informed as soon as possible as to the fact of an investigation and when it has been concluded.

Depending on the circumstances of the case, the employee will be invited to attend an investigatory interview. The employee will be informed at the outset that the interview is an

investigatory interview. The purpose of this meeting is to establish the facts of the case and does not form part of any disciplinary action. An HR representative will attend this meeting. There is no right for employees to be accompanied at an investigatory interview, although the Council will allow the employee to bring a colleague; a trade union official employed by the union; or a trade union official who is certified in writing by the union as having the necessary experience or training to act as a companion for support if they wish. However, an investigatory meeting will not be unreasonably delayed should a companion not be available.

Anyone called as a witness would be expected to cooperate fully with the investigation. Witnesses do not have the right to be accompanied either at the investigatory meeting or if called to a disciplinary hearing.

All interviews will be electronically recorded, the employee will be advised of this in advance of the meeting. In exceptional circumstances written notes may be taken instead of electronic recordings. The employee and witnesses may request a copy of the recording/written notes from their meeting. These recordings/written notes may be disclosed at hearing/appeal stage.

Surveillance used to monitor employee's activities may be viewed as part of a disciplinary investigation if there is a legitimate interest in protecting the Council or a third party. It will only be used in instances where it is considered an appropriate means of gathering evidence in relation to the allegation. The Council will ensure any surveillance undertaken has been carried out in accordance with the law, is felt both necessary and proportionate and complies with the DPA and GDPR. Examples of surveillance could include records from the door entry system, CCTV footage, e-mails etc, (this list is not exhaustive).

The organisation reserves the right to dispense with an investigatory interview and to proceed directly to a disciplinary hearing in exceptional circumstances, for example, if the employee is being held in custody or some other institution that would prevent the employee from being interviewed within a reasonable timeframe.

Once the Investigating Officer has concluded the investigation process they will write a report outlining their findings which will include their recommendation on whether or not the matter should proceed to a disciplinary hearing. Prior to finalising the report they will contact the employee, who the allegations are against, to establish if they wish to add anything further, such as new evidence or information around mitigating circumstances that they believe the Investigating Officer should be aware of before concluding the report. This may involve the employee attending a further meeting with the Investigating Officer.

Suspension

There may be instances where suspension with pay is necessary while investigations are carried out. The Council has the right to suspend with pay where there are reasonable grounds for concern that evidence may be tampered with, destroyed or witnesses pressurised before a disciplinary hearing, or if there is a potential risk to the business or other employees or third parties in allowing the employee to remain at work. It will also be considered when the alleged gross misconduct is one that is so serious that, if later proven, it strikes at the very root of the employment relationship, destroying it, and making it impossible for the employer to continue to employ the individual.

Suspension is not regarded as an assumption of guilt, fair investigation procedures will be applied. Suspension is not, in itself, a form of disciplinary sanction.

The decision will be made by the Investigating Officer in conjunction with the HR Manager. The decision to suspend will only be made after careful consideration and following a preliminary investigation to establish that there is prima facie evidence of the alleged misconduct. This would usually involve an initial meeting with the employee concerned. Potential damage to professional reputation will be considered as part of the decision making process. Consideration will also be given to placing the employee in another area of the business whilst the investigation is carried out. Suspension will be reviewed regularly to ensure it does not continue for an unreasonable period of time.

Possible Outcomes of the Investigation

No action: The Investigating Officer has no/insufficient evidence to suggest that misconduct has occurred. The employee will be informed of this in writing and details of the investigation will be removed from the individual's HR file.

Informal action: the evidence gathered suggest that the matter is not serious enough to warrant a disciplinary hearing and/or guidance and support is more appropriate. The Investigating Officer will advise the employee in writing of the decision and details of what guidance/support will be provided. The Investigating Officer may keep a time limited record of this decision, to ensure implementation of the guidance and support is carried out, but this will not be held on the individual's HR file. Guidance on how long records should be kept can be obtained from HR.

Formal action: the Investigating Officer has gathered sufficient evidence for consideration at a disciplinary hearing.

Procedure to Initiate a Disciplinary Hearing

Where, upon completion of an investigation, there are reasonable grounds to believe there is a disciplinary case to answer, the employee will be invited to attend a disciplinary hearing before their department manager or Group Head (not the Investigating Officer) who will be supported by a HR Representative.

The Investigating Officer will be required to submit any evidence they wish to present at the hearing to the relevant HR Officer at least 8 working days before a hearing.

In the event of a disciplinary hearing taking place the Council will:

- a. give the employee a minimum of five working days' notice of the hearing;
- b. notify the employee of the purpose of the hearing, its possible consequences and that it will be held under the Council's disciplinary procedure;
- c. explain the employee's right to be accompanied at the hearing;
- d. give the employee written details of the nature of their alleged misconduct; and
- e. provide to the employee all relevant information/evidence that may be referred to at the hearing.

Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the time and/or date of the hearing will be rearranged. If the employee

is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence unless there are special mitigating circumstances. The employee's companion may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

Where the chosen companion is unavailable on the day scheduled for the hearing, the employee may request that the hearing be rescheduled to an alternative time that is reasonable and within five working days of the scheduled date. In exceptional circumstances agreement can be reached to extend this timeframe.

Role of the Companion

The employee's companion has the right to address the hearing to put the employee's case, sum up the case and respond on the employee's behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing. However, there is no requirement for the Council to permit the companion to answer questions on behalf of the employee, or to address the hearing where the employee indicates they do not wish this.

Recording of Meetings

The Council opts to electronically record disciplinary investigatory meetings and hearings, rather than take written notes which can be open to interpretation or challenge. This is to ensure that information provided is completely accurate. It takes responsibility for making the recording and no other recording devices are allowed. The Council will provide a copy of the disk/s on request to the employee being interviewed. Copies of witness recorded meetings will not automatically be supplied to the employee under investigation and disclosure remains at the discretion of the Investigating Officer. If deemed relevant to the investigation, these disks will form part of the pack of information supplied to an employee attending a disciplinary hearing, unless there are exceptional circumstances.

A copy of the disk from the hearing will be supplied to the employee following the outcome.

In exceptional circumstances, for example where the employee has a hearing impairment, written transcripts of the disks can be arranged.

There may also be exceptional circumstances when it is not possible to arrange for recordings to be made. In these instances, written notes will be taken. The same provisions apply to these as with recorded disks, as outlined above.

The Disciplinary Hearing

A disciplinary hearing will normally be conducted by the employee's department manager or Group Head together with an HR Officer (the panel). Any member of management responsible for the investigation of the disciplinary offence(s) shall not be a member of the panel, although such managers may present any relevant facts and material to the disciplinary hearing.

At the hearing the Investigating Officer will present their findings providing the employee with a full explanation of the case against them. The employee will be permitted to set out their case and answer any allegations. The employee will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given the opportunity to raise points about any information provided by witnesses or the Investigating Officer. Where the Investigating Officer or the employee intends to call relevant witnesses, they should give advance notice that they intend to do this and take responsibility for arranging for the witness to be present. The hearing will not necessarily be delayed if a witness is unavailable, postponement will be at the discretion of the Hearing Manager.

It is expected that the employee should have presented mitigating evidence to the Investigating Officer prior to the hearing in order for the Investigating Officer to gather the full facts of the case. However, it is accepted that there may be exceptional circumstances where this cannot happen and therefore the Hearing Manager may allow evidence to be produced on the day if appropriate.

The Hearing Manager may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information or to enable consideration of evidence that is produced on the day). The employee will be informed of the likely period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, together with their companion, to consider the new information prior to the reconvening of the disciplinary proceedings.

As soon as possible after the conclusion of the disciplinary proceedings, the panel will convey the decision to the employee and will also inform the employee what disciplinary action, if any, is to be taken. The decision will be confirmed in writing. The employee will be notified of their right of appeal under this procedure.

Disciplinary Action

Where, following a disciplinary hearing, the Council reasonably believes the employee has committed a disciplinary offence, the following disciplinary action may be taken:

- a. Where a minor offence or offences have been committed, a first written warning may be issued. This will:
 - i. set out the nature of the offence committed;
 - ii. inform the employee that further misconduct is liable to result in further disciplinary action under this procedure;
 - iii. specify the warning will remain "live", for a minimum period of 6 months but no more than 12 months, after such period the warning will automatically lapse; warning letters will remain on an employee's file for a further 12 months and will then be removed;
 - iv. state the employee may appeal against the warning.
- b. Where a serious disciplinary offence amounting to gross misconduct has been committed, thereby justifying summary dismissal, but the Council decides, after taking into account all relevant circumstances, that a lesser penalty is appropriate, or, where an employee commits further disciplinary offences after a first written

warning has been issued and remains "live", a final (or combined first and final) written warning may be given. Such a warning will:

- i. set out the nature of the offence committed;
 - ii. inform the employee that further misconduct is likely to result in their dismissal;
 - iii. specify the warning will remain "live" for a minimum period of 12 months but no more than 18 months, after such period the warning will automatically lapse; warning letters will remain on an employee's file for a further 12 months and will then be removed;
 - iv. state the employee may appeal against the warning.
- c. Where a final written warning is given to an employee under b. above, the Council may also impose on the employee:
- i. loss of seniority;
 - ii. Re-deployment to an alternative role including transfer to a job of a lower status, on the terms and conditions of the lower role;

The above sanctions may be imposed in conjunction with other forms of disciplinary action, or as an alternative to dismissal.

Dismissal

Where an employee has committed further acts of misconduct which cause concern (these being acts of misconduct other than gross misconduct) following a final written warning given under b. above, the organisation may elect to dismiss with notice or payment in lieu of notice.

Where the organisation reasonably believes that an employee has committed an act of gross misconduct, the employee may be summarily dismissed without notice.

Note: Only Group Heads or above can take the decision to dismiss.

Expired Warnings

Expired warning letters will be retained on an employee's file for a period of 12 months after the warning has lapsed as it may be necessary to take account of the warning when considering future conduct, for example establishing a pattern of behaviour or an awareness of the relevant rules. Documentation relating to the expired warning will not normally be retained unless there is a justification for this.

Appeal

An employee may appeal against any disciplinary sanction imposed against them, with the exception of an informal warning.

An employee issued with a formal warning has a right to a one stage appeal process. Employees who have been dismissed have a right to two stages of appeal.

First Stage Appeal

The employee must provide written notice of the appeal to the HR Manager within 10 working days of being informed of the disciplinary sanction being imposed against them. They have the statutory right to be accompanied by a work colleague; trade union official

employed by the union; or a trade union official who is certified in writing by the union as having the necessary experience or training to act as a companion at an appeal hearing.

When lodging an appeal, the employee should state:

- a. the grounds of appeal, and;
- b. whether they are appealing against the finding that they have committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

Appeal hearings will normally take place within 10 working days of receipt of the employee's written notice of appeal. Wherever possible, the appeal will be heard by a Group Head or Director, supported by a HR representative, who has not been involved in the decision to impose the disciplinary sanction on the employee.

The Appeal Manager is obliged to consider any representations, written or otherwise, made by the employee, the employee's companion, those of the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction.

Should any new evidence be introduced on appeal, the employee or management will be given the opportunity to consider it and raise comments at the appeal hearing.

Where the original Hearing Manager or the employee intends to call relevant witnesses, they should give advance notice that they intend to do this and take responsibility for arranging for the witness to be present. The hearing will not necessarily be delayed if a witness is unavailable, postponement will be at the discretion of the Appeal Hearing Manager.

Hearings can be adjourned if it appears necessary or desirable to do so, e.g. to gather further relevant information or when evidence is produced on the day of the hearing. The employee will be informed of the period of adjournment. If further information is gathered the employee and their companion will be allowed reasonable time to consider the new information prior to reconvening the hearing.

Once the relevant issues have been thoroughly explored, the Appeal Manager will decide whether or not to uphold the disciplinary sanction. In the event the Appeal Manager does find for the employee, they shall allow the appeal and remove all records of the disciplinary sanction from the employee's record. In the event the Appeal Manager does not find for the employee, they must uphold the disciplinary sanction. Should they partially find for the employee, the Appeal Manager shall partially allow the appeal and impose a lesser disciplinary sanction.

Upon completion of the appeal, the Appeal Manager will convey their decision to the employee. The decision will be confirmed in writing within 5 working days. If the employee had been issued with a formal warning the Council's decision at this appeal is final.

If the employee has been dismissed, they may refer the matter to a final appeal stage.

Final Appeal

As with the first stage appeal, for the final appeal stage the employee should put the grounds of appeal in writing and send this to HR Manager within 10 working days of receiving the outcome of the first stage appeal. An appeal hearing will be arranged which will be heard by

Members, usually three Councillors (Members Appeal Panel) supported by a HR Representative or an external HR consultant. It will take the same form as the first appeal hearing. The first stage Appeal Manager will be responsible for representing the Council's case. The result will be notified to the employee in writing within 5 working days of the final appeal hearing. The outcome will be final.

As this will be an appeal against a dismissal, the employee will not be entitled to be paid or reinstated (unless they are entitled to notice) between the date of dismissal and the conclusion of the appeal process. In the event however that the decision to dismiss is overturned on appeal, the employee will be reinstated with immediate effect and they will be paid for any period between the date of the original dismissal and the successful appeal decision. Their continuous service will not be affected.

Non-Attendance at a Disciplinary or Appeal Hearing

Where an employee is unable or fails to attend the hearing, it will be adjourned to another date. If the employee is unable to attend the re-arranged hearing it will take place in their absence and a decision will be made based on the information available.

In cases where an employee states they are unfit to attend a hearing they will be referred to Occupational Health. If Occupational Health considers the employee fit to attend, then the hearing will go ahead as planned. In these instances, should the employee fail to attend then the hearing will go ahead in their absence and a decision will be made based on the information available.

If Occupational Health does not consider the employee fit to attend the hearing but could do so in a reasonable time period then the hearing will be rearranged. However, if the employee is not fit and is not likely to be fit to attend within a reasonable period then the hearing will go ahead in the employee's absence.

In instances where the employee cannot or does not attend the hearing their companion can attend and present their case. The employee will also be able to make a written submission to the hearing in such a situation.

Miscellaneous Information

Data protection and Record Keeping

The Council processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its Data Protection policy. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

Documents will be retained on the employee's HR file and will include the following; the complaint, details of the investigation and the hearing (including any appeals), along with the decision made. This list is not exhaustive. All records will be kept in line with the Council's Data Protection Policy.

Copies of the investigatory report and supporting evidence will be given to the employee. In exceptional circumstances the Council may withhold some information, for example, where information may identify a protected witness under the Whistleblowing Policy and Public Interest Disclosure Act 1998.

Unison Representatives

If an employee who is an accredited representative of a trade union recognised by the Council for collective bargaining purposes is suspected of having committed a disciplinary offence, the organisation will take no action under this procedure (with the exception of suspending the employee in a case of suspected or known gross misconduct) until the organisation has had a chance to discuss the matter, with the prior agreement of the employee, with a full-time official of that trade union.

Criminal Proceedings

Where an employee is subject to criminal proceedings or has been convicted of an offence, this will not automatically instigate the disciplinary procedure. In these circumstances the Council will consider the following factors when deciding whether to take disciplinary action;

- If the Council is brought into disrepute
- If the employee is no longer able to carry out their contractual duties

It is not necessary to wait for the outcome of any prosecution before instigating disciplinary action provided the investigation and subsequent findings are fair and reasonable considering the circumstances of the case. However, where the police request that the Council delays its internal investigation to avoid any hindrance to a criminal investigation, the Council will comply where possible. The police will not conduct any investigation on behalf of the Council nor will they be present at any internal investigatory meeting or disciplinary hearing.

Subject Access Requests

If an employee puts in a Subject Access Request during the disciplinary proceedings this will be dealt with under Councils normal processes for such requests. Disciplinary procedures will not be temporarily suspended while the request is being processed unless grounds are presented to substantiate exceptional circumstances. Any decision to delay the disciplinary process will be taken by the Investigating Officer in conjunction with the HR Manager and their decision is final.

Grievances

Where an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

This procedure will be periodically reviewed. Employees will be informed as to the date when any amendment comes into effect. This may be via the Council's intranet or via email.

Date approved by Joint Consultative Panel: 23 September 2020
Date approved by Full Council:

Conducting a Disciplinary Hearing

The Disciplinary Hearing Manager is responsible for 'chairing' the hearing. The order of the hearing should follow the agenda outlined below;

1. Introductions;
 - Introduce those present and confirm their role at the hearing.
 - Explain the purpose of the hearing.
 - Confirm how the meeting will be conducted.
 - Advise that the hearing will be recorded.
2. State precisely the complaint
3. Investigating Officer to state their case;
 - Present evidence.
 - Employee to ask questions of the Investigating Officer.
 - Questions from the Disciplinary Hearing Manager to Investigating Officer.
 - Call and question witnesses (both the employee (including their representative) and Disciplinary Hearing Manager may ask questions).
4. Employee to state their case;
 - Present evidence.
 - Questions from the Disciplinary Hearing Manager to the employee.
 - Call and question witnesses (both the employee (including their representative) and Disciplinary Hearing Manager may ask questions).
5. The Disciplinary Hearing Manager is given an opportunity to ask further questions of either party.
6. Investigating Officer to sum up their case.
7. Employee to sum up their case.
8. The Disciplinary Hearing Manager adjourns the hearing to make their decision.
9. Employee notified of the outcome and, if any, disciplinary sanctions

Conducting an Appeal Hearing

The Appeal Hearing Manager (1st Stage; Director) or the Members Appeal Panel (2nd Stage) is responsible for 'chairing' the hearing. The order of the hearing should follow the agenda outlined below;

1. Introductions;
 - Introduce those present and confirm their role at the hearing.
 - Explain the purpose of the hearing.
 - Confirm how the meeting will be conducted.
 - Advise that the hearing will be recorded.
2. State precisely what the ground(s) of appeal is/are
3. Employee to state their case;
 - Present evidence.
 - Disciplinary Hearing Manager/Appeal Hearing Manager to ask questions of the employee (1st Stage).
 - Questions from the Appeal Hearing Manager/Members Appeal Panel to the employee.
 - Call and question witnesses (both the employee (including their representative) and Appeal Hearing Manager/Members Appeal Panel may ask questions).
4. Disciplinary Hearing Manager/Appeal Hearing Manager to state their case;
 - Present evidence.
 - Employee to ask questions of the Disciplinary Hearing Manager/Appeal Hearing Manager.
 - Questions from the Appeal Hearing Manager/Members Appeal Panel to Disciplinary Hearing Manager/Appeal Hearing Manager (1st Stage).
 - Call and question witnesses (both the employee (including their representative) and Appeal Hearing Manager/Members Appeal Panel may ask questions).
5. Appeal Hearing Manager/Members Appeal Panel given opportunity to ask further questions of either party.
6. Employee to sum up their case.
7. Disciplinary Hearing Manager/Appeal Hearing Manager (1st Stage) to sum up their case.
8. Appeal Hearing Manager/Members Appeal Panel adjourns the hearing to make their decision.
9. Employee to be notified of the outcome

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF FULL COUNCIL ON 11 NOVEMBER 2020

SUBJECT: Calendar of Meetings for 2021/2022

REPORT AUTHOR: Nigel Lynn – Chief Executive

DATE: November 2020

EXTN: 37611

PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY:

In accordance with Council Procedure Rule 3.0, the Council needs to agree a programme of dates for Council Meetings prior to the commencement of the new Municipal Year.

This report therefore proposes the arrangements for the Calendar of Meetings for 2021/22 and taking into account the new Committee structure approved by the Council on 15 January 2020. This has been prepared in consultation with the four Group Leaders and relevant Lead Officers.

RECOMMENDATION:

It is recommended that:

- (1) The Calendar of Meetings for 2021/22 be approved.

1. BACKGROUND:

Each year a Calendar of Meetings for the new Municipal Year is prepared in advance for approval and so that meetings can be published well in advance of the commencement of that Municipal Year.

2. PROPOSAL(S):

1.1 The proposed Calendar of Meetings for 2021/22 is attached at Appendix A and has been prepared on the following basis:

- In accordance with Full Council resolutions in preparing for a new Committee structure, this is based on the new Committee structure and on the cycle of meetings agreed.
- At the request of Group Leaders, minimising meetings as much as possible in the Party Conference weeks of September and October 2021.
- At the request of the Leader of the Council, no Cabinet or Council Meeting in the week of the LGA Conference [5 to 8 July 2021].

<ul style="list-style-type: none"> • Avoiding Full Council meetings in <i>major</i> school holidays, and noting that the date earmarked for the Special Council Meeting in February 2022 to consider the Budget may be still be subject to change based on the yet to be agreed Budget meetings of the Sussex Police & Crime Commissioner [tbc] and West Sussex County Council. • The Chief Executive’s desire to try to avoid holding meetings as much as possible in August. • As in previous years, the start times for meetings will be agreed at the first meeting in the new Council year. <p>1.2 The Constitution only requires the Full Council to agree a programme of dates for Council Meetings. However, it is being recommended that a Calendar of all key Committees is approved so that these dates can be published, and other arrangements put in hand.</p> <p>1.3 If the Calendar is agreed, the dates proposed can be subject to change by the Council or the relevant Committee Chairman, if the need arises. Special meetings can also be arranged where required.</p>		
3. OPTIONS:		
To not approve the Calendar of Committee Meetings for 2021/22.		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify) - Group Leaders and relevant Lead Officers of the Council	X	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		
6. IMPLICATIONS:		
If this Calendar is not approved, the meetings will not be organised in advance of the new Municipal Year.		

7. REASON FOR THE DECISION:

To put into place a programme of dates for Council Meetings and all key Committees so that these can be published well in advance of the new Council year.

8. BACKGROUND PAPERS:

None

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INDICATIVE MEETING DATES 2021/22

	May 2021	June 2021	July 2021	August 2021	September 2021	October 2021
Mon						
Tues		1 Planning Policy				
Wed		2			1	
Thurs		3 Residential & Wellbeing Services	1 Standards		2 Corporate Policy & Performance	
Fri		4	2		3	1
Mon	3 Bank Holiday	7	5 LGA Conference week	2	6	4
Tues	4	8 Economic	6	3	7	5 Planning Policy
Wed	5	9	7	4	8 Development Control	6
Thurs	6 WSCC & PCC Elections	10 Corporate Support	8	5	9	7 Audit & Governance
Fri	7	11	9	6	10 Licensing	8
Mon	10	14	12	9	13	11
Tues	11	15	13	10	14	12 Economic
Wed	12	16 JWAAC	14 Council	11	15 Council	13
Thurs	13	17 Corporate Policy & Performance	15 Environment & Neighbourhood Services	12	16 Standards	14 Corporate Policy & Performance
Fri	14	18 Licensing Sub	16 Licensing Sub	13	17	15 Licensing Sub
Mon	17	21 JEAAC	19	16	20	18 Constitution Working Party
Tues	18	22	20 Planning Policy	17	21	19
Wed	19 Annual Council	23 Development Control	21	18	22	20
Thurs	20	24	22 Residential & Wellbeing Services	19	23 Environment & Neighbourhood Services	21
Fri	21	25 Licensing	23	20	24 Licensing Sub	22
Mon	24	28 Constitution Working Party	26 Economic	23	27	25
Tues	25	29	27 Corporate Support	24	28 Corporate Support	26
Wed	26 Development Control	30	28 Development Control	25	29 Development Control	27 Development Control
Thurs	27 Environment & Neighbourhood Services		29 Audit & Governance	26	30 Residential & Wellbeing Services	28
Fri	28		30	27		29
Mon	31 Bank Holiday			30 Bank Holiday		
Tues				31		

INDICATIVE MEETING DATES 2021/22

	November 2021	December 2021	January 2022	February 2022	March 2022	April 2022	May 2022
Mon	1						
Tues	2 JWAAC			1	1 JEAAC		
Wed	3	1 CEOs Remuneration		2 Development Control	2 Development Control		
Thurs	4	2 Residential & Wellbeing Services		3	3		
Fri	5	3 Licensing Sub		4	4	1	
Mon	8 JEAAC	6	3 Bank <i>Holiday</i>	7 Constitution Working Party	7	4	2 Bank <i>Holiday</i>
Tues	9	7 Economic	4	8	8 JWAAC	5	3
Wed	10 Council	8	5 Development Control	9	9 Council	6	4
Thurs	11	9 Corporate Policy & Performance	6	10 Corporate Policy & Performance	10 Environment & Neighbourhood Services	7	5
Fri	12 Licensing Sub	10 Licensing	7	11	11 Licensing	8	6
Mon	15	13 Constitution Working Party	10	14	14	11 Constitution Working Party	9
Tues	16 Audit & Governance	14	11	15	15 Planning Policy	12	10
Wed	17	15	12 Council	16		13	11 Council
Thurs	18 Environment & Neighbourhood Services	16 Standards	13	17	17 Residential & Wellbeing Services	14	12
Fri	19	17	14 Licensing Sub	18	18	15 Bank <i>Holiday</i>	13
Mon	22	20	17	21	21	18 Bank <i>Holiday</i>	16
Tues	23 Corporate Support	21	18 Corporate Support	22 Audit & Governance	22	19	17
Wed	24 Development Control	22	19 Economic	23 Special Council (Budget]	23	20	18 Annual Council
Thurs	25	23	20 Environment & Neighbourhood Services	24	24 Corporate Support	21	19
Fri	26	24	21	25 Licensing Sub	25 Licensing Sub	22 Licensing Sub	20
Mon	29	27 Bank <i>Holiday</i>	24 Residential & Wellbeing Services	28	28	25	23
Tues	30 Planning Policy	28 Bank <i>Holiday</i>	25 Planning Policy		29 Economic	26	24
Wed		29	26		30 Standards	27 Development Control	25
Thurs		30	27		31 Corporate Policy & Performance	28	26
Fri		31	28			29	27
Mon			31				30 Bank <i>Holiday</i>

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Public Document Pack Agenda Item 12

Subject to approval at the next Constitution Working Party meeting

1

CONSTITUTION WORKING PARTY

12 October 2020 at 4.30 pm

Present: Councillors Mrs Yeates (Chairman), Mrs Gregory (Vice-Chairman), Bennett, Bower, Mrs Catterson, Mrs Haywood, Roberts and Dendle (Substituting for Councillor Cooper).

Councillor Coster was also in attendance at the meeting.

16. APOLOGY FOR ABSENCE

An Apology for absence had been received from Councillor Cooper.

17. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

18. MINUTES

The minutes of the meetings of the Working Party held on 17 August and 24 August 2020 were approved by the Working Party as a correct record, subject to the following amendments:

17 August 2020

Minute 12 – Draft Constitution – Parts 1 to 5 – Page 3 – Article 2 – Members of the Council – Section 2.0 – Elections and Terms of Councillors – fourth line down, the word “reviewed” to be replaced with the word “viewed”.

24 August 2020

Minute 15 – Draft Constitution – Parts 1 to 5 – Recommendation (4) – to correct the name of the Committee in the third heading from Environmental and Wellbeing Services to Environmental and Neighbourhood Services, as corrected at Full Council on 16 September 2020.

19. PROPOSED CONSTITUTIONAL UPDATE OF STANDING ORDERS RELATING TO FINANCIAL PROCEDURES

The Working Party received a report from the Financial Services Manager which sought approval to make further updates to the Financial Procedure Rules (Regulations) at Part 6 of the Constitution (Other Procedure Rules) – Section 5. Appendix 1 to the report set out the changes that were required. It was reported that these changes mainly removed reference to the Cabinet and Cabinet Member responsibilities which were being replaced with the appropriate Committee and/or the Corporate Policy and Performance Committee.

Constitution Working Party - 12.10.20

The points raised by the Working Party have been set out below:

- Looking at the responsibilities of the Group Head of Corporate Support, a query was raised by the Chairman in relation to expenditure on any scheme that exceeded the capital programme provision by more than 10% or £50,000 as it was felt that this seemed to be a very high figure, similarly the same point was raised under responsibilities of CMT/Group Heads, the last bullet point “to notify the Group Head of Corporate Support immediately if the total value of a contract or its annual sum is likely to be different from the original figure by more than the approved limits (the lower of 10% or £50,000 subject to materiality) was again felt to be a too higher figure. It was explained that this was the figure currently set out in the Constitution and so presented no new change.
- The Chairman raised a further query in relation to the responsibilities of CMT/Group Heads in terms of exercising virement on budgets under their control of up to a maximum of £50,000 – there was concern that the Group Head of Corporate Support be consulted on this properly and that the scheme of virement be followed properly. It was explained that the wording had been changed from notified to approved so adding strength to this part of the process. The Chairman was reassured by the Financial Services Manager that any amount in excess of £100,000 would have to be reported to the appropriate Committee. The Chairman was also reminded that as this related to virements, the money had already been approved in the budget.
- The Chairman asked why the heading “Why is this important” featured on virements relating to Section 106 and Community Infrastructure Levy Contributions when they did not appear elsewhere in the Constitution? It was explained that this was a CIPFA recommendation applied to make financial regulations easier to absorb and understand as this was a complex subject.
- It was pointed out that the Section breakdown on Page 2 of the appendix still referred to Section 2 – Scrutiny – was this an oversight and did this need to be removed? The Locum Lawyer explained that this would be deleted and had been from the remaining parts of the Constitution, it was just that the tracking removal had not worked on this particular part of the appendix.
- The Chairman asked if at Page 15 – referring to supplementary estimates and the responsibilities of the Group Head of Corporate Support, the sentence that stated “the only exception to this rule is on the grounds of urgency” – if that urgency needed to be defined. It was explained that this was not defined as some degree of flexibility needed to be built in to cover emergency situations as well. An example provided was the recent report that had been submitted directly to Full Council which was to provide financial support to the leisure operating contract during the pandemic.

The Working Party

RECOMMEND TO FULL COUNCIL – That

- (1) The proposed changes to the Constitution at Part 6 Procedure Rules (Other) Section 5, Financial Procedure Rules (Regulations) as set out in Appendix 1, attached to the Minutes, be approved; and
- (2) The Monitoring Officer be authorised to make any further consequential changes to the Constitution.

20. PROPOSED CONSTITUTIONAL UPDATE OF STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

The Working Party received a report from the Financial Services Manager confirming that earlier in the year, updates had been approved to the Standing Orders Relating to Purchasing, Procurement, Contracts and Disposals (Part 6 – Other Procedure Rules – Section 6) to ensure that they were fully up to date and reflected best practice.

A further review had since been undertaken to this section of the Constitution to reflect changes required for the move from a Cabinet to a Committee structure which would take effect in May 2021. The main changes were explained. These were that Committee approval had to be sought prior to the commencement of the procurement process. It was also proposed that Committees be consulted annually on any contract coming up for renewal.

A few questions were asked around EU Procurement Rules and whether the Constitution would need to be updated further. It was explained that the Council was in a transitional period as the country remained in the EU until 1 January 2021. How was the Government asking Councils to follow those rules? It was explained that the Constitution could only be updated in this respect when the law changed. When this eventually would take place, then the Constitution would be updated further. It was emphasised that although the names would change, the limits already listed would remain the same.

A further question was asked about the renewal of insurance policies and was this something that would be brought to Committees on a regular basis or just when changes were required. The Financial Services Manager explained that at the point of retender, insurances did not normally get reported through the decision-making process, unless there was a need to report an increased cost or risk to the Council.

The Working Party

Constitution Working Party - 12.10.20

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, attached to the Minutes, be approved; and

(2) The Monitoring Officer be authorised to make any further consequential changes to the Constitution.

21. CONSOLIDATED REPORT ON OUTSTANDING PLANNING ISSUES

The Working Party received a report from the Chief Executive which was a consolidated issues report dealing with Planning matters which had historically been spread out across different parts and sections of the Constitution.

This report suggested looking at these different elements by bringing them together into one part of the Constitution. The first issue for the Working Party to consider was that of the name of the Development Control Committee and if this should be renamed. The second part dealt with the proposed Planning Local Code and the Public Speaking Rules; and then the proposed terms of reference for the Development Committee and to agree a new Part 3 Responsibility for Functions. This would look at what functions the Committee would have and what functions Officers would have. The report set out the terms of reference and powers delegated to Officers.

The Working Party was reminded that Full Council had delegated everything on planning matters to this Working Party to consider.

The following issues were raised by the Working Party:

- Mixed views were expressed over the future name of the Committee. It was felt that the current name – Development Control Committee was not very clear in terms of what the Committee actually did. Suggestions were made for the name of the Committee to be changed to the Planning Committee as this was felt to be easy for everyone to understand.
- Other Members were of the view that the activities of Development Control should not be confused with the Planning Policy Committee in the future which would have very different planning roles. It was felt that this could cause confusion. Suggestions had been made to call the Committee the Development Management Committee, and again mixed views were expressed over this.
- The Chief Executive confirmed that this issue had been discussed when the Planning Peer Review had taken place a few years ago. He outlined that the current modern term did seem to be Development Management Committee and a move away from the term 'control'.
- It was acknowledged that the report confirming the results of the recent review of Planning had not yet been published and that it was likely that this report may

contain recommendations that could impact what the Working Party was being asked to debate and consider now.

In view of this, the Chairman confirmed that the next meeting of the Working Party would be held on 30 November 2020 and that it could be worth waiting to see the outcome of the Planning Review report and then look at this report in line with this report at that meeting. In discussing this option, Councillor Bennett proposed that this item be deferred until the next meeting of the Working Party to allow Members to have the opportunity to consider the outcomes of the Planning Review first, before considering this item. The Chief Executive felt confident that the Planning Review report would be ready in time to achieve this timescale.

Councillor Mrs Gregory then seconded this proposal and on it being put to the vote it was declared CARRIED.

The Working Party therefore

RESOLVED

That consideration of the consolidated report on outstanding planning issues be deferred to the next meeting of the Constitution Working Party to allow Members to review and assess the outcomes of the Planning Review report first.

22. DRAFT 2021 CONSTITUTION - PARTS 6, 7, 8 AND 9

The Working Party received a report from the Chief Executive presenting a review that had been undertaken of the Council's Constitution at Parts 6, 7, 8 and 9.

The review covered in detail the following areas:

Part 6 – Other Procedure Rules

- Section 1 – (Access to Information Procedure Rules)
- Section 2 (Budget and Policy Framework Procedure Rules)
- Section 5 – (Officer Employment Procedure Rules)

Part 8 – Codes and Protocols

- Section 3 (protocol on Member and Officer Relations)
- Section 4 (Planning Protocol)
- Section 5 (Petitions Scheme)
- Section 6 (Filming and Photographic Protocol)
- Part 6, Section 3 (Financial Procedure Rules) and Section 4 (Purchasing, Procurement, Contracts and Disposals Rules) and Part 8 Section 4 (Planning Protocol) had been presented elsewhere earlier on in the meeting.

Constitution Working Party - 12.10.20

The Working Party was asked to note that Part 6, Section 1 (Member Code of Conduct) was awaiting consideration of the revised Local Government Association (LGA) Model Code which was expected to be agreed by the LGA at some point in October 2020 and so would be reported to the Standards Committee in December 2020. Also, that at Part 9 (Members' Allowances Scheme) that recommendations from the Independent Remuneration Panel would be reported to the Audit & Governance Committee on 19 November 2020, with further recommendations being made to Full Council on 13 January 2021 and so outside the remit of this Working Party.

It was also noted by the Working Party that at Part 6, Section 8, Corporate Complaints, this would be removed from the Constitution and would be dealt with elsewhere within the Council, as this was outside of the remit of this Working Party. It was also noted that the existing Part 7, Management Structure, was a description of the Council management structure at any one time and was not a constitutional issue and therefore not subject to this review.

The Locum Lawyer then worked through the proposed revisions to Parts 6 and 8 of the Constitution stating that the proposed changes could be seen as tracked changes in the appendices attached to the report. At Part 6, there were changes to be made to the Budgetary and Policy Framework and Access to Information Rules [removing reference to Sections 1 [Decision Notices] and 2 [Scrutiny]. Members' attention was drawn to the process by which Policies would be developed or revised and which Committee would lead on each Council Policy. The changes to budget making in terms of the new Committee structure was explained. It was important for Members to know what the Committees could or could not do in terms of enforcing the Budget.

A question was asked in relation to those Committees that would take the lead on developing a range of Policies [Page 117 of the report]. Currently, it was highlighted that the Property Investment Strategy would feed into the Corporate Support Committee. Previous meetings of the Working Party had queried whether this would be a matter for the Corporate Support Committee or whether this should be the responsibility of the Economic Committee. Following debate, it was agreed that the answer to this question very much depended upon whether this Strategy broadly covered corporate property or property investment to make money. In view of the varying assets that the Council had, it was agreed that this should be reviewed further and brought back to the next meeting of the Working Party for final decision.

Having worked through the remaining parts of the Constitution covering Officer Employment Rules; Member and Officer Relations; the Petitions Scheme; and the Filming and Photographic Protocols,

The Working Party

RECOMMEND TO FULL COUNCIL – That

- (1) The proposed revisions to be incorporated into the new 2021 Constitution at Part 6, Section 1 [Access to Information Procedure Rules] as set out at Appendix 1, as attached to the Minutes be approved;
- (2) The proposed revisions to be incorporated into the new 2021 Constitution at Part 6, Section 5 [Officer Employment Procedure Rules] as set out at Appendix 3, as attached to the minutes be approved;
- (3) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 3 [Protocol on Member and Officer Relations] as set out at Appendix 4 attached to the minutes be approved;
- (4) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 5 [Petitions Scheme] as set out in Appendix 5, as attached to the minutes be approved;
- (5) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 6 [Filming and Photographic Protocol] as set out in appendix 6, attached to the minutes be approved;

The Working Party also

RESOLVED – That

- (1) The proposed revisions to be incorporated into the new 2021 Constitution at Part 6, Section 2 [Budget and Policy Framework Procedure Rules] as set out at Appendix 2 be referred back to the next meeting of the Working Party to reconsider which Service Committee the Property Investment Strategy should report; and
- (2) It be noted that Part 9 [Members' Allowances Scheme] is to be revised following a report by the Independent Remuneration Panel to the Audit & Governance Committee on 19 November 2020 and that Part 8 section 1 (Member Code of conduct) is to be considered by the Standards Committee having regard to the outcome of the LGA on whether or not to adopt a new Code of Conduct for Members.

Constitution Working Party - 12.10.20

23. PART 2 - ARTICLES OF THE CONSTITUTION - JOINT AREA COMMITTEES

The Working Party received a verbal update from the Locum Lawyer following Full Council's decision on 16 September 2020 to not accept the Working Party's recommendation from its meeting held on 24 August 2020 that Part 2 – Articles of the Constitution, relating to Joint Area Committees could not be approved on the grounds that the delegation of functions to Joint Area Committees was of concern.

The Locum Lawyer confirmed that the Joint Arun Area Committees were Committees established and managed by West Sussex County Council (WSSC) and for that reason their terms of reference were defined by WSSC and not Arun District Council. Arun District Council was invited to attend those meetings, it had no say in terms of setting the terms of reference for the Committees.

This viewpoint was accepted to a degree by some Members but overall it was felt that the Joint Arun Area Committees were different to the other local Area Committees set up by WSSC meaning that this Council had certain powers and certain controls on aspects of its Council's business and that it would be wrong for the Council to confirm that it had given that power to WSSC without any negotiation or conditions attached. It was the view of some Members of the Working Party that the Council needed to control its destiny and take representations direct to WSSC to address as the Council had a certain responsibility to deliver to its residents.

The Chief Executive confirmed that this section had been in place within the Council's Constitution for a number of years and that nothing had changed.

Following a very lengthy debate, it was the view of some Members of the Working Party that this section of the Constitution should be removed to avoid confusion. Following further discussion, Councillor Bennett then formally proposed that the Functions set out at Part 3 – Responsibility for Functions in the Constitution at Part 11.0, Joint Area Committees, be removed. This proposal was then seconded by Councillor Dendle. On this proposal being put to the vote it was declared CARRIED.

The Working Party then

RECOMMEND TO FULL COUNCIL – That

- (1) Part 3 of the Constitution [Responsibility for Functions at 11.0 – Joint Arun Area Committees be amended to remove the functions listed for Joint Arun Area Committees; and
- (2) In view of Recommendation 1 above, that Part 2 – Articles of the Constitution, as presented to Full Council on 16 September 2020 be approved.

24. CHANGE TO THE ORDER OF THE AGENDA

At the request of one Member, the Chairman asked the Working Party if it could agree to a change to the order of the agenda to allow the item on changes to Public Question Time to be considered before the guillotine item. This was approved by the Working Party.

25. CHANGES TO PUBLIC QUESTION TIME [FOR THE REMAINDER OF THIS MUNICIPAL YEAR]

The Working Party received a report from the Chief Executive proposing that changes be made to the existing Constitution for the remainder of this Municipal Year in respect of Public Question Time. The changes being suggested were that in order to allow more questions from different members of the public, that the number of questions permitted by a questioner be set to a maximum of two questions.

The Chief Executive confirmed that this report had been taken to a Group Leaders' meeting and that apart from one Political Group, the principles outlined within the report had been agreed.

In discussing this item, the following viewpoints were made:

- Most agreed that there should be a limit set per person as at the last meeting of Full Council, one person had dominated Public Question Time.
- There was a difficulty here that related to Chairman's discretion as set out in the current Constitution. Public Question Time was set at 15 minutes, but this could be extended further based upon the discretion of the Chairman of the Council. The suggestion was made that perhaps the Chairman's discretion should be removed all together or that it also be limited to a stipulated timeframe.
- A question was asked as to why so many questions had been allowed and why one questioner had been allowed to dominate Public Question Time?
- The limitation to two questions per person was generally supported as it was felt that the Council did not gain from allowing lots of questions from one person. It was also felt that that the quality of questions asked by the public could be improved but accepted that this could not be stipulated.
- Could this be set for the new Municipal Year too – not just for the remainder of this Municipal Year?
- It was highlighted that whatever was agreed for Public Question Time at Full Council then needed to be rolled out also to apply to meetings of Cabinet and built into the 2021 Constitution in respect of the new six Service Committees. This was supported in principle.

Following further discussion, it was then proposed by Councillor Bennett and seconded by Councillor Mrs Gregory that the limitation of two questions per questioner for Public Question Time be introduced for Full Council and Cabinet to be effective for the remainder of this Municipal Year and that delegated authority be given to the Monitoring Officer to build this into the 2021 Constitution to apply to Full Council and the six new Service Committees from May 2021.

Constitution Working Party - 12.10.20

In debating this proposal concerns were raised about the Six-Month Rule and in view of the fact that Full Council had already approved the meeting procedure rules for the new structure.

The Locum Lawyer confirmed that the Working Party had accepted responsibility to review and build the new Constitution so that it would be ready to come into effect in May 2021. On this basis, it was perfectly acceptable for the Working Party to suggest and recommend further adjustments to the Constitution as this had yet to come into force, it was a project that was constantly being reviewed.

Following further debate, a further proposal was put forward by Council Dendle in relation to the time limit in place for public question time, which was currently 15 minutes. At Council Procedure Rule 11.2, the Constitution stipulated that the time limit for questions by the public be 15 minutes, although the Chairman had discretion to extend this period. It was Councillor Dandle's view that this discretion be set to permitting only a further 15 additional minutes for Public Question Time. This proposal was seconded by Councillor Bennett, with it being confirmed that this also be put into place in respect of Cabinet Procedure Rule 12.2 and then extended into the 2021 Constitution in respect of Full Council and the six Service Committees.

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

The Chairman then returned to the substantive recommendations and the Working Party

RECOMMEND TO FULL COUNCIL – That

- (1) The number of questions to be asked at meetings of Full Council and the Cabinet for the remainder of this Municipal Year be set to two questions per person and that the time limit for questions be set to 15 minutes, with the Chairman having discretion to extend this time period for a further fifteen minutes; and
- (2) The Monitoring Officer make arrangements for this provision to be added to the meeting procedure rules applying to Full Council and the six Service Committees in the 2021 Constitution.

26. LIMIT ON THE LENGTH OF COUNCIL MEETINGS (GUILLOTINE)

The Working Party received a report from the Chief Executive proposing that a limit on the duration of Full Council meetings (a guillotine) be introduced for all evening meetings for the remainder of this Municipal Year in line with the proposals already agreed by Full Council for the new Constitution that would come into effect in May 2021.

This proposal was being suggested as meetings of Full Council had been taking too long, often finishing late either late in the night or in the early hours of the morning. This presented a danger in that the quality of decision making could be compromised; that public participation might be discouraged; and that this practice potentially failed to fulfil the Council's equality duties to those with caring responsibilities.

The Working Party was therefore being requested to change the Council's existing Constitution to provide a new Rule 6A to be inserted in Part 5, Section 1 of the Council Procedure Rules as set out in Appendix 1, Part 2 attached to the report.

The Chief Executive confirmed that consultation had taken place with Group Leaders who had all confirmed their agreement to the proposals.

There were varying views expressed by the Working Party in debating this item. These have been summarised below:

- The proposal to introduce a cut-off was generally supported.
- It was felt that this should be introduced for all Committees.
- This new rule should become effective immediately, commencing at the next Full Council meeting on 11 November 2020, as soon as this recommendation had been approved.
- Concern was expressed that this should not apply to meetings of the Development Control Committee which had a different start time of 2.30 pm. Also, planning applications were often time bound and a decision was required that day that could not be delayed to a further meeting or to the next meeting of the Committee. Otherwise the threat of appeal for non-determination could be a risk for the Council.
- Some Members of the Working Party were against the proposals stating that there should not be a cut off but that instead the Vice-Chairman could take over from the Chairman in order to conclude the business on the agenda. There was concern that the proposals could introduce other political issues and so it was more important to keep meetings concise and on track.
- Some Members confirmed that they did not agree with the proposed guillotine as this could curtail debate. It was felt that the smooth running of meetings was down to the ability of the Chairman to conduct the meeting in a business-like fashion.
- Others confirmed an opposite viewpoint agreeing that cut-off time should be introduced and for all meetings, not just Full Council.
- Another suggestion was made which was to introduce a timetable for each item – this was something that WSCC had introduced and it seemed to be very effective and provided structure for the Chairman to apply to the meeting.
- It was accepted that decisions made past midnight were not good decisions.

Constitution Working Party - 12.10.20

Following debate, Councillor Bennett proposed that the Appendix attached to the report confirming the duration of meetings for the 2021 Constitution be applied to all meetings of the Council, except for the Development Control Committee, for the remainder of this Municipal Year and that the Appendix attached to the report be updated for this purpose. This proposal was seconded by Councillor Mr Yeates.

The Working Party

RECOMMEND TO FULL COUNCIL

That the Appendix attached to the report be updated to include applying a limit on the length of meetings for all meetings of the Council apart from the Development Control Committee, as per the appendix attached to these minutes.

(The meeting concluded at 7.40 pm)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CONSTITUTION REVIEW WORKING PARTY ON 12 OCTOBER 2020

SUBJECT: Proposed Constitutional update of Standing Orders relating to Financial Procedures.

REPORT AUTHOR: Carolin Martlew, Financial Services Manager
DATE: September 2020
EXTN: 37568
PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY:

The Standing orders relating to Financial Procedures Rules (Regulations) (Part 6 Other Procedure Rules – Section 5) have been reviewed to reflect the change from a Cabinet structure to a Committee structure from May 2021.

RECOMMENDATIONS:

It is recommended to Full Council that:

1. the proposed changes to the Constitution at Part 6 Procedure Rules (Other) Section 5 Financial Procedures Rules (Regulations) as set out in Appendix 1, to be attached to the minutes to be approved; and
2. The Monitoring Officer be authorised to make any further consequential changes to the Constitution

1. BACKGROUND:

1.1 Financial Procedures Rules (Regulations) (Part 6 Other Procedure Rules – Section 5) have been reviewed to reflect the change from a cabinet structure to a committee structure from May 2021.

2. PROPOSAL(S):

2.1 The Financial Regulations provide the internal framework for managing the Council's financial affairs.

2.2 The Financial Regulations were fully reviewed in 2018 and follow a format recommended by CIPFA (Chartered Institute of Public Finance and Accountancy). They are written in a user-friendly style and avoid technical jargon, where possible, and provide a clear explanation of what the Financial Regulations apply to, individual's responsibilities, authorisation levels; and the risks and controls associated

with these decisions.		
2.3 The section on medium term financial planning (2.2) explains the budgetary process. The budget parameters will be set by the Corporate Policy and Performance Committee (CPPC) taking account of resource constraints set by the government. The revenue and capital estimates will be reported to the relevant committee for consideration before consideration of the full budget by CPPC before approval by Full Council in February.		
2.4 It is important to note that policy changes that require a significant shift in financial resources have to be considered as early as possible in the relevant committee's cycle to be reflected in the Medium Term Financial Strategy and budget parameters in the autumn.		
3. OPTIONS:		
1. To support the proposals		
2. To not support the proposals		
3. To propose alternative wording changes		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS:		
The proposal has been consulted upon with the Group Head of Corporate Support, the Chief Executive and Legal Services and any comments made have been incorporated in the final draft.		

7. REASON FOR THE DECISION:

To ensure that the Constitution is up to date and reflects the change to the committee structure from May 2021.

8. BACKGROUND PAPERS:

Council's Constitution: Part 6 Procedure Rules (Other) (Section 5 – Financial Rules)

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**PART 6 – PROCEDURE RULES (OTHER)
(SECTION 5 – FINANCIAL RULES)**

Part 6 is set out in eight sections as follows:

- Section 1** Decision Notices
- Section 2** Scrutiny
- Section 3** Budget and Policy Framework
- Section 4** Access to Information
- Section 5** Financial Rules
- Section 6** Standing Orders – Purchasing,
Procurement, Contracts and Disposals
- Section 7** Officer Employment
- Section 8** Corporate Complaints

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**PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)**

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PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

1. INTRODUCTION

Financial Regulations provide the internal framework for managing the Council's financial affairs. These regulations apply to every Member and officer of Arun District Council and anyone in the public or private sector who acts on behalf of the Council. It is imperative that the Council has a strong and usable set of Financial Regulations that are accessible to all who are dealing with its financial matters.

Under Section 151 of the Local Government Act 1972, ~~each local authority~~ the Council is required to make arrangements for the proper administration of its financial affairs and arrange for one of ~~their~~ its officers to be responsible for the administration of those affairs. ~~For Arun District Council~~ It this officer is the Group Head of Corporate Support. Throughout these Financial Regulations, the title Group Head of Corporate Support will be used to denote the designated Section 151 Officer of the Council; in the case of absence or non-availability, the Financial Services Manager will be the deputy Section 151 Officer.

The Group Head of Corporate Support is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Council for approval. He/she is also responsible, where appropriate, for reporting breaches of the Financial Regulations to the Audit and Governance Committee.

It is the responsibility of Corporate Management Team (CMT)/Group Heads to ensure that all officers in their service are aware of the existence and content of these Council's Financial Regulations, as well as other internal regulatory documents, and also to confirm that they comply with them.

It is the responsibility of the Group Head of Corporate Support to provide advice and guidance regarding the Financial Regulations that Members, officers and others acting on behalf of the Council are required to follow.

STATUTORY REFERENCES

- Local Government Act 1972
- Local Government Act 1999
- Local Government Act 2003
- Local Audit and Accountability Act 2014
- Accounts and Audit Regulations 2015

CODES OF PRACTICE

- Code of Practice on Local Authority Accounting in the United Kingdom
- Prudential Code for Capital Finance in Local Authorities
- Service Reporting Code of Practice for Local Authorities (CIPFA)
- Treasury Management Code of Practice (CIPFA)
- United Kingdom Public Sector Internal Audit Standards (PSIAS) as interpreted by CIPFA's Local Government Application Note

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

2. FINANCIAL PLANNING

2.1 FORMAT OF THE BUDGET

Why is this important?

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Responsibilities of the Group Head of Corporate Support

- To advise the [Cabinet committee and sub-committees](#) on the format of the budget that is approved by the Council.

Responsibilities of CMT/Group Heads

- To comply with accounting guidance provided by the Group Head of Corporate Support.

•

Key controls

The key controls for the budget format are: -

- a) That the format complies with all legal requirements;
- b) That the format reflects the accountabilities of service delivery; and
- c) That, in published statements where it is required, the format complies with CIPFA's *Service Reporting Code of Practice for Local Authorities*.

2.2 BUDGETS AND MEDIUM-TERM PLANNING

Why is this important?

The Council needs to plan effectively and develop systems to enable limited resources to be allocated in accordance with priorities. The budget is the financial statement of the Council's plans and policies.

The revenue and capital budgets must be constructed to ensure that resource allocation properly reflects the [Council's strategic priorities and objectives as set out in the Corporate Plan and service plans and corporate priorities of the Council](#).

Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the Council to budget for a deficit.

CMT/Group Heads shall prepare annually (normally for submission to [Cabinet the relevant committee](#) each [December/January](#)), draft estimates of income and expenditure in a form agreed with the Group Head of Corporate Support together with any necessary explanations.

Responsibilities of the Group Head of Corporate Support

- To prepare and submit reports on budget prospects for [Cabinet CPPC](#) in accordance with the Constitution, including resource constraints set by the Government. Reports should take account of medium-term prospects and review where appropriate.
- To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and following

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

consultation with the ~~Cabinet Member for Corporate Support~~CPPC and CMT/Group Heads.

- To prepare and submit reports to the ~~Cabinet Member for Corporate Support~~CPPC relevant committees on the overall position, and ~~CPPC to the Cabinet~~ on the aggregate spending plans of departments and resources available, identifying, where appropriate, the implications for the level of council tax to be levied.
- To advise on the medium-term implications of spending decisions.
- To encourage the best use of resources and value for money by working with CMT/Group Heads to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- To advise the Council on the ~~Cabinet's~~ CPPC's proposals on the robustness of the budget set and the adequacy of reserves in accordance with the Local Government Act 2003.

Responsibilities of CMT/Group Heads

- To prepare estimates of income and expenditure, in consultation with the Group Head of Corporate Support to be submitted to the ~~Cabinet~~ appropriate committee.
- To prepare budgets consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by the ~~Cabinet~~ CPPC. The format will be prescribed by the Group Head of Corporate Support in accordance with the ~~Cabinet's~~ CPPC's general directions.
- To integrate financial and budget plans into service planning.
- To ensure that budget proposals underpin the Council's strategic priorities and objectives as set out in the Corporate Plan.

Key controls

The key controls for budgets and medium-term planning are: -

- a) specific budget approval is given for all expenditure;
- b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet appropriate committee for their budgets and the level of service to be delivered; and
- c) a monitoring process is in place to regularly review the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

2.3 CAPITAL PROGRAMME

Why is this important?

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles.

Capital assets can shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure can also result in the creation of an intangible asset, for items such as software licenses which have no physical substance.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

The Council is required to set its Capital Programme having regard to the [CIPFA Prudential Code](#), ensuring that it is affordable, prudent and sustainable. This means that capital expenditure forms part of an investment strategy that is carefully prioritised in order to maximise the benefit of limited resources. The Council must also approve its Prudential Indicators which are used to monitor performance throughout the year.

Responsibilities of the Group Head of Corporate Support

To prepare a capital programme covering at least two future financial years. If an urgent and unforeseen need arises to undertake a project in excess of the current approved capital programme or to accelerate the preparation, commencement or completion of a scheme, the proposal will be considered by the Corporate Management Team and if agreed will then be reported to [Cabinet](#) ~~the relevant committee~~ (and Full Council if a supplementary estimate is required) for final approval.

- To prepare and submit regular reports to the [Cabinet relevant committee](#) on the projected income, expenditure and resources compared with the approved estimates. Also, to inform [Cabinet](#) ~~the relevant committee~~ where estimated expenditure on any scheme exceeds the capital programme provision by more than 10% or £50,000 whichever is lower, unless the amount is not material.
- The definition of ‘capital’ will be determined by the Group Head of Corporate Support, having regard to government regulations and accounting requirements.

Responsibilities of CMT/Group Heads

- To comply with guidance concerning capital schemes and controls issued by the Group Head of Corporate Support.
- To ensure that all estimates and programmes prepared in connection with capital expenditure shall include reference to the estimated revenue implications in each of the development years and in a full cost year as agreed with the Group Head of Corporate Support.
- To review the capital programme provisions for their services and the estimated final costs of schemes in the approved capital programme.
- To ensure that adequate records are maintained for all capital contracts.
- To proceed with projects / contracts only when there is adequate provision in the capital programme and guarantees of any external funding are in place.
- To notify the Group Head of Corporate Support immediately if the total value of a contract or its annual sum is likely to be different from the original figure by more than the approved limits (the lower of 10% or £50,000 subject to materiality) ~~and Cabinet Member decision~~.

Key controls

The key controls for capital programmes are: -

- a) specific approval by the [Cabinet Council](#) for the planned programme of capital expenditure;
- b) each capital project must be subject to a project appraisal in line with Programme and Project Management procedures and assessed against the Council’s strategic objectives, prior to approval by the relevant [Cabinet Member; committee, sub-committee or officer](#);
- c) proposals for improvements and alterations to buildings and land must be approved by the appropriate Director/Group Head;

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- d) monitoring of progress in conjunction with expenditure and comparison with approved budget; and
- e) monitoring of Prudential Indicators throughout the year.

2.4 MAINTENANCE OF RESERVES

Why are these important?

The Council holds reserves for one of three purposes:

- working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing (general reserve);
- a contingency to cushion the impact of unexpected events or emergencies (general reserve); and
- a means of building up funds (earmarked reserve) to meet known or predicted liabilities.

It is the responsibility of the Section 151 Officer to advise the Council as to the level of general reserves.

Responsibilities of the Group Head of Corporate Support

- To advise the [Cabinet CPPC](#) and/or the Council on prudent levels of reserves for the Council, having regard to advice from the external auditor.

Responsibilities of CMT/Group Heads

- To ensure that reserves are used only for the purposes for which they were intended.

Key controls

To maintain reserves in accordance with the [CIPFA Code of Practice on Local Authority Accounting in the United Kingdom](#) and agreed accounting policies.

For each reserve established the following must be provided:

- The reason for / purpose of the reserve
- How and when the reserve can be used
- Procedures for the reserve management and control
- A process and timescale for review of the reserve to ensure continuing relevance and adequacy.

Authorisation and expenditure from reserves by the relevant Director/Group Head in consultation with the Group Head of Corporate Support.

3. FINANCIAL MANAGEMENT

3.1 BUDGETARY CONTROL

Why is this important?

Budgetary control is the means by which the Council manages its finances and ensures their effective use in accordance with the approved budget. It is a continuous process, enabling the Council to monitor and review its financial performance during the financial year.

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By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity.

To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre.

Responsibilities of the Group Head of Corporate Support

- To administer an appropriate framework of budgetary management and control that ensures:
 - a) Budget management is exercised within annual cash limits
 - b) Each Director has available timely information on receipts and payments on each budget;
 - c) Expenditure is only committed against an approved budget
 - d) All officers responsible for committing expenditure comply with relevant guidance, and these Financial Regulations
 - e) Each budget heading has a single named manager, determined by the relevant Director/Group Head. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure
 - f) Significant variances from approved budgets are investigated and reported by budget managers regularly

- To administer the Council's Scheme of Virement (see 3.2.).
- To submit reports to the [Cabinet CPPC](#) and to the Council, in consultation with the relevant Director/Group Head, where it is not possible to balance expenditure and resources within existing approved budgets under his/her control (see 3.2.5 supplementary estimates).
- To prepare and submit regular monitoring reports to [Cabinet-relevant committee](#) on the Council's projected income and expenditure compared with the budget.

Responsibilities of CMT/Group Heads

- To maintain budgetary control within their departments and to ensure that all income and expenditure is recorded and accounted for properly.
- To ensure that an accountable budget manager is identified for each item of income and expenditure.
- To ensure that spending remains within the service's overall cash limit, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- To prepare and submit to the [Cabinet CPPC](#), reports on the service's projected expenditure compared with its budget, in consultation with the Group Head of Corporate Support.
- To ensure compliance with the Scheme of Virement (see 3.2).
- To agree with the relevant Director/Group Head where it appears that a budget proposal, including a virement proposal, may impact materially on another service area.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

Key controls

The key controls for managing and controlling the revenue budget are: -

- a) budget managers should be responsible only for income and expenditure that they can influence;
- b) there is a nominated budget manager for each budget heading;
- c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- d) all budgets are appropriately profiled through the financial year;
- e) budget managers follow an approved certification process for all expenditure;
- f) income and expenditure are recorded and accounted for properly.

3.2 SCHEME OF VIREMENT

A summary of the limits relating to virement as set out in the sections below is provided in Appendix 1 to these Rules.

3.2.1. General Virement

Why is this important?

Virement is the transfer of budget from one specific area to another. This can either be a transfer within revenue budgets or capital budgets. Restrictions may apply to transfers between capital and revenue budgets. Virement can be a temporary (in-year) or permanent transfer of budget.

The Scheme of Virement is intended to enable [Cabinet Members committees](#), together with CMT/Group Heads and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and, therefore, to optimise the use of resources. Budget Variation reports form a standing item on [Cabinet committee](#) Agendas. They can be used to group together requests for virements or supplementary estimates and for urgent items, subject to consultation with the Group Head of Corporate Support.

Responsibilities of the Group Head of Corporate Support

- To submit a report to the Corporate Management Team and [Cabinet CPPC](#) where virements are proposed between directorate areas;
- To approve all virements between £50,001 and £100,000.
- To ensure that all virements over £100,000 are approved by the relevant [Cabinet Member committee](#).

Responsibilities of CMT/Group Heads

- CMT/Group Heads may exercise virement on budgets under their control of up to a maximum of £50,000, provided the Group Head of Corporate Support has [been notified given their approval](#).
- To submit a report to the relevant [Cabinet Member committee](#) for virements over £100,000, provided that the Group Head of Corporate Support has been notified.
- Salary budgets represent the Council's approved establishment. As such the salary budgets cannot be vired to other areas of the budget. A favourable salary budget variance may be used to cover the additional temporary staffing costs incurred due to the vacant post subject to the corporate vacancy target.

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- Virements against future anticipated fees and charges or other uncertain sources of income will not be allowed.
- Savings of a non-recurring nature (temporary) cannot be used to justify the incurring of expenditure with a continuing commitment into later years (permanent).
- Virement that is likely to impact on the level of service activity of another department should be implemented only after agreement with the relevant Director/Group Head.

Key controls

Key controls for the Scheme of Virement are: -

- a) it is administered by the Group Head of Corporate Support within guidelines set by the Council. Any variation to the scheme requires the approval of the Cabinetthe Council;
- b) the overall budget is recommended by the Cabinet CPPC and approved by the Council. CMT/Group Heads are authorised to incur expenditure in accordance with the estimates that make up the budget.
- c) virement does not create a net increase in budget. CMT/Group Heads are expected to exercise their discretion in managing their budgets responsibly and prudently.

3.2.2 Virements Relating To S106 and Community Infrastructure Levy (“CIL” Contributions

Why is this important?

Section 106 agreements are legal agreements negotiated as part of the planning process and are in relation to matters that are deemed to be necessary to allow a planning application that would otherwise be unacceptable to be acceptable.as they mitigate the impact of the development. a condition of planning consent.

They provide an important source of additional funding towards a range of infrastructure and services such as community facilities, public open spaces, transport improvement and or affordable housing.

The purposes for which they can be used are set out in the agreements and this can only be varied with consent.

CIL contributions are determined in accordance with the CIL Regulations and the Council’s Charging Schedule

Responsibilities of the Group Head of Corporate Support

- ~~To ensure that virements relating to s106 funding over £25,000 and up to a maximum of £100,000 are approved by the relevant Cabinet Member committee and in accordance with the s.106 agreement and that virements of £100,001 and over are approved by the Cabinet.~~

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

Responsibilities of CMT/Group Heads

- CMT/Group Heads may exercise virements relating to s106 funded expenditure under their control up to a maximum of £25,000 provided that the Group Head of Corporate Support has ~~been notified given their approval~~.
- To submit a report to the relevant ~~Cabinet Member committee~~ for expenditure over £25,000 ~~and up to £100,000 and to the Cabinet for expenditure of £100,001 and above~~ at the earliest opportunity with details of how the funding is to be applied.

Key controls

Key controls for s106 funded expenditure are:

- a) it is administered by the Group Head of Corporate Support within guidelines set by the Council; and
- b) virement does not create a net increase in budget. CMT/Group Heads are expected to ensure that funds are spent within the terms of the agreement including any time limits that may apply.

3.2.3 Virements Relating To Contingency Budgets

Why is this important?

The Contingencies and Special Items budget is assessed annually as a provision for known possible service changes that have not been sufficiently developed to fully cost into the budget.

Responsibilities of the Group Head of Corporate Support

- To ensure that virements relating to contingency budgets have been fully costed before budgets are vired to service areas. Virements are noted in budget monitoring reports.

Responsibilities of CMT/Group Heads

- To submit fully developed spending plans to the Group Head of Corporate Support at the earliest opportunity.

Key controls

Key controls for virements from Contingency budgets:

- a) it is administered by the Group Head of Corporate Support within guidelines set by the Council ; and
- b) virement does not create a net increase in budget. CMT/Group Heads are expected to ensure that the use of these budgets follow the Council's priorities.

3.2.4 Virements Relating To Reserves

Why is this important?

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Earmarked reserves should only be used for the purpose that they are intended. Unrequired earmarked reserves should be returned to the General Fund. Capital reserves should only be applied in line with statutory approvals

Responsibilities of the Group Head of Corporate Support

- To ensure that all virements from Earmarked Reserves up to £100,000 are approved by the relevant member of the CMT or Group Head. To ensure that all virements relating to the use of Earmarked Reserves over £100,000 are approved by the relevant [Cabinet Member committee](#). ~~To ensure that all virements over £200,000 are approved by the Cabinet.~~
- To ensure that all proposals to the use of capital receipts complies with statutory guidance, the Property Investment Strategy and have a viable business case. To ensure that purchase of commercial property up to £750,000 has been approved by the Director of Place and that purchases of commercial property over £750,000 has been approved by the [Property Investment Board relevant committee](#).

Responsibilities of CMT/Group Heads

- To ensure that earmarked reserves are used only for the purpose for which they were intended.
- That unrequired earmarked reserves are returned to the General Fund.
- To submit proposals to the Group Head of Corporate Support as soon as practicable.
- It is the responsibility of the Director of Place to ensure that a viable business case is submitted and approved for the acquisition of commercial property of up to £750,000.
- It is the Director of Place's responsibility to seek approval from the [Property Investment Board relevant committee](#) for the acquisitions of commercial property in excess of £750,000, subject to the approval of a satisfactory business case. Commercial property acquisitions are subject to the availability of sufficient capital receipts as identified in the Property Investment Strategy.

Key controls

Key controls for virements from reserves:

- a) It is administered by the Group Head of Corporate Support within guidelines set by the Council.
- b) Virement does not create a net increase in budget. CMT/Group Heads are expected to ensure that the use of these budgets follow the Council's priorities.

3.2.5 SUPPLEMENTARY ESTIMATES

Why is this important?

Supplementary estimates are requests for additional resources (capital or revenue) over and above the approved budget. The Council has limited financial resources so expenditure needs to be carefully monitored. When a need to incur unavoidable or non-controllable expenditure is identified and the amount required cannot be met by virement, a request for a supplementary estimate shall be submitted to [Cabinet the CPPC](#) and Full Council.. Supplementary estimates can, in exceptional circumstances [and with the approval of the Group Head of Corporate Services](#), be considered by Full

PART 6 – PROCEDURE RULES (OTHER)
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Council when referral via ~~Cabinet~~ the relevant committee and CPPC would cause unreasonable delay, ~~with the approval of the Group Head of Corporate Support.~~

Responsibilities of the Group Head of Corporate Support

- To ensure that all supplementary estimates (where net expenditure cannot be contained within existing budget provision) are approved by ~~Cabinet~~ CPPC and Full Council. The only exception to this rule is on the grounds of urgency.

Responsibilities of CMT/Group Heads

- To submit estimates to the Group Head of Central Support at the earliest opportunity where unavoidable expenditure is likely and a specific source of funding cannot be identified.
- To submit a report to ~~Cabinet~~ CPPC and Full Council when a supplementary estimate is proposed and net expenditure cannot be contained within existing budget provision.

Key controls

Key controls for supplementary estimates are:

- (a) It is administered by the Group Head of Corporate Support with a view to affordability, impact on the Councils overall financial position and existing and anticipated level of balances;
- (b) the overall budget is recommended to ~~Cabinet~~ CPPC and approved by the Council. Any additional expenditure incurred must also be recommended to ~~Cabinet~~ the CPPC (unless this is not practical) and approved by the Council; and
- (c) supplementary estimates create a net increase in budget. CMT/Group Heads are expected to exercise their discretion in managing their budgets responsibly and prudently and wherever possible meeting additional cost pressures by virement from within existing budgets. Supplementary estimates should only be requested under exceptional circumstances.

3.3 ACCOUNTING POLICIES

Why are these important?

The Council is required to follow proper practices in preparing its Statement of Accounts. The Council's Accounting Policies are a key part in ensuring that this is done and these are detailed in the Statement of Accounts.

Responsibilities of the Group Head of Corporate Support

- To establish suitable accounting policies and to ensure that they are applied consistently.
- To ensure that the accounting policies are consistent with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom, for each financial year.

Responsibilities of CMT/Group Heads

- To adhere to the accounting policies and guidelines approved by the Group Head of Corporate Support.

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Key controls

The key controls for accounting policies are:

- a) Systems of internal control are in place to ensure that financial transactions are lawful;
- b) Suitable accounting policies are established and applied consistently;
- c) Proper accounting records are maintained;
- d) Financial statements are prepared which present fairly the financial position of the Council and its expenditure and income; and
- e) Accounting policies are set out in the Statement of Accounts and are subject to external audit.

3.4 ACCOUNTING RECORDS AND RETURNS

Why are these important?

Maintaining proper accounting records is one way in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare annual accounts that present its operations during the financial year fairly. These annual accounts are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

Responsibilities of the Group Head of Corporate Support

- To determine the accounting policies, procedures and the method for recording transactions for the Council.
- To arrange for the compilation of all accounts and accounting records under his/her direction.
- To comply with the following principles when allocating accounting duties: -
 - a) Employees responsible for the calculation, checking and recording of income and expenditure should not be responsible for the collection and disbursement of such income and expenditure; and
 - b) Employees with the duty of examining or checking the accounts of cash transactions must not be engaged in those transactions.
- To make proper arrangements for the audit of the Council's annual accounts in accordance with the Accounts and Audit Regulations 2015.
- To ensure that all claims for funds (including grants) are made accurately and by the due date.
- To prepare and publish the audited annual accounts of the Council for each financial year, in accordance with the statutory timetable.
- To ensure the proper security and retention of financial documents in accordance with the requirements set out in the Council's Document Retention Policy.
- To ensure that an asset register is maintained and assets are appropriately revalued and categorised in accordance with *Code of Practice on Local Authority Accounting in the United Kingdom*.

Responsibilities of CMT/Group Heads

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

- To ensure that a copy of any approved funding from a third party, including government grant, is immediately passed to the Group Head of Corporate Support.
- To ensure that all necessary service related information is available to support all claims for funds, including government grants.
- To maintain adequate records to provide a management/audit trail leading from the source of income/expenditure through to the accounting statements.
- To supply information required to enable the statement of accounts to be completed and published in accordance with the timetable and guidelines issued by the Group Head of Corporate Support.

Key controls

The key controls for accounting records and returns are:

- a) All ~~Cabinet Members~~committees, finance employees and budget managers operate within the required accounting standards and timetables;
- b) All the Council's transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
- c) Procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
- d) Reconciliation procedures are carried out to ensure transactions are correctly recorded;
- e) Prime documents are retained in accordance with legislative and other requirements, as set out in the Council's Document Retention Policy; and
- f) The central accounting system of the Council, administered by the Group Head of Corporate Support, is the prime system upon which the financial position of the council, or any part of the Council, will be assessed.

3.5 THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?

The Council has a statutory responsibility to prepare its own accounts to present its operations during the financial year in a fair manner. The Council is responsible for approving the statutory annual statement of accounts, through delegation to the Audit & Governance Committee.

Responsibilities of the Group Head of Corporate Support

- To establish suitable accounting policies and to apply them consistently.
- To make judgements and estimates that are reasonable and prudent.
- To comply with the *Code of Practice on Local Authority Accounting in the United Kingdom*.
- To sign and date the statement of accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the financial year.
- To draw up the timetable and requirements for final accounts preparation and to advise employees and the external auditor accordingly.

Responsibilities of CMT/Group Heads

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

- To comply with accounting guidance provided by the Group Head of Corporate Support and to supply the Group Head of Corporate Support with information when required.

Key controls

The key controls for the annual statement of accounts are: -

- a) The Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Group Head of Corporate Support; and
- b) The Council's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*.

4. RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 RISK MANAGEMENT AND INSURANCE

Why is this important?

Risk management is a planned and systematic approach to identifying, evaluating and controlling risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational wellbeing of the Council. It is, therefore, an integral and essential part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action needed to control these risks effectively.

It is the overall responsibility of the Audit & Governance Committee to approve the Council's Risk Management Strategy, and to promote a culture of risk management awareness throughout the Council.

Responsibilities of the Group Head of Corporate Support

- To prepare and promote the Council's Risk Management Strategy.
- To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims, in consultation with other officers where necessary.

Responsibilities of CMT/Group Heads

- To notify the Group Head of Corporate Support immediately of any injury, loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Group Head of Corporate Support or the Council's insurers.
- To take responsibility for risk management and minimising exposure to loss, having regard to advice from the Group Head of Corporate Support and other specialist advisers (e.g. health and safety, emergency planning).
- To ensure that there are regular reviews of Corporate and Departmental risk registers to identify and evaluate risk and to determine the ways risk can be managed. The risks and the mitigating actions should be recorded and monitored.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

- To notify the Group Head of Corporate Support promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- To consult the Group Head of Corporate Support on the terms of any indemnity that the Council is requested to give.

Key controls

The key controls for risk management are:

- a) Procedures are in place to identify risks, to evaluate their likely impact and probability of occurring, and to determine suitable risk reduction strategies. The risk management process operates continually to ensure that changes in circumstances and new risks are identified, evaluated and managed;
- b) Corporate and Departmental Risk Registers are produced and are regularly reviewed and action taken when appropriate;
- c) Risk management procedures are communicated effectively throughout the Council. Managers know that they are responsible for managing risks in their areas and are provided with relevant information on risk management initiatives;
- d) Acceptable levels of risk are determined and insured against where appropriate; and provision is made through balances or reserves for losses where insurance is not appropriate;
- e) The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

4.2 AUDIT REQUIREMENTS

Internal Audit

The requirement for an internal audit function is implied by the Accounts & Audit Regulations 2015 which requires that the Council must each financial year conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement.

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

It will act in accordance with the internal audit charter and *UK Public Sector Internal Audit Standards (PSIAS)* and will undertake reviews that focus on areas of greatest risk to the Council, as agreed annually in consultation with CMT and approved by the Audit & Governance Committee. However, it is the responsibility of every manager to establish and maintain an effective system of internal control.

Internal audit shall have the authority to have unrestricted access to all records, assets, personnel and premises deemed necessary to review the activities of the Council and (where appropriate, subject to contractual arrangements) its contractors and operating partners. It also has authority to obtain from all employees and members such information and explanations as are considered necessary and direct access and freedom to report to CMT and Council committees (although its primary responsibility is to the Audit & Governance Committee).

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Key controls

The key controls for Internal Audit are:

- a) That it is independent in its planning and operation;
- b) the Chief Internal Auditor has direct access to the Chief Executive, all levels of management and directly to elected members; and
- c) The internal auditors comply with the United Kingdom Internal Audit Standards as interpreted by CIPFA's Local Government Application Note.

4.3 PREVENTING FRAUD AND CORRUPTION

The Council takes the prevention of fraud, corruption and maladministration very seriously and has the following policies in place, which aim to prevent or deal with such occurrences:-

- Anti-Fraud, Corruption & Bribery Policy
- Whistleblowing Policy (in respect of the Public Interest Disclosure Act 1998)
- Anti-money laundering procedures
- HR policies regarding discipline of staff
- Registers of Interests for Members and staff
- Robust processes for the procurement of goods and services

The Council expects all Members and employees to act with propriety and accountability and also expects that individuals and organisations with whom the Council comes into contact (for example, suppliers, contractors and service providers) will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Where financial or other impropriety is discovered or suspected it must immediately be reported to the Group Head of Corporate Support and/or the Chief Internal Auditor for appropriate investigation and action.

4.4 ASSETS – (LAND, BUILDINGS, FURNITURE, EQUIPMENT ETC.)

Acquisitions

Why are these important?

The Council is publicly accountable for the way that it spends its money. Value for money must be demonstrated. Therefore, the Council has to exercise control over its purchasing activity, including asset acquisition (e.g. property, vehicles, plant and equipment, furniture).

Responsibilities of the Group Head of Corporate Support

- To issue guidelines on the best practice in respect of asset acquisition.
- To periodically review all guidelines to ensure that they still reflect best practice.
- To ensure that all expenditure is properly recorded in the Council's accounts and records.

Responsibilities of CMT/Group Heads

- To ensure that the Council's policies and procedures are complied with.
- To ensure that the necessary separation of duties is observed.

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- To ensure that assets purchased are necessary.

Key controls

The key controls for asset acquisition are:

- a) Council policies in respect of the acquisition of assets are complied with at all times. This includes compliance with Contract Regulations for all asset acquisitions.
- b) There are at least two employees involved in the process of acquisition, with a separation of duties between employees involved in the different parts of the process.
- c) Procedures protect employees involved in the acquisition of assets from accusations of impropriety.

Asset disposal and transfer

Why is this important?

It would be uneconomic and inefficient for the cost of maintaining assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the Council's policies and procedures.

Assets are sometimes used by or transferred to an external party, for example as part of an outsourced contract or partnership arrangement. It is important that the legal and financial basis for the transfer is determined and properly documented, so that the interests of the Council are protected.

Responsibilities of the Group Head of Corporate Support

- To issue guidelines representing best practice for disposal of assets.
- To ensure appropriate accounting entries are made to remove the value of disposed or transferred assets from the Council's records and to include the sale proceeds, if appropriate.

Responsibilities of Directors/Group Heads

- To seek advice from the Group Head of Corporate Support on the disposal of surplus or obsolete materials, equipment and vehicles.
- To seek advice from the Group Head of Corporate Support where assets are to be transferred or predominantly used by an external party.
- To ensure that income received for the disposal of an asset is properly banked and coded.
- To authorise the write off and disposal of obsolete or surplus materials and equipment.
- To ensure that the disposal of obsolete or surplus materials and equipment, is by competitive quotation or auction, unless, following consultation with the Group Head of Corporate Support, the [Cabinet-relevant committee](#) decides otherwise.

Specifically relating to the disposal or acquisition of land and buildings: -

To ensure that all disposals of land and buildings are in accordance with the Council's land sale policy current at the time. Where disposal of land and buildings is allowed, it shall be conducted in accordance with the provisions detailed in (a) (i) – (vi) below.

- (a) Approved methods of disposal shall be by:-
 - i. Private Treaty;
 - ii. Auction;

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- iii. Tender
 - iv. Sealed Offer;
 - v. Exchanges of land; or
 - vi. Compulsory Purchase Order
- (b) To ensure that where land is to be disposed of by the Council, the Group Head of Corporate Support shall ensure compliance with Financial Regulations and S123 of the Local Government Act 1972.

Key controls

- (a) assets for disposal or transfer are identified and are disposed of or transferred at the most appropriate time, and only when it is in the best interests of the Council, and the best price or contract terms are obtained, bearing in mind other factors, such as environmental issues.
- (b) for items of significant value, disposal should be by competitive tender or public auction; and
- (c) procedures protect employees involved in the disposal of assets from accusations of personal gain.

Security (Including Inventories)

Why is this important?

The Council holds assets in the form of property, vehicles, equipment and other items worth many millions of pounds. Information held by the Council is also a key asset. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of assets. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Responsibilities of the Group Head of Corporate Support

- To ensure that an asset register is maintained in accordance with good practice for all assets with a value in excess of £25,000. The function of the asset register is to provide the Council with information about fixed assets so that they are: -
 - safeguarded;
 - used efficiently and effectively;
 - adequately maintained; and
 - accounted for.
- To receive the information required for accounting, costing and financial records from each director/group head.
- To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom.
- To maintain a central register of IT equipment.

Responsibilities of CMT/Group Heads

- To ensure the proper security of all employees, buildings and other assets under their control.
- To pass title deeds to the Group Head of Corporate Support who is responsible for custody of all title deeds.
- To ensure the safe custody of vehicles, equipment, furniture, and other property belonging to the Council.

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- To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- To ensure cash holdings on premises are kept to a minimum and that maximum limits are agreed by the Group Head of Corporate Support.
- To ensure that keys to safes and similar secure containers/cupboards are carried on the person of those responsible at all times; loss of any such keys must be reported to the Group Head of Corporate Support as soon as possible.
- To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Group Head of Corporate Support.
- To carry out an annual check of all items on the inventory in order to verify location, to review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly.
- To make sure that property is only used in the course of the Council's business, unless the Director/Group Head concerned has given permission otherwise.

Key controls

- (a) assets registers are accurately maintained and all assets are accounted for; and
- (b) assets are valued in accordance with approved policies and appropriate values included in the Council's annual Accounts.

4.5 TREASURY MANAGEMENT

Why is this important?

Many millions of pounds pass through the Council's accounts each year. The scale of the local authority treasury activity and issues such as the Icelandic banking collapse has led to the development of CIPFA's *Code of Practice on Treasury Management and Prudential Code for Capital Finance in Local Authorities (Prudential Code)*. These aim to provide assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

Responsibilities of Group Head of Corporate Support

To arrange the borrowing and investments of the Council, including bank overdrafts, in such a manner as to comply with the CIPFA Code of Practice on Treasury Management, the Prudential Code, the Council's Treasury Management Strategy and the Council's Treasury Management Practices.

- To report on treasury activities to the Audit & Governance Committee, with recommendations (including adoption of the Treasury Management Strategy Statement & Annual Investment Strategy) referred for approval by Full Council.
- To operate bank accounts as are considered necessary. All arrangements with the Council's approved bankers regarding the Council's bank accounts, and the terms on which they are conducted shall be made by the Group Head of Corporate Support.
- To ensure that detailed arrangements are made regarding the Council's bank accounts and for the issue of cheques and cards. All cheques or cards shall be ordered only on the authority of the Group Head of Corporate Support who shall advise on proper arrangements for their safe custody.

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- All of the Council’s bank accounts must be in the name of “Arun District Council”.
- To ensure that all investments or utilisation of monies and other accumulations and the sale or realisation of investments are made in the name of the Council or in the name of nominees approved by the [Cabinetrelevant committee](#).
- To effect all borrowings in the name of the Council.
- To act as the Council’s registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money and investment by the Council.
- To ensure that in circumstances where the Council has decided to finance capital expenditure by way of leasing, deferred purchase, or similar arrangements, the Group Head of Corporate Support or his/her authorised representative shall so far as possible, obtain competitive quotations from relevant funding sources and such arrangements shall be subject to approval by the relevant [Cabinet Membercommittee](#).

Responsibilities of CMT/Group Heads

- To follow the instructions on banking issued by the Group Head of Corporate Support.
- To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the [Cabinetrelevant committee](#), following consultation with the [GHCSGroup Head of Corporate Support](#).
- To ensure that CMT/Group Heads advise the Group Head of Corporate Support of the disposal of any vehicle or item of equipment that is subject to a lease.

Key controls

- (a) the Treasury Management Strategy Statement & Annual Investment Strategy must be approved by Full Council by 31st March for the next financial year;
- (b) Council investments are only placed with approved institutions in line with the agreed strategies;
- (c) investment performance is monitored and reported to officers and Members;
- (d) funds transfers (e.g. by CHAPS) require dual authorisation by designated officers; and
- (e) investment and borrowing requirements are identified and planned for in short-term cashflow forecasting and longer-term financial strategies.

4.6 WORKFORCE

Why is this important?

The Council sees its employees as a valuable asset to running its business to provide the highest level of service, it is essential that the Council recruits and retains high calibre, knowledgeable employees, who are qualified to an appropriate level.

Responsibilities of the Group Head of Corporate Support

- To ensure that CMT/Group Heads have identified budget provision for all existing and new employees.
- To act as an advisor to CMT/Group Heads on areas such as National Insurance and pension contributions, as appropriate.

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SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

- To develop a workforce strategy, policy and procedures and ensure they are disseminated and enforced.

Responsibilities of CMT/Group Heads

- To produce an annual workforce budget.
- To ensure that the workforce budget is an accurate forecast of workforce levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- To ensure that the workforce budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- To comply with, and ensure employees comply with, the Council's Human Resource policies (for example: recruitment, training and flexible working policies).

Key controls

The key controls for employees are: -

- (a) an appropriate workforce strategy and policy exists, in which employee requirements and budget allocation are matched;
- (b) procedures are in place for forecasting workforce requirements and cost;
- (c) controls are implemented that ensure that employee time is used efficiently and to the benefit of the Council; and
- (d) checks are undertaken prior to appointing new employees to ensure that they are appropriately qualified, experienced and trustworthy.

5. FINANCIAL SYSTEMS AND PROCEDURES

5.1 GENERAL

Introduction

The Council is governed by laws requiring that it makes proper arrangements for the administration, reporting and safeguarding of those funds and act in a way that is open and accountable as to how those funds are used.

Whilst all Council Officers and Members have a general financial responsibility, Section 151 of the Local Government Act 1972 requires that a suitably qualified officer must be responsible for the financial administration of the organisation. This officer is the Group Head of Corporate Support.

Group Head of Corporate Support

The Group Head of Corporate Support is responsible for the proper administration of the Council's financial affairs, prescribe appropriate financial systems, protocols, procedures and policies, maintain an internal audit service and report to the Council in the event of any decision or action leading to, or may lead to, unlawful expenditure, loss, deficiency or accounting entry and;

- (a) will be responsible for ensuring the final accounts are completed and published in accordance with statute and accepted public sector accounting requirements and the reporting to Members of any material amendments specified by external audit,

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- (b) will have unrestricted access to all Council assets, systems, documents, information, data, employees and Members held by the Council,
- (c) issue guidance, advice or instruction on the application of these financial systems and procedures as appropriate,
- (d) recommend to the Council the addition, alteration or deletion of any financial regulation.

CMT/Group Heads (Senior Management Team)

CMT and Group Heads being the Senior Management Team of the Council;

- a) will manage budgets and financial activity within their area of responsibility including the planning and control of budgets and prevention of fraud and corruption to ensure efficient and effective use of resources,
- b) shall consult with the Group Head of Corporate Support and obtain approval on any matter that may have a material effect, advantageous or detrimental, on the Council's financial position or financial strategy,
- c) Comply with any instruction given by the Group Head of Corporate Support regarding the form and method of financial record keeping or the operation of any financial procedures.

Cabinet, Committees and Sub-Committees

All ~~Members of Cabinet, any~~ Committee or Sub-Committee will ensure that decisions taken are within their remit and relevant budgets, are compliant with adopted policies, and consistent with achievement of the Council's service or corporate plans

Council

The Council will;

- determine the Medium Term Financial Strategy (MTFS)
- approve and annual budget and determine the level of local taxation and other statutory charges
- approve the Treasury Management Strategy (TMS) and prudential indicators
- approve changes to these financial procedures

Officers and Members

All Officers and Members will contribute to the general stewardship of the Council's financial affairs in compliance with this code and any systems, procedures, policies prescribes by law or the Group Head of Corporate Support relating to the Council's financial management. They will bring to the attention of the Group Head of Corporate Support any matter that is contrary to the provisions of this code or the high standard of financial probity expected of the Council or may bring the Council into disrepute or legal challenge.

5.2 INCOME

All employees receiving money or cashable instruments (including cash, cheques, credit/debit card payments, direct credits, etc.) or making arrangements for the collection of income must comply with the relevant procedures and instructions issued

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SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

by the Group Head of Corporate Support to ensure that sums are properly recorded, receipted, and banked, and correct accounting entries made.

Cash, in coin or bank note, is only to be accepted in exceptional circumstances and every effort should be made to promote cashless payments.

Budget Holders

All officers with budget management responsibility are required to ensure that;

- invoices and credit notes are raised promptly,
- all enquiries relating to invoices raised and answered promptly,
- any matters that may affect recovery of an invoiced debt is made known to Accounts Receivable,
- any debts considered appropriate for write-off are notified to the Group Head of Corporate Support,
- income is regularly monitored and any irregularities are promptly notified to the Group Head of Corporate Support,
- a review of fees, charges and other income is undertaken at least annually and also as part of the budget setting cycle.

Write-off of irrecoverable debt

Once levied, debt may not be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt must only be issued to correct a factual inaccuracy or administrative error in the calculation or billing of the original debt.

Disposal of Assets

CMT or Group Heads will notify the Group Head of Corporate Support of any proposal to dispose of any surplus assets within their control or responsibility. The Group Head of Corporate Support will assess in consultation with the Director or Group Head the value of the asset(s) and determine the most appropriate route for disposal. The prior approval of the [Cabinet Member for Corporate Support relevant committee](#) is sought for the disposal of any asset with a current value of more than £5,000 in the Asset Register.

The Group Head of Corporate Support is approved to write-off a debt (or combination of debts) due from any individual debtor in any one financial year of not more than £2,000 in aggregate.

Debts greater than £2,000 may only be written-off with relevant [Cabinet Member committee](#) approval.

5.3 EXPENDITURE

General

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

All purchases of goods and services are to be made in compliance with procedures in the Contract Standing Orders, as set out at Part 6 of this Constitution, or as otherwise instructed by the Group Head of Corporate Support. All Council purchases (other than those made by credit card) must be made and authorised by raising an Official Order in the Council's financial management system or property management system.

Purchases made using a Council credit card must be supported by a Payment Requisition signed by the purchasing employee and counter-signed by an authorised officer and forwarded promptly to the Group Head of Corporate Support.

The Group Head of Corporate Support will determine the authorised purchasing limits for all officers in consultation with the relevant Director or Group Head.

All purchases of goods and services must be supported by a valid invoice (in electronic or hard copy) that meets the requirements of the HM Revenue & Customs to support VAT recovery where appropriate.

Payments for goods and services will be only be made where it can be referenced to an Official Order and will be by bank automated clearing system (BACS) or such other alternative method as may be approved by the Group Head of Corporate Support.

Acquisition of Assets

Assets purchased at a cost of more than £25,000 must be notified to the Group Head of Corporate Support for inclusion in a register of assets maintained to comply with public sector accounting requirements and best practice.

Employees and Members

All payments to employees and Members will be made through the Council's payroll or as otherwise authorised by the Group Head of Corporate Support in order that all statutory and regulatory requirements are met.

No payment will be made unless approved by a duly authorised officer. The Group Head of Corporate Support will determine the limit of authority for any officer in consultation with the relevant Director or Group Head.

5.4 TAXATION

The Council has a statutory duty for the proper administration of its tax affairs in pursuance of various United Kingdom and European Union legislation and directives.

All employees and Members will comply promptly with any request made by the Group Head of Corporate Support for information or documentation in relation to any direct or indirect tax matters that may impact upon the proper administration of such matters including;

- Pay As You Earn income tax (PAYE)
- National Insurance Contributions (NIC)

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

- Value Added Tax (VAT)
- Construction Industry Tax (CIS)
- Corporation Tax

5.5 INSURANCE

The Group Head of Corporate Support will arrange for all insurance covers and negotiate settlement of all claims made through such insurances in consultation with relevant officers of the Council.

CMT and Group Heads will ensure prompt notification to the Group Head of Corporate Support:

- of any incidents that may give rise to a claim against the Council the costs of which may be indemnified by the Council's insurances,
- of loss of or damage to any Council property or asset under its ownership, responsibility, custody or control,
- of any change in risk or ownership of or responsibility for any asset or property.

6. EXTERNAL ARRANGEMENTS

6.1 EXTERNAL FUNDING

Why is this important?

External funding is a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. However, in some instances, such funding is linked to tight specifications and may not link to the Council's aims and objectives.

Responsibilities of the Group Head of Corporate Support

- To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements or an exit strategy is agreed.
- To ensure that audit requirements are met.
- To ensure that all claims are submitted by the due date.
- To action virements in relation to approved bids.

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SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

- To include progress updates on significant approved bids as part of the regular reporting process as and when required.

Responsibilities of CMT/Group Heads

- To ensure that the Group Head of Corporate Support is advised, at the earliest possible time, of all applications for external funding.
- To submit reports to the relevant Committee ~~or Cabinet~~ which are sufficiently developed to enable the use of the funds without any further reporting requirement.
- To give the Group Head of Corporate Support a copy of all approvals received from government departments or other sources of external funds.
- To ensure that all supporting information is kept to support claims for funds.
- To ensure that the project progresses in accordance with the agreed conditions and that all expenditure is properly incurred and recorded.

Key controls

The key controls for external funding are: -

- (a) To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
- (b) To ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council;
- (c) To ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements or an exit strategy is agreed;
- (d) To ensure risks are identified, within acceptable limits and are capable of being managed;
- (e) To ensure monitoring and reporting frameworks are established and followed; and
- (f) To ensure adequate controls and governance arrangements are in place and are followed.

7. GRANTS TO EXTERNAL ORGANISATIONS (INCLUDING RATE RELIEF)

Why is this important

Local groups and organisations make a significant contribution to the local community. However, this contribution is difficult to quantify in financial terms and it is therefore particularly important that any financial support the Council provides to these groups follows a clear and transparent process.

Responsibility of CMT/Group Heads

- To ensure that any grant payments and any awards of discretionary business rate relief are made in accordance with the procedure set out below, and can be met from within existing budgetary provision. In addition, for any award of discretionary business rate relief, regard must be had for the implications for West Sussex County Council in respect of their share of Business Rate income.
- To ensure that an up to date Grants Register is maintained on the website to include;

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

- Source of funding
- Grants awarded
- Any declaration of interest by Members and Officers

Procedure for making Grant payment and awarding discretionary business rate relief

Grant allocation to be based on criteria agreed in advance by relevant [Cabinet Member committee](#)

Subject to these criteria allocations to be made on the following basis:-

- | | |
|---|--|
| <ul style="list-style-type: none">• Up to £5,000 (per organisation)• Over £5,000 | <ul style="list-style-type: none">- Relevant Director, Chief Executive or Group Head- Relevant Cabinet Member committee |
|---|--|

PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

APPENDIX 1: SCHEME OF VIREMENT AT A GLANCE (SECTION 3.2)

Type of Virement Delegation Limit	General (3.2.1)	S106 (3.2.2)	Contingency (3.2.3)	Reserves (3.2.4)	Supplementary Estimates (3.2.5)
SMT	£50k	£25k	n/a	£100k	
Group Head of Corporate Support (s151 Officer)	£50k+		Technical virement (s151 Officer) allowed when fully costed and compliance with policy		S151 Officer may determine that an amount <£50k requires Council approval due to policy and or on going resource implications
Cabinet Member Relevant Committee	£100k+	£25k+		£100k+	
Cabinet CPPC		£100k+		£200k+	All
Full Council					All

Note:

It is essential that these limits are read in conjunction with the Financial Rules as contained in Part 6 of the Constitution as there are certain circumstances where virement is restricted or not permitted.

The following reports are available when reporting to [Cabinet:the relevant committee](#):

- *Individual Item ([Cabinet Report or Individual Cabinet Member committee](#) Report)*
- *Budget Variation Report (Standard item on [Cabinet committee](#) Agendas for single or grouped requests - this can be a verbal update)*
- *Budget Monitoring Report*

All virements and reports with financial implications require the notification of Financial Services at the earliest opportunity to allow assessment of the feasibility of savings and for compliance with the Financial Rules and Statutes.

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CONSTITUTION REVIEW WORKING PARTY ON 12 OCTOBER 2020

SUBJECT: Proposed Constitutional update of Standing Orders relating to Purchasing, Procurement, Contracts & Disposals.

REPORT AUTHOR: Carolin Martlew, Financial Services Manager
DATE: September 2020
EXTN: 37568
PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY:

The Standing orders relating to Purchasing, Procurement, Contracts & Disposals (Part 6 Other Procedure Rules – Section 6) were reviewed earlier in the year to ensure that they were fully up to date and reflected best practice. A further review has taken place to reflect the changes required for the move from the Cabinet structure to a Committee structure in May 2021.

RECOMMENDATIONS:

It is recommended 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 be attached to the minutes to be approved; and
2. The Monitoring Officer be authorised to make any further consequential changes to the Constitution

1. BACKGROUND:

- 1.1 The Standing orders relating to Purchasing, Procurement, Contracts & Disposals (Part 6 Other Procedure Rules – Section 6) were reviewed earlier in the year to ensure that they are up to date and reflected best practice.
- 1.2 A further update is now required to reflect the change from the cabinet to a committee governance arrangement.
- 1.3 The purpose of these standing orders is to provide a framework and specific instructions to be followed at different contract threshold values in order to obtain and demonstrate legality and value for money in the procurement process. If elements

such as lawful tendering and framework arrangements are followed it can be presumed implicitly that competitiveness has been demonstrated. However, the needs of a service require occasionally that exemption from one or more of the standing orders is granted. This is a normal part of the process but explicit justification is then required to demonstrate that the proposal nevertheless provides value for money through an alternate method of contractor selection and work allocation.

1.4 There will be other circumstances where exemption cannot be granted. This is where the law requires that the contract be tendered without exemption. Such will be the situation where EU Procurement Regulations apply

2. PROPOSAL(S):

2.1 Section 5.2 in appendix 1 has been amended to reflect that committee approval of the budget is required before the commencement of any procurement process.

2.2 It is proposed that committees will be consulted on an annual basis on contracts that are coming up for renewal. This information will help committees to make a decision on the level of involvement in the process and to have this reflected in their work plans.

3. OPTIONS:

1. To support the proposals
2. To not support the proposals
3. To propose alternative wording changes

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓

Other (please explain)		✓
<p>6. IMPLICATIONS:</p> <p>The proposal has been consulted upon with the Group Head of Corporate Support, the Chief Executive and Legal Services and any comments made have been incorporated in the final draft.</p>		

7. REASON FOR THE DECISION:

To ensure that the Constitution is up to date and reflects the change to the committee structure from May 2021.

8. BACKGROUND PAPERS:

Council's Constitution: Part 6 Procurement Rules (Other) (Section 6 Standing Orders – Purchasing, Procurement, Contracts & Disposals)

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**PART 6 – PROCEDURE RULES (OTHER)
(SECTION 6 – STANDING ORDERS – PURCHASING,
PROCUREMENT, CONTRACTS & DISPOSALS)**

Part 6 is set out in eight sections as follows:

- Section 1** Decision Notices
- Section 2** Scrutiny
- Section 3** Budget and Policy Framework
- Section 4** Access to Information
- Section 5** Financial Rules
- Section 6** Standing Orders – Purchasing,
Procurement, Contracts and Disposals
- Section 7** Officer Employment
- Section 8** Corporate Complaints

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PART 6 – PROCEDURE RULES (OTHER)
SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
(CONTRACT STANDING ORDERS)

Procurement decisions and processes are very important because the money involved is public money and the Council needs to ensure the provision of high quality services, supplies and works. Achieving Value for Money is essential.

The Council's reputation is equally important and the processes used must safeguard against any implication of dishonesty or corruption.

All staff are to comply with these Contract Standing Orders.

This Section is divided into the following sub-sections:

- A Introduction
- B Procurement Requirements
- C The Procurement Process
- D The Contract and other formalities
- E Post-Contract Requirements

Glossary of Defined Terms	
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected (see further Standing Order 16).
Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> • withdrawal of Invitation to Tender • whom to invite to submit a Quotation or Tender • Shortlisting • award of contract • any decision to terminate a contract
Dynamic Purchasing System (DPS)	A completely electronic system used by a contracting authority to purchase commonly used goods, works or services. Suppliers may join a DPS at any time during its period of validity and there can be no limit on the number of suppliers on the DPS at any one time.
Employees Code of Conduct	The Employees Code of Conduct – available from Human Resources
EU Procedure	The procedure required to be followed by the EU as defined in Directive 2014/24/EU on public procurement when the Total Value exceeds the EU Threshold.
EU Threshold	The Total Value threshold above which the EU Public Procurement Directives must be applied. For details of the latest thresholds refer to the Procurement section on the Intranet.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
(CONTRACT STANDING ORDERS)

<u>Glossary of Defined Terms</u>	
European Economic Area	The members of the European Union and Norway, Iceland and Liechtenstein.
Financial Regulations	The Financial Procedure Rules at Part 6 Section 5 of the Constitution.
Framework Agreement	An agreement between one or more contracting authorities and one or more providers, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price. If more than one provider is party to the agreement the price may be subject to mini-competition between all the providers at time of 'call-off'. Specific rules apply to Framework Agreements where the Total Value may exceed EU Thresholds.
ICM decision	A decision taken by an Individual Cabinet Member
Invitation to Tender	The process and documents in the form required by Standing Orders by which a candidate is invited to bid.
Non-Commercial Considerations	<ul style="list-style-type: none"> a) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only. b) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy. c) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of the contractors in industrial disputes between other persons. d) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors. e) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees. f) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support. g) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.
Parent Company Guarantee	A contract which binds the parent company of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead.
Performance Bond	An insurance policy. If the contractor does not do what it has promised to do under a contract with the Council, the Council can claim from the insurers the sum of money specified in the Bond (often 10% of the contract value). A Performance Bond is intended to protect the Council against a level of cost arising from the contractor's failure.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
(CONTRACT STANDING ORDERS)

<u>Glossary of Defined Terms</u>	
Quotation	All requests for Quotations must be obtained on a Most Economically Advantageous Tender (MEAT) basis whereby the 'whole life' costs are considered and purchases must not be made on a cost only basis – unless previously agreed in writing by the Council's Procurement Officer. You should consider specification details, availability of product/service, delivery aspects, after sales/warranty requirements and also include quality, environmental, social and health & safety aspects. These factors must be weighted in your award decision and given appropriate consideration. Quotation must be in writing.
Relevant Contract	Contracts to which these Standing Orders apply (see Standing Order 3).
Responsible Officer	The officer responsible for dealing with a particular purchase or disposal. The Responsible Officer must be an employee of the Council.
Shortlist/ Shortlisting	Where the candidates are selected to quote or bid, or to proceed to final evaluation.
Tender	A written proposal submitted in response to an Invitation to Tender.
Total Value	<ul style="list-style-type: none"> • The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal • Whether or not it comprises several lots or stages • To be paid or received by the Council <p>The Total Value shall be calculated as follows:</p> <ol style="list-style-type: none"> a) Where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period. b) Where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions for the coming 12 months. c) Where the contract is for an uncertain duration, by multiplying the monthly payments by 48. d) For feasibility studies, the value of the scheme or contracts which may be awarded as a result. e) For nominated suppliers and sub-contractors, the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.
Value for Money	The duty on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
(CONTRACT STANDING ORDERS)

A – INTRODUCTION

1. PRINCIPLES

- 1.1 All purchasing, procurement, contract and disposal procedures must:
- achieve Value for Money for public money spent and highest return for disposals
 - be consistent with the highest standards of integrity
 - ensure fairness in allocating public contracts
 - ensure fair and open competition, transparency of process and non-discrimination
 - comply with all legal requirements (including specifically the EU Procedures and UK Public Contracts Regulations)
 - ensure that Non-commercial Considerations do not influence any Contracting Decision
 - support the Council's corporate and departmental strategies, aims and policies
 - comply with the Council's Value for Money policy and procurement strategy (refer to the Procurement section on the Intranet)
- 1.2 Before taking any steps to purchase or procure supplies, services or works, consideration should be given to the following issues:
- whether the acquisition is absolutely necessary or could be met sustainably by adopting the 3 R's principle – reduce, reuse, recycle
 - the use of alternative providers such as the voluntary and charity sectors, social enterprises and internal service providers
 - supporting local and/or small and medium sized enterprises (SME's)
- 1.3 Please seek advice from Procurement and Legal Services if you are unsure of how to proceed.
- 1.4 Increasing amounts of information are available on-line and specific note should be taken of procurement guidance on Arun's Internet and Intranet sites.
- 2. OFFICER RESPONSIBILITIES**
- 2.1 The Responsible Officer must:
- 2.1.1 Comply with these Contract Standing Orders, the Council's Financial Procedure Rules, the Employees Code of Conduct and with all UK and European Union binding legal requirements

PART 6 – PROCEDURE RULES (OTHER)
SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
(CONTRACT STANDING ORDERS)

- 2.1.2 Be authorised by their Group Head to procure within specific authorisation levels
 - 2.1.3 Keep the records required by Standing Order 27
 - 2.1.4 Ensure that Tender procedures are conducted in accordance with procedures set out in any Invitation to Tender
 - 2.1.5 Ensure that agents, consultants, and contractual partners acting on the Council's behalf also fully comply with these Contract Standing Orders
 - 2.1.6 Take all necessary legal, financial and professional advice at the commencement of the process and thereafter to follow the advice received.
 - 2.1.7 Comply in all respects with these Contract Standing Orders. They are minimum requirements. Procurement will advise if a more detailed procedure is appropriate for particular contracts
 - 2.1.8 Ensure the safekeeping of all original contracts and related files
- 2.2 Group Heads must:
- 2.2.1 Ensure that their staff understand and comply with Contract Standing Orders
 - 2.2.2 Keep a record of all contracts
 - 2.2.3 Ensure that sealed contracts (which includes those where the Total Value exceeds £50,000) are passed to Legal Services for secure storage.
3. RELEVANT CONTRACTS
- 3.1 All Relevant Contracts must comply with these Contract Standing Orders.
- 3.2 A Relevant Contract is any arrangement, including the setting up of Framework Agreements, irrespective of Total Value made by, or on behalf of, the Council for the carrying out of work or for supplies or services. These include (but are not limited to) arrangements for:
- the supply or disposal of goods
 - hire, rental or lease of goods or equipment
 - execution of works
 - the supply of services, including those related to the recruitment of staff and financial and consultancy services
- 3.3 Relevant Contracts do not include contracts relating to:
- the employment of staff
 - the engagement of Counsel
 - the engagement of a specific individual for the provision of consultancy services (this exclusion does not extend to the engagement of organisations

PART 6 – PROCEDURE RULES (OTHER)
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to provide consultancy services or multiple individuals for the provision of the same consultancy services)

- the acquisition, disposal or transfer of land (for which Financial Regulations shall apply).
- the provision by Council in-house services

B – PROCUREMENT REQUIREMENTS

4. COMPETITION REQUIREMENTS

4.1 The Responsible Officer must calculate the Total Value of the Relevant Contract.

4.2 Where the Total Value of the Relevant Contract is in the first column below, the competition procedure in the second column must be followed.

Estimated Value	Contract	Number of Tenders to be invited
Below £1,000		Obtain a single written quote, where possible from a local contractor
£1,000 to £10,000		Ensure Value for Money by obtaining 2 written Quotes, one of which should be from a local contractor if possible
£10,001 to £50,000 (Contact Procurement)		Invite at least 3 contractors to submit written Quotations, one of which should be local, if possible.
£50,001 to EU Threshold (Contact Procurement)		Formal Tender process following appropriate advertisement or use of an appropriate framework agreement or dynamic purchasing system.
Above EU Threshold (Contact Procurement)		Formal EU Tender Process or use of an appropriate framework agreement or dynamic purchasing system

4.3 If there are insufficient suitably qualified contractors to meet the competition requirement, all those suitably qualified are to be invited to submit a written Quotation.

4.4 Use of the Competitive Dialogue procedure, Innovation Partnership procedure or Competitive Procedure with Negotiation shall require the approval of the Group Head of Corporate Support.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
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- 4.5 The use of any Framework Agreement or Dynamic Purchasing System not set up by Arun District Council is subject to approval by the Group Head of Corporate Support that the proposed Framework Agreement or Dynamic Purchasing System is suitable for use by Arun District Council. Where any access agreement or similar is required to access a Framework Agreement or Dynamic Purchasing System such agreement shall be signed by the Group Head of Corporate Support.
- 4.6 A list of Framework Agreements and Dynamic Purchasing Systems approved for use by the Group Head of Corporate Support shall be maintained. Once a Framework Agreement or Dynamic Purchasing System is added to the list it may be used without further approval.
- 4.7 Framework Agreements will remain on the list and available for use for the remainder of their validity period. Dynamic Purchasing Systems shall remain on the list and available for use for 1 year from the date of approval.
- 4.8 The Responsible Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to negate or minimise the application of these Contract Standing Orders or avoid compliance with EU Procedure or other statutory procedures.
- 4.9 Where the EU Procedure is applicable, the Responsible Officer shall consult the guidance on the EU public procurement rules (found in the Procurement section of the Intranet) and formally consult Procurement to agree the most appropriate procurement method.
- 4.10 Assets for disposal must be sent to public auction except where better value for money is likely to be obtained by inviting Quotations or Tenders. In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed in writing with the Group Head of Corporate Support.
- 4.11 Providing services to external purchasers must be in compliance with the Local Authorities (Goods and Services) Act 1970, Local Government Act 2003 or the Localism Act 2011
- 4.12 Partnership arrangements are subject to all UK and EU procurement legislation and must follow these Contract Standing Orders.

5. STEPS PRIOR TO PURCHASE

- 5.1 Before beginning a purchase, the Responsible Officer must:
- i. advise Procurement except where the estimated Total Value of the contract is less than £10,000

PART 6 – PROCEDURE RULES (OTHER)
SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
(CONTRACT STANDING ORDERS)

- ii. ensure a budget exists. If no budget is in place a virement from the service area or a supplementary estimate request to Full Council will be required (see Part 6 Section 5 Regulation 3 of the Constitution) and will need to be approved prior to commencing the purchase.
- iii. ensure that a contractual arrangement is not already in place
- iv. ensure there is a need for the expenditure and its priority
- v. define the objectives of the purchase
- vi. assess the risks associated with the purchase and how to manage them
- vii. consult Procurement where the estimated Total Value is likely to be over £50,000 for advice on what procurement method is most likely to achieve the purchasing objectives
- viii. consult Legal Services in relation to the appropriate contractual terms
- ix. ensure that there is Member or delegated approval for all of the expenditure to be incurred before an order is placed or a contract is entered into

5.2 ~~An Individual Cabinet Member (ICM) Report or Cabinet Committee~~ approval may be required when tendering, or before placing an order or entering into a contract depending on the Total Value. The table below sets out the authority requirements.

Estimated Total Value	Key requirements to be fulfilled
Less than £10,000	<ul style="list-style-type: none"> • No requirement for CommitteeICM decision • There must be a delegated authority to enter into the contract • No requirement for consultation with Procurement • The Responsible Officer is to retain evidence of to show that Contract Standing Orders have been complied with
£10,001-£50,000	<ul style="list-style-type: none"> • No requirement for CommitteeICM decision • There must be a delegated authority to enter into the contract • Procurement to be consulted in advance to determine the most suitable criteria for evaluation and award of contract • The Responsible Officer is to retain evidence of contact with Procurement • The Responsible Officer is to retain evidence to show that Contract Standing Orders have been complied with • Officer, using their delegated powers, to put a written record signed with the contract papers with their name, date & details of what they are committing the Council to, including the date for the first and last payment. A copy of the form to be given to the Council's Procurement Officer.

PART 6 – PROCEDURE RULES (OTHER)
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Estimated Total Value	Key requirements to be fulfilled
£50,001- EU Threshold	<ul style="list-style-type: none"> • No requirement for ICM decision in advance <u>Committee approval of the budget to be obtained prior to the commencement of any procurement process.</u> • Procurement to be consulted prior to the commencement of any procurement activity to advise on tender documentation and determine the most suitable criteria for evaluation and award of contract • Legal Services to be consulted prior to the commencement of any procurement activity in relation to contractual terms • Procurement Pro-forma to be completed by officer & signed off by the Council's Procurement Officer agreeing approach & methodology to be used • Procurement Pro-forma to be retained on contract file • ICM decision at post tender/pre-award stage <u>No Committee decision is required pre-award unless the proposed contract's value is in excess of the approved budget.</u>
Above EU Threshold	<ul style="list-style-type: none"> • No requirement for ICM in advance <u>Committee approval of the budget to be obtained prior to the commencement of any procurement process.</u> • Procurement to be consulted prior to the commencement of any procurement activity to determine the method of procurement, advise on tender documentation, agree the procurement timetable and the most suitable criteria for evaluation and award of contract • Legal Services to be consulted prior to the commencement of any procurement activity in relation to contractual terms • Procurement Pro-forma to be completed by officer & signed off by the Council's Procurement Officer agreeing approach & methodology to be used • Procurement Pro-forma to be retained on contract file • Cabinet approval at post tender/pre-award stage <u>No Committee decision is required at the pre-award stage unless the proposed contract's value is in excess of the approved budget.</u>

6. WAIVERS AND EXEMPTIONS

6.1 The Council, ~~Cabinet~~Committees and ~~Cabinet Members~~ Directors (in consultation with the S.151 Officer and Legal Services) have power to waive any requirement of Contract Standing Orders in specific instances.

6.2 It is not possible to waive Contract Standing Orders in their entirety.

6.3 There can be no waiver of the EU Procedure.

6.4 All applications for waivers of these Contract Standing Orders must be in writing on the Council's waiver form and state:

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- i. the reason why a waiver is needed and
- ii. the specific requirement of Contract Standing Orders that is to be waived including the paragraph number
- iii. the risks that will be incurred if the waiver is permitted

6.5 The waiver form is found in the Procurement section of the Intranet.

6.6 Waivers must be:

- ~~authorised~~ signed by the relevant Committee and signed by the Group Head, the Council's Procurement Officer, ~~the relevant Cabinet Member~~ and one of the following:
 - ~~the~~ the Group Head of Corporate Support, or
 - Financial Services Manager, or Internal Audit Manager

OR

- Signed by the relevant Director, the Group Head, the Council's Procurement Officer, the S.151 Officer and Legal Services;
~~_____~~ prior to continuing with the purchase or award of the contract: .

6.7 The Responsible Officer is required to send a copy of the signed waiver to Procurement and for the original to be placed with the contract

6.8 The following are examples of when a waiver might be appropriate. Where the works, supplies or services to be provided:

- are exclusively manufactured or provided by the supplier and the Responsible Officer is able to demonstrate this, or the supplies or services are sold only at a fixed price and no satisfactory alternative is available,
- must be entrusted to the appropriate utility undertaking,
- constitute an extension of an existing contract, where such extension is unauthorised,
- are required so urgently as not to permit the invitation of Tenders,
- consist of repairs to or the supply of parts for existing machinery or plant that can only be carried out by the supplier or manufacturer of that machinery, or under licence for a fixed price,
- are to be part of a Tender invited on behalf of any consortium or similar body of which the Council is a member, or
- are to be procured on behalf of the Council by another Contracting Authority under that Contracting Authority's Standing Orders; or
- are of a type where it is necessary to contract on the supplier's terms and conditions and these have been checked by Legal Services; or
- for other reasons Procurement and Group Head of Corporate Support are satisfied that the seeking of written Quotations or Tenders would not achieve genuine competition.

PART 6 – PROCEDURE RULES (OTHER)
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- 6.9 These Standing Orders do not apply where Standing Orders relating to contracts of another Local Authority or Public Funded Body (e.g. NHS or Police), Government Department or Agency (e.g. OGC Buying Solutions, Constructionline), or public service purchasing consortium are adopted.
- 6.10 These Contract Standing Orders do not apply to calling off from a current Arun District Council Framework Agreement. However, where the Arun District Council Framework Agreement provides for mini competitions to be held, a waiver is to be obtained for any deviation from the terms of that Framework Agreement.

Modifications to Existing Contracts

- 6.11 Save for as set out below at paragraph 6.12 below, any variation or modification to an existing contract, including to extend the contract period beyond the original term and any extensions originally specified, shall require a waiver of Standing Orders.
- 6.12 A modification or variation to an existing contract does not require a waiver in the following circumstances, providing always that the modification or variation does not materially alter the nature or scope of the contract nor render it materially different to the original:
- 6.12.1 Where the modification or variation is expressly provided for within the existing contract.
 - 6.12.2 Where additional works, services or supplies are required and it would not be practical for any supplier other than the existing supplier to supply these, and the value of the additional works, services or supplies is not more than 10% of the original contract value.
 - 6.12.3 Where a contract is to be novated to a new supplier as a result of corporate restructure including takeover, merger, acquisition or insolvency of the original supplier.
 - 6.12.4 To correct a genuine drafting error within the first 3 months of the contract term (any error correction beyond 3 months will require a waiver).
- 6.13 In all cases advice must be sought from Procurement and Legal Services prior to any modification or variation being implemented.

C – THE PROCUREMENT PROCESS

PART 6 – PROCEDURE RULES (OTHER)
SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
(CONTRACT STANDING ORDERS)

7. SUMMARY OF REQUIREMENTS AS TO ADVERTISING, USE OF PROCEDURES, AWARD NOTICES

- 7.1. The Council must advertise contract opportunities and publish details of contracts awarded in accordance with legislative requirements currently in force at the time.
- 7.2. Responsible Officers are advised to consult with Procurement to determine the appropriate advertising requirements for each procurement.

Procurements at or above the EU Thresholds

8. REQUIREMENT TO ADVERTISE

- 8.1. The Responsible Officer must take advice from Procurement before advertising any opportunities which exceed the EU thresholds.
- 8.2. All procurement documentation must be available from the time the opportunity is advertised in accordance with current legislative requirements.. Therefore, no advertisement should be placed until the procurement documentation is complete. The Responsible Officer must ensure the Contract Notice includes a specified location where interested parties can electronically access all procurement documentation.
- 8.3. The Responsible Officer is responsible for ensuring all Contract Notices and publications are published in accordance with these rules.

9. PROCUREMENT PROCEDURES

- 9.1 For public contracts equal to or greater than the EU threshold, the Council shall:
- a. advertise the contract and choose a procurement route in accordance with current legislation in force at the time; or
 - b. where appropriate and lawful, use an existing contract, dynamic purchasing system or Framework Agreement which was procured in compliance with legislation in force at the time.

Contracts below the EU Thresholds

10. CONTRACTS VALUED BETWEEN £50,000 AND EU THRESHOLDS

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- 10.1 The Responsible Officer shall use one of the following procurement routes to award a contract valued between £50,000 and the appropriate EU threshold:
- (a) competitive procurement process appropriately advertised, including on the Council's own website; or
 - (b) use of contract, dynamic purchasing system or Framework Agreement to which the Council is a party procured by another contracting authority.
- 10.2 The Responsible Officer must devise a fair and transparent sourcing route based on sound commercial principles and designed to achieve Value for Money, taking advice from Procurement. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract or service shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the procurement file.

11. CONTRACTS WITH A VALUE BETWEEN £10,000 AND £50,000

- 11.1 When awarding a contract valued between £10,000 and £50,000 the Responsible Officer must:

- a. obtain a minimum of three written quotations from suppliers, where the Responsible Officer has sufficient knowledge of the market to be reasonably certain such an approach would elicit bids representing Value for Money, or
- b. undertake competitive procurement process advertised in accordance with legislative requirements and the Council's own website, or
- c. with the prior written approval of the relevant Director, obtain a single tender or written quote from a reputable supplier where the Responsible Officer has sufficient knowledge of the market to be reasonably certain such an approach would elicit a quote representing Value for Money.

- 11.2 Contract opportunities and awards must be advertised in accordance with the requirements of legislation in force at the time of the procurement.

12. CONTRACTS WITH A VALUE OF LESS THAN £10,000

- 12.1 The Responsible Officer must, in relation to any contract with a value of less than £10,000, demonstrate and record on the procurement file that the contract represents Value for Money. The Responsible Officer shall ensure

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that any decision relating to the sourcing route for a particular contract shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the procurement file.

13. USE OF SUPPLIER SELECTION QUESTIONNAIRES (SSQS)

- 13.1. The Responsible Officer shall apply minimum standards of experience, reputation and economic standing to suppliers to test their suitability to bid for a Council contract. For contracts above EU thresholds suitability is usually tested by means of a SSQ.
- 13.2. All the methods and criteria used for assessing the suitability of suppliers shall be transparent, objective and non-discriminatory.
- 13.3. The Responsible Officer must use the Government's standard SSQ and adhere to its statutory guidance for all procurements of contracts above the relevant EU Threshold.
- 13.4. The Responsible Officer shall not use a SSQ for contracts with a value less than the current EU threshold.

14. ELIGIBILITY TO BID

- 14.1. Suppliers who fail to meet all of the Council's minimum standards of reputation, technical ability, experience or economic and financial standing as specified in the SSQ and accompanying documents shall be excluded from the procurement process.
- 14.2. Where the supplier is being excluded on grounds set out in current legislation but provides evidence in support of its reliability despite the existence of a relevant ground of exclusion, the Responsible Officer must consider that evidence and determine whether to exclude that supplier.
- 14.3. The Responsible Officer shall consult with the Council's Group Head of Corporate Support or his/her representative before reaching any decision under Standing Order 14.2.

15. ASSESSING PAST EXPERIENCE AND FINANCIAL STANDING

- 15.1. The Responsible Officer shall ensure suppliers' past experience and technical ability are assessed, for all contracts.
- 15.2. Only those suppliers who meet the Council's minimum requirements of economic and financial standing and technical and professional ability shall be awarded a contract.

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SECTION 6 – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS
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16. AWARD CRITERIA

- 16.1. The Responsible Officer shall adopt award criteria which are fair, transparent, proportionate and appropriate to the subject matter of the contract.
- 16.2. Where the Responsible Officer proposes to use price as the only award criteria this approach must be approved by the Responsible Offer's Group Head.
- 16.3. The Responsible Officer shall adopt evaluation methodologies that are robust, have been tested to ensure they are appropriate for the procurement in question, and transparent.

Tendering Procedure

17. OPENING TENDERS

- 17.1. All tenders over £50,000 must be conducted through the Council's mandated e-tendering portal except as permitted with the prior written approval of Procurement. This includes any tender process carried out on the Council's behalf by an external organisation other than another Contracting Authority. Requests for Quotations for contracts valued at less than £50,000 may be conducted outside the Council's e-tendering portal.
- 17.2. After they are opened, the tenders must be listed in the tender register and the list must be signed by both persons who witnessed the opening of the tenders.

18. CLARIFICATION PROCEDURES AND POST TENDER DISCUSSIONS

- 18.1. Providing clarification of an Invitation to Tender to potential or actual tenderers or seeking clarification of a Tender is permitted.

19. EVALUATION

- 19.1. Quotations and Tenders must be evaluated by more than one Council officer unless the award criterion was lowest cost only.
- 19.2. The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer who should be requested to confirm or amend their tender accordingly.

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(CONTRACT STANDING ORDERS)

20. CONTRACT AWARD

20.1. All contracts shall be awarded in accordance with the criteria set out in the procurement documents.

20.2. For contracts with a value at or above the EU Thresholds, the Responsible Officer shall adhere to the contract award procedures set out in current legislation in force and observe a standstill period before entering into the contract. The standstill period will normally end at midnight at the end of the tenth day after the date the Council sends notice to the tenderers electronically that it has made an award decision. No standstill period is required for contracts valued below the relevant EU Threshold but consideration should be given as to whether running a standstill period would mitigate any risks arising during the course of the procurement process.

21. CORRECTION OF ERRORS AND LATE TENDERS

21.1. All tenders must comply with the conditions set out in the procurement documents. Tenderers should be advised that any failure to adhere to the specific rules applicable to the tender in question is likely to result in their tender being rejected.

21.2. The Responsible Officer may reserve the right in the procurement documents to accept late submissions or documents forming part of the tender at the Council's discretion, for example, where:

- the delay was caused by a mistake or failure of the Council; or
- the posting of the document or submission in question clearly pre-dated the deadline for receipt of tenders and the decision not to exclude the tenderer would not unduly favour any or disadvantage the other candidates.

22. DISCLOSURE, TRANSPARENCY AND RECORD KEEPING

22.1 **Electronic availability of documents**

The Responsible Officer shall ensure that all procurement documents for contracts that are at or above the EU Thresholds are available online free of charge without restriction from the time the OJEU Notice is published

23. DUTY OF CONFIDENTIALITY OWED TO SUPPLIERS

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23.1 The Responsible Officer shall not disclose information which has been forwarded by a supplier and designated by that supplier as confidential or commercially sensitive, including technical or trade secrets and the confidential aspects of tenders, without express authorisation from the Group Head of Corporate Support or his/her nominated representative in consultation with the Group Head of Council Advice & Monitoring Officer who shall balance the duty of confidentiality owed to suppliers against the Council's obligations under Freedom of Information Act 2000 (as amended or re-enacted from time to time) and any other disclosure obligations. The procurement documents must inform interested parties of the Council's duties of disclosure and invite tenderers to designate information as confidential or commercially sensitive. However, the Council cannot guarantee that all information so designated will be withheld.

24. PUBLICATION OF CONTRACT AWARD NOTICES

24.1 The Responsible Officer shall ensure that a Contract Award Notice is published in accordance with current legislative requirements. This Standing Order 25 applies to all contracts including contracts let under Framework Agreements, whether or not that Framework Agreement was itself advertised on Contracts Finder or anywhere else.

25. DEBRIEFING TENDERERS

25.1 For contracts valued at or above the EU Threshold, the Responsible Officer shall ensure that all candidates and tenderers are offered debrief information in accordance with current legislative requirements.

25.2 The Responsible Officer shall ensure no additional debrief meetings or communications take place outside of that required under paragraph 26.1 above until any standstill period has been completed.

26. PROCUREMENT REPORT

26.1 The Responsible Officer shall keep a copy of all procurement documents in accordance with the Council's document retention policy.

26.2 The Responsible Officer shall prepare a written report in relation to each procurement with a value at or above the relevant EU Threshold containing the following information (unless such information is contained in the Contract Award Notice):

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- 26.2.1 the subject-matter and value of the contract, Framework Agreement or dynamic purchasing system;
- 26.2.2 where applicable, the results of the qualitative selection and reduction of numbers under regulations 65 and 66, namely:
- a) the names of the selected candidates or tenderers and the reasons for their selection;
 - b) the names of the rejected candidates or tenderers and the reasons for their rejection;
 - c) the reasons for the rejection of tenders found to be abnormally low;
 - d) the name of the successful tenderer and the reasons why its tender was selected and, where known, the share (if any) of the contract or Framework Agreement which the successful tenderer intends to subcontract to third parties, and the names of the main contractor's subcontractors (if any);
 - e) for competitive procedures with negotiation and competitive dialogues, the circumstances as laid down in regulation 26 which justify the use of those procedures;
 - f) for negotiated procedures without prior publication, the circumstances referred to in regulation 32 which justify the use of this procedure;
 - g) where applicable, the reasons why the contracting authority has decided not to award a contract or Framework Agreement or to establish a dynamic purchasing system;
 - h) where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders; and
 - i) where applicable, conflicts of interests detected and subsequent measures taken.
- 26.3 The Responsible Officer shall maintain a procurement file containing sufficient information to justify decisions taken at all stages of the procurement such as documentation on:
- communications with suppliers and internal deliberations;
 - preparation of the procurement documents;
 - dialogue or negotiations, if any; and
 - selection and award of the contract.
- 26.4 The Responsible Officer shall prepare a report containing such information as the Cabinet Office may request in respect of procurements at or above the relevant EU Threshold.

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D - THE CONTRACT AND OTHER FORMALITIES

CONTRACT DOCUMENTS

- 28.1 All Relevant Contracts shall be in writing.
- 28.2 All Relevant Contracts which exceed £50,000 in Total Value shall be in writing and executed as a deed by affixing the Council's seal.
- 28.3 All Relevant Contracts, irrespective of value, shall clearly specify:
- the works, supplies or services to be provided (description, quantity and quality)
 - the price to be paid, with a statement of any discounts or other deductions
 - the time, or times, within which the contract is to be performed
 - the Council's terms and conditions (in accordance with 28.3 and 28.4 below)
- 28.4 The Council's official purchase order (created by either E5 or QL) identifies the Council's terms and conditions which are applicable to all Relevant Contracts with a Total Value up to £50,000. Where the nature of a contract requires a bespoke set of terms and conditions is required these shall be drafted by Legal Services.
- 28.5 Where the nature of the goods or services purchased require the Council to contract on the terms and conditions of a supplier a waiver in accordance with section 6 of these Standing Orders shall be required.
- 28.6 Where the Total Value of a Relevant Contract exceeds £50,000, the purchase order terms and conditions will be superseded by either:
- the Council's standard terms and conditions (long form)
 - terms and conditions issued by a relevant professional body or organisation e.g. the Joint Contracts Tribunal
 - bespoke terms and conditions drafted by Legal Services
 - the supplier's terms and conditions (which must be reviewed by Legal Services prior to placing an order/entering into the contract)
- 28.7 Every Relevant Contract over £50,000 must also include:
- that the supplier may not assign or sub-contract without prior written consent
 - that the Council reserves the right to determine whether the terms of the engagement of the supplier are on employed or self-employed terms for tax purposes
 - any insurance requirements

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- health and safety requirements
- ombudsman requirements
- data protection (if relevant) and Freedom of Information requirements
- that consultants must comply with the Council's Contract Standing Orders (where consultants are used to let contracts)
- a right of access to relevant documentation and records of the supplier for monitoring and audit purposes if relevant.
- the Council's right to require removal of a supplier employee
- a clause relating to the prevention of bribery– see Standing Order 31
- compliance with legislation regarding equality, diversity, discrimination and safeguarding (if relevant).

28.8 The formal advice of the Group Head of Corporate Support or his nominated representative must be sought for the following circumstances:

- where leasing arrangements are involved
- where it is proposed to use a supplier's own terms
- where a third party or sub-contractor is to be employed by the supplier to fulfil the contract

29. CONTRACT FORMALITIES

29.1 Agreements shall be completed as follows (subject to delegated financial limits):

Total Value	Form of Contract	
Up to £50,000	Purchase order to be raised by an officer with signing authority of at least £50,000	<ul style="list-style-type: none"> • The contract is formed by the purchase order, the terms and conditions referred to in the purchase order and any specification • Where it is necessary to have a bespoke contract a written contract is to be prepared by Legal Services
Above £50,000	Written contract to be executed as a deed by sealing. This is done by Legal Services	<ul style="list-style-type: none"> • Purchase order to be raised • The written contract is to be prepared by Legal Services.

29.2 Purchase orders must be raised and written contracts entered into before the supplies or services are provided or works begin, except in exceptional circumstances, and then only with the written consent of the Group Head of Corporate Support.

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29.3 Sealing - The fixing of the Council's seal is to be witnessed by an authorised officer on behalf of the Group Head of Corporate Support.

Every seal will be consecutively numbered and recorded in the Council's seal register which will also be signed by the authorised officer witnessing the seal. The seal must not be affixed without the authority of Full Council, ~~Cabinet, a Cabinet Member, a committee or sub-committee~~ Committee, Group Head acting under delegated powers or officer to whom powers have been delegated in accordance with the Constitution.

A contract must be sealed where:

- the Total Value is expected to exceed £50,000, (this may not apply to Framework Agreements), or
- the Council may wish to enforce the contract for more than six years after its end, or
- the price paid or received under the contract is a nominal price and does not reflect the value of the supplies, services or works, or
- there is any doubt about the authority of the person signing for the other contracting party

30. PERFORMANCE BONDS AND PARENT COMPANY GUARANTEES

30.1 The Responsible Officer must consult the Group Head of Corporate Support:

30.1.1 about whether a Parent Company Guarantee is necessary when a tenderer is a subsidiary of a parent company, and:

- the Total Value of a Relevant Contract exceeds £250,000 or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the tenderer

30.1.2 about whether a Performance Bond is needed:

- where the Total Value of a Relevant Contract exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the tenderer.

31. PREVENTION OF BRIBERY

31.1 The Responsible Officer must take into account the requirements of the Bribery Act 2010 which introduces the general offences of offering or receiving bribes, a specific offence of bribing a foreign official and the new corporate offence of failing to prevent bribery.

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- 31.2 The Responsible Officer must comply with the Employees Code of Conduct and the Council's anti-fraud and corruption strategy and must not invite or accept any gift or reward in respect of the award or performance of any contract.

Where an Officer is offered gifts or hospitality this must be declared on the Council's Gifts and Hospitality register which is maintained by the respective Directors' personal assistants and must comply with the clear guidance to Officers on accepting Gifts or Hospitality.

Where a gift or hospitality is offered by a potential contractor during a procurement process the potential contractor is to be excluded from the process and the matter is to be immediately reported to the Group Head of Corporate Support.

It will be for the Officer concerned to prove that anything received was not received corruptly.

High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in this Contract Standing Order 31.

- 31.3 All written Council contracts must include a Prevention of Bribery clause. The Council's standard terms and conditions include such a clause.

Care should be taken to ensure that an appropriate clause is included in contracts issued by professional bodies or organisations and in supplier's terms and conditions before these are accepted. Advice must be sought from Legal Services if in doubt.

32. DECLARATION OF INTERESTS

- 32.1 If it comes to the knowledge of a Member or an employee of the Council that a contract in which he or she has a Pecuniary Interest (as defined in the Code of Conduct) has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Group Head of Council Advice & Monitoring Officer. The Group Head of Council Advice & Monitoring Officer shall report such declarations to the appropriate meeting for recording in the minutes.

- 32.2 The Group Head of Council Advice & Monitoring Officer shall maintain a record of all declarations of interests notified by Members and officers.

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32.3 The Group Head of Council Advice & Monitoring Officer shall ensure that the attention of all Members is drawn to the Members' Code of Conduct.

E – POST-CONTRACT REQUIREMENTS

33. CONTRACT MONITORING AND EVALUATION

33.1 During the term of all Relevant Contracts the Responsible Officer must monitor the following areas:

- performance
- compliance with the specification and terms and conditions
- cost
- any Value for Money requirements
- user satisfaction and risk management

33.2 Where the Total Value of the Relevant Contract exceeds £50,000 the Responsible Officer must make a written report evaluating the extent to which the purchasing need and the contract objectives (as determined in accordance with Standing order 5.1) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

ARUN DISTRICT COUNCIL

REPORT TO CONSTITUTION WORKING PARTY ON 12 OCTOBER 2020

SUBJECT: Draft 2021 Constitution – Parts 6, 7, 8 and 9

REPORT AUTHOR: Nigel Lynn, Chief Executive
DATE: 12 October 2020
EXTN: 01903 737600

EXECUTIVE SUMMARY:

This report provides the next instalment of the draft 2021 Constitution for review by the Working Party covering:

- Part 6 – Other Procedure Rules
 - Section 1 (Access to Information Procedure Rules)
 - Section 2 (Budget and Policy Framework Procedure Rules)
 - Section 5 (Officer Employment Procedure Rules)
- Part 8 – Codes and Protocols
 - Section 3 (Protocol on Member and Officer Relations)
 - Section 4 (Planning Protocol)
 - Section 5 (Petitions Scheme)
 - Section 6 (Filming and Photographic Protocol)

Part 6, Section 3 (Financial Procedure Rules) and Section 4 (Purchasing, Procurement, Contracts and Disposals Rules) and Part 8 section 4 (Planning Protocol) are also presented elsewhere on this agenda.

The Working Party is asked to recommend these revisions to Full Council on 11 November 2020 to be incorporated into the new 2021 Constitution.

The Working Party is asked to note that Part 6. Section 1 (Member Code of Conduct) is awaiting consideration of the revised LGA Model Code which is expected to be agreed by the Local Government Association in October 2020 and then to Standards committee in December 2020. Further, Part 9 (Members Allowance Scheme) is to be considered by Full Council following the Independent Remuneration Panel's recommendations to the Audit and Governance Committee on 19 November 2020.

RECOMMENDATIONS:

It is recommended to the Full Council that:

- (1) The proposed revisions to be incorporated into the new 2021 Constitution at Part 6, Section 1 [Access to Information Procedure Rules] as set out at Appendix 1, as attached to the minutes, be approved;

- (2) The proposed revisions to be incorporated into the new 2021 Constitution at Part 6, Section 2 [Budget and Policy Framework Procedure Rules] as set out at Appendix 2, as attached to the minutes, be approved;
- (3) The proposed revisions to be incorporated into the new 2021 Constitution at Part 6, Section 5 [Officer Employment Procedure Rules] as set out at Appendix 3, as attached to the minutes, be approved;
- (4) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 3 [Protocol on Member and Officer Relations] as set out at Appendix 4, as attached to the minutes, be approved;
- (5) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 5 [Petitions Scheme] as set out in Appendix 5, as attached to the minutes, be approved;
- (6) The proposed revisions to be incorporated into the new 2021 Constitution at Part 8, Section 6 [Filming and Photographic Protocol] as set out in Appendix 6, as attached to the minutes, be approved; and
- (7) To Note that Part 9 (Members Allowance Scheme) is to be revised following a report by the Independent Review Panel and that Part 8 section 1 (Member Code of Conduct) is to be considered by the Standards Committee having regard to the outcome of the LGA on whether or not to adopt a new Code of Conduct for Members

1.0 BACKGROUND

- 1.1 As the Working Party was reminded at its last meeting, the Council made a binding resolution on 15 January 2020 (Minute 388 refers) to change its form of governance to a Committee system effective from the Annual Council Meeting on 19 May 2021. This Working Party was convened to work through the necessary changes to the Council's Constitution and report back to the Full Council, with the aim of this work being concluded by January 2021.
- 1.2 The Working Party considered Parts 1 to 5 at its meeting on 17 August 2020 (and reconvened meeting on 24 August 2020) and the remaining sections [except Part 9 (Members Allowances) and Part 8 (section 1 and 2 Member Code of Conduct)] for review are being presented to this meeting.

2.0 PROPOSALS

- 2.1 The proposed revisions to Parts 6 and 8 are attached as appendices to this report. Revisions made are either shown through commentary or tracked changes so that Members can follow the audit trail of what is being suggested. Where the track changes are substantial the track version and the clean version are attached. Where the track changes are not substantial only the tracked version is attached. Issues to flag with the Working Party are:
- 2.2 **Part 6 (Other Procedure Rules)** – The redrafts of these three sections reflect legislative requirements and best practice identified from other councils reviewed. Specific issues raised by the Working Party were:

Section	Specific issues to cover in review	Update
1 – Decision Notices	Deleted as no longer applicable	Done
2 – Scrutiny	Deleted as no longer applicable	Done
3 – Budget and Policy Framework	Timing of consultation of service committees on budget making	Now Section 2 – attached as Appendix 2
4 – Access to Information Rules		Now Section 1 – attached as Appendix 1
5 – Financial Rules	Financial thresholds for officers	Now Section 3 - see separate report on the agenda
6 – Purchasing, Procurement, Contracts and Disposals Rules	To reflect changes agreed by Full Council on 15.July ..	Now Section 4 - see separate report on the agenda
7 – Officer Employment Rules	Consequential changes	Now Section 5 – attached as Appendix 3
8 – Corporate Complaints Procedure		Proposing removal from the Constitution as this is a policy not a procedure and no other model included this within their Constitution. The policy will continue to be published to the Council's website on the Complaints page and on the Publication Scheme

2.3 **Part 8 (Codes and Protocols)** – The redrafts of these four sections reflect legislative requirements and best practice identified from other councils reviewed. Specific issues raised by the Working Party were:

Section	Specific issues to cover in review	Update
1 & 2 - Members' Code of Conduct	Principles of the Code at Section 1 and Code of Conduct at Section 2 to be merged into Section 1	New Section 1 to be added once the outcome of the review by the Standards Committee is concluded on 24 September 2020 ¹
	Adding new section for Employee Code of Conduct	New Section 2 to be added to final Constitution of the Code approved by Full Council on 13.11.19
3 – Protocol on Member and Officer Relations		Now Section 3 – attached as Appendix 4
4 – Preparation Meetings of the Cabinet	Deleted as no longer applicable	Done
5 – Call-in of Prosecutions	Already deleted as agreed by Full Council on 09.01.19	N/A
6 – Planning Local Code of Conduct		Now Section 4 – separate agenda item.

¹ At the meeting on 24 September the Committee was advised that the LGA (Local Government Association) had not yet finalised the New Model Member Code of Conduct. And it is anticipated that the New Code would be approved at the LGA's Annual General Meeting due to be held in October. The Standards Committee therefore RESOLVED That consideration of the New Model Member Code of Conduct be deferred to the meeting on 3 December 2020.

7 – Petitions	As there is no longer a statutory requirement to have a scheme and usage over the last three years has been minimal – should this be continued? If so Minor changes to reflect removal of Cabinet Member responsibility have been made.	Now Section 5 – attached as Appendix 5
7 – Protocol on Filming and Recording of Council Meetings		Now Section 6 – proposed new name as covers filming and photography. Attached as Appendix 6

3.0 OPTIONS

- a) To approve the recommendations to Full Council, as set out in the report
- b) To not approve the recommendations
- c) To make alternative proposals for consideration by Full Council

4.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> • Chairman and Vice-Chairman of the Working Party • Senior Management Team 	✓	
5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6.0 IMPLICATIONS:

The draft documents have been reviewed by the Section 151 Officer, Financial Services Manager, Human Resources Manager and Legal Services Team to ensure they meet statutory and operational requirements.

The Council must approve a new Constitution before the Annual Council Meeting on 19 May 2021 as this is the “relevant change time” (ie the effective date) for moving to a Committee system form of governance defined in the Council’s statutory resolution of 15 January 2020. Whilst the legislation allowed the Council to delay the “relevant change time” for introducing its new arrangements, there is no further provision to delay this once the date has been resolved. In

addition, the Council cannot make a further change to its governance arrangements for a period of 5 years from the date of its statutory resolution, ie not before 15 January 2025, unless this decision is approved by a referendum.

These provisions are confirmed in Sections 9L and 9KC of the Local Government Act 2000 (as amended by the Localism Act 2011)

7.0 REASON FOR THE DECISION:

To prepare a new 2021 Constitution to reflect the Council's decision to move to a Committee system form of governance with effect from 19 May 2021.

8.0 BACKGROUND PAPERS:

Arun's Constitution

<https://www.arun.gov.uk/constitution>

Full Council Agenda and Minutes – 15 January 2020

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=141&MId=771&Ver=4>

Full Council Agenda and Minutes – 15 July 2020

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=141&MId=980&Ver=4>

Full Council Agenda and Minutes – 16 September 2020

Local Government Act 2000, as amended

<https://www.legislation.gov.uk/ukpga/2000/22/contents>

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**PART 6 – OTHER PROCEDURE RULES ~~(OTHER)~~
(SECTION 14 – ACCESS TO INFORMATION
PROCEDURE RULES)**

Contents

1.0 INTRODUCTION

1.1 The Council considers that local government derives an important part of its authority and influence from the trust and confidence of the individuals and communities it serves. Access to information on decision making is a necessary pre-requisite for generating that trust and confidence. Informed members of the local community are better able to contribute to, and take part in, the work of local authorities. Access to information is central to this process and requires the Council to establish the appropriate balance between:

- a) making information readily and openly available to the public; and
- b) ensuring that certain areas of personal/public life remain the legitimate subject of confidentiality.

2.0 SCOPE

~~Part 6 is set out in eight sections as follows:~~

~~Section 1 — Decision Notices~~

~~Section 2 — Scrutiny~~

~~Section 3 — Budget and Policy Framework~~

~~Section 4 — Access to Information~~

~~Section 5 — Financial Rules~~

~~Section 6 — Standing Orders — Purchasing,
— Procurement, Contracts and Disposals~~

~~Section 7 — Officer Employment~~

~~Section 8 — Corporate Complaints~~

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PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

SECTION 4
ACCESS TO INFORMATION PROCEDURE RULES

1.0 SCOPE

2.1 ~~4.1~~—These Rules~~rules~~ apply to all meetings of the Council and its,~~the~~ Cabinet,~~the Overview Select Committee, Regulatory and other~~ Committees,~~Area Committees and Working Groups.~~

2.2 ~~4.2~~—These Rules will also apply to a ~~rules may be extended to meetings of Working Parties where the~~ Working Party that has agreed that its meetings a future meeting should be held in public, as ~~confirmed in Part 3~~ confirmed in Part 3 ~~by their terms of reference set out Part 3 (Responsibility for Functions)~~ of this Constitution.

2.03.0 ADDITIONAL RIGHTS TO INFORMATION

3.1 ~~2.1~~—These Rules do not affect any specific rights to information contained ~~elsewhere in this Constitution or the law,~~ such as under the Data Protection Act 2018 and Freedom of Information Act 2000.

3.04.0 RIGHTS TO ATTEND MEETINGS

4.1 ~~3.1~~—Members of the public may attend meetings, record and report all meetings subject only ~~to the~~ exception~~exception~~ in these Rules and the ~~Protocol on Filming and Photographic Protocol Recording of Council Meetings~~ set out in Part 8 of this Constitution.

4.05.0 NOTICES OF MEETINGS

5.1 ~~4.1~~—The Council will give at least five clear days' notice of meetings~~any meeting~~ by posting ~~details of the meeting on the Council's website and at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.~~

5.2 ~~4.2~~—Clear days means days on which the Council's offices~~Offices~~ are open for business ~~and exclude the day on which~~ the Notice is posted ~~under Rule 4.0 (Notices of Meetings) or available for public inspection under Rule 5.0 (Access to agenda and reports before the Meeting), and the day of the meeting.~~

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

5.06.0 ACCESS TO ~~AGENDAS~~AGENDA AND REPORTS BEFORE ~~MEETINGSTHE~~MEETING

6.1 ~~5.1~~—The Council will make copies of ~~agendasthe~~agenda and accompanying reports that are open to the public —available for inspection at the ~~the~~ Arun Civic Centre, Littlehampton and ~~the~~ Bognor Regis Town Hall at least five clear days before the meeting. If an item ~~is~~ added to the agenda after publication~~later~~, the revised agenda will be open to inspection —from the time the item was added to the agenda. Where reports are prepared ~~—after~~ the summons has been sent out, the ~~Group Head of Council Advice &~~ Monitoring Officer shall make each such report available to the public as soon —as the report is completed and sent to Councillors.

6.2 Where urgent business is added to the agenda prior to the meeting, the revised agenda will be open to inspection from the time it is published.

6.3 Where urgent business is added to the agenda at a meeting, any accompanying report will be made available at that time and published to the Council’s website as soon as practicable.

6.07.0 SUPPLY OF COPIES

7.1 ~~6.1~~—The Council will supply copies of:

- ~~(a)~~a) any agenda and reports which are open to public inspection;
- ~~(b)~~b) any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- ~~(c)~~c) if the ~~Group Head of Council Advice &~~ Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a reasonable charge for postage and any other costs.

7.08.0 ACCESS TO MINUTES ~~AND DECISIONS~~ AFTER THE MEETING

8.1 In addition to publishing information on its website, the~~7.1~~—The Council will make available copies of the following for six years after a ~~—~~meeting:

- ~~(a)~~a) the minutes of the meeting (or records of decisions taken, together with ~~the reasons)~~, excluding any part of the minutes of proceedings

PART 6 – OTHER PROCEDURE RULES ~~(OTHER)~~
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

when the meeting was not open to the public or which disclose exempt or confidential information;

~~(b)~~b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

~~(e)~~c) the agenda for the meeting; and

~~(e)~~d) reports ~~related~~relating to items when the meeting was open to the public.

8.09.0 BACKGROUND PAPERS

8.19.1 List of background papers

Every report shall list those documents (called background papers) relating to the subject matter of the report, except published works or exempt or confidential information, as defined in Rule ~~1240.0~~ (Exclusion of the Public~~public~~ from Meetings), which:

~~(a)~~a) disclose any facts or matters on which the report or an important part of the report is based; and

~~(b)~~b) have been relied on to a material extent in preparing the report.

8.29.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting a copy of each of the documents on the list of background papers.

9.010.0 SUMMARY OF PUBLIC~~PUBLIC'S~~ RIGHTS

10.1 ~~9.1~~—These Rules constitute a written summary of the public's rights to attend meetings and to inspect and copy documents. They are available for the public to inspect at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall, and to view on the Council's website.

10.011.0 EXCLUSION OF THE PUBLIC FROM MEETINGS

10.111.1 Confidential information – requirement to exclude public

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

40.211.2 **Meaning of confidential information**

Confidential information means information that has been given to the Council by a Government Department on terms which forbid the disclosure, or information which cannot be publicly disclosed by law.

40.311.3 **Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

40.4 **Meaning of exempt information Exempt Information**

11.4

~~(a)~~**a)** Exempt information means information falling within the following seven categories, subject to the relevant condition:

Para	Category	Condition
1-	Information relating to any individual.	
2-	Information which is likely to reveal the identity of an individual.	
3-	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt information if it is required to be registered under: (a) the Companies Acts (as defined in section 2 of the Companies Act 2006); (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Act 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993
		a) <u>the Companies Acts (as defined in section 2 of the Companies Act</u>

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

			2006);
		b)	the Friendly Societies Act 1974;
		c)	the Friendly Societies Act 1992;
		d)	The Co-operative and Community Benefit Societies Act 2014;
		e)	the Building Societies Act 1986; or
		f)	the Charities Act 2011
4-	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.		
5-	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.		
6	<u>Information which reveals that the authority proposes:</u>		
6-	a) Information which reveals that the authority proposes: a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b. to make an order or direction under any enactment.		
	b) <u>to make an order or direction under any enactment.</u>		
7-	Information relating to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime.		

~~(b)~~b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

~~(e)~~c) Information which:

- a. (i) falls within any of the paragraphs 1 to 7 above; and
- ~~b.~~ is not prevented from being exempt by virtue of the condition ~~on~~ exempt paragraph 3 or ~~on~~ (b) above

(ii)

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

12.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

12.1 ~~11.1~~ If the Chief Executive, or their nominee, thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule ~~12.10.0~~ (Exclusion of the public from ~~meetings~~ Meetings), the meeting is likely not to be open to the public. Such reports will be endorsed “The ~~Information~~ information in this report is of a confidential or exempt nature” together with the category of information likely to be disclosed.

~~12.0~~ APPLICATION OF THESE RULES TO THE CABINET

~~12.1~~ The Cabinet is required to comply with Rules 1 to 11 and 13 to 22 unless Rule ~~15~~ (General Exception) or Rule 16 (Special Urgency) apply.

~~12.2~~ These Rules do not include meetings whose primary purpose is for officers to ~~brief~~ brief Members.

~~13.0~~ PROCEDURE BEFORE TAKING KEY DECISIONS

~~13.1~~ A key decision is defined in Article 13 (Decision Making) in Part 2 of this ~~Constitution~~. Subject to Rule 15 (General Exception) or Rule 16 (Special Urgency) above, a key decision may not be taken unless:

- ~~(a)~~ a notice (called the Forward Plan) has been published in connection with the matter in question;
- ~~(b)~~ at least 28 clear days have elapsed since the publication of the Forward Plan; and
- ~~(c)~~ where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

~~14.0~~ NOTICE OF CABINET DECISIONS (THE FORWARD PLAN)

~~14.1~~ Period of Notice

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

~~The Forward Plan will be prepared by the Group Head of Council Advice & Monitoring Officer to give 28 clear working days' notice of the intention of Cabinet to make a key decision.~~

~~In addition to providing notice of key decisions, the Forward Plan will list other matters due to be considered by Cabinet and Full Council.~~

~~The Forward Plan will cover a period of four months, beginning with the first day of any month. The Forward Plan will be updated each month and will be published to the Council's website and available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.~~

14.2 – Content of the Forward Plan

~~The Forward Plan will contain matters which the Group Head of Council Advice & Monitoring Officer has reason to believe will be the subject of a key decision to be taken by the Cabinet, as the Council's executive; or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan.~~

~~The Forward Plan will describe the following particulars insofar as the information is available or might reasonably be obtained:~~

- ~~(a) the matter in respect of which a decision is to be made;~~
- ~~(b) where the decision taker is an individual, their name and title (if any) and where the decision taker is a body, its name and details of membership;~~
- ~~(c) the date on which, or the period within which, the decision will be taken;~~
- ~~(d) the date on which the matter was listed in the Forward Plan;~~
- ~~(e) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;~~
- ~~(f) the means by which any such consultation is proposed to be undertaken;~~
- ~~(g) a list of the documents submitted to the decision taker for consideration in relation to the matter; and~~
- ~~(h) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken.~~

~~Exempt information need not be included in the Forward Plan and confidential information cannot be included.~~

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

~~A decision may be made upon an item in the Forward Plan either before or after the date (or the period) specified in the Plan for the decision, provided that there has first been agreement in writing with the Chairman of the Overview Select Committee.~~

~~15.0 GENERAL EXCEPTION~~

~~15.1 If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16.0 (Special Urgency), the decision may still be taken if:~~

- ~~(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;~~
- ~~(b) the Group Head of Council Advice & Monitoring Officer has informed the Chairman of the Overview Select Committee, or if they are unable to act, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;~~
- ~~(c) at least five clear days public notice of the decision to be taken is given on the Council's website and at the Arun Civic Centre, Littlehampton and Bognor Regis Town Hall; and~~
- ~~(d) such key decisions are taken by the Cabinet in public save where confidential or exempt information might otherwise be disclosed.~~

~~16.0 SPECIAL URGENCY~~

~~16.1 If by virtue of the date by which a decision must be taken the requirements at Rule 15.0 (General Exception) cannot be followed, then the decision can only be taken if the decision taker, or the Chairman of the body making the decision, obtains agreement that the making of the decision cannot be reasonably deferred from:~~

- ~~(a) the Chairman of the Overview Select Committee; or~~
- ~~(b) if they are unable to act, the Chairman of the Council; or~~
- ~~(c) if either are unable to act, the Vice-Chairman of the Council.~~

~~16.2 Once agreement has been obtained that the taking of the decision is urgent and cannot be reasonably deferred, notice to this effect must be published to the Council's website and made available at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.~~

~~16.3 Decisions taken as a matter of urgency must be reported to the next meeting of the Overview Select Committee, together with the reasons for the urgency.~~

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

17.0 – REPORTS TO COUNCIL

17.1 – When the Overview Select Committee can require a report

If the Overview Select Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the procedures at Rule 15.0 (General Exception); or
- (c) the subject of an agreement with the Chairman of the Overview Select Committee, or the Chairman or Vice-Chairman of the Council under the requirements of Rule 16.0 (Special Urgency);

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Group Head of Council Advice & Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview Select Committee.

17.2 – When the Cabinet will report to Council

If a report is requested under Rule 17.1 (When the Overview Select Committee can require a report), the Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to the Council will set out particulars of the decision, the individual or body making the decision and, if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

17.3 – Quarterly reports on special urgency decisions

In any event, the Leader will submit annually reports to the Council on executive decisions taken in the circumstances set out in Rule 16 (Special Urgency). The report will include the number of decisions so taken and a description of the matters in respect of which those decisions were taken.

18.0 – RECORD OF DECISIONS

18.1 – Record of Cabinet Decisions

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

~~After any meeting of the Cabinet, the Group Head of Council Advice & Monitoring Officer will arrange as soon as is practicable for a record of every decision taken to be circulated to all Councillors and published to the Council's website. The record will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.~~

~~This record will describe:~~

- ~~(i) — the subject on which a decision was made~~
- ~~(ii) — an executive summary of the background to the decision~~
- ~~(iii) — the decision~~
- ~~(iv) — the reasons for the decision~~
- ~~(v) — the alternative options considered and rejected~~
- ~~(vi) — whether there was any declaration of interest by the Cabinet Member, dispensation granted, or conflict of interest declared from the consultation undertaken~~
- ~~(vii) — whether the decision related to exempt or confidential information~~
- ~~(viii) — the date the decision was taken~~
- ~~(ix) — the effective date for the decision~~

~~The effective date for a Cabinet decision will be 10.00am on the day after the expiry of five clear days from the publication of the decision. Clear days does not include Saturdays, Sundays or Bank Holidays. Cabinet decisions will generally be published on a Tuesday and the effective date will therefore be the second following Wednesday.~~

~~The record will also confirm the steps that any Councillor will need to take to request a call-in of the decision under the Scrutiny Procedure Rules.~~

~~18.2 **Record of Council, Overview Select, Regulatory and Other Committee Decisions**~~

~~After any Council or Committee meeting, the Group Head of Council Advice & Monitoring Officer will arrange as soon as is practicable for the minutes setting out a record of every decision taken to be circulated to all Councillors and published to the Council's website. The record will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.~~

~~The form of the minutes will be based on the rules set out in Part 5 (Rules of Procedure – Meetings) of this Constitution.~~

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

19.0 – MEETINGS IN PUBLIC

~~19.1 All meetings of the Council, the Cabinet, the Overview Select Committee, Regulatory and other Committees, Area Committees and Working Groups will be held in public, except where the business to be transacted would disclose confidential or exempt information under Rule 10.0 (Exclusion of the public from Meetings)~~

20.0 – DECISIONS BY INDIVIDUAL CABINET MEMBERS

20.1 – Reports intended to be taken into Account

~~Where an individual Cabinet Member receives a report which they intend to take into account in making any key decision, then they will not make the decision until the report has been available for public inspection for at least four clear working days.~~

20.2 – Provision of copies of reports to the Overview Select Committee

~~Where a report has been submitted to an individual Cabinet Member with a view to it being considered by them when they make a key decision, the person who prepared the report will supply a copy of it to the Chairman of the Overview Select Committee as soon as is reasonably practicable, and make it publicly available at the same time.~~

20.3 – Record of Individual Cabinet Member Decisions

~~Publication and inspection of records of decisions made by individual Cabinet Members will follow the Decision Notice Procedure Rules set out in Part 6 (Procedure Rules – Other) of this Constitution.~~

~~The provisions of these Rules at Rule 7.0 (Access to Minutes) and Rule 8.0 (Background Papers) will also apply to decisions made by individual Cabinet Members. This does not require the disclosure of exempt or confidential information.~~

21.0 – OVERVIEW SELECT COMMITTEE’S ACCESS TO DOCUMENTS

21.1 – Rights to Copies

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

~~Subject to Rule 22.0 (Additional Rights of Access for Councillors), the Overview Select Committee will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:~~

- ~~(a) any business transacted at a meeting of the Cabinet; or~~
- ~~(b) any decision taken by an individual Cabinet Member.~~

~~21.2 Limit on Rights~~

~~The Overview Select Committee will not be entitled to:~~

- ~~(a) any document that is in draft form; and~~
- ~~(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.~~

~~22.013.0~~ ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

~~22.113.1~~ Material relating to any business to be transacted at a public meeting

~~All Councillors will be entitled to inspect any~~

~~Any document which is in the possession, or under the control of the Council~~Cabinet~~, and contains material relating to any business to be transacted at a public meeting, ~~shall be open to inspection by any Member of the Council~~ unless it appears to the ~~Group Head of Council Advice & Monitoring Officer~~ to disclose that it discloses exempt information as defined in ~~paragraphs~~categories 1, 2, 4, 5 and 7 of Rule ~~1210.4~~ (Meaning of exempt information~~Exempt Information~~).~~

A document will remain open ~~for~~to inspection if the information it contains discloses exempt information as defined in categories 3 and 6 at Rule ~~1210.4~~ (Meaning of exempt information); with the exception of information relating to any terms proposed, or to be proposed by or to the authority, in the course of negotiations for a contract.

~~22.2~~ Material relating to key decisions

~~All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless Rule 22.1~~

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

~~(Material relating to any business to be transacted at a public Meeting) applies.~~

22.313.2 Attendance at meetings of the Cabinet, Overview Select, Regulatory and Other Committees and Sub-Committees during confidential or exempt business

Where a Councillor is not a member of a Committee~~the Cabinet~~ or Sub-a Committee considering business where the public have been excluded for confidential or exempt information, they shall be allowed to remain in the meeting unless the Chairman (or whoever is presiding at the meeting) rules that they ~~should~~ be excluded.

~~Where a Councillor identifies that they have a specific need to know of the business under consideration in order to discharge their duties as a Councillor, they may not be excluded unless:~~

Where a Councillor identifies that they have a specific need to know of the business under consideration in order to discharge their duties as a Councillor, they may not be excluded unless:

- ~~(a)~~a in the opinion of the Chairman, the procedural propriety of the meeting would be compromised; and
- ~~(b)~~b reasons for the decision to exclude are given to the Councillor concerned.

Legal advice upon ~~this~~the issue may be taken by the Chairman, where appropriate.

22.413.3 Attendance at meetings of the Standards Committee during confidential or exempt business

Where a Councillor is not a member of the Standards Committee considering business where the public have been excluded for confidential or exempt information, they shall be allowed to remain in the meeting unless the members of the Committee rule that they should be excluded.

~~Where a Councillor identifies they have a specific need to know of the business under consideration in order to discharge their duties as a Councillor, they may not be excluded unless:~~

PART 6 – OTHER PROCEDURE RULES (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

Where a Councillor identifies that they have a specific need to know of the business under consideration in order to discharge their duties as a Councillor, they may not be excluded unless:

- (a)a) in the opinion of the members of the Committee, the procedural propriety of the meeting would be compromised; and
- (b)b) reasons for the decision to exclude are given to the Councillor concerned.

Legal advice upon ~~this~~the issue may be taken by the Committee, where appropriate.

22.513.4 Nature of rights

These rights of a Councillor are additional to any other right they may have.

14.0 CONFIDENTIAL AND EXEMPT INFORMATION

14.1 Nothing in these Rules is to be taken to authorise or require the Council to disclose confidential information in breach of the obligation of confidence.

14.2 Nothing in these Rules:

- a) authorises or requires the Council to disclose to the public or make available for inspection any document or part of a document, if in the opinion of the Chief Executive, as Proper Officer, that document or part of a document contains or may contain confidential information;
or
- b) requires the Council to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the Chief Executive, as Proper Officer, that document or part of a document contains or is likely to contain exempt information.

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**PART 6 – OTHER PROCEDURE RULES ~~(OTHER)~~
(SECTION 23 – BUDGET AND& POLICY
FRAMEWORK PROCEDURE RULES)**

~~Part 6 is set out in eight sections as follows:~~

~~Section 1 — Decision Notices~~

~~Section 2 — Scrutiny~~

~~Section 3 — Budget and Policy Framework~~

~~Section 4 — Access to Information~~

~~Section 5 — Financial Rules~~

~~Section 6 — Standing Orders — Purchasing,
Procurement, Contracts and Disposals~~

~~Section 7 — Officer Employment~~

~~Section 8 — Corporate Complaints~~

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PART 6 – OTHER PROCEDURE RULES ~~(OTHER)~~
SECTION 2-3 BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

~~1.0 THE COUNCIL AND THE CABINET~~

DRAFT 2021 CONSTITUTION
PART 6 – ~~OTHER~~ PROCEDURE RULES ~~(OTHER)~~
SECTION ~~2-3~~ BUDGET ~~AND~~ POLICY FRAMEWORK ~~PROCEDURE RULES~~

1.0 INTRODUCTION

1.1 The Full Council ~~will be~~ responsible for the adoption of its budget~~Budget~~ and policies~~Policy Framework~~ as set out in Article 4 (Policy Framework) of this Constitution. ~~- Once the budget and policies are approved, it will be has been adopted, it is~~ the responsibility of the Council's Committees and Sub-Committees ~~Cabinet~~ to implement them~~it~~.

~~1.2 For the purpose of these rules a "plan or strategy" shall mean:~~

- ~~• a plan or strategy of a description specified in column (1) of the table in Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (miscellaneous plans and strategies),~~
- ~~• a plan or strategy for the control of the Council's borrowing or capital expenditure; or~~
- ~~• any other plan or strategy where the Council has determined that the decision upon adoption is to be taken by the full Council.~~

2.0 THE PROCESS FOR DEVELOPING THE BUDGET AND POLICIES

2.1 Budget

- a) ~~The process by which the budget shall be developed is:~~
~~2.1-a) The Corporate Policy and Performance Committee will publish initial budget be engaged at the Key stages of (1) reviewing the resources forecast/trends and changes guidelines; (2) reviewing the trends and changes proposals and a timetable for proposals to be made to the Council.~~
- b) ~~Relevant parts of Where the Corporate Policy and Performance Committee's proposals shall be referred to the Council's Service Committees for advice and consideration.~~
- c) ~~The Corporate Policy and Performance Committee will receive and consider the advice and comments from the Service Committees and prepare Cabinet has submitted a budget for consideration and final agreement by the Full Council.~~
- d) ~~The Full Council will consider the proposals of the Corporate Policy and Performance Committee and may adopt them with or without amendments.~~

2.2 Policy

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PART 6 – ~~OTHER~~ PROCEDURE RULES ~~(OTHER)~~
SECTION ~~2-3~~ BUDGET ~~AND~~ POLICY FRAMEWORK PROCEDURE RULES

a) The table below sets out which Committee will take the lead on developing the policies, plans and strategies within the Policy Framework:

<u>Plan and Strategy</u>	<u>Committee</u>
<u>Crime and Disorder Reduction Strategy</u>	<u>Residential and Wellbeing Services</u>
<u>Development Plan documents</u>	<u>Planning Policy</u>
<u>Licensing Authority Policy Statement</u>	<u>Licensing</u>
<u>Plans and alterations which together comprise the Development Plan (Local Plan)</u>	<u>Planning Policy</u>
<u>Sustainable Community Strategy (Arun Priorities, Vision 2020 and Strategic Targets)</u>	<u>Corporate Policy and Performance</u>
<u>Corporate Plan</u>	<u>Corporate Policy and Performance</u>
<u>Leisure Strategy</u>	<u>Residential and Wellbeing Services</u>
<u>Asset Management Plan</u>	<u>Corporate Support</u>
<u>Capital Strategy</u>	<u>Corporate Policy and Performance</u>
<u>Commercial Strategy</u>	<u>Economic</u>
<u>Housing Revenue Account (HRA) Business Plan</u>	<u>Residential and Wellbeing Services</u>
<u>Property Investment Strategy</u>	<u>Corporate Support</u>

b) The process by which policies shall be developed or revised is:

a) The lead Committee will develop the policy, draft plan or strategy, or undertake a review having taken into account the views of other relevant Committees, Sub-Committees and consultees.

2.2b) The lead Committee will then make recommendations on any new policy, to the Council for its consideration and, following consideration of that draft plan or strategy or on, the Council has any revision objections to an existing policy, plan or strategy to the Full it, the Council must take the action set out in paragraph 2.3.

2.3 When considering such recommendations, Before the Full Council may adapt:

- amends the policy, draft plan or strategy, amend it,; or refer it back to the lead Committee
- c) approves, for further consideration, the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

c) For all other policies where these do not require a Full Council decision under the Policy Framework, they will be approved by the relevant Service Committee.

3.0 VIREMENT AND SUPPLEMENTARY ESTIMATES

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3.1 Virement between budget heads and supplementary estimates is an integral and important feature of budgetary control. It allows service areas to adapt to service changes within Council policy. The detailed procedures for virement and supplementary estimates can be found in the Financial Procedure Rules at Part 6 of this Constitution.

- ~~• adopts (with or without modification) the plan or strategy,~~

~~it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to re-consider, in the light of those objections, the draft plan or strategy submitted to it.~~

~~2.4 Where the Council gives instructions in accordance with Rule 2.3, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:~~

- ~~• submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”) with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration or~~
- ~~• inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.~~

~~2.5 When the period specified by the Council referred to in paragraph 2.4 has expired, the Council must when:~~

- ~~• amending the draft plan or strategy or, if there is one, the revised draft plan or strategy; or~~
- ~~• approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or~~
- ~~• adopting (with or without modification) the plan or strategy,~~

~~take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet’s reasons for those amendments, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.~~

~~2.6 Subject to paragraph 2.10, where before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:-~~

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- ~~• estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992; or~~
- ~~• estimates of other amounts to be used for the purposes of such a calculation; or~~
- ~~• estimates of such a calculation; or~~
- ~~• amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,~~

~~and following consideration of those estimates or amounts the Council has any objection to them, it must take the action set out in paragraph 2.7.~~

~~2.7 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the Sections referred to in paragraph 2.6(a) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to re-consider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.~~

~~2.8 Where the Council gives instructions in accordance with paragraph 2.7, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-~~

- ~~• submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been re-considered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or~~
- ~~• inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.~~

~~2.9 When the period specified by the Council, referred to in paragraph 2.8, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the Sections referred to in paragraph 2.6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-~~

- ~~• any amendments to the estimates or amounts that are included in any revised estimates or amounts,~~
- ~~• the Cabinet's reasons for those amendments,~~
- ~~• any disagreement that the Cabinet has with any of the Council's objections and~~
- ~~• the Cabinet's reasons for that disagreement,~~

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~~which the Leader submitted to the Council or informed the Council of within the period specified.~~

~~2.10 Paragraphs 2.6 to 2.9 shall not apply in relation to:-~~

- ~~• calculations or substitute calculations which an authority is required to make in accordance with Sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 and~~

~~2.11 amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.~~

~~2.12 In approving the Budget and Policy Framework, the Council will also specify:~~

- ~~• the extent of virement within the budget; and~~
- ~~• the degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules.~~

~~All other changes to the Budget and Policy Framework are reserved to the Council.~~

~~2.13 Immediately after any vote is taken at a budget decision meeting, or where a precept is issued under the Local Government Finance Act 1992, Part 1, Chapter 4, there must be recorded in the minutes the names of the individual Members who cast a vote for the decision, or against the decision, or who abstained from voting, in accordance with Regulation 2 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.~~

3.04.0 DECISIONS OUTSIDE THE BUDGET AND CONTRARY TO THE BUDGET OR POLICY FRAMEWORK

~~4.1 Subject to the provisions in Part 3 (Responsibility for Functions) and Part 4 (Officer Scheme of Delegation), paragraph 5 (Virement) the Council's Cabinet, individual Cabinet Members and any other officers, Area Committees, Sub-Committees, Joint Committees and officers or joint arrangements discharging executive functions may only take decisions which are in accordance with the budget.~~

~~3.14.2 With the exception of the Development Management/Control Committee Budget and officers in relation to planning applications under the Town and Country Planning Act 1990 as amended if Policy Framework. If any Committee, Sub-Committee, Joint Committee of these bodies or officer persons wishes to make a decision which is contrary to policies that require approval by the Full Council, then subject to the provisions in Rule 5 below (Urgent decisions outside of the budget or Policy Framework), that decision may only be taken by the Full Council.~~

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- ~~The Monitoring Officer and/or the Chief Financial Officer will advise as to whether the decision to be taken would be contrary to the policy framework; or~~
- 4.3 ~~contrary to, or not wholly in accordance with, the budget approved by Full Council (a “departure”);~~

5.0 URGENT DECISIONS OUTSIDE THE BUDGET AND POLICY FRAMEWORK

~~A Committee, Sub-Committee, Joint Committee or officer then that Decision may only be taken by the Council, subject to paragraph 4 below.~~

~~3.2 If the Cabinet, individual members of the Cabinet and any officers, Area Committees or joint arrangements discharging executive functions of the Council may want to make such a decision, they must take a decision which advice from the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be a departure.~~

~~3.3 If the advice of either of these officers is contrary to the approved budget or Policy Framework if that the decision would be a “departure” then the decision must be referred by the body or person to the Council for Decision, unless the Decision is a matter of urgency, in which case the provisions in paragraph 4 below apply.~~

4.0 URGENT DECISIONS CONTRARY TO THE BUDGET OR POLICY FRAMEWORK

~~a)~~

~~4.15.1 The. However, the decision Cabinet, an individual Member of the Cabinet or officers, Area Committees or joint arrangements discharging executive functions may be taken only take a Decision which needs to be made as a matter of urgency where that decision is:~~

- ~~if contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council (a “departure”); and:~~
 - a) ~~it is not practical to convene a quorate meeting of the Full Council; and~~
 - b) ~~if provided that the Chairman or Vice-Chairman of the Corporate Policy and Performance Overview Select Committee and agrees that the Leader of the Opposition agree that the decision Decision is a matter of urgency.~~

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~~4.25.2~~ The reasons why it is not practical to convene a quorate meeting of the Full Council, and the consent of the Chairman of the Corporate Policy and Performance Committee and the Leader of the Opposition or Vice-Chairman of the Overview Select Committee's consent to the decision ~~Decision~~ being taken as a matter of urgency, must be noted ~~in~~ on the record of the decision. ~~Decision.~~

~~4.35.3~~ In the absence of the Chairman of the Corporate Policy and Performance ~~Overview Select~~ Committee, the ~~consent of the Vice-Chairman of the Corporate Support Committee~~ may provide this consent. In the ~~and in~~ his/her absence, ~~the Head of the Leader of the Opposition, the Deputy Leader of the Opposition may provide this~~ Paid Service or his/her nominee's consent. ~~shall be required.~~

~~4.45.4~~ Following the decision ~~Decision~~, the decision-taker ~~will~~ must provide a full report to the next available Full Council meeting explaining the decision ~~Decision~~, the reasons for it, and why the decision ~~Decision~~ was treated as a matter of urgency.

5.5 This rule does not apply to determinations of planning applications under the Town and Country Planning Act 1990 as amended

~~4.5~~ ~~Decisions which are urgent under the above provisions shall not be subject to the Call-In procedure as set out in rule 14 of "Scrutiny Procedure Rules" in this Part of the Constitution.~~

~~5.0 VIREMENT~~

~~The Financial Procedural rules include provisions as to virement.~~

6.0 IN-YEAR CHANGES TO THE POLICY FRAMEWORK

The responsibility for agreeing the Policy Framework lies with the Full Council and decisions by the Committees, Sub-Committees, Joint Committees and officers must be in line with it. No changes to any the policy, plan or strategy which make up the Policy Framework ~~framework~~ may be made by Committees, Sub-Committees, Joint Area Committees and officers, ~~the Cabinet without the approval of the Full Council~~ except those changes which are :-

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- ~~necessary to ensure compliance with the law, ministerial direction or Governmentgovernment guidance; or~~
- ~~respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under discussion; or~~
- ~~for which the Council has specified a degree of in-year changes to the policy framework which may be undertaken by the Cabinet.~~

~~7.0 CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK~~

~~7.1 Where the Overview Select Committee is of the opinion that a Cabinet Decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget (a "departure"), then it shall seek advice from the Group Head of Council Advice & Monitoring Officer and/or Section 151 Officer.~~

~~7.2 In respect of functions which are the responsibility of the Cabinet, the Group Head of Council Advice & Monitoring Officer's report and/or Section 151 Officer's report shall be forwarded to the Cabinet with a copy to every Member of the Council.~~

~~7.3 Regardless of whether the Decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report:~~

~~7.3.1 to Council in the event that the Group Head of Council Advice & Monitoring Officer or the Section 151 Officer conclude that the Decision is a departure; and~~

~~7.3.2 to the Overview Select Committee if the Group Head of Council Advice & Monitoring Officer or the Section 151 Officer conclude that the Decision is not a departure.~~

~~7.4 If the Decision has yet to be made, or has been made but not yet implemented, and the advice from the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer is that the Decision is a departure, the Overview Select Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the Decision or its implementation until the Council has met and considered the matter.~~

~~7.5 The Council shall meet within 14 days of the request by the Overview Select Committee. At the meeting, it will receive a report of the Decision or proposals and the advice of the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer. The Council may either:~~

- ~~endorse a Decision or proposal of the Cabinet as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the Decision of the Council be minuted and circulated to all Councillors in the normal way,~~

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- ~~• amend the Council's Financial Regulations or policy concerned to encompass the Decision or proposal of the Cabinet and agree to the Decision with immediate effect. In this case, no further action is required save that the Decision of the Council be minuted and circulated to all Councillors in the normal way; or~~
- ~~• where the Council accepts that the Decision or proposal is a departure and does not amend the existing framework to accommodate it, require the Cabinet to re-consider the matter in accordance with the advice of either the Group Head of Council Advice & Monitoring Officer/ Section 151 Officer.~~

6.1

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1.0 INTRODUCTION

1.1 Definitions

a) In these Rules:

<i>This reference</i>	<i>Means</i>
Relevant Legislation	The Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; and any subsequent legislation.
Appointer	The Head of Paid Service or their nominee who has been given authority to discharge the function of appointment of an officer on behalf of the Council
Disciplinary Action	Any action occasioned by alleged misconduct which, if proven, would according to the Council's usual practice be recorded on the member of staff's personal file. This includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.
Dismissor	The Head of Paid Service or their nominee who has been given authority to discharge the function of dismissal of an officer on behalf of the Council
Head of Paid Service	The officer designated under Section 4(1) of the Local Government and Housing Act 1989.
Section 151 Officer	The officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the Council's financial affairs.
Monitoring Officer	The officer designated under Section 5(1) of the Local Government and Housing Act 1989.
Directors	Those officers who shall report directly to the Chief Executive and shall have managerial responsibility for a directorate.
Group Head	An officer who, with respect to all or most of the duties of their post is required to report directly or is directly accountable to either the Head of Paid Service or a Director, with the exception of an officer whose duties are secretarial or clerical or are otherwise in the nature of support services.
Statutory Officers' Investigatory and Disciplinary Committee	The Committee established by the Council to deal with matters relating to the conduct and/or capability of the Statutory Officers and Directors, as confirmed in the Constitution at Part 3 (Responsibility for Functions), paragraph 10.0

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1.2 Posts

- a) For ease of reference, the posts which fall under the relevant definitions in these Officer Procedure Rules are as follows:

Definition	Relevant Post
Head of Paid Service	Chief Executive
Section 151 Officer	Group Head of Corporate Support
Monitoring Officer	Group Head of Council Advice and Monitoring Officer
Director	Director of Place Director of Services
Group Head	Group Head of: <ul style="list-style-type: none"> • Corporate Support • Council Advice <u>& Monitoring</u> • Policy • Residential Services • Neighbourhoods • Community Safety • Planning • Technical Services • Economy

1.3 Confidentiality

- a) The Council and any relevant Committee shall, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under Section 100A of the Local Government Act 1972, as amended, where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual member of staff are to be discussed.
- b) This Rule recognises that it will still be for the Council and any relevant Committee to make such a formal resolution on an individual basis in line with the requirements of the Access to Information Rules at Part 6 of this Constitution.

2.0 RECRUITMENT AND APPOINTMENT

2.1 Declarations

- a) A candidate for any Council appointment will, when making their application, inform the Group Head of Corporate Support, or their nominee, of any close personal relationship with a person that they know is a Councillor, or officer who may have an influence on the appointment decision. A candidate who knowingly fails to disclose a relationship will be disqualified for the appointment and, if appointed, be liable for dismissal without notice. A Councillor, or officer who may

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have an influence on the appointment decision, will inform the Chief Executive of any relationship known to them with any person they know is a candidate for an appointment. The Chief Executive will report any such disclosure either to the Council or the officer making the appointment.

b) This Rule will be included in any recruitment information.

c) Persons will be deemed to be in a close personal relationship if they are:

- married, dating, in a civil partnership or a co-habiting arrangement or other similar relationship;
- immediate family members, e.g. parents, son, daughter, brother, sister, grandparent or grandchild; and
- other relationships including extended family such as aunts, uncles, cousins, nieces, nephews; and
- any other individuals such as close personal friendships or business associates outside of the Council.

2.1

~~a) A candidate for any employment with the Council, or a staff member involved in a transfer, promotion or disciplinary matter, shall disclose whether they are related to or cohabit with any Councillor or other officer who may have an influence on the decision. Failure to make such a disclosure may result in any appointment being rescinded and, in the case of an employee, disciplinary action.~~

~~b) The requirements of the Members' Code of Conduct and Member/Officer Relations Protocol set out at Part 8 of this Constitution shall apply to the appointment, transfer, promotion, discipline and other matters relating to staff.~~

2.2 Support for Appointments

~~a) Subject to paragraph c), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment to the Council. The content of this paragraph will be included in any recruitment information. Recruitment information will refer to Council policy that Councillors and officers cannot take part in the recruitment process if they are in a close personal relationships with the applicant.~~

~~a)b) A Councillor shall not solicit for any person any Council appointment, or give a written testimonial of a candidate's ability, experience or character for an application for appointment with the Council.~~

~~b) Subject to paragraph c) no Councillor will seek support for any person for any appointment within the Council.~~

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~~c) Nothing in paragraphs a) and b) will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.~~

2.3 Recruitment of the Head of Paid Service

- a) The Head of Paid Service is the Council's Chief Executive and is a statutory post.
- b) Where the Council proposes to appoint the Head of Paid Service, the Chief Executive's Recruitment and Selection Panel will be responsible for undertaking all the processes leading to their recruitment and selection, as confirmed in Part 3, ~~(Responsibility for Functions)~~.

2.4 Recruitment of Directors

- a) Where the Council proposes to appoint a Director and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service will be responsible for submitting a report to the Full Council to agree the processes to be followed leading to their recruitment and selection, including arrangements for the Member appointments to the interview panel.
- b) Once the processes have been agreed, the Head of Paid Service or their nominee will:
 - Draw up a statement specifying:
 - a) the duties of the officer concerned; and
 - b) any qualifications or qualities to be sought in the person to be appointed.
 - Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - Send a copy of the statement ~~mentioned in paragraph a) above~~ to any person on request.
- c) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
 - ~~agreeing~~ confirming~~convening~~ an interview panel based on the appointments agreed by the Full Council;
 - selecting a shortlist of such qualified applicants;
 - interviewing all those included on the shortlist; and
 - if no qualified person has applied, making further arrangements for advertisement in accordance with paragraph Rule 2.4(a).

2.5 Recruitment of Section 151 Officer, Monitoring Officer and Group Heads

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- a) Where the Council proposes to appoint a Section 151 Officer, Monitoring Officer or Group Head and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service or their nominee will:
- Draw up a statement specifying:
 - a) the duties of the officer concerned; and
 - b) any qualifications or qualities to be sought in the person to be appointed.
 - Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - Send a copy of the statement mentioned ~~in paragraph a)~~ ~~above~~ to any person on request.
- b) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
- agreeing an interview panel, in consultation with the Chairman and Vice-Chairman of the Corporate Policy & Performance Committee;
 - selecting a shortlist of such qualified applicants;
 - interviewing all those included on the shortlist; and
 - if no qualified person has applied, making further arrangements for advertisement in accordance with paragraph Rule 2.54(a).

~~2.6 Consultation Procedure for Appointments~~

- ~~a) An offer of appointment as a Director, Section 151 Officer, Monitoring Officer or Group Head must not be made by the appointer until:~~
- ~~• the appointer has notified the Chief Executive or their nominee of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment, including evidence and reasons for the choice of preferred candidate.~~
- ~~b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:~~
- ~~• the name of the person to whom the appointer wishes to make the offer; and the reasons why they are the appointer's preferred candidate, including evidence;~~
 - ~~• any other particulars relevant to the appointment which the appointer has notified to the Chief Executive or their nominee; and~~

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- ~~• the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee; and~~
- e) ~~Either:~~
 - ~~• the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the making of the offer; or~~
 - ~~• the Chief Executive or their nominee has notified the appointer that no objection was received by them within that period from the Leader; or~~
 - ~~• the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.~~

2.72.6 Authority to Appoint

- a) **The Head of Paid Service** – the Full Council will be responsible for confirming the appointment of the Head of Paid Service on the recommendation of the Chief Executive’s Recruitment and Selection Panel, as confirmed in Part 3 (Responsibility for Functions), Article 4 (Functions of Full Council).
- b) **Directors** – the Full Council will be responsible for confirming the appointment of a Director based on the recommendation of the Head of Paid Service, as confirmed in Part 3 (Responsibility for Functions).
- c) **Section 151 Officer, Monitoring Officer and Group Heads** – ~~subject to the consultation at paragraph 2.5,~~ the Head of Paid Service, or their nominee, will be responsible for confirming the appointment of the Section 151 Officer, Monitoring Officer or a Group Head based on the recommendation of an interview panel established under Rule 2.5(b).
- d) **Other Employees** – the appointment of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s recruitment procedures.

3.0 DISCIPLINARY ACTION

3.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer

- a) The Statutory Officers’ Investigatory and Disciplinary Committee will be responsible for dealing with matters relating to the conduct and/or capability of the following officers, as confirmed in Part 3 (Responsibility for Functions):
 - Head of Paid Service

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- Director of Place
- Director of Services
- Section 151 Officer
- Monitoring Officer

~~b) The HR Manager Group Head of Corporate Support, in consultation with the Leader of the Council, may suspend agree the immediate suspension with pay of the Chief Executive in an emergency whilst an urgent meeting of the Statutory Officers' Investigatory and Disciplinary Committee is convened.~~

~~b) The Leader of the Council, in consultation with the Human Resources Manager, may agree the immediate suspension of the Chief Executive in an emergency.~~

3.2 Other Employees

- a) Disciplinary action in respect of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

4.0 DISMISSAL FOR DISCIPLINARY AND CAPABILITY REASONS

4.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer

- a) Where the recommendation of the Statutory Officers' Investigatory and Disciplinary Committee, following an independent review by the Statutory Officers' Investigatory and Disciplinary Panel, is for dismissal then the Full Council will be required to approve the dismissal as confirmed in Part 3 (Responsibility for Functions) Article 4 (Functions of the Full Council).

4.2 Group Heads

- a) The dismissal of a Group Head will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

~~4.2 Group Heads~~

- ~~a) Subject to the consultation at paragraph 4.4, the dismissal of a Group Head will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.~~

4.3 Other Employees

- a) The dismissal of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

~~4.4 Consultation Procedure for Dismissals~~

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- ~~a) Notice of dismissal of a Group Head must not be given by the dismisser until:~~
- ~~• The dismisser has notified the Chief Executive or their nominee of the name of the person whom the dismisser wishes to dismiss and any other particulars which the dismisser considers are relevant to the dismissal.~~
- ~~b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:~~
- ~~• the name of the person whom the dismisser wishes to dismiss and the reasons for the decision;~~
 - ~~• any other particulars relevant to the dismissal which the dismisser has notified to the Chief Executive or their nominee; and~~
 - ~~• the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee; and~~
- ~~c) Either:~~
- ~~• the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the dismissal; or~~
 - ~~• the Chief Executive or their nominee as notified the appointer that no objection was received by them within that period from the Leader; or~~
 - ~~• the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.~~

5.0 DISMISSAL FOR REDUNDANCY OR ANY OTHER SUBSTANTIAL REASON

5.1 Head of Paid Service

- a) The Full Council will be responsible for confirming the dismissal of the Head of Paid Service for redundancy or any other substantialemployment reason.

5.2 Directors, Section 151 Officer, Monitoring Officer or Group Heads

- a) ~~Subject to the consultation at paragraph 5.4, t~~The dismissal of a Director, the Section 151 Officer, Monitoring Officer or a Group Head for redundancy or any other substantialemployment reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's procedures, and may not be made by Councillors.

5.3 Other Employees

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- a) The dismissal of all other employees for redundancy or any other substantial employment reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's procedures, and may not be made by Councillors.

5.4 Consultation Procedure for Dismissals

- ~~a) Notice of dismissal of a Director, Section 151 Officer, Monitoring Officer or Group Head must not be given by the dismissor until:~~

~~∴~~

- ~~• The dismissor has notified the Chief Executive or their nominee of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.~~

- ~~b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:~~

- ~~• the name of the person whom the dismissor wishes to dismiss and the reasons for the decision;~~
- ~~• any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive or their nominee; and~~
- ~~• the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee; and~~

- ~~c) Either:~~

- ~~• the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the dismissal; or~~
- ~~• the Chief Executive or their nominee as notified the appointer that no objection was received by them within that period from the Leader; or~~
- ~~• the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.~~

6.0 APPEALS

- 6.1 The Head of Paid Service, a Director, Section 151 Officer and Monitoring Officer shall have no right of appeal against disciplinary action within the Council that has been dealt with through the Statutory Officers' Investigatory and Disciplinary Committee, as set out in Part 3 (Responsibility for Functions).

- 6.2 A Director, the Section 151 Officer or Monitoring Officer shall have the right of appeal to the Staff Appeals Panel, or a Panel set up specifically for the purpose by the Group Head of Corporate Support or their nominee, where they feel that

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the outcome of a decision on redundancy or any other substantial employment matter is wrong or unjust.

- 6.3** Any other employee who feels that the outcome of disciplinary action or a decision on redundancy or any other substantial employment matter is wrong or unjust may appeal in accordance with the Council's procedures to the Head of Paid Service or their nominee. Where the policy allows, Ttheir final level of appeal will lie with the Staff Appeals Panel who will work to the Terms of Reference set out in the Constitution at Part 3 (Responsibility for Functions).

7.0 SETTLEMENT AGREEMENTS

- 7.1** The Head of Paid Service or Group Head of Corporate Support will be responsible for agreeing the terms of any Settlement Agreement in line with their delegated authority confirmed in Sections 2 and 3 respectively in the Officer Scheme of Delegation set out in Part 4 of this Constitution.

8.0 SUPPLEMENTARY PROVISIONS

- 8.1** In the event of the above Rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Group Head of Corporate Support.

PART 8 – CODES AND PROTOCOLS
(SECTION 3– PROTOCOL ON
–MEMBER AND /OFFICER RELATIONS)

Content

1.0 INTRODUCTION

~~Part 8 is set out in eight sections as follows:~~

~~SECTION 1~~ — ~~The Principles behind the Members' Code of Conduct~~

~~SECTION 2~~ — ~~Members' Code of Conduct~~

~~SECTION 3~~ — ~~Member/Officer Relations~~

~~SECTION 4~~ — ~~Preparatory Meetings of the Cabinet~~

~~SECTION 5~~ — ~~Call-in of Prosecutions~~

~~SECTION 6~~ — ~~Planning Local Code of Conduct for Members and Officers~~

~~SECTION 7~~ — ~~Petitions~~

~~SECTION 8~~ — ~~Protocol on the Filming and Recording of Council Meetings~~

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4.0 INTRODUCTION

1.1 The purpose of this document is to provide a guide to good working relationships between Members and ~~officers~~Officers of the Council. ~~It will~~ clearly ~~defines~~define the respective roles of Members and ~~officers~~Officers and ~~provides~~provide some principles governing conduct.

1.2 Members will comply with the Members' Code Conduct set out in Part 8 of this Constitution that they signed up to on taking up office. A breach of this Protocol may constitute a breach of this Code.

1.3 Officers must comply with the Employee Code of Conduct adopted by the Full Council on 13 November 2019 which forms part of their terms and conditions of employment. A breach of this Protocol may constitute a disciplinary offence and could result in dismissal.

2.0 THE RESPECTIVE ROLES OF MEMBERS AND OFFICERS

2.1 Members are elected and represent their constituents. ~~Under the~~ committee system form of governance adopted by~~executive arrangements for~~ the Council, Members perform roles on ~~the Cabinet, on Scrutiny Committees, Sub- and on Committees, Working Parties and Panels of the Council,~~ in addition to sitting as ~~members~~Members of the ~~Full~~Full Council. ~~Some~~ Some Members represent the Council ~~on~~~~upon~~ outside bodies.

2.2 Officers are employed by and serve the whole Council. ~~They~~ They advise the Council, its Committees, Sub-Committees, Working Parties and Panels. ~~and the Executive.~~ They implement decisions of the Council and make decisions under powers delegated to them.

2.3 Officers are responsible to their line manager~~Line Manager~~ and ultimately the Chief Executive or a~~their~~ Director. ~~Directors~~ Directors are accountable to the Chief Executive. Some senior officers have specific statutory responsibilities, including the Chief Executive as Head of Paid Service, the Group Head of Corporate Support as the Chief Financial Officer, ~~(Section 151, Local Government Act 1972)~~ and the Group Head of Council Advice & Monitoring as the Monitoring Officer.

3.0 OFFICER~~OFFICERS'~~ ADVICE AND POLITICAL NEUTRALITY

3.1 Officer advice and support will be provided at formal Council meetings at which business is transacted, including meetings of:

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- ~~a) Full Council meetings;~~
- ~~Meetings of the Cabinet and its Committees and;~~
- ~~b) Meetings of Committees/Sub-Committees;~~
- c) Working Parties and Panels; and
- ~~d) Groups/Forums/Joint Area Committees;~~

3.2 Officers will provide advice and support at informal briefings with:

- ~~a) Meetings of the Chairmen and Vice-Chairmen of the Committees;~~
- ~~b) the relevant Chairman and Briefings for Chairmen/Vice-Chairman Chairmen prior to a Committee or Sub-Committee meeting; and Meetings.~~
- c) Political Group Leaders.

- ~~Meetings/briefings for Cabinet portfolio holders.~~

3.3 Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.

~~3.23.4~~ Where officers are invited to meetings to give advice or comment on their service area by the Chairman of ~~the Overview Select Committee, Sub-Committee~~ or its Working ~~Party Groups, the Audit and Governance Committee, or any other committee~~, then their Group Head must also be informed of the invitation and reason for their attendance. ~~If; and if~~ the officer would prefer their Group Head to attend with them, then this should be allowed. ~~Where~~ there are issues of concern about an officer's attendance, responsibility ~~for agreeing to agree~~ attendance ~~will should~~ fall to the Council's Monitoring Officer. Where notes are taken from the meeting, either to record in the minutes or in a separate note for later use, then these must be agreed by the officer following the meeting.

~~3.33.5~~ Officer advice and support must relate only to Council business. ~~Officers~~ must not be requested to advise upon matters of political party or personal business.

~~3.43.6~~ All ~~officers~~ must treat political groups ~~Political Groups~~ and individual Members in a fair and even-handed manner. ~~Officers~~ must maintain political neutrality and Members must respect this.

~~3.53.7~~ Officers must respect the confidentiality of any political group ~~Political Group~~ discussions which they attend. ~~They~~ should not disclose the content of such discussions to any person who has not attended. ~~Senior officers~~ (Chief Executive, Directors or Group Heads) may be requested to attend political

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group meetings and the Chief Executive will then decide whether such attendance may take place.

~~3.63.8~~ If it is agreed that an ~~officer~~Officer can attend a ~~political group~~Political Group meeting, then the Chief Executive will inform the other Group Leaders and offer a similar facility on an equal basis.

3.9 Where there are Members who are not in a political group, they may request a similar facility from the Chief Executive which will be made available at their discretion.

~~3.73.10~~ Political group meetings fall outside of the Council's decision-making process. Conclusions reached at such meetings are not formal Council decisions and ~~will~~should not be relied upon as such. Officers attending political group meetings are not to be expected to act upon comments or conclusions made at these meetings.

4.0 **PERSONAL RELATIONSHIPS**

4.1 Close personal familiarity between individual Members and ~~officers~~Officers can damage working relationships and prove embarrassing to other Members and ~~officers.~~ Officers.

~~4.2~~ It is recognised that there may be occasions where personal familiarity is unavoidable. To avoid any appearance that the relationship may have an impact on future Council decisions, a, particularly where family relationships arise.

~~4.34.2~~ A Member must promptly declare by letter to both the Chief Executive and their respective Group Leader any family relationship or other close association with an ~~officer~~Officer employed by the Council. Similarly, the ~~officer~~Officer concerned must promptly declare this relationship in writing in their Declaration of Interests Form and by letter to their Director, or, in the case of a Director, to the Chief Executive. ~~If~~the declaration is by ~~case of~~ the Chief Executive, ~~then to~~ all Group Leaders must be notified in writing of any family relationship or other close association with a Member of the Council ~~should be notified. The Chief Executive and the relevant Director will arrange for the relationship to be included in the formal Declaration of Interest provided by the officer and the Register of Members' Interests.~~

4.3 The Chief Executive will arrange for the relationship to be listed in the officer's Declaration of Interests and in the Member's Register of Interests,

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unless the relationship is with the Chief Executive in which case the relevant Director will make these arrangements.

5.0 APPOINTMENT OF OFFICERS

5.1 Members must not take ~~any~~ part in the appointment of anyone to whom they are:

- ~~a) married;~~
- ~~b) a civil or co-habiting partner;~~
- ~~c) otherwise related; and~~
- ~~d) in a close friendship.~~

- ~~a friend.~~

5.2 Members must ensure that ~~officers~~Officers are appointed only on merit, with a view to their best serving the whole Council.

6.0 UNDUE PRESSURE

6.1 A Member should not apply ~~undue~~ pressure on an ~~officer~~Officer either to do anything which ~~they are~~he/she is not empowered to do or to undertake work outside normal duties or normal hours. Particular care needs to be taken in connection with the use of Council property and services.

6.2 Similarly, an ~~officer~~Officer must not seek to influence an individual Member to make a decision in ~~their~~his/her favour, nor raise personal matters to do with ~~their~~his/her job, nor make claims or allegations about other employees. The Council has formal procedures for consultation, grievance and discipline dealing with these matters.

7.0 OFFICER~~OFFICERS'~~ REPORTS AND ADVICE

7.1 The named author of a report to the Full Council or any part of its formal structure will always be fully responsible for ~~its~~the contents ~~of it~~. The ~~Leader, Cabinet Member for the relevant portfolio and/or~~ Chairman of the relevant Committee ~~or body~~ will be consulted as part of the process of drawing up the agenda for a forthcoming meeting and may comment upon a proposed report. The ~~officer~~Officer concerned will give due consideration to such comments, consulting ~~their~~his/her relevant Director or Group Head and other appropriate officers, as necessary. A report will only be amended where the amendment reflects the professional ~~judgement~~judgment of the author of the

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report. Any remaining disagreements between the Chairman and the author of the report should be referred to the Chief Executive for resolution, in conjunction with the Leader of the Council.

7.2 Occasionally, ~~officers~~Officers will need to express a professional view on a matter which may not support the view of the ~~leading political group~~Leading Group, the ~~Full~~ Council and/or the relevant ~~senior officers~~Senior Officers of the Council. There is to be no criticism of the officers in such circumstances.

7.3 Members may choose not to follow the advice of professional officers, however, care should be taken not to criticise the officer for giving their professional advice and they should give reasons why they are not following the advice.

7.4 Members should not elicit any criticism from an ~~officer~~Officer in respect of any other officer.

7.5 Members may choose to criticise reports of the action taken by officers, however, they should:

a) avoid personal attacks on officers;

7.3b) ensure that such criticism is conveyed in such a way and in such a forum that is not disrespectful~~his/her Line Manager, Group Head or bullying of the officer;~~Director.

c) be particularly careful not to undermine officers in such a way that it is disrespectful or bullying of officers at meetings, in a public forum, in the press or in any form of communication, including social media.

7.6 This would be damaging both to the effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well run Council.

8.0 OFFICER DECISIONS MADE UNDER DELEGATED POWERS

8.1 Officers may make decisions under powers delegated to them in accordance with the ~~Officer~~ Scheme of Delegation at Part 4 of this Constitution; or under a or by specific express authorisation of the Full Council, a ~~formal~~ Committee or ~~Sub-Committee~~ meetings. It must be recognised that it is the ~~officer~~Officer, and not any Member, who takes the action and it is the ~~officer~~Officer who is accountable for it.

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9.0 OFFICER RELATIONSHIP WITH THE LEADER OF THE COUNCIL AND COMMITTEE CHAIRMEN & ~~PORTFOLIO HOLDERS UNDER EXECUTIVE ARRANGEMENTS~~

9.1 The working relationship between senior ~~officers, Officers and~~ the Leader of the Council and Committee Chairmen ~~/portfolio holders~~ will be particularly close. The Leader of the Council ~~individual portfolio holders~~ will provide a focal point for the strategic direction of the Council working directly with the Chief Executive and their management team; and act as the representative of the Council in dealing with central government and other local authorities. The relevant Committee Chairman will be the Council's ~~be the Cabinet's~~ spokesperson for the ~~a particular~~ service areas and functions that fall within their Committee's ~~ser~~ area of work and have broad-ranging responsibilities.

9.2 Officers may provide briefing notes, advice and information to the Leader of the Council and Committee Chairmen ~~portfolio holders~~ in respect of reports or questions at Full Council, ~~format~~ Committee and Sub-Committee ~~Council~~ meetings; and other external meetings, such as e.g. meetings with Ministers, ~~/MPs~~, other local authorities ~~Local Authorities~~ and outside bodies. However, the ~~This~~ relationship, ~~however,~~ must not:

- a) compromise officers' ~~Officers'~~ duties to all Members of the Council;
- b) be so close as to give the appearance of partiality on the part of the officer ~~Officer~~;
- c) undermine the confidentiality of any discussions ~~within the Corporate Board or between~~ senior officers ~~Senior Officers~~ and ~~other~~ Members;
- d) compromise the officer's ~~Officers'~~ professional responsibility to advise Members that a particular course of action should not be pursued; and
- e) repeal officer ~~abrogate~~ ~~Officer~~ responsibility for action taken under delegated authority ~~Delegated Powers~~.

10.0 ~~THE~~ PROCEDURE FOR CRITICISM OR COMPLAINTS

10.1 It is important that there should be mutual courtesy and respect between Members and Officers, and ~~It is important~~ that there are reasonable

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standards of courtesy. ~~No and no~~ Member or Officer should seek to take unfair advantage of their position.

10.2 Members and Officers should not criticise or undermine respect for the other at ~~Council~~ meetings of the Full Council, Committee or Sub-Committees, or in any public forum.

10.3 Members should not raise matters relating to the conduct or capability of an individual ~~officer~~Council Officer or ~~officers~~Officers collectively at meetings held in public. Officers should observe the same rule in respect of Members.

10.4 If a Member believes that ~~they have~~he/she has not been treated with proper courtesy or has a concern about the conduct or capability of an ~~officer~~Officer, then ~~they~~he/she should raise the matter confidentially with the Chief Executive or relevant Director ~~of the Department in question~~ who may utilise the Council's formal disciplinary procedures if this is considered ~~appears to him/her to be~~ appropriate. ~~If~~ the Member is still not satisfied with the action that has been taken ~~in response to this~~, then ~~they~~he/she may raise the matter confidentially with the Chief Executive, or a Director if the Chief Executive considered the original concern, who will look into the matter afresh. If ~~they believe~~the Chief Executive believes that there is a case to answer then ~~they~~he/she may utilise the Council's formal disciplinary procedures. If the Chief Executive/Director suggests no action ~~they~~he will inform the Member and relevant Group Leader of this.

~~10.4~~10.5 Concerns raised ~~about~~concerning the Chief Executive will be referred in the first instance to a meeting of the ~~Leaders of the~~ Political Group Leaders.~~Groups of the Council~~. They may then refer the matter to the Full Council but must do so within the terms of the disciplinary procedure applying to the Chief Executive as set out in Part 3 (Responsibility for Functions) of this Constitution.

~~10.5~~10.6 If an ~~officer~~Officer feels that ~~they have~~he/she has not been treated with respect or is concerned about any action or statement relating to ~~themselves~~him/herself or a colleague by a Member, or the conduct of a Member, ~~they~~he/she should raise the matter with their line manager.~~his/her Line Manager~~. If ~~they are~~he/she is not satisfied with any action that has been taken as a result, ~~they~~he/she should raise the matter with the Chief Executive or their~~his/her~~ Director. If the Chief Executive or Director~~there is~~ of the opinion~~a serious case to answer the Director may request that the~~ Member has acted in breach of the Members' Code of Conduct, they should make a complaint

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~~to the Monitoring Officer. matter be investigated through the Council's Standards Committee's procedures.~~

~~10.6~~10.7 Where a Member or ~~officer~~Officer is concerned about potential unlawful conduct of ~~another~~a Member or ~~officer~~Officer, the Council's Whistle-blowing Policy and the Public Interest Disclosure Act 1998 are also relevant. Nevertheless, the procedure outlined in this ~~Protocol~~protect should be the first point of reference where possible.

11.0 MEMBERS' ACCESS TO INFORMATION AND COUNCIL DOCUMENTS

11.1 Article 2 of this Constitution confirms a Member's rights of access to only such Council documents and information that are necessary for the discharge of their functions and the law. The Access to Information Rules at Part 6 of this Constitution set out the rights of access that Members have to information and documents to be presented to meetings of Committees and Sub-Committees.

~~11.1—In respect of exempt or confidential information Each Member has the right to inspect and have copies of the reports, Minutes and background papers relating to the public part of any Council, Committee, Sub-Committee or Working Group agenda. However, Members do not have an automatic right of access to documents relating to confidential ("Exempt") items on the agenda. These might include, for instance, information relating to employees, occupiers of Council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations.~~

11.2 ~~In respect of such confidential information,~~ a Member may have access to information and documents~~the documentation~~ insofar as it is reasonably necessary to enable ~~them~~him/her to properly perform ~~their~~his/her duties as a Member of the Council. The relevant question asked is whether ~~they~~need~~he/she needs~~ to know the information to perform such duties.

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- 11.3 A ~~Cabinet Member~~, Member of a Committee, Sub-Committee, Working Party or Panel ~~Sub-Committee or Working Group~~ will have a need to know ~~of the documentation and information~~ and documents relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The relevant question asked is whether they need~~he/she needs~~ to know the information to perform their~~his/her~~ duties as a Member. The question as to access to the documentation will be determined initially by the relevant Group Head. However~~but~~, in the event of a continuing disagreement as to access, then the matter may be referred to the relevant Director and the ~~Group Head of Council Advice as~~ Monitoring Officer.
- 11.4 Where a Member has a pecuniary~~private~~, personal or prejudicial~~pecuniary~~ interest in a matter, or they decide to remove themselves from taking part in a debate due to the appearance of bias, the Member will only be entitled to the same rights of access to documentation as would apply for the public generally. They~~Thus, he/she~~ would have access to the reports, minutes~~Minutes~~ and background papers relating to the public part of any Full Council, Committee or, Sub-Committee ~~or Working Group~~ agenda but not to any exempt or confidential items.
- 11.5 Any Council information provided to a Member must only be used by them~~the Member~~ in connection with the proper performance of their~~the Members'~~ duties as a Member of the Council. Exempt or confidential~~Confidential~~ information should not be disclosed, discussed with, or released to any other persons unless it reasonably relates to a qualified disclosure, i.e. it relates to~~it relates to an alleged criminal offence, a failure to comply with a legal obligation, maladministration where a breach of administrative law has occurred, a miscarriage of justice, a danger to health or life, damage to the environment or concealment of information tending to show any of these matters.~~ The National Code of Local Government Conduct states as follows:
- a) an alleged criminal offence;
 - b) “As a failure to comply with a legal obligation;
 - c) maladministration where a breach of administrative law has occurred;
 - d) a miscarriage of justice;
 - e) a danger to health~~Councillor~~ or life;
 - f) damage to the environment;~~a Committee~~ or
 - g) concealment of information tending to show any of these matters.
- 11.6 ~~A Sub-Committee~~ Member may~~you~~ necessarily acquire ~~much~~ information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. A Member~~you~~ should never disclose or use confidential information for the personal and/or political advantage of themselves~~yourself~~ or of anyone known to them~~you~~, or to the disadvantage or the discredit of the Council or anyone else.”

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~~11.6~~11.7 Any exempt or confidential information provided to Members should be clearly marked as such prior to its provision.

~~11.7~~11.8 Further advice regarding Members' rights to inspect Council documents may be obtained from the ~~Group Head of Council Advice and~~ Monitoring Officer or the Chief Executive.

12.0 MEMBERS' ACCESS TO MEETINGS

~~12.1~~ The ~~same principles set out at 11 above and in particular paras. 11.2 to 11.4 shall apply to Members' rights of access and attendance at Committees (as defined in the Committee Procedure Rules at set out in Part 5, Section 3 of this Constitution set out)~~.

~~12.2~~12.1 Regard shall be had to these provisions when a Member's right of attendance at meetings ~~person presiding at a meeting or (in the case of Committees, Sub-Committees and Joint Area Committees. The the Standards Committee) the meeting exercises the powers contained in Rule 22.0 of the~~ Access to Information Procedure Rules at Part 6 of this Constitution set out a Member's rights of access at a public meeting and the provisions for attendance at meetings during confidential or exempt business.

13.0 PUBLIC RELATIONS AND PRESS RELEASES

13.1 By law, the Council is prohibited from publishing material which appears to be designed to affect public support for a political party. News releases are written by ~~officers~~Officers but they may contain quotations from the ~~Chairman/Vice-Chairman or Leader/Deputy Leader of the Council, a Cabinet Member or the Chairman/Vice-Chairman of the relevant Committee~~ Chairman or Vice-Chairman ~~Sub-Committee~~. Such news releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation. Council news releases will be objective, factual and informative.

~~13.1~~13.2 The Council has also adopted a Protocol and Guide to pre-election publicity which provides advice upon publicity and activities during a pre-election period, including a moratorium on publicity during the month preceding an election of the Council. This can be requested from the Group Head of Policy via public.relations@arun.gov.uk

~~13.2~~13.3 The Council will abide by the national Code of Recommended Practice on local authority publicity.

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14.0 MEMBER SUPPORT SERVICES

~~14.1~~ The Council provides ICT equipment~~a range of support services, including stationery, typing and postage~~ to enable Members and they can also ask for correspondence to be posted~~carry out through the Post Room at the Arun Civic Centre, Littlehampton. This equipment and facility must~~~~their duties. These may~~ only be used on Council business. They must not be used for party or political work of any kind. Members should not ask officers~~Officers~~ to type, photocopy or otherwise process party or political material.

15.0 CORRESPONDENCE

15.1 Correspondence between an individual Member and an officer~~Officer~~ on a matter relating to a single constituent should not normally be copied (by the officer~~Officer~~) to any other Member. Where, exceptionally, it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of “silent or blind copies” should not be employed.

15.2 In some cases, issues are raised by, or with, individual Members relating to a matter of general interest in a District Council Ward. Recognising that it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their Ward, copies of correspondence will normally be sent to all Members for the particular area unless the Member specifically requests that correspondence is not copied to other Members or, there is a political, or other reason, why this is not appropriate. Where correspondence is copied to other Members, this will be made clear to the original Member.

~~15.3~~ Letters prepared by officers~~Officer letters~~ on behalf of the Council will~~should~~ normally be sent out in the name of the officer~~appropriate Officer~~, rather than in the name of a Member.

~~15.3~~15.4 Any sharing of personal information between Members and officers should follow~~it may be appropriate in certain circumstances for a letter to be signed by a Member, but this should be the~~ obligations of relevant data protection law~~exception rather than the norm.~~

16.0 LEADERS’ MEETING

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16.1 The Leader of the Council, in consultation with the Chief Executive, will call, as and when necessary, meetings of the Party Group Leaders to discuss matters concerned with the conduct of the Council's business; ~~Member and officer~~ issues; ~~and~~ matters affecting Members generally. It will have no ~~decision-making~~ ~~executive~~ power but will facilitate the efficient running of the Council.

17.0 UNRESOLVED ISSUES AND AMENDMENTS TO THIS PROTOCOL

17.1 If there are any issues of concern which are not dealt with by this ~~Protocol~~, then the relevant Member or ~~officer~~ may discuss the matter with the Chief Executive or the ~~Group Head of Council Advice & Monitoring Officer~~ with a view to advice being provided. ~~If the issue remains unresolved, then it shall be referred to the Standards Committee for consideration.~~

17.2 Should any Member or ~~officer~~ wish to suggest an amendment to this ~~Protocol~~ then ~~they are~~ ~~he/she is~~ asked to contact either the Chief Executive or the ~~Group Head of Council Advice & Monitoring Officer~~.

17.3 Any amendment of this ~~Protocol~~ will require the approval of the Full Council.

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(SECTION 5 ~~-7-~~ PETITIONS SCHEME)

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SECTION 57 – PETITIONS SCHEME

1.0 INTRODUCTION

~~Part 8 is set out in eight sections as follows:~~

~~SECTION 1~~ — ~~The Principles behind the Members' Code of Conduct~~

~~SECTION 2~~ — ~~Members' Code of Conduct~~

~~SECTION 3~~ — ~~Member/Officer Relations~~

~~SECTION 4~~ — ~~Preparatory Meetings of the Cabinet~~

~~SECTION 5~~ — ~~Call-in of Prosecutions~~

~~SECTION 6~~ — ~~Planning Local Code of Conduct for Members and
Officers~~

~~SECTION 7~~ — ~~Petitions~~

~~SECTION 8~~ — ~~Protocol on the Filming and Recording of Council
Meetings~~

DRAFT 2021 CONSTITUTION
PART 8 – CODES AND PROTOCOLS
SECTION 57 – PETITIONS SCHEME

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PART 8 – CODES AND PROTOCOLS
SECTION 57 – PETITIONS SCHEME

~~1.~~ PETITIONS SCHEME

~~4.1.1.1~~ Before considering whether to raise a petition to Arun District Council, it is recommended that you discuss your issue with your local Ward Councillor who may be able to help you with it or explain how to make representations on a particular subject to the right person at the Council.

~~4.2.1.2~~ Any Arun resident can submit a petition provided it includes **not less than 10 signatures**. A petition may be signed by anyone living or working in the Arun District.

~~4.3.1.3~~ All petitions sent or presented to the Council will receive an acknowledgement ~~from the Council~~ within 10 working days of receipt. This acknowledgement will set out what ~~the Council~~ plans to do with the petition. ~~The Council~~ will treat something as a petition if it is identified as being a petition, or if it seems that it is intended to be a petition.

~~4.4.1.4~~ Details of all petitions received will be included on the Council's website but this will not include the contact details of anyone who has signed the petition or that of the petition organiser.

~~4.5.1.5~~ Petitions can be sent to the:
Committee Services Team
~~Group Head of Council Advice & Monitoring Officer~~

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

Email: committees@arun.gov.uk

~~4.6.1.6~~ Petitions can also be handed over to a meeting of the Full Council. These meetings generally take place on an 8 weekly basis. Dates and times can be found on the Council's website www.arun.gov.uk or by emailing committees@arun.gov.uk or telephoning the Committee Services Team on 01903 737611~~or by telephoning 01903 737610.~~

~~4.7.1.7~~ If you would like to hand over your petition to the Council, or would like your Councillor or someone else to do this on your behalf, please contact the Committee Services Team by Group Head of Council Advice & Monitoring Officer on 01903 737580 or by email [on](mailto:committees@arun.gov.uk) committees@arun.gov.uk or by telephone on 01903 737611 at least 10 working days before the meeting and they will guide~~talk~~ you through the process.

~~4.8.1.8~~ If your petition has received 1,500 relevant signatures or more it will also be scheduled for a Full Council debate (~~if see paragraph Section 5, below on Full Council Debates~~). If this is the case, the Committee Services Manager~~Group Head of Council Advice & Monitoring Officer~~ will let you know

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whether this will happen at the same meeting or a later meeting of the Full Council.

2.2.0 WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?

2.1 ~~2.1~~—Petitions submitted to the Council must include:

- a) a clear and concise statement covering the subject of the petition;
- b) a statement about what action the petitioners wish the Council to take;
and
- c) the name, full postal address, including postcode, and signature of any person supporting the petition.

2.2 ~~2.2~~—Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person who will be contacted to explain how the Council will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, the Committee Services Manager~~Group Head of Council Advice & Monitoring Officer~~ will contact signatories to the petition to agree who should act as the petition organiser.

2.3 ~~2.3~~—A petition will not be accepted where:

- a) it is considered to be vexatious, abusive or otherwise inappropriate;
- b) it is a statutory petition (for example, requesting a referendum on having an elected mayor);
- c) it refers to a planning or licensing application; or
- d) it refers to a decision for which there is an existing right of appeal or other procedure (for example, Council Tax~~tax~~ banding).

2.4 ~~2.4~~—Further information on ~~the Council's procedures and~~ how you can express your views on such matters can be found~~are available~~ on the Council's website www.arun.gov.uk :

- ~~Planning Applications~~
- ~~Licensing Applications~~
- ~~Council Tax Banding~~

2.5 ~~2.4~~—In the case of petitions that are considered to be vexatious, abusive or otherwise inappropriate, the petition will be referred to the Group Head of Council Advice & Monitoring Officer to decide if the petition is to be disallowed and respond to the petitioner. If the ~~Group Head of Council Advice & Monitoring Officer~~ disallows a petition, the petitioner may request a review of that decision. That request will be reported to the Audit & Governance~~Overview~~ Select Committee to confirm whether the petition can be accepted or not. The

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Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.

~~2.5~~ 2.6—The petition organiser will be advised in writing when a petition has not been accepted explaining the reasons for this.

~~2.6~~ 2.7—In the period immediately before an election or referendum, the Council may need to deal with your petition differently. ~~If~~ if this is the case, the Committee Services Manager~~Group Head of Council Advice & Monitoring Officer~~ will explain the reasons and discuss the revised timescale which will apply.

~~2.7~~ 2.8—If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, the Committee Services Manager~~Group Head of Council Advice & Monitoring Officer~~ will write to you to explain the reasons.

3.3.0 WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?

~~3.1~~ 3.1—An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the Council plans to do with the petition and when they can expect to hear from the Council again. It will also be published on the Council’s website.

~~3.2~~ 3.2—If the Council can do what your petition asks for, the acknowledgement may confirm that it has taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Full Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, you will be told the steps the Council plans to take.

~~3.3~~ 3.3—To ensure that people know what the Council is doing in response to the petitions received, the details of all ~~the~~ petitions submitted will be published on the Council’s website, except in cases where this would be inappropriate.

4.4.0 HOW WILL THE COUNCIL RESPOND TO PETITIONS?

~~4.1~~ 4.1—The Council’s response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

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- a) taking the action requested in the petition
- b) considering the petition at a Full Council meeting
- c) holding an inquiry into the matter
- d) undertaking research into the matter
- e) holding a public meeting
- f) holding a consultation exercise
- g) holding a meeting with petitioners
- h) referring the petition for consideration by the relevant~~Council's Overview~~
Select Committee
- i) calling a referendum
- j) writing to the petition organiser responding to what~~setting out our views~~
about the request in the petition requested

4.2 ~~4.2~~—The Council will consider all specific actions it can potentially take on the issues highlighted in a petition. ~~Appendix 1 gives some examples of what this action could include.~~

4.3 ~~4.3~~—Where your~~the~~ petition does not have the prescribed number of signatures to trigger a debate or officer attendance before a Committee, the Committee Services Manager~~Group Head of Council Advice & Monitoring Officer~~ will determine the most appropriate course of action in consultation~~following discussion~~ with the relevant Group Head ~~Cabinet Member~~ and relevant Committee Chairman and advise you accordingly.~~the senior officer for the service which is the subject of the petition.~~

4.4 ~~4.4~~—If your petition is about something over which the Council has no direct control (for example the local railway or hospital), ~~it~~ it will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council~~council~~ policy), then you will be advised of the reasons for this. You can find more information on the functions of the Council on its website www.arun.gov.uk~~Council's services on our website.~~

4.5 ~~4.5~~—If your petition is about something that a different Council is responsible for, the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event the Committee Services Manager~~Group Head of Council Advice & Monitoring Officer~~ will always notify you of the action to be taken.

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5.5.0 FULL COUNCIL DEBATES

5.1 ~~5.1~~—If a petition contains more than 1,500 signatures, it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting (~~see as detailed at~~ paragraph 6.0, Officer Evidence). ~~below~~. This means that the issue raised in the petition will be discussed at a meeting which all Councillors~~councillors~~ can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

5.2 ~~5.2~~—The petition organiser will be given 5 minutes (maximum) to present the petition at the meeting. The relevant ~~Cabinet Member or~~ Committee Chairman will be given 5 minutes (maximum) for a right of reply before Councillors discuss the petition for a maximum of 30 minutes, with each Councillor allowed to speak for a maximum of 3 minutes. The length of the debate can be extended at the Chairman of the Council's discretion.

5.3 ~~5.3~~—The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests; not to take the action requested for reasons put forward in the debate; or to commission further investigation into the matter, for example by a relevant Committee~~committee~~. Where the issue is one on which a Committee~~the Council's Cabinet or individual Cabinet Member~~ is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

6.6.0 OFFICER EVIDENCE

6.1 ~~6.1~~—Your petition may ask for a senior ~~council~~ officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior ~~council~~ officer to explain progress on an issue, or to explain the advice given to elected Councillors to enable them to make a particular decision.

6.2 ~~6.2~~—If your petition contains at least 750 signatures, and your petition clearly states the specific issue you want to raise, the relevant senior officer will give evidence at a public meeting of the relevant Committee. You can find out details of the Council's Committees and their functions at Part 3 (Responsibility for Functions) of the Constitution.~~Council's Overview Select Committee.~~

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6.3 ~~6.3~~—The senior officers that can be called to give evidence are the Chief Executive, Directors and Group Heads. Their details can be found ~~at in the Council's Constitution~~ Part 7 (Management Structure) of the Constitution. You should be aware that the ~~relevant~~ Overview Select Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The ~~relevant~~ Overview Select Committee may also decide to call ~~the relevant Cabinet Member or~~ Committee Chairman or Councillor to attend the meeting.

6.4 ~~6.4~~—The members of the ~~relevant~~ Overview Select Committee will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the Committee Manager up to 3 working days before the meeting. Details will be given to you to assist with this process.

6.5 ~~6.5~~—The Chairman of the Committee will have absolute discretion on the appropriateness of any questions submitted which will also be supplied in advance of the meeting to the officer being called to give evidence.

7.7.0 WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?

7.1 ~~7.1~~—If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Audit & Governance ~~Overview Select~~ Committee reviews ~~review~~ the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

7.2 ~~7.2~~—The Audit & Governance ~~Overview Select~~ Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should ~~this~~ the Committee determine that the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to a relevant Committee or ~~the Council's Cabinet and~~ arranging for the matter to be considered at a meeting of the Full Council.

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7.3 ~~7.3~~—Once the review~~appeal~~ has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website. There is no right of appeal through the Full Council.

8.0 HOW LONG WITH THE COUNCIL RETAIN MY PETITION?

8.1 ~~Once your petition has been considered by the Full Council, a Committee or officer then it will be confidentially destroyed unless the Petition Organiser has requested that this be returned to them.~~

8.2 ~~All other correspondence relating to the processing of your petition will be retained for one year and then confidentially destroyed.~~

Examples of what the Council could do in response to a petition

Petition Subject	Appropriate Steps
Alcohol related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the Council could, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council’s response to your petition will set out the steps the Council intends to take and the reasons for taking this approach.</p>
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, as a social landlord and licensing authority, the Council plays a significant role in tackling anti-social behaviour. The Council, in conjunction with its partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards from the Community Safety team.</p> <p>When responding to petitions on ASB, the Council will consider in consultation with its local partners, all the options available including the wide range of powers and mechanisms to intervene as part of its role as a social landlord and licensing authority. For example, the Council could work with the neighbourhood policing team in the affected area to identify what action might be taken including what</p>

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	role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, could alert the Arun Crime and Disorder Reduction Partnership and Environment & Leisure Working Group to the issues highlighted in the petition.
Under-performing health services	The Council will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role Healthwatch might have in reviewing and feeding back on the issue.

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PART 8 – CODES AND PROTOCOLS
(SECTION ~~6~~ – ~~8~~ – ~~PROTOCOL ON THE FILMING AND~~
~~RECORDING OF COUNCIL MEETINGS~~)

~~Part 8 is set out in eight sections as follows:~~

~~SECTION 1~~ — ~~The Principles behind the Members' Code of Conduct~~

~~SECTION 2~~ — ~~Members' Code of Conduct~~

~~SECTION 3~~ — ~~Member/Officer Relations~~

~~SECTION 4~~ — ~~Preparatory Meetings of the Cabinet~~

~~SECTION 5~~ — ~~Call-in of Prosecutions~~

~~SECTION 6~~ — ~~Planning Local Code of Conduct for Members and
Officers~~

~~SECTION 7~~ — ~~Petitions~~

~~SECTION 8~~ — ~~Protocol on the Filming and Recording of Council
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PART 98 – CODES AND PROTOCOLS
SECTION 6 – FILMING AND PHOTOGRAPHIC PROTOCOLS – ~~PETITIONS SCHEME~~

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FILMING & PHOTOGRAPHIC PROTOCOLS POLICY

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SECTION 6 – FILMING AND PHOTOGRAPHIC PROTOCOLS – ~~PETITIONS SCHEME~~

Content

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PART 98 – CODES AND PROTOCOLS
SECTION 6 – FILMING AND PHOTOGRAPHIC PROTOCOLS – ~~PETITIONS SCHEME~~

1.0 INTRODUCTION

1. PURPOSE

1.1 This document sets out the principles around how filming, photography and social media will be used to ensure that Council meetings are seen to be transparent and any data collected is dealt with appropriately in terms of legal requirements and best practice.

1.2 It will also cover authorisation procedures for external bodies or individuals who wish to film or take pictures on Council~~council~~ property.

2.2.0 COUNCIL MEETINGS

2.1 The recording, filming and broadcasting of all public meetings is allowed in accordance with the Local Government Audit and Accountability Act 2013. This does not include meetings or parts of meetings from which the press and public are excluded.

2.2 ~~The From time to time the~~ Council webcasts meetings of its Full Council and the Development Control Committee. It may extend these provisions to other Committees as facilities and ~~make a decision to broadcast a meeting via their website. Due to the resources~~ allow. ~~needed this will only take place where a meeting is deemed to be of particular and widespread interest and normally where the Council is aware that the public gallery is unlikely to accommodate all of the members of the public who would like to observe the meeting.~~ The Council will retain the recording for a period of six~~6~~ months following the meeting and it will be available to view for this period via a link from the Council's website www.arun.gov.uk -

2.3 This policy sets out restrictions on when and how members of the public will be permitted to film or record meetings so long as it does not interfere with any person's ability to observe the debate. Please note that this includes the use of digital and social media tools, for example Twitter and blogging.

2.4 Anybody recording or filming a meeting should recognise and respect the rights of members of the public or staff who are not formally a part of the meeting or making representations at the meeting, and that generally the Public Gallery should not be filmed. However, by entering the meeting room and using the public seating area, members of the public should be aware that they are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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2.5 If a meeting is to be filmed, this will be announced at the start of the meeting. Any filming or recording should be done in a non-disruptive manner and will only be allowed from the area set aside for the public to observe the meeting.

2.6 During meetings ~~in official Council meeting rooms~~, filming by broadcasters shall only be from the media areas, public gallery or specific designated space. This space will be reserved for them and will not be available for the public. Set up or removal of any equipment must be done outside of the formal meeting time. The use of flash photography or additional lighting will not be allowed unless this has been agreed in advance because of its potential to disrupt a meeting.

2.7 The Chairman of the meeting, or any designated Council representative, has the capacity to stop a meeting or take any other appropriate action if anybody contravenes these principles, is deemed to be filming or recording in a disruptive manner or in a manner which may infringe the rights of any individual, or be defamatory.

2.8 Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability resulting from them doing so. In addition, the Council asks that those recording proceedings do not edit the film/record or photographs in a way that could lead to misinterpretation of proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in such a way that may ridicule or show a lack of respect to those being filmed, ~~photographed or~~ recorded.

2.9 Guidance on filming, recording and broadcasting meetings will be displayed at the Council's meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not. This ~~Protocol policy and guidance~~ will also be published on the Council's website.

3.3.0 FILMING AND PHOTOGRAPHY WITHIN THE ARUN DISTRICT

3.1 The Council regularly receives requests to film or photograph around the District. Detailed guidance and a request procedure for this is available on the Council website at <https://www.arun.gov.uk/filming-in-the-district> . This includes a detailed set of terms and conditions including the regulations and statutory controls which apply and contact details for further information. The procedure includes:

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- a) General conditions
- b) Risk assessment and health and safety
- c) Specific requirements around the use of drones or aerial filming equipment.
- d) Requirements in terms of insurance cover
- e) Requirement to indemnify the Council against various expenses and outcomes
- f) Use of and access to the filming/photography site
- g) Road closures
- h) Charges

4.4.0 COUNCIL SERVICES WHO USE FILMING/PHOTOGRAPHY

4.1 A number of Council Services use filming and/or photography in various ways to support their service delivery. This may include the use of images on social media posts generated by the Council. All Council services are expected to comply fully with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, Regulations and to ensure that any material which includes personal data relating to an individual is dealt with according to the following principles:

- a) ~~thatThat~~ such material is processed lawfully, fairly and in a transparent manner;
- b) ~~anyAny~~ film/photographic record will be collected for a specified, explicit ~~and legitimate~~ purpose;
- c) ~~thatThat~~ the data collected is limited to what is necessary and relevant;
- d) ~~thatThat~~ any data which identifies an individual is kept for no longer than necessary; and
- e) ~~thatThat~~ all data is processed and stored in a secure way.

5.5.0 FURTHER INFORMATION

5.1 Anybody requiring further information on this Protocol~~Policy~~ should contact the Public Relations Team at public.relations@arun.gov.uk, or for further information on filming and photography around the Arun District events@arun.gov.uk

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PART 2 – ARTICLES OF THE CONSTITUTION

Appendix 2

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ARTICLE 1 – THE CONSTITUTION

1.0 FUNCTIONS (POWERS AND DUTIES) OF THE COUNCIL

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

2.0 THE CONSTITUTION

This Constitution, and all its sections, is the Constitution of Arun District Council.

3.0 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

- (i) enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
- (ii) support the active involvement of residents in the process of local authority decision making;
- (iii) help Councillors represent their constituents more effectively;
- (iv) enable decisions to be taken efficiently and effectively;
- (v) create a powerful and effective means of holding decision-makers to public account;
- (vi) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (viii) provide a means of improving the delivery of services to the community.

4.0 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 135.

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PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 2 – MEMBERS OF THE COUNCIL

1.0 COMPOSITION AND ELIGIBILITY

(a) Composition

The Council ~~will~~ comprises 54 members otherwise called Councillors. Between two and three Councillors will be elected by the voters of each ward in accordance with the scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the Arun District, ~~or~~ those living or working ~~there, or those who occupy as owner or tenant land or other premises in the district~~ will be eligible to ~~stand for~~ hold the office of Councillor.

2.0 ELECTION AND TERMS OF COUNCILLORS

The regular election of Councillors will be held on the first Thursday in May every four years. ~~The next Council election will be in May 2019.~~ The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the election four years later.

Commented [LF1]: Amended as requested by WP

3.0 ROLES AND FUNCTIONS OF ALL COUNCILLORS

Key roles – All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the ~~district~~area and actively encourage community participation and residents involvement in decision making;
- (iii) effectively represent the interests of the Council's area with special responsibility to the residents in their Ward;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council; and
- (vi) maintain the highest standards of conduct and ethics.

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Rights and Duties – All Councillors will:

- (i) have rights of access to only such documents, information, land and buildings of the Council as are necessary for the discharge of their functions and in accordance with the law;
- (ii) not make public information which is confidential or exempt without the written consent of the Council, Chief Executive or ~~Group Head of Council Advice &~~ Monitoring Officer; or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. Confidential and exempt information is defined in the Access to Information Rules at Part 6 of this Constitution.

4.0 CONDUCT

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 8 of this Constitution.

5.0 ALLOWANCES

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in Part 9 of this Constitution.

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ARTICLE 3 – RESIDENTS AND THE COUNCIL

1.0 RESIDENTS’ RIGHTS

Residents have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 6 of this Constitution.

(a) **Voting and Petitions**

Those on the electoral register for the district have the right to vote in elections in their ward and may sign a petition to request a referendum for a change from one different form of governance to another. For a petition to be valid to require a referendum, the number of signatures must equate to no less than 5% of the electorate of the area. If there is a referendum, registered electors will have a right to vote in accordance with the timetable as prescribed under legislation, and to vote in any local referendum in respect of an increase in the local authority’s precept, in accordance with the timetable as prescribed under legislation, and to vote in any local referendum in respect of an increase in the local authority’s precept.

(b) Other petitions

Any Arun resident can submit a petition as long as it follows the requirements of the Petitions Scheme set out in Part 8 of this Constitution. A petition can, amongst other outcomes, lead to a Council debate or the matter being considered by the relevant Service Committee.

~~(b)~~

c) Information

Residents have the right to:-

- (i) attend, record and report on meetings of the Council and its ~~Cabinet, Committees and Sub-Committees and panels~~ except where confidential or exempt information is likely to be disclosed and the meeting, or part of the meeting, is therefore held in private;
- ~~(ii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;~~
- ~~(iii)~~(ii) see reports and background papers and any records of decisions made by the Council and Committees, excluding confidential and exempt information~~the Cabinet; and~~
- ~~(iv)~~ inspect the Council’s accounts and make their views known to the external auditor. ~~;~~ ~~and~~

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Commented [LF2]: Suggesting deleting as not a requirement under committee structure

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~~(v) submit petitions at a meeting of the Council.~~

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(c) Participation

Residents are able to participate in Public Question Time in Full Council and Service Committee and Cabinet meetings, ~~and may be invited by the Overview Select Committee to participate in their investigations.~~

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(d) Complaints

Residents have the right to complain to the:

- (i) Council itself under its corporate complaints ~~procedure scheme~~;
- (ii) Local Government and Social Care Ombudsman after using the Council's own complaints ~~procedure scheme~~;
- (iii) ~~Monitoring Officer Standards Committee~~ about a breach of the Members' Code of Conduct by an Arun District Councillor; and
- (iv) ~~Monitoring Officer Standards Committee~~ about a breach of their respective Members' Code of Conduct of any Town and Parish Councillor in the Arun district.

Commented [LF5]: This follows the requirements of the Local Assessment Procedure

2.0 RESIDENTS' RESPONSIBILITIES

Residents must not be violent, abusive or threatening to Councillors or officers, in any form of contact, including through social media platforms, and must not wilfully cause damage to any property owned by the Council, Councillors or officers.

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ARTICLE 4 – THE FULL COUNCIL

1.0 MEANINGS

(a) **Policy Framework** – the policy framework means the following plans and strategies:

- o ~~Crime and Disorder Reduction Strategy~~
- o ~~Development Plan documents~~
- o ~~Licensing Authority Policy Statement~~
- o ~~Plans and alterations which together comprise the Development Plan (Local Plan)~~
- o ~~Sustainable Community Strategy (Arun Priorities, Vision 2020 and Strategic Targets)~~
- o ~~Corporate Plan~~
- o ~~Plans and alterations which together comprise the Local Plan~~
- o ~~Leisure Strategy~~
- o ~~Asset Management Plan~~
- o ~~Capital Strategy~~
- o ~~Commercial Strategy~~
- o ~~Arun Priorities and Vision 2020~~
- o ~~Housing Revenue Account (HRA) -Business Plan~~
- o ~~Property Investment Strategy~~
- o ~~Crime and Disorder Reduction Strategy~~
- o ~~Budget – this includes:~~
 - o ~~the allocation of financial resources to different services and projects;~~
 - o ~~proposed contingency funds;~~
 - o ~~setting the Council Tax;~~
 - o ~~decisions relating to the control of the Council's borrowing requirements, investments and capital expenditure; and~~
 - o ~~the setting of virement limits.~~

Commented [LF6]: Must be included to reflect provisions of S3(2)(a) of LAs (Committee System) Regulations 2012
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Commented [LF7]: Additional local arrangements and suggesting one addition of Commercial Strategy

2.0 FUNCTIONS OF THE FULL COUNCIL

~~The functions of the Full Council are set out in Part 3 of this Constitution.
Only the Council will exercise the following functions:-~~

Commented [LF8]: Moved to sit with all other terms of reference for ease of access – this follows the Basildon and Fylde models

- ~~(a) — Approving Settlement Agreements of more than £95,000.~~

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- ~~(b) Adopting and changing the Constitution, other than allowed by a Responsibility for Function, as set out at Part 3 of this Constitution, and any changes the Group Head of Council Advice & Monitoring Officer makes to the Constitution to reflect changes in legislation and changes of fact.~~
- ~~(c) Appointing for the municipal year, or remainder of a municipal year, the Chairman and Vice-Chairman of the Council on receipt of not more than one nomination from each political group.~~
- ~~(d) Approving or adopting the policy framework and budget and any application to the Secretary of State in respect of any Housing Land Transfer.~~
- ~~(e) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 6 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.~~
- ~~(f) Appointing the Leader and Deputy Leader.~~
- ~~(g) Receiving and noting the Leader's report of who he/she has appointed as Cabinet Members, Deputies to Cabinet Members and the allocation of Portfolios to each Cabinet Member.~~
- ~~(h) Appointing the Chairmen and Vice-Chairmen of committees, sub-committees, working groups and panels.~~
- ~~(i) Agreeing the membership of the Council committees, sub-committees, working groups and panels.~~
- ~~(j) Appointing the Council's representatives to Outside Bodies unless the appointment is an executive function or has been delegated by the Council.~~
- ~~(k) Conferring the title of Honorary Alderman.~~
- ~~(l) Appointing independent persons to the Standards Committee.~~

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- ~~(m) Adopting and changing the Members Allowances Scheme.~~
- ~~(n) Changing the name of the District, changing governance arrangements (the Council's form of executive) and the passing of a resolution to change the electoral scheme (the electoral cycle).~~
- ~~(o) Confirming the appointment of the Head of Paid Service (Chief Executive).~~
- ~~(p) Approving the dismissal of the Head of Paid Service (Chief Executive), Directors, Section 151 Officer and Monitoring Officer based on a recommendation from the Statutory Officers' Investigatory and Disciplinary Committee.~~
- ~~(q) Approving terminations of service of the Head of Paid Service (Chief Executive) and Directors in respect of early/flexible retirement and/or redundancy within the framework of restructuring proposals.~~
- ~~(r) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills.~~
- ~~(s) Debating petitions that contain more than 1,500 signatures in accordance with the Council's Petitions Scheme set out in Part 8 of this Constitution.~~
- ~~(t) Receiving a direct report requesting approval to a supplementary estimate outside of the budget when referral via Cabinet would cause an unreasonable delay to a project.~~
- ~~(u) The functions described in Article 11 – Joint Arrangements and Delegations to another Local Authority.~~
- ~~(v) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and~~
- ~~(w) All other matters which, by law, must be reserved to the Council.~~

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3.0 **COUNCIL MEETINGS**

There are four types of Full Council meeting:-

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) special meetings; and
- (d) extraordinary meetings.

They will be conducted in accordance with the Council Procedure Rules in Part 5 of this Constitution.

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4.0 **RESPONSIBILITY FOR FUNCTIONS**

The Council will maintain the detailstables in Part 3 of this Constitution setting out the responsibilities for the Council's functions, ~~which are not the responsibility of the Cabinet.~~

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ARTICLE 5 – CHAIRING THE COUNCIL

1.0 **ROLE AND FUNCTION OF THE CHAIRMAN**

The Chairman will be appointed by the Full Council annually as set out in Part 3 in accordance with Article 4 of this Constitution. The Chairman of the Council and, in ~~their~~his/her absence, the Vice-Chairman of the Council, has the role of acting as the leading citizen in Arun; chairing Council meetings; and representing the Council at various functions of a civic nature which the Council might host or at which it might be represented.

The Chairman shall remain in office until a new Chairman is appointed at the next Annual Council meeting unless they resign, become disqualified or are removed by a resolution of the Council.

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ARTICLE 6 – OVERVIEW AND SCRUTINY

Commented [LF9]: Deleted as the Council did not include any provision for an overview and scrutiny committee in the new committee structure

~~1.0 – TERMS OF REFERENCE OF OVERVIEW SELECT COMMITTEE~~

~~The Council will appoint the Overview Select Committee to discharge its scrutiny function.~~

~~2.0 – GENERAL ROLE~~

~~Within its terms of reference, the Overview Select Committee will:-~~

- ~~(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;~~
- ~~(ii) make reports and/or recommendations to the Full Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;~~
- ~~(iii) review the performance of the Council and the achievement of performance indicators and targets;~~
- ~~(iv) consider any other matter affecting the District or its residents; and~~
- ~~(v) consider any decisions called in, but not yet implemented, made by the Cabinet or an individual Cabinet Member.~~

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ARTICLE 67 – LEADER AND DEPUTY LEADER OF THE COUNCIL THE CABINET

1.0 THE CABINET

~~The Cabinet is responsible for the discharge of all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.~~

2.0 FORM AND COMPOSITION

~~The Cabinet will consist of the Leader and Deputy Leader, together with at least two, but not more than eight, Councillors appointed by the Leader.~~

3.01.0 LEADER

The Leader will be appointed at the annual meeting of the Council. The Leader will hold office from the date of ~~their~~~~his~~~~her~~ appointment to that position until ~~they~~:-

- ~~(a) the first annual meeting after the Leader's normal day of retirement as a Councillor;~~
- ~~(b) he/she resigns from the office; or~~
- ~~(c) he/she is no longer a Councillor; or~~
- ~~(d) he/she is removed from office by a resolution of the Council.~~

- (a) resign from office; or
- (b) cease to be a Councillor; or
- (c) are removed from office by resolution of the Council

whichever first occurs,

As the Council operates a committee system form of governance, the Leader has no formal powers or duties conferred to them under the Local Government Act 1972 or the Local Government Act 2000.

The Leader will act as Chairman of the Corporate Policy & Performance Committee and will have the following additional roles and responsibilities:

- Provide a focal point for political leadership and strategic direction for the Council
- Represent the interests of the Council
- Ensure effective decision making, including working with all political groups to seek to achieve, where possible, cross party co-operation
- Be the key political contact for outside organisations, including central Government, Local Authority Associations and Council

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partners, and internally for the Council's Corporate Management Team

- Be the representative of the Council in its dealings with central Government, other local authorities and positively promote the Council within the media
- Promote the long term financial, business and economic stability of the Council

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4.02.0 DEPUTY LEADER

The Deputy Leader will be appointed at the annual meeting of the Council. The Deputy Leader will hold office until they:-

- (a) he/she resigns from the office; or
- (b) he/she is no longer cease to be a Councillor; or
- (c) he/she is are removed from office by resolution of the Council.

whichever first occurs.

The Deputy Leader will act as Vice-Chairman of the Corporate Policy and Performance Committee and will assist the Leader of the Council generally in the conduct of the role and will assume the full role of the Leader in any circumstances in which the Leader is unable to act or is unavailable.

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5.0 OTHER CABINET MEMBERS

The Leader will appoint Cabinet Members who will hold office until the day that:-

- (a) they resign from office; or
- (b) they are no longer Councillors; or
- (c) they are removed from office, either individually or collectively, by the Leader.

6.0 DEPUTIES TO CABINET MEMBERS

The Leader may appoint deputies to Cabinet Members who will hold office until the day that:-

- (a) they resign from office; or

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- ~~(b) they are no longer Councillors; or~~
- ~~(c) they are removed from office, either individually or collectively, by the Leader.~~

7.03.0 CASUAL VACANCIES

Any vacancy in the position of Leader or Deputy Leader shall be filled by the Full Council at the meeting that they cease to hold office or at the first subsequent meeting. ~~Any vacancy in the position of Cabinet Member or deputy to a Cabinet Member will be filled by the Leader and reported to the Council for noting.~~ The person(s) appointed shall be subject to the term of office described in the paragraphs above.

8.0 PROCEEDINGS OF THE CABINET

~~Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 5 of this Constitution.~~

9.0 RESPONSIBILITY FOR FUNCTIONS

- ~~(a) Parts 3 and 4 of this Constitution set out which individual Cabinet Members, Committees, officers or joint arrangements are responsible for the exercise of a particular executive function and which are reserved to the full Cabinet.~~
- ~~(b) The Leader may allocate or re-allocate the responsibilities for executive functions set out in Part 3 of this Constitution between Cabinet Members. The Leader will provide written notice to the Group Head of Council Advice & Monitoring Officer of such changes and these will be reported to the next Council meeting with the dates they will be effective from. The Group Head of Council Advice & Monitoring Officer will make the necessary consequential changes to this Constitution.~~
- ~~(c) If for any reason the Leader is unable to act or that office is vacant, the Deputy Leader will act in his/her place. If for any reason both the Leader and Deputy Leader are unable to act or those offices are vacant, the Cabinet will act in place of the Leader or will arrange for a Cabinet Member to do so.~~

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ARTICLE 78 – REGULATORY AND OTHER COMMITTEES

1.0 REGULATORY AND OTHER COMMITTEES, SUB-COMMITTEES, WORKING GROUPS AND PANELS

The Council will constitute the Committees, Sub-Committees, Working Groups and Panels it sees fit, as set out in Part 3 of this Constitution.

No Councillor can sit on a Regulatory Committee unless all the required training has been undertaken, as confirmed in Part 3 of this Constitution.

1.0 COMMITTEES

The Council will establish such Committees and Sub-Committees as it requires for efficient and effective decision making and as required by law.

~~The Council resolved not to establish a specific overview and scrutiny committee for the purposes of Part 1A, paragraph 9JA of the Local Government Act 2000 (as amended) in introducing a committee system form of governance on 15 January 2020.~~

2.0 ROLE AND FUNCTIONS

Details of the Committees and Sub-Committees established, and their roles and functions, are set out in Part 3 of this Constitution.

3.0 PROCEEDINGS

Committees and Sub-Committees will conduct their proceedings in accordance with the relevant Procedure Rules set out in Part 5 of this Constitution.

4.0 MEMBERSHIP

The size and membership arrangements for all Committees and Sub-Committees established are set out in Part 3 of this Constitution. Their composition will be governed by proportionality rules.

5.0 CHAIRMAN AND VICE-CHAIRMAN OF COMMITTEES

The Council shall appoint at each Annual Council meeting the Chairman and Vice-Chairman of Committees and Sub-Committees. The Chairman and Vice-Chairman will remain in office until they:

- (a) resign from office; or
- (b) cease to be a Councillor; or
- (c) are removed from office by resolution of the Council.

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whichever first occurs.

The role of the Chairman (and in their absence the Vice-Chairman) is to:

- Assume the role of Lead Member relating to matters within their Committee's remit
- Ensure effective conduct of meetings
- Maintain a good understanding of the nature of the business of the Committee and key issues within its remit
- Act as a Council spokesperson as appropriate on matters within the Committee's remit, including responding to questions at Council meetings relating to the business and functions of the Committee
- Maintain good communication with the Vice-Chairman and Committee members to ensure the co-ordination and efficient management of the Committee's activity
- Represent the Council in connection with matters within the Committee's remit and positively promote the Council within the media.

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ARTICLE 89 – STANDARDS COMMITTEE

1.0 **STANDARDS COMMITTEE**

The Council will appoint a Standards Committee. Its composition shall be governed by proportionality rules and it shall be subject to the same requirements on confidential and exempt information as any other Committee.

The composition and functions of the Standards Committee and its Panels are set out in Part 3 of this Constitution.

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ARTICLE 10 – AREA COMMITTEES

1.0 JOINT AREA COMMITTEES

The Council may appoint Joint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of more efficient, transparent and accountable decision-making.

The Council will consult with the County Council and relevant Parish and Town Councils and the Chairmen of relevant Parish Meetings when considering whether and how to establish Joint Area Committees.

Commented [LF14]: Suggesting this whole section moves to be incorporated into the Terms of Reference for the JAACs at Part 3, Section 11

2.0 COMPOSITION

Name of Committee	Composition
Joint Eastern Arun Area Committee (JEAAC)	<p>1 member from each of the following Parish Councils/Parish Meetings: Angmering, Arundel, Burpham, Clapham, Patching, East Preston, Ferring, Findon, Houghton, Kingston, Littlehampton, Lyminster & Crossbush, Poling, Rustington, South Stoke and Warningcamp.</p> <p>1 member from each of the following District Wards:</p> <ul style="list-style-type: none"> • Angmering & Findon • Arundel & Walberton • East Preston • Ferring • Littlehampton • Rustington <p>6 West Sussex County Councillors.</p>
Joint Western Arun Area Committee (JWAAC)	<p>1 member from each of the following Parish Councils/Parish Meetings: Aldingbourne, Aldwick, Barnham, Bersted, Bognor Regis, Climping, Eastergate, Folpham, Ford, Madehurst, Middleton on Sea, Paghham, Slindon, Walberton and Yapton.</p> <p>1 member from each of the following District Wards:</p> <ul style="list-style-type: none"> • Aldwick • Arundel & Walberton • Barnham • Bersted • Bognor Regis

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	<ul style="list-style-type: none">● Felpham● Middleton● Pagham● Yapton 7 West Sussex County Councillors.
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3.0 FUNCTIONS AND VOTING RIGHTS

~~The functions and voting rights delegated to the Joint Eastern Arun Area Committee and the Joint Western Arun Area Committee are set out in Part 3 of this Constitution.~~

4.0 CONFLICT OF INTEREST

~~If the Overview Select Committee is scrutinising specific decisions or proposals in relation to the business of a Joint Area Committee of which a Councillor sitting on the Overview Select Committee is a Member, then the Councillor should declare the interest and not speak or vote on the matter unless a dispensation has been given by the Standards Committee. The Councillor may remain in the meeting.~~

5.0 GENERAL POLICY REVIEWS

~~Where the Overview Select Committee is reviewing Joint Area Committee policy generally, the Member must declare his/her interest before the relevant Agenda Item is reached. He/she may remain in the meeting and speak and vote on the matter.~~

6.0 ACCESS TO INFORMATION

~~Joint Area Committees will comply with the Access to Information Rules in Part 6 of this Constitution.~~

7.0 CABINET MEMBERS ON JOINT AREAS COMMITTEES

~~A Member of the Cabinet may serve on a Joint Area Committee if otherwise eligible to do so as a Councillor.~~

8.0 REPORTING

~~The minutes from Joint Area Committees shall be reported to the Cabinet.~~

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ARTICLE 11 – JOINT ARRANGEMENTS

1.0 JOINT ARRANGEMENTS

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint Members to a joint committee from outside the Cabinet in the following circumstances:-
- the joint committee has functions for only part of the area of the authority and that area is smaller than two fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for an electoral ward which is wholly or partly contained within the area;
 - the joint committee is between a County Council and the District Council and relates to functions of the executive of the County Council. In such cases, the executive of the County Council may appoint to the joint committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in Part 3 of this Constitution.

2.0 DELEGATIONS TO ANOTHER LOCAL AUTHORITY

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

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(b) The Council may, upon a proposal by the Cabinet, delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

3.0 CONTRACTING OUT

The Council (for those functions that are not executive functions), and the Cabinet (in respect of executive functions), may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994; or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

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ARTICLE 102 – OFFICERS

1.0 TERMINOLOGY

In this Article, use of the word “officers” means all employees and staff engaged by the Council to carry out its functions and includes those engaged under short-term, agency or other non-employed situations.

2.0 MANAGEMENT STRUCTURE

(a) **General** – without prejudice to Sections 111, 112 and 113 of the Local Government Act 1972, the Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

Commented [LF15]: Additional text suggested by Legal to qualify provisions of the Act

(b) **Chief Executive and Directors** – the Council appoints persons for the following posts who will together form the Corporate Management Team:

Post	Responsibilities
Chief Executive	<ul style="list-style-type: none"> Overall corporate management and strategic responsibility (including overall management responsibility for all officers) Represents the Council on partnership and external bodies (as required by statute or the Council) Provides direction for the Corporate Support Directorate as set out in Part 7 of this Constitution Acts as Returning Officer and Electoral Registration Officer
Director of Place	<ul style="list-style-type: none"> Provides direction for the Place Directorate as set out in Part 7 of this Constitution
Director of Services	<ul style="list-style-type: none"> Provides direction for the Services Directorate as set out in Part 7 of this Constitution

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(c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer** - the Council ~~has will~~ designated the following posts with the functions described below:

Post	Designation
Chief Executive	Head of Paid Service

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Group Head of Council Advice & Group Head of Council Advice & Monitoring Officer	Monitoring Officer
Group Head of Corporate Support	Chief Financial Officer and Section 151 Officer

(d) **Structure** – the Head of Paid Service will determine and publicise a description of the overall directorate structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

3.0 FUNCTIONS OF THE HEAD OF PAID SERVICE

- (a) **Discharge of functions by the Council** – the Head of Paid Service will report to the Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of officers.
- (b) **Restrictions on functions** – the Head of Paid Service may not be the Chief Financial Officer or Monitoring Officer.

4.0 FUNCTIONS OF THE MONITORING OFFICER

- (a) **Maintaining the Constitution** – the Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Council ~~or to the Cabinet in relation to an executive function~~ if ~~they~~he/she considers that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee** – the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

~~(e)~~(d) Conducting investigations – the Monitoring Officer will consider **C**

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allegations of misconduct by Councillors in accordance with the Council's adopted Local Assessment Procedure.

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~~(d)~~(e) _____ **A**

Advising whether ~~executive~~ decisions are within the Budget and Policy Framework – the Monitoring Officer and/or the Chief Financial Officer will advise whether ~~executive~~ decisions are in accordance with the ~~B~~udget and ~~P~~olicy ~~F~~ramework.

~~(e)~~(f) _____ **P**

Providing advice – the Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, ~~financial~~ impropriety, probity, and ~~B~~udget and ~~P~~olicy ~~F~~ramework issues to all Councillors; and will support and advise Councillors and officers in their respective roles.

Commented [LF17]: Clarifying in para 5.0(d) below that this is the Chief Financial Officer's remit

~~(f)~~(g) _____ **R**

Restrictions on posts – the Monitoring Officer may not be the Chief Financial Officer or the Head of Paid Service.

5.0 **FUNCTIONS OF THE CHIEF FINANCIAL OFFICER**

~~(a)~~ **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer, will report to the Council and to the Council's external auditor or to the Cabinet in relation to an executive function if they/he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully. emission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Commented [LF18]: Redrafted to reflect Basildon and Fylde models

(a) **Administration of Financial Affairs** – the Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to the Corporate Management Team** – the Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice** – the Chief Financial Officer will provide advice on the scope of powers and authority to take ~~financial~~ decisions, ~~financial~~ maladministration, financial impropriety, probity, and ~~B~~udget and ~~P~~olicy ~~F~~ramework issues to all Councillors; and will support and advise Councillors and officers in their respective roles.

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DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION

(e) **Give financial information** – the Chief Financial Officer will provide financial information to the media, members of the public and the community.

(f) **Restrictions on posts** – the Chief Financial Officer may not be the Monitoring Officer or the Head of Paid Service.

6.0 **DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

The Council will provide the Head of Paid Service, Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

7.0 **CONDUCT**

Officers will comply with the Protocol on Member/Officer Relations set out in Part 8 of this Constitution.

8.0 **EMPLOYMENT**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 6 of this Constitution.

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**DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION**

ARTICLE 113 – DECISION MAKING

Commented [LF19]: Article redrafted based on Basildon model

1.0 RESPONSIBILITY FOR DECISION MAKING

The Council will issue and keep up-to-date a record of what part of the Council or ~~which officer/individual~~ has responsibility for particular types of decisions or decisions relating to particular areas or functions. The record is set out in Parts 3 and 4 of this Constitution.

2.0 PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and equality of opportunity;
- (d) a presumption in favour of openness;
- ~~(e) clarity of aims and desired outcomes; and~~
- ~~(e)(f) the rule of law.~~
- ~~(f) the consideration of alternative options; and~~
- ~~(g) an explanation of the reasons for the decision.~~

Commented [LF20]: Updated to reflect Basildon and Fylde models

Commented [LF21]: Deleted as these references related to an Executive form of governance

Commented [LF22]: Redrafted based on Basildon model

3.0 TYPES OF DECISION

- ~~(a) **Decisions Reserved to Full Council** – decisions relating to the functions of the Council as set out in Part 3 of this Constitution will be made by the Full Council and will not be delegated.~~
- ~~(b) **Decisions made by Committees appointed by the Full Council** – authority to make such decisions is delegated by the Council as set out in Part 3 of this Constitution, in accordance with Section 101 of the Local Government Act 1972, as amended.~~
- ~~(c) **Decisions made by Sub-Committees appointed either by the Full Council or a Committee** – authority to make such decisions is set out in Part 3 of this Constitution.~~
- ~~(a)(d) **Decisions made by officers** – authority to make such decisions is set out in Part 4 of this Constitution.~~

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~~Decisions relating to the functions in Article 4 will be made by the Full Council and not delegated.~~

~~(b) **Key Decisions**~~

Commented [LF23]: Deleted as not required under a Committee system

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PART 2 – ARTICLES OF THE CONSTITUTION

~~A ‘key decision’ means an executive decision taken by the Cabinet which is likely—~~

- ~~(i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates;~~
- ~~or~~
- ~~(ii) to be significant in terms of its effects on communities living or working in the area comprising two or more wards;~~

~~In determining the meaning of ‘significant’, regard shall be had of any guidance for the time being issued by the Secretary of State. A key decision is any decision which would, if implemented, fall in any of the following categories—~~

- ~~▪ it is not in accordance with a policy, plan or strategy which forms part of the policy framework approved by the Council;~~
- ~~▪ it may result in the adoption of any additional policy, plan or strategy by the Council;~~
- ~~▪ it is not in accordance with the budget approved by the Council;~~
- ~~▪ it may increase financial commitments in future years above existing budgetary approvals;~~
- ~~▪ it will result in any of the following:~~
 - ~~• the appointment of additional permanent staff for which there is no budget provision;~~
 - ~~• the acquisition or disposal of land or property with a value in excess of £500,000;~~
 - ~~• the initiation of local legislation or byelaws;~~
 - ~~• if it is likely to be of significance in the opinion of the decision taker.~~

~~Any decision to incur expenditure or savings or realignment of expenditure in excess of £500,000 shall be treated as significant for these purposes.~~

~~The decision taker shall inform the Monitoring Officer of all decisions (including those with a financial value below £500,000) about which he/she has any doubt as to whether the decision may or may not be significant for the purposes of this paragraph and the Monitoring Officer may determine this as a key decision.~~

~~A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 5 of this Constitution.~~

**DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION**

4.0 DECISION MAKING BY THE FULL COUNCIL

Subject to the general principles contained in this Article, tThe Full Council meeting will follow the Council Procedure Rules set out in Part 5 of this Constitution when considering any matter.

~~5.0 DECISION MAKING BY THE CABINET~~

~~The Cabinet will follow the Cabinet Procedure Rules set out in Part 5 of this Constitution when considering any matter.~~

~~6.0 DECISION MAKING BY THE OVERVIEW SELECT COMMITTEE~~

~~The Overview Select Committee will follow the Committee Procedure Rules set out in Part 5 and the Scrutiny Procedure Rules set out in Part 6 of this Constitution when considering any matter.~~

7.05.0 DECISION MAKING BY OTHER COMMITTEES AND WORKING GROUPS ESTABLISHED BY THE COUNCIL

Subject to the general principles contained in this Article, Other Council Committees and working groups will follow the Committee Procedure Rules set out in Part 5 of this Constitution as they apply to them.

6.0 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

The Council, a Committee or an officer acting as a tribunal; in a quasi-judicial manner; or determining or considering the civil rights and obligations, or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

7.0 ACCESS TO INFORMATION

The Access to Information Procedure Rules set out in Part 6 of this Constitution will apply to decisions taken under this Article.

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DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 124 – FINANCE, CONTRACTS AND LEGAL MATTERS

1.0 FINANCIAL MANAGEMENT

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 6 of this Constitution.

2.0 CONTRACTS

Every contract made by the Council will comply with the Purchasing, Procurement, Contracts and Disposals Rules set out in Part 6 of this Constitution.

3.0 LEGAL PROCEEDINGS

The Group Head of Corporate Support or ~~their~~his/her nominated representative is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where ~~they~~he/she considers that such action is necessary to protect the Council's interests and in particular, to ensure that all procedural and evidential requirements are carried out in connection therewith.

4.0 COMMON SEAL OF THE COUNCIL

The Common Seal of the Council shall be kept in a safe place in the custody of the Group Head of Corporate Support or ~~their~~his/her nominated representative.

The Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the ~~Full Council or the Cabinet, individual Cabinet Member, or~~ Full Council or ~~C~~committee or ~~S~~sub-~~C~~committee to which the ~~Full Council~~ have delegated their powers in this behalf; or by a decision of an officer to which the ~~Full Council, a~~ Full Council, a ~~C~~committee or ~~a Sub-Committee panel~~ similarly have delegated their powers.

The Group Head of Corporate Support or ~~their~~his/her nominated representatives shall attest every document which is being sealed and any entry of the sealing of every document to which the Common Seal has been attached shall be made and consecutively numbered in a record provided for that purpose and each entry duly attested. The record shall be open for inspection by every member of the Council.

5.0 AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Appendix 2

DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Group Head of Corporate Support or ~~their~~^{his/her} nominated representative unless any enactment otherwise requires or authorises, or the Full Council gives the necessary authority to some other person for the purpose of such proceedings.

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PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 135 – REVIEW AND REVISION OF THE CONSTITUTION

1.0 **DUTY TO MONITOR AND REVIEW THE CONSTITUTION**

The Constitution Working Party will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2.0 **CHANGES TO THE CONSTITUTION**

The Full Council has delegated authority to:

- (i) the Development Control Committee to ~~approve~~consider changes to the Scheme of Delegation for development control services which are the responsibility of the Director of Place and Group Head of Planning;
- (ii) the Licensing Committee to ~~approve~~consider changes to the Scheme of Delegation for environmental and licensing services which are the responsibility of the Director of Place Services and Group Head of Technical Services;
- (iii) the ~~Group Head of Council Advice &~~ Monitoring Officer to make consequential changes as a result of the modification or re-enactment of legislation or express changes consequential to an agreed decision of Full Council; and
- (iv) the Chief Executive, in consultation with the Chairman of the Constitution Working Party, to agree that for any other reason the proposed change be put direct to Full Council for consideration and decision.

Commented [LF24]: Custom and practice has been for the Committee to approve these changes so suggesting this is clarified

Commented [LF25]: As above

Commented [LF26]: Corrected to match management structure

DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 146 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

1.0 **SUSPENSION OF THE CONSTITUTION**

- (a) **Limit to Suspension** – the Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.
- (b) **Procedure to Suspend** – a motion to suspend any Rules will not be moved without notice unless at least half of the total number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of Suspension** – the Council Procedure Rules may be suspended in accordance with this Article.

2.0 **INTERPRETATION**

The ruling of the Chairman of the Council, ~~after consultation with the Monitoring Officer or his/her nominee~~ as to the interpretation construction or application of ~~this~~ Constitution, or as to any proceedings of the Full Council, should not be challenged at any meeting of the Full Council. Such interpretation will have regard to the purposes of this Constitution set out in Article 1.

Commented [LF27]: Amended to reflect Basildon model

3.0 **PUBLICATION**

Copies of this Constitution will be available:

- to each member of the Council electronically on their election, with any revisions provided at the earliest opportunity;
- for inspection at Council offices;
- to view online at <http://www.arun.gov.uk/constitution>
- for purchase by members of the local press and the public on payment of a reasonable fee; and
- to Town and Parish Councils electronically at their request.

APPENDIX 10

PART 1 -FULL COUNCIL

AMENDMENT TO PART 5 SECTION 1 RULE 12 OF THE PROPOSED COMMITTEE STYLE COUNCIL CONSTITUTION

COUNCIL PROCEDURE RULES

12. QUESTIONS BY MEMBERS OF THE PUBLIC

12.1 Submitting Questions

Members of the public may ask questions of the Chairmen of Committees, or the Vice-Chairmen in their absence, at meetings of the Council, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting. No person may ask more than two questions at any one meeting

- a) All questions:
 - must confirm to whom the question is addressed;
 - must be relevant to matters for which the Council has powers or duties;
 - should be limited to obtaining information or pressing for action; and
 - must not exceed one minute in duration.

- b) Questions may be rejected by the Chief Executive/Chairman if they:
 - are not relevant to matters for which the Council has responsibility or which affect the District; or
 - may be defamatory, frivolous or offensive; or
 - are substantially the same as a question put at a meeting in the past six months; or
 - would divulge, or require to be divulged, confidential or exempt information.
 - Exceed more than two questions

12.2 Time Limit for Questions

The time limit for questions by the public will be 15 minutes. **The Chairman has discretion to extend this time limit for a period not exceeding 15 minutes.**

12.3 Asking Questions at the Meeting

The Chairman will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where

they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chairman will have discretion to:

- a) group together similar questions to be put to the relevant Committee Chairman; and
- b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chairman has discretion to:

- ask the Monitoring Officer to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

12.4 Supplementary Questions

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the Member who replied to their original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration.

12.5 Responses

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the Council's website.

12.6 Records of Questions

A schedule of questions and answers will be maintained and published to the Council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions

APENDIX 10

PART 2 - COMMITTEES

AMENDMENT TO PART 5 SECTION 2 RULE 10 OF THE PROPOSED COMMITTEE STYLE COUNCIL CONSTITUTION

COMMITTEE PROCEDURE RULES

10. QUESTIONS BY MEMBERS OF THE PUBLIC

10.1 Submitting Questions

Members of the public may ask questions of the Chairman of a Committee, or the Vice-Chairmen in their absence, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting. **No person may ask more than two questions at any one meeting**

c) All questions:

- must confirm to whom the question is addressed;
- must be relevant to matters for which the Committee has powers or duties;
- should be limited to obtaining information or pressing for action; and
- must not exceed one minute in duration.

d) Questions may be rejected by the Chief Executive/Chairman if they:

- are not relevant to matters for which the Committee has responsibility; or
- may be defamatory, frivolous or offensive; or
- are substantially the same as a question put at a meeting in the past six months; or
- would divulge, or require to be divulged, confidential or exempt information.
- **Exceed more than two questions**

10.2 Time Limit for Questions

The time limit for questions by the public will be 15 minutes, although the Chairman has discretion to extend this period. **The Chairman has discretion to extend this time limit for a period not exceeding 15 minutes**

10.3 Asking Questions at the Meeting

The Chairman will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chairman will have discretion to:

- (a) group together similar questions; and
- (b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chairman has discretion to:

- ask the Committee Manager to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

10.4 Supplementary Questions

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the Chairman of the Committee. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration.

10.5 Responses

The Chairman will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided within 10 working days of the meeting and published to the Council's website.

10.6 Records of Questions

A schedule of questions and answers will be maintained and published to the Council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

APPENDIX 11 - PART 1 FULL COUNCIL

AMENDMENT TO PART 5 SECTION 1 RULE 11 OF COUNCIL CONSTITUTION

COUNCIL PROCEDURE RULES

11. QUESTIONS BY MEMBERS OF THE PUBLIC

11.1 Submitting Questions

Members of the public may ask questions of Members of the Cabinet or the Chairman of the Overview Select Committee at meetings of the Council subject to written notice of the question being submitted to the Group Head of Council Advice & Monitoring Officer 5 working days prior to the meeting. **No person may ask more than two questions at any one meeting**

a) All questions:

- must confirm to whom the question is addressed;
- must be relevant to matters for which the Council has powers or duties;
- should be limited to obtaining information or pressing for action; and
- must not exceed one minute in duration.

b) Questions may be rejected by the Chief Executive/Chairman if they:

- are not relevant to matters for which the Council has responsibility or which affect the District; or
- may be defamatory, frivolous or offensive; or
- are substantially the same as a question put at a meeting in the past six months; or
- would divulge, or require to be divulged, confidential or exempt information.
- **Exceed more than two questions**

11.2 Time Limit for Questions

The time limit for questions by the public will be 15 minutes, although the Chairman has discretion to extend this period. **The Chairman has discretion to extend this time limit for a period not exceeding 15 minutes.**

11.3 Asking Questions at the Meeting

The Chairman will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chairman will have discretion to:

- a) group together similar questions to be put to the Cabinet Member or Overview Select Committee Chairman; and
- b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chairman has discretion to:

- ask the Group Head of Council Advice & Monitoring Officer to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

11.4 Supplementary Questions

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the Member who replied to his/her original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration.

11.5 Responses

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the Council's website.

11.6 Records of Questions

A schedule of questions and answers will be maintained and published to the Council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

APPENDIX 11 PART 2 - CABINET

AMENDMENT TO PART 5 SECTION 2 RULE 12 OF COUNCIL CONSTITUTION

CABINET PROCEDURE RULES

12. QUESTIONS BY MEMBERS OF THE PUBLIC

12.1 Submitting Questions

Members of the public may ask questions of Members of the Cabinet at its meetings subject to written notice of the question being submitted to the Group Head of Council Advice & Monitoring Officer 5 working days prior to the Meeting. **No person may ask more than two questions at any one meeting**

a) All questions:

- must confirm to whom the question is addressed;
- must be relevant to matters for which the Cabinet has powers or duties;
- should be limited to obtaining information or pressing for action; and
- must not exceed one minute in duration.

b) Questions may be rejected by the Chief Executive/Chairman if they:

- are not relevant to matters for which the Cabinet has responsibility or which affect the District; or
- may be defamatory, frivolous or offensive; or
- are substantially the same as a question put at a meeting in the past six months; or
- would divulge, or require to be divulged, confidential or exempt information.
- **Exceed more than two questions**

12.2 Time Limit for Questions

The time limit for questions by the public will be 15 minutes, although the Chairman has discretion to extend this period. **The Chairman has discretion to extend this time limit for a period not exceeding 15 minutes.**

12.3 Asking Questions at the Meeting

The Chairman will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where

they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chairman will have discretion to:

- a) group together similar questions; and
- b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chairman has discretion to:

- ask the Committee Manager to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

12.4 Supplementary Questions

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the Cabinet Member who replied to his/her original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration.

12.5 Responses

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the Council's website.

12.6 Records of Questions

A schedule of questions and answers will be maintained and published to the Council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers

APPENDIX 8

Proposed Constitution (May 2021) Introducing Guillotine for Full Council and Committee meetings and exemption Development Control committee

Full Council meetings Part 5 section 1 Rule 11

11. DURATION OF FULL COUNCIL MEETINGS

- 11.1 Each unfinished meeting will adjourn at 10.30pm unless a majority of Councillors present vote to extend the meeting to 11pm at which time the meeting will stand adjourned.
- 11.2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those Councillors present, or if no decision is reached, the time and date of the continuation of the adjourned meeting will be decided by the Chief Executive in consultation with the Chairman and Group Leaders, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

Committee meetings Part 5 section 2 Rule 8

8. DURATION OF COMMITTEE MEETINGS

- 8.1 **Except as provided in Rule 8.3** below each unfinished meeting will adjourn after four and a half hours unless a majority of Councillors present vote to extend the meeting for a further 30 minutes at which time the meeting will stand adjourned.
- 8.2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those Councillors present, or if no decision is reached, the time and date of the continuation of the adjourned meeting will be decided by the Chief Executive in consultation with the Chairman, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.
- 8.3 **This Rule does not apply to Development Control Committee**

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APPENDIX 9 - GUILLOTINE

Proposed addition to the existing Constitution Part 5 section 3 new Rule 6A for the remainder of the Municipal Year 2020/21

6A. DURATION OF FULL COUNCIL MEETINGS

- 1 Each unfinished meeting will adjourn at 10.30pm unless a majority of Councillors present vote to extend the meeting to 11pm at which time the meeting will stand adjourned.
- .2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those Councillors present, or if no decision is reached, the time and date of the continuation of the adjourned meeting will be decided by the Chief Executive in consultation with the Chairman and Group Leaders, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

Proposed addition to the existing Constitution Part 5 section 3 new Rule 5A for the remainder of the Municipal Year 2020/21

5A. DURATION OF COMMITTEE MEETINGS

- 1 Each unfinished meeting will adjourn at 10.30pm unless a majority of Councillors present vote to extend the meeting to 11pm at which time the meeting will stand adjourned.
- .2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those Councillors present, or if no decision is reached, the time and date of the continuation of the adjourned meeting will be decided by the Chief Executive in consultation with the Chairman and Group Leaders, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

Proposed addition to the existing Constitution Part 5 section 3 new Rule 3A for the remainder of the Municipal Year 2020/21

3A. DURATION OF CABINET MEETINGS

- 1 Each unfinished meeting will adjourn at 10.30pm unless a majority of Cabinet Members present vote to extend the meeting to 11pm at which time the meeting will stand adjourned.
- .2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those Councillors present, or if no decision is reached, the time and date of the continuation of the adjourned meeting will be decided by the Chief Executive in consultation with the Leader, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

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Public Document Pack Agenda Item 13

Subject to approval at the next Development Control Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

2 September 2020 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates

173. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Edwards.

174. DECLARATIONS OF INTEREST

Planning Application LU/149/20/PL – Councillor Mrs Yeates declared a prejudicial interest as the proposal came under the remit of her portfolio as Cabinet Member for Community Wellbeing.

Planning Application BN/39/20/PL - Councillor Ms Thurston declared a personal interest as a member of Barnham & Eastergate Parish Council.

175. MINUTES

The Minutes of the meeting held on 29 July 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.

176. BN/39/20/PL, LAND ADJACENT TO TARS FARM HOUSE, CHURCH LANE, BARNHAM PO22 0DB

Public Speakers: Barnham & Eastergate Parish Council
Mr G. Fields, Objector
Mr P. Barry, Agent

(Prior to consideration of this application, Councillor Ms Thurston had declared a personal interest and remained in the meeting and took part in the debate and vote.)

BN/39/20/PL – Erection of 4 No. dwellings & associated works. This application is a departure from the Development Plan, Land adjacent to Tars Farm House, Church Lane, Barnham

The Committee received a report on the detail of this application from the Principal Planner, together with an officer report update which provided additional information relating to refuse collection; surface water drainage from the site; and the need for an additional condition in respect of the control of new ground and floor levels across the site.

Development Control Committee - 2.09.20

In considering the proposal, the Committee participated in a full debate. Some Members expressed their opposition as it was felt that the rural character of the area would be lost; the lane was not suitable for the additional traffic that would be generated; the sloping nature of the plot was of concern; doubts were expressed about the drainage measures to be put in place; and comment was made that the requirement for an odour assessment and mitigation measures to address the odour from the nearby stables was not practical.

However, other Members acknowledged that the Council's position with regard to the current 5 year Housing Land Supply deficit meant that all housing development in the district was needed to address the shortfall. Regret was expressed that, whilst there were issues with the proposal, there were no planning reasons to refuse it. The Principal Planning Officer was commended for his work on the application and for the comprehensive conditions that would be attached to any approval.

The Principal Planning Officer addressed issues raised by Members in the course of the debate, following which the Committee

RESOLVED

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

177. EP/67/20/PL, LAND ADJACENT TO 45 THE RIDINGS, EAST PRESTON BN16 2TW

Public Speaker: Mr P. Brown, Supporter

EP/67/20/PL – 1 No. detached house & formation of associated new access, Land adjacent to 45 The Ridings, East Preston

Having received a report on the matter, Member concern with regard to overlooking was addressed by the Planning Team Leader and the Committee then

RESOLVED

That the application be approved as detailed in the report.

178. FG/6/20/PL HANGLETON FARM LIVERY STABLES, WADARS ANIMAL RESCUE CENTRE, HANGLETON LANE, FERRING BN12 6PP

Public Speakers: Mr G. Fox, Objector
Mrs K. Osborne-Shaw, Objector
Mrs J. Toben, Applicant
Mrs T. Cadman, Supporter

FG/6/20/PL – Development of Animal Rescue Centre, to include new buildings for reception, training & education, cattery, kennels & associated ancillary accommodation, conversion of existing barn into staff accommodation along with driveways, car parking & landscaping. This application is a Departure from the Development Plan, Hangleton Farm Livery Stables, Wadars Animal Rescue Centre, Hangleton Lane, Ferring

The Planning Team Leader presented this report, together with the officer's written report update detailing:-

- Comments from the National Park Authority and suggested additional condition relating to the use of external lighting
- The applicant's request that condition 8 be amended to delete reference to the isolation unit and that the number of dogs to be housed there did not exceed 1
- An additional drawing and information submitted by the Agent detailing boundary fencing and the extent of green metal fencing between the kennels
- No new points had been raised in additional representations received since publication of the agenda
- Officer response to the foregoing and amended condition sheet

In opening up the debate, a Member suggestion was made that a site visit might be appropriate in light of comments from the objectors but, during the course of consideration, this was not supported as there were no animals at the site at the present time. Officer clarification was given that the applicant did already have planning approval for the kennelling of dogs at the site and permission was in place for them to be exercised outside.

A further suggestion was made that any permission might be time limited to enable the matter to be revisited to address any adverse issues that might arise. However, the Group Head of Planning was of the view that that would be unreasonable as the charity would have to make a substantial investment for the work to be carried out.

Member comment was made that what was being proposed would be purpose built and the measures being put in place should not cause nuisance. The Committee therefore

RESOLVED

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

179. LU/149/20/PL, LITTLEHAMPTON WAVE, SEA ROAD, LITTLEHAMPTON BN16 2NA

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(Prior to consideration of this application, Councillor Mrs Yeates had declared a prejudicial interest and left the meeting so took no part in the debate or vote.

In the course of discussion, Councillor Blanchard-Cooper declared a personal interest as he knew the sculptor through a separate project he was involved in. He remained in the meeting and took part in the debate and vote.)

LU/149/20/PL – Installation of a 4m high timber sculpture shaped in the form of 3 No. waves, fixed to a concrete base. This application is not CIL liable (Zero Rated) as “all other development”, Littlehampton Wave, Sea Road, Littlehampton

In presenting this report, together with the officer’s written report update detailing an additional representation received and the officer response, the Planning Team Leader reminded the Committee that this was a Council application.

The Committee considered the proposal and, whilst welcoming the principle for an artwork at the front of Littlehampton Wave, this particular design was unanimously rejected as it was felt it did not represent waves and its angular nature would provide an opportunity for the youth to use it as a climbing frame.

Following consideration, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The sculptures, by reason of their design will have an unacceptable adverse impact on the character and appearance of the area in conflict with policies DSP1 and DDM1 of the Arun Local Plan.

180. F/15/20/WS, FORD CIRCULAR TECHNOLOGY PARK, FORD ROAD, FORD BN18 0XL

F/15/20/WS - Demolition of existing buildings and structures and construction and operation of an energy recovery facility and a waste sorting and transfer facility for treatment of municipal, commercial and industrial wastes, including ancillary buildings, structures, parking, hardstanding and landscape works. This application is a County Waste Matter and will be determined by West Sussex County Council, Ford Circular Technology Park, Ford Road, Ford

The Principal Planner presented the detail of this proposal, together with the officer’s written report update setting out the steer that had been put forward by the Yapton, Ford and Clymping Advisory Group meeting held on 25 August 2020. The Advisory Group had supported the officer recommendation to object but wished reasons for the objection, as set out in the officer update, to be forwarded to West Sussex County Council.

In discussing the matter, very strong views were expressed that this application was not acceptable and the views of the Yapton, Ford and Clymping Advisory Group were supported. It was also proposed and agreed that a further reason be added to the objection relating to this Council's strategic sites allocation in the Local Plan and the Arun Strategic Transport Assessment, the wording being: -

The proposal would be detrimental to the Local Authority's ability to deliver on the strategic sites detailed in the Adopted and therefore statutory Local Plan, both in terms of the quantum of housing and the Arun Strategic Transport assessment.

Particular issues raised in the debate centred around: -

- This site had an existing planning permission for a recycling plant and that had been taken into account by the Planning Inspector when considering Arun's Local Plan for adoption. The strategic allocations across the District had been agreed and this proposal would be detrimental to those, particularly in Ford. Who would want to build or live so close to such a development?
- The Transport Assessment undertaken by Arun had assumed that the existing planning permission for a recycling plant would be implemented, therefore if the proposal on the table went through that assessment would have to be revisited. The Arun Transport Study: Waste Site Allocation Transport Addendum 2014, Paragraph 2.3.2 was quoted and it was highlighted that that was a Policy Statement of the County Council, which they now appeared to be disregarding.
- Noise pollution; light pollution; harmful emissions; heavy traffic movements; the size of facility which would cause damage to the immediate landscape, including the South Downs National Park and the coastal plain.
- The Council had already accepted that a waste facility would be built on the site but what was now being proposed would cause irreparable damage to the District's tourism.
- The County Council had chosen not to go ahead with a site which already had planning permission and, furthermore, the site at Horsham had been passed at appeal. Two sites were therefore available and it was unacceptable that Ford should now be considered suitable to be the destination for the waste for the whole of the South East of England.
- It had been stated that the energy to be produced would be going to the National Grid and a proposal to sink cables all the way to Chichester would not be practical or economically viable.
- The highway infrastructure was totally inadequate to support the proposal and any such facility needed to be much closer to A roads and major routes. Comment was made that routing agreements were in place between County Highways and local businesses to ensure traffic used the A259 to go east and west to protect areas such as Arundel. A facility such as this proposal would normally be situated with a 360 degree access, which Ford clearly did not have.
- The environmental statement needed to more strongly support the objection in respect of key emissions; night noise; underlying noise of fans, etc; the detrimental impact of nitrous oxide; and the inadequate flue cleansing mechanism that was proposed.

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- It was suggested that a site with a good rail network would be more suitable.

Early in the debate it had been formally proposed and seconded that, should the County Council be minded to approve the application, then Arun District Council would apply to the Secretary of State to call-in the application. It was confirmed that would be added as a separate recommendation to the Council's response to West Sussex County Council.

The Committee then

RESOLVED – That

- (1) An objection be raised based on the officer's report, the comments from the Yapton, Ford and Clymping Advisory Group, the issues raised by Members and the following additional reason:-

The proposal would be detrimental to the Local Authority's ability to deliver on the strategic sites detailed in the Adopted and therefore statutory Local Plan, both in terms of the quantum of housing and the Arun Strategic Transport assessment; and

- (2) Should the County Council be minded to approve the application, then Arun District Council would apply to the Secretary of State to call-in the application.

181. LIST OF APPEALS

The Committee received and noted the list of appeals that had been received.

(The meeting concluded at 5.40 pm)

Public Document Pack Agenda Item 14

Subject to approval at the next Environment & Leisure Working Group meeting

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ENVIRONMENT & LEISURE WORKING GROUP

3 September 2020 at 6.00 pm

Present: Councillors Mrs Warr (Chairman), Brooks (Vice-Chair), Bicknell, Clayden, Dixon, Gunner, Huntley, Kelly and Ms Thurston

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

Apologies: Councillors Mrs Catterson, Mrs Cooper, Purchase and Mrs Staniforth

10. DECLARATIONS OF INTEREST

None.

11. MINUTES

The minutes of the last Environment & Leisure Working Group that was held on 27 February 2020 were approved.

12. MEETING START TIMES

The Working Group

RESOLVED

The start times of its meeting for the municipal year 2020/21 be 6pm.

13. EMERGENCY PLANNING UPDATE

The Emergency Planning Officer introduced his report and provided the Working Group with a detailed presentation.

There were a number of questions asked by the Working Group and these are detailed below:

- It was asked where Councillors would be able to find the emergency risk plans that were referred to in the presentation. It was confirmed that a link would be provided to councillors so that they could view these plans.
- Clarity was sought on who makes the decision on who/what organisations fall into Category 1 or 2 and when were these groups of individuals informed of their responsibilities during an emergency. It was explained that it would depend on the type of emergency incident, and that dependant on the type of incident would influence the priority of communication in a 'need to know' scenario. In relation to

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the Category 1 & 2 definitions it was confirmed that these were defined in the Civil Contingencies Act 2004.

- There was some surprise that the Council fell into the Category 1 group. It was confirmed that this was correct and as a Local Authority it does have the ability to respond to emergency incidents 24 hours a day. The responsibilities upon the Council in this type of incident would be an extension of the day to day responsibilities, so the Council would be well versed in exercising these.
- In terms of a possible local lockdown it was asked if there was any support needed from Members. It was advised that if there was going to be a local lockdown enforced the information and direction would come from the Government and then feed through the strategic level of the Council first, this would then be communicated in a controlled manner.

The Working Group then noted the contents of the report update.

14. PLACE ST MAUR

The Principal Landscape Officer introduced her report and provided the Working Group with an update on the plans for Place St Maur in Bognor Regis.

There were a number of questions asked by the Working Group these are detailed below:

- It was queried why the inclusion of trees had not be considered in the plans, even if they were in planters that made them portable, it was felt that the success of London Road was due to the inclusion of the trees in that plan as the trees helped to create a nice ambience. It was confirmed that elements of soft landscape would be included and the selection of this would depend on its ability to withstand the exposed conditions of the site.
- There were several questions & suggestions raised relating to the Esplanade these have been detailed below;
 - Had a business plan been created and if so, would Members be able to have a copy. It was clarified by the Principal Landscape Officer that a number of supporting documents had been submitted and that these could be shared with Members.
 - Were there plans to landscape the Esplanade. It was confirmed that this would be something that the consultants would explore.
 - Could Palm Trees be considered in the plans for the Esplanade.
 - Consideration of the bus route was requested to be reviewed at a later point
 - A request that the seafront was not shut permanently was made as it was felt this would be a disaster for business located on the seafront
 - Where was funding going to come from and was there a chance that the Council would not be successful in obtaining funding and if so, what was plan B. It was confirmed that the Council had made a

bid for funding from the Central Government, 'Get Building Fund' pot. Whilst at this point it could not be confirmed if the Council would be successful, the Council had been shortlisted and was awaiting a decision on this. The report to Cabinet in November 2020 would consider both the internal and external funding. Regarding the Consultant fee, this could not be confirmed until the Council goes out to tender.

- When would it be likely that the Council would hear the outcome of the funding bid. It was confirmed that an answer was expected in the next few weeks.
- Would Ward Members have the opportunity to see plans and provide their thoughts and feedback. It was confirmed that this opportunity would be made available to Members and other stakeholders.

The Working Group then noted the update.

15. REPORT BACK FROM CABINET/FULL COUNCIL

The Chairman drew the Members attention to the agenda that documented the last recommendations that were approved by Full Council and Cabinet. The Working Group noted this information

16. WORK PROGRAMME 2019/20

The Group Head of Neighbourhood Services presented the Work Programme for 2020/21 to the Working Group.

Councillor Gunner raised that at the last meeting of the Working Group in February 2020 there had been several suggestions raised with the then Chairman Councillor Mrs Staniforth and he was disappointed to see that these suggestions were not on the work programme being presented at the meeting tonight. It was confirmed that the Committee Manager, the Group Head of Neighbourhood Services & Community Wellbeing would get an update on where these discussions ended and feedback to Members outside of this meeting.

Councillor Bicknell advised that he really didn't want the Working Group to forget about the Local Community Network update, he stated that he felt that this item could be added to the meeting in March 2020. The Group Head of Community Wellbeing advised he would speak with colleagues at Public Health and the NHS to see if that could be arranged.

Councillor Ms Thurston wanted her disappointed registered regarding the fact that Climate Change and Tree planting had been delayed till December 2020. She stated that Climate Change needed to be a priority and could an interim update not be provided before December. Councillor Dixon spoke in support of Councillor Ms

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Thurston advising that he was disappointed that the position of a Climate Change Manager had not been filled yet. He stated although we have had a pandemic the Council should have been able to have completed this work by now.

After further discussion from Members on this Work Programme a proposal was put forward by Councillor Bicknell and seconded by Councillor Dixon that the following items were added to the Work Programme;

- Local Community Network update to be received by March 2020
- Flooding (specifics to be confirmed) update to be received by March 2020

The Working Group

RECOMMEND TO FULL COUNCIL; That

the Work Programme for 2020/21 be approved

(The meeting concluded at 7.25 pm)

Public Document Pack Agenda Item 15

Subject to approval at the next Cabinet meeting

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CABINET

21 September 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, Bower, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Dendle, Dixon, Edwards, English, Gunner, Roberts and Tilbrook were also in attendance for all or part of the meeting.

203. WELCOME

The Chairman welcomed Members, members of the public and Officers to what was the fifth 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.

204. DECLARATIONS OF INTEREST

Councillor Dr Walsh declared a Personal Interest in Agenda Items 14 [The Council's Response to the Covid-19 Pandemic Situation] and 15 [Covid-19 Recovery Working Party – 23 July and 8 September 2020] as he as a Member of West Sussex County Council and he felt that some of the projects identified could cross over into West Sussex County Council functions/partnerships.

205. QUESTION TIME

The Chairman invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the rules of the Council's Constitution and the Virtual Meeting Procedure Rules amended by the Council on 15 July 2020.

The Chairman confirmed that two questions had been submitted from the same questioner and that both questions for him to respond to as Leader of the Council.

The detail of the two questions have been summarised below:

The first question relation to Bognor Regis Regeneration and asked what steps the Council would now be taking in response to the Motion that had been debated and agreed at Full Council on 16 September 2020.

Councillor Dr Walsh responded stating that it was his understanding that Officers had not yet had the chance to consider the outcome of the Motion discussed but in due course would publicise how it would be taken forward.

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The second question related to the Bognor Regis Town Hall and the Bognor Regis arcade as the original plan was to relocate Council offices there, leasing back from whoever would have purchased. Was the Council committed to this course of action and why had the upper floors not been refurbished as intended?

Councillor Dr Walsh confirmed that any response made in respect of the Town Hall back in 2017 had been made by the previous administration. It remained this administration's objective to give the opportunity to the Town Council to purchase the Town Hall for a sum which could be reasonably regarded as 'Best Consideration'. In respect of the Arcade, the Cabinet was due to consider a report later in the year which would provide options for the way forward.

(A schedule of the full questions asked and the responses provided can be found on the Pubic Question Web page at: <https://www.arun.gov.uk/public-question-time>)

The Chairman then drew Public Question Time to a close.

206. URGENT BUSINESS

The Chairman confirmed that there were no urgent items for this meeting.

207. MINUTES

The minutes from the meeting of Cabinet held on 20 July 2020 were approved as a correct by Cabinet. The Chairman confirmed that these would be signed at the earliest opportunity to him.

208. BUDGET VARIATION REPORTS

There were no matters discussed.

209. BUDGET MONITORING REPORT TO 31 JULY 2020

The Deputy Leader of the Council and Cabinet Member for Corporate Support introduced this report outlining 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. However, 2020/21 was proving to be an exceptional year with significant additional financial risks due to Covid-19. These risks had been clearly set out within the report which focused on performance against approved budget to the end of July 2020 in relation to the General Fund, Housing Revenue Account and capital expenditure.

The Financial Services Manager then presented the report confirming that this was the first full budget monitoring report for this year and since the outbreak of Covid-19.

There was an adverse budget variation of £428k at the end of July 2020. The breakdown of this variation had been set out at Table 2.1 with further explanations contained in the report. The Financial Services Manager stated that it should be noted that a considerable proportion of this was due to a loss of income which was £454k under achievement. How the income would behave moving forward was extremely difficult to predict, but it was anticipated to worsen in the winter months due to the pandemic.

The largest expenditure pressures on the Council were:

- Leisure Support which was subject to a further report on the agenda for this meeting;
- Homelessness, including Rough Sleeping; and
- to a lesser extent, internal costs such as home working and health and safety.

Leisure Support expenditure variation had been covered by the supplementary estimate approved at Full Council on 15 July 2020)

It was explained that when the Covid-19 grant of £1.874m was applied, pro rata, (£625k) this resulted in an estimated outturn General Fund balance of £6.250m. This was approximately £250k worse than original budget. This was shown in Table 6.2 of the report. However, this figure needed to be treated with caution as it assumed that the variation continued at the current level.

When looking at the Covid-19 returns to Central Government, which were extrapolated to the end of the financial year, it was anticipated that the deficit could be closer to £1m if no mitigation was applied.

Cabinet was asked to also note that there were many smaller underspends in service areas which as the year progressed which were likely to make a significant contribution towards the adverse budget variation and therefore provide some budget mitigation.

In conclusion, the report highlighted that the Council needed to be flexible in its approach to finance this year, including having schemes and projects that could be turned off at short notice if the situation worsened and if the Council did not receive any further general Government support.

In discussing the report, the Cabinet Member for Residential Services, Councillor Mrs Gregory confirmed that there was one piece of good news to share which was that in relation to Residential Services, the Council had been awarded the sum of £319k from the Rough Sleeping Initiative. In addition to this, the Council was making a further claim in the sum of £21k which could reduce the overspend relating to homelessness.

The Chairman then invited non-Cabinet Councillors to ask questions.

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A question was raised in relation to what was being explored in terms of attracting rental income for the empty upstairs space at the Bognor Regis Arcade. Councillor Oppler responded confirming that this was an ongoing issue and that Officers were looking into options to ensure the best future for the arcade. The Cabinet Member for Technical Services, Councillor Stanley, was invited to provide input as this fell under his portfolio area. The Chief Executive responded first stating that a report was being prepared for a future meeting of Cabinet. Councillor Stanley outlined that there were several feasible options coming forward that required thorough examination, the report mentioned by the Chief Executive would address these.

The Cabinet

RESOLVED – That

- (1) the report in Appendix 1 be noted; and
- (2) the Council's Budget for 2020/21 was at risk of being exceeded because of the additional expenditure and loss of income due to the Covid-19 pandemic.

The Cabinet confirmed its decision as per Decision Notice C/007/210920, a copy of which is attached to the signed copy of the Minutes.

210. FINANCIAL PROSPECTS REPORT 2020/21 TO 2025/6

The Deputy Leader of the Council and Cabinet Member for Corporate Support introduced the Financial Prospects report covering the financial forecast for the next five years.

He outlined that the Council was facing significant financial challenges as core Government grant funding was being eroded and replaced with more volatile and uncertain funding based around the growth of the District.

The Group Head of Corporate Support then worked through aspects of the report that needed to be brought to Members' attention.

The huge uncertainty that the Council was facing over Government funding was unprecedented coupled with significant issues connected with the Covid-19 crisis. The key areas brought to the Cabinet's attention were:

- The Government had confirmed that there would be no return to austerity yet the redirection of resources within the public sector would most likely mean that there would still be cuts in lower priority areas.
- There was endless speculation in the media in terms of how Covid-19 grants the knock-on effect was still unknown.

- The reset of business rates needed to be flagged. Over the last 7 years the Council had benefited from growth in this area due to the proliferation of supermarkets in the District which had been a stimulus for the Council's finances. Government had been threatening to remove this for some time and this had been delayed due to Brexit and now Covid, but it could not be ignored that this reset would occur eradicating a lot of growth in 2022/23.
- Looking at the capital programme, the Council had not been able to complete a majority of this and there could be the need to reduce next year's programme to allow catch up to take place on all repairs and projects.
- It could be confirmed with certainty that the New Homes Bonus would be reduced to zero in the future and that this had been a buoyant source of income for the Council.
- There were further risks for the Council to be aware of. One was the collection rate from Council Tax as the potential effect of unemployment including the winding down of the furlough scheme was likely to result in an increase in arrears which could be permanent or just delayed.
- Particular attention was focused on mitigations and the need to do this as and where possible. This came with a stipulation that any proposed scheme or project had to be supported by a robust business case as it was imperative to preserve the scarce resources that the Council had available.
- The effects of the assumptions outlined had been set out in Table 2.2.1 of the report and this showed an increasing deficit but also declining balances. Steps were being taken to address the sizeable deficit but the reduction in New Homes Bonus to zero in the future and business rate reset, as mentioned earlier, would this make very difficult to achieve.
- Officers were actively working on a comprehensive savings exercise which although would assist the indicative projections, would not be able to tackle the deficit in next year's budget and so it was recommended that the Council should develop a Strategy to address the savings target illustrated.

Before inviting Cabinet Members to ask questions, Councillor Dr Walsh asked if there was place for prudential borrowing in any financial recover strategy? The Group Head of Corporate Support confirmed that this was always possible, but that the Council had to be mindful that any such borrowing had to be repaid and supported by a concrete business case not speculation.

In looking at wider impacts for the Council, the end of the furlough scheme was identified as something that could cause problems. This was because local businesses had confirmed that they saw this as the biggest issue that they currently faced and that they needed more support from central government. The potential closure of or

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restrictions of hospitality venues could increase the furlough problem and have impacts for the Council in terms of a reduction in council tax collected. It was hoped that the Government would look further at creating some form of tailored furlough scheme for those sectors. The loss of recycling credits and New Homes Bonus were issues of concern and the Group Head of Corporate Support was asked if he could provide any further update on these declining areas of income. The Group Head of Corporate Support confirmed that these reductions were not new news and had been expected for a long time. The Business Rates reset had been deferred three times but would certainly take place and would have a detrimental impact on the Council.

The Chairman asked the Group Head of Corporate Support if, as part of his discussions with the other finance officers and through the Local Government Association, there were any signs of any further Government grant to bail out local government. The response provided was negative. There were no new schemes to assist the leisure sector in addition to the funding that the Council had already received and what had been set out in the previous report. The latest news focused on the distribution of the £500 per person self-isolating payment, which although would not cost the Council money, would be an additional administrative burden on Council staff.

Having congratulated the Council's finance team for the prudent way it had dealt with the Council's finances,

The Cabinet

RESOLVED – That

- (1) the core assumptions set out in the Medium-Term Financial Strategy and the current financial position be agreed;
- (2) the significant risks to local government finance clearly outlined in the report be noted and agreed; and
- (3) the Medium-Term Financial Strategy be approved and used to set the Budgetary framework in preparing the 2021/22 Budget.

The Cabinet confirmed its decision as per Decision Notice C/008/210920, a copy of which is attached to the signed copy of the Minutes.

211. FINANCIAL SUPPORT TO LEISURE OPERATING CONTRACT

Prior to inviting the Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, to introduce this report, the Chairman welcomed Ivan Horsfall-Turner, Managing Director of Freedom Leisure, to the meeting.

Councillor Mrs Yeates then introduced the report reminding Cabinet Members that a ten-year leisure operating contract was let to Freedom Leisure in 2016 and that it played a significant role in the financial prospects of the Council. It was also a vital component in the health and wellbeing of the District's community.

At Full Council on 15 July 2020, Councillors debated a proposal to reopen the Council's Leisure facilities with a financial support package to make this possible. Members agreed with the proposal, largely for the health and wellbeing of the community, but also to protect the Council's leisure operating contract and give it the best opportunity to bounce back as the Covid-19 restrictions began to lift.

The Group Head of Community Wellbeing then updated Cabinet on the impact of the support package so that it could consider the recommendations proposed for further supporting the leisure operating contract.

He was able to confirm that there were positive aspects which had occurred since the last report to Full Council on 15 July 2020. Firstly, in addition to the centres opening, the first full month's attendance figures had been very encouraging with over 20,000 visits despite reduced capacity. Freedom Leisure had gone to great efforts to make the buildings and the activities COVID safe and to communicate that message to the community. A full track and trace process had been put into place and anecdotal responses had been that customers had felt very safe, with some admitting they preferred the new booking arrangements and lower numbers in the buildings. Despite this, Freedom Leisure recognised the need to build on this success. In August and September, it extended the range of activities available, including the capacity of some popular sessions and reintroduced the Learn to Swim programme with over 1500 children attending sessions.

The Government had introduced an income recovery scheme for Council's to claim lost budgeted income. As the Leisure Operating Fee was a loss to the Council, it could claim back approximately 70% of its lost income from the leisure contract in accordance with the rules of the scheme, representing a sum in the region of £47,500 per month.

The Group Head of Community Wellbeing stated that put into perspective how important the leisure operating contract was to the Council. In the first four years of the contract it generated £1.7M to the Council and in the next five years that sum would be in excess of £4.5M. By supporting the contract now during this recovery phase, the Council was helping to secure this long-term income stream. What also had to be remembered was the health and wellbeing benefits for residents.

The financial aim was to get back to normal business levels as quickly as possible and Members were asked to note that that by the end of September, the agreed level of support would be over £400,000. Initially this support was merely to mothball the centres, but it was now providing the balance between the income that Freedom Leisure was able to achieve through sales, and the expenditure required to operate the leisure facilities under the current conditions. This support was key whilst

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the customer numbers increased, and income returned to its pre-pandemic levels. Once the level of income from customer activity met the cost of keeping the centres open, the Council would be able to withdraw this level of support.

Looking forward, Freedom Leisure estimated the support required for the contract in the third quarter to be £191,400. In comparison, the support costs in the second Quarter (July to September) were almost £267,000. Freedom Leisure was doing all it could to rebuild customer numbers, income and therefore its reliance on support from the Council. The current assessment was that after a further payment in the fourth quarter the income generated would cover operating costs.

However, despite this news, the possibility of a local lockdown or further restrictions being imposed could not be overlooked. But what had been proven was Freedom Leisure's ability to bounce back from a closure and instil confidence in customers to return to activity in its facilities.

In concluding his presentation, the Group Head of Community Wellbeing outlined that the total cost of supporting the leisure operating contract to the end of this year could be in the region of £700,000. However, the Council stood to receive £570,000 this year from the Government's income recovery scheme. There were also valuable social and health benefits of keeping the centres open. By providing support during these difficult times, recovery was likely to be swifter if the centres remained open and the Council would have a stronger chance of achieving the £4.5M it stood to gain from the leisure operating contract over the next five years.

Cabinet debate commenced with Cabinet Members thanking Officers for ensuring that the funding needed had been organised and for working with Freedom Leisure to ensure that the centres had opened again in a safe way that was clearly benefiting the community. It was acknowledged that it had clearly been the right decision to make in terms of the income that was now coming in and from the first round of attendance figures received.

The Cabinet questions asked, and the responses provided are set out below:

- How had the customer experience been for staff when the centres had re-opened? Staff had been delighted to return to work and there had been no significant staff anxiety in terms of operating within the centres as all areas had been made very Covid secure and all appropriate processes were in place and working effectively.
- How had interaction with customers been and had any frictions been reported? Responses received had been 100% positive with virtually no complaints made.
- How was Freedom Leisure's relationship with other Councils and how was the financial health of the business generally? FL had a good liaison and support from almost all of its partners. Out of 19 local authorities, 18 had offered support agreements with the 19th hopefully

commencing soon. Their financial health was good as they had had a good solid year the year before Covid and so had been able to enter the pandemic in a good financial position, though had run up considerable losses since then.

The Chairman then invited non-Cabinet Members to ask their questions. The questions asked and the responses provided are set out below:

- 1) The amount of financial support from the Council to operate leisure facilities seemed to be more than that required to have them empty – why?

The reality was that when facilities were closed there were a certain amount of costs that could not be fully lost known as unmitigated costs such as the resource for checking the facilities, paying for utilities and there were costs that could not be recovered through Government schemes. Staff that had been on the furlough scheme had since returned to work and so there were staffing and full plant costs, including full repair and maintenance that had come back into the business, although partially offset by income, this was not high enough to offset those costs.

- 2) What are your forecasts for future users of the leisure facilities?

Looking at usage numbers that were expected on the return to being open, this was for around 60% of membership and for fitness and class usage approximately 40%, swimming and casual usage was 30% in the first 6 weeks of opening – FL confirmed that it was close to those numbers. The challenge would be how these figures needed to grow over the remainder of the financial year. Although this could be considered as good news, it needed to be accepted, with a health warning, that this situation was unprecedented. Whilst regrowth models were based upon best industry knowledge, they were also based on the assumption that Covid-19 restrictions would continue to be lifted over a period of time so there was concern about what news future announcements could bring and whether these would take the sector backwards rather than forwards. Whatever happened, it was vital to continue to ensure consumer confidence was not damaged moving forward.

- 3) What level of visitors do you need in order to cease any financial support and when do you predict that point will be reached?

It was explained that FL was a not for profit leisure trust and so made small margins of income. It needed to get back to as close to 100% of previous levels of occupancy to get back to the same level of surplus. It had taken a lot of cost out of the organisation and was targeting to get back to around 85% of last year's income by March 2021 to achieve a position of being properly sustainable.

- 4) Should we still have Covid restrictions into next summer, would we still need to be providing a subsidy to you at that point?

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It was outlined that FL made relatively low levels of surplus due to the type of organisation that they were and so if it was still in a position of making limited income, the pressure would be on them still to continue with mitigating actions to reduce their financial position. They could make changes and could adjust the service to make it affordable if this is what was needed. If Covid was still a significant issue next summer, they FL would not be in the position they thought they would be in when they bid for the Contract back in 2014.

5) What actions are you taking to reduce the financial risk to Councils?

Those actions were around the level of mitigation in the short term and during lockdown, utilising the Government's JRS system to reduce costs but also they had looked at central overheads and sadly had had to lose some good staff from the central team to make things affordable. Some significant salary cuts had also been made to include their senior management team back from April onwards.

6) In terms of reduced visitors, what impact was this having on the health and well-being of the District?

The Group Head of Community Wellbeing responded stating that the impacts on the District were that people were not able to access the facilities as they had done previously. Before lockdown, many attendees did not book and just turned up to take part in sessions. All sessions now had to be pre-booked, with the prime slots being booked out early and so some people were feeling excluded. The positive news was that the centres were now creating sessions where pre-booking was not required and so it was hoped that this would provide more opportunity for people to exercise when they wanted and would install more confidence going forward.

7) If the Cabinet decided to approve the recommendations before them, what is the total cost of support to Freedom Leisure since March in terms of both income to the Council that has been lost and in terms of money agreed to Freedom Leisure?

The Group Head of Community Wellbeing responded confirming that since March, when the outbreak took hold and the centres had closed, £419,388 had been paid up until the end of September 2020. Loss of income was £399,882 giving a total of £819,270k. The caveat was that the Council was claiming back lost revenue to the approximate value of £285k, representing a net figure of £534,270k.

(8) What are the consequences if we do not provide any further financial support?

This had partly been responded to earlier. It was confirmed that FL had received very good support from all Local authorities, however, when they first entered into the pandemic back in March, the first round of discussions made a commitment to Local Authorities that if they were to receive support, this would be received with conditions, making it clear that one local authority would not be supporting another's contract. If Arun was not able to provide support – FL would have to review the contract in place as this would mean a change in law mechanism in which the implications would have to be fully discussed.

(9) How long would Freedom Leisure survive without further support?

It was explained that without the critical mass support from other authorities, the contract in place with FL would become vulnerable. If all support was taken away, FL would have approximately 6 weeks' worth of reserves. It was hoped that this provided Councillors with enough reassurance in that FL was not hugely vulnerable with the collective support that it had.

(10) Was there any possibility of receiving Government support?

FL had been working closely with industry lead bodies such as UK Active and Sport England. There had been much talk of funding in the region of £800m for public sector leisure, however, not much had progressed even though this had been signed off by DCMS and MCHLG – an outcome was expected shortly.

(11) Was there any danger of Freedom Leisure going into administration and what else could Arun do?

Arun's client team had been very supportive, and work was continuing with joint communications/marketing to encourage the customer to come back and use facilities.

Other questions asked were related to other capital programmes and how these might be affected, this was because there were investments being looked at such as further modifications to the Littlehampton Wave and the Arun Leisure Centre. The response provided was that FL was not aware of anything specific. In view of the earlier discussion around prudential borrowing, it was confirmed that FL would be happy to take away and review/look at whether or not anything they could do with the provision of some capital could improve the financial situation in the future i.e. further environmental savings, looking at their carbon footprint and meeting the carbon agenda. The Group Head of Community Wellbeing confirmed that there were no projects of this nature in the pipeline.

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The Cabinet

RESOLVED

That approval be given to recovering the forecast income for operating fees as budgeted using the local government income compensation scheme for lost sales, fees and charges as a result of Covid-19.

The Cabinet also

RECOMMEND TO FULL COUNCIL

That a supplementary estimate for a sum up to £191,000 (Band equivalent of £3.07) to support the Council's Leisure Operating Contract from October to December 2020 be approved.

The Cabinet confirmed its decision as per Decision Notice C/009/210920, a copy of which is attached to the signed copy of the Minutes.

212. COVID-19 RELIEF PAYMENT FOR JUNE 2020 TO OSBORNE PROPERTY SERVICES LIMITED

The Cabinet Member for Residential Services, Councillor Mrs Gregory introduced this report confirming that it sought approval to pay the Council's Responsive Repairs and Void Contractor, Osborne Property Service Limited, Covid-19 relief payment for June 2020 to the value of £55,057.37.

The Group Head of Residential Services then explained the rationale behind the payment.

The Cabinet

RESOLVED

That a payment of £55,057.37 exclusive of VAT be aid to Osborne Property Services Limited to cover operating costs for June 2020 in response to the Covid-19 pandemic and in accordance with Cabinet Office issued guidance documents, Procurement Policy Note (PPN) 02/20 and 04/20.

The Cabinet confirmed its decision as per Decision Notice C/010/210920, a copy of which is attached to the signed copy of the Minutes.

213. VARIATION TO CAR PARKING CHARGES

The Cabinet Member for Neighbourhood Services, Councillor Mrs Staniforth, introduced this item. She confirmed that having discussed the matter with colleagues, it was her view that this was not the right time to introduce increases in car parking charges as this could be very damaging to the District's already fragile economy and as the Pandemic was still a major threat.

Councillor Dr Walsh therefore asked Cabinet Members to confirm that they approved the suggestion to withdraw this item.

The Cabinet

RESOLVED

That the variation to car parking charges be withdrawn.

The Cabinet confirmed its decision as per Decision Notice C/011/210920, a copy of which is attached to the signed copy of the Minutes.

214. OPTIONS TO PROGRESS WEBCAST IMPROVEMENT PROJECT

The Cabinet Member for Technical Services, Councillor Stanley, introduced this item confirming that following previous reports made to Cabinet, this report provided options for Councillors to consider in terms of progressing the findings from the webcast improvement project. Several options had been explored in terms of upgrading equipment which had to be considered against the Council's current financial situation which had been further strained by Covid-19.

The Director of Place outlined the estimated costs in looking at what was the preferred option – Option 2.1 (a) to upgrade the Council Chamber only to allow meetings of Cabinet and the Overview Select Committee to be webcast in addition to Full Council and the Development Control Committee. All other Committees, including those created by the new Committee structure post May 2021 would not be webcast. This resulted in a one-off cost of £65k needing to be approved for the webcasting hardware installation and to allow for a procurement process in line with financial regulations and the Constitution to take place.

A range of questions were asked by Cabinet and non-Cabinet Councillors. These focused upon whether the upgrade to the Council Chamber incorporated a hybrid approach to meetings in case these were run moving forward in working in pandemic restrictions. Others asked about the terms and conditions of using Zoom and whether Zoom had a function that at no cost allowed users to webcast to social media the live meeting. Had the option of all Councillors sitting in the Council Chamber with i-pads using existing technology been discounted?

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The Director of Place explained that returning to the Council Chamber was not a feasible or permitted option at the moment due to Covid-19 restrictions.

Other concerns were expressed over the £65k investment at a time when the Council was having to seriously consider all financial decisions. It was explained that this option would resolve the technical issues experienced in the past.

Following further discussion,

The Cabinet

RECOMMEND TO FULL COUNCIL – That

- (1) A supplementary estimate of £65k (Option 2.1(a) in the report for one-off project costs for the webcasting hardware installation be approved. [This equates to a Band D equivalent of Council Tax of £1.04]; and
- (2) Subject to the approval of recommendation (1) above, the additional on-going revenue costs for annual maintenance and broadband subscription of £21k per annum be included in the Budget for 2021/22.

The Cabinet confirmed its decision as per Decision Notice C/012/210920, a copy of which is attached to the signed copy of the Minutes.

215. ADVISORY GROUP TERMS OF REFERENCE

The Cabinet Member for Planning, Councillor Lury, introduced this item confirming that at the request of the Chairman of the Bersted Advisory Group, the Terms of Reference for that Group be changed to expand its membership.

The Director of Place then presented the report confirming that all Advisory Groups had been established with very specific terms of reference. As a request to change the terms of reference to expand membership for one particular group had been received, it was necessary for this to be brought to Cabinet for decision.

It was explained that the request made to expand membership was to allow that Group's membership to include a Ward Member from Aldwick and a representative from Aldwick Parish Council.

Following some discussion, the Cabinet

RESOLVED – That

- (1) The proposed amendments to the Terms of Reference for the Bersted Advisory Group as set out in Appendix 1 to the report be approved; and

- (2) Any further minor changes to the Terms of Reference for all Groups be delegated to the Cabinet Member for Planning and the Group Head of Planning.

The Cabinet confirmed its decision as per Decision Notice C/013/210920, a copy of which is attached to the signed copy of the Minutes.

216. THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION

The Chairman presented a further report which was another regular update from the Chief Executive setting out what the Council had done in responding to the pandemic situation. He stated that although it sometimes appeared that there had been a lull in activity, there had been news of increasing cases and concern over local outbreaks and so the Council had been concentrating on its preparedness for this, should it have a local issue.

From the various reports already received tonight, it was clear that the Council's finances remained an issue. Financial updates had been received on the Council's current budget and its prospects over the next few years. Difficult decisions had also been made in relation to the Council's leisure contractor, its housing maintenance contractor and car parking charges.

Councillor Dr Walsh outlined that he was aware that the next meeting of Cabinet on 19 October 2020 would receive a report on a variety of other financial considerations. All difficult decisions but by working together, planning ahead, and making those difficult decisions, Members and Officers would ensure the Council remained in a stable financial position.

The Chief Executive then picked up on some other key points focusing on the numerous grants that the Council had now successfully administered which had been set out in the report. What could not be underestimated was the tremendous amount of work behind ensuring grant money had been issued to those that needed it, whilst following Government instructions. The Council's Finance Officers were now dealing with the Government auditing of those grants, which was taking considerable time.

Officers were also focussing on the Council's preparedness for any local outbreak or a forecasted second wave as the weather turned colder. This was equally time-consuming and grateful thanks was extended to the work of the Environmental Health Team.

A suggestion was made, and it was agreed, to move directly onto the next agenda item to look at the proposed actions from the Coronavirus Recovery Working Party, and then return to the recommendations of this item.

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The Chairman stated that this cross-party group of Members had met on the 23 July and 8 September and a number of recommendations needed to be considered.

Turning to the Working Party meetings, these had been very positive where Members had raised and discussed a wide variety of possible areas where the Council could help in terms of local economic recovery. Over the course of the last two meetings, Members had managed to refine their proposals into five themes and a long list of separate proposals.

The Chief Executive outlined that in progressing the recommendations outlined, it would be necessary to consider, when prioritising them, the Council's financial position and the amount of Officer time available to take projects forward. A further update would be provided to the next meeting of Cabinet.

All of the recommendations were applauded, especially the work that would be undertaken by the Climate Change and Sustainability Manager and the reviews to be taken forward to assist regeneration in the District.

Thanks were extended to Councillors Chapman and Tilbrook as Chairman and Vice-Chairman of the Working Party and they provided a brief overview of the work undertaken and they thanked Members and Officers for their valuable input and work to date.

In discussing the future of the Working Party, it was agreed that future meeting dates would not be confirmed at this time but that meetings would take place, when needed, in light of changing factors surrounding the Covid-19 pandemic. A request was made to have this added to the list of recommendations for approval.

Following further discussion,

The Cabinet

RESOLVED – That

(1) A reliable database of skills shortage is compiled so that the District can effectively play its part in recovering and continuing the economic wellbeing of businesses and residents in the future. The Arun Business Partnership should be involved in this process;

(2) a further study is initiated into the convergence of the results of the survey of skills shortages with the extra Government funding for "Skills Academies";

(3) the "Climate Change and Sustainability Manager" (when appointed) should fully engage with local enterprises in the drive for economic recovery including "green" insulation and heating for homes, business premises and public buildings and other emerging innovations and new products;

- (4) The Planning Policy Sub-Committee consider how the provision of higher numbers of self-catering units for families and individuals in the District might be increased;
- (5) The Council supports the emergency provision of IT equipment to disadvantaged pupils and students. It is therefore recommended that Cabinet seeks clarification from West Sussex County Council about any plans it has to continue the supply of IT equipment to disadvantaged pupils in schools or colleges;
- (6) Agreement be given to seek the approval of the Council to seek a Commercial Buyer of the Sussex by the Sea brand;
- (7) Approval be given to consult with Parish and Town Councils to establish their capability and willingness to continue to provide Community Hubs for the future to ensure that community/social support gained during the emergency are not lost;
- (8) Reviews take place on the previous strategies for the two seafronts to:
- Re-examine the 2016 Bognor Regis Seafront Delivery Plan and prioritise a series of deliverable interventions and actions
 - Re-examine the 2014 Nine Big Ideas for Littlehampton, Concept Investment Plan and the 2016 Seafront Greens and Promenade project ideas and identify ways to progress the recommendations into deliverable projects;
- (9) the emerging heightened importance of the appointment of a Climate Change and Sustainability Manager to deliver a green, carbon neutral plan for the District is noted;
- (10) a study is commissioned aimed at gaining improved synergy from the numerous “bio-diversity” groups within the District so that better value is obtained from the District’s contributions to their diverse interests and activities; and
- (11) When the full and final recommendations from the Government’s independent review are published the Council establishes a Working Party to consider a food strategy for local implementation; and
- (12) The Working Party to not confirm future meeting dates at this time but be able to meet when needed in light of the changing factors surrounding the Covid-19 pandemic.

The Cabinet confirmed its decision as per Decision Notice C/014/210920, a copy of which is attached to the signed copy of the Minutes.

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217. COVID-19 RECOVERY WORKING PARTY - 23 JULY AND 8 SEPTEMBER 2020

This item had been considered as part of the last item, the Council's response to the Covid-19 Pandemic situation.

218. HOUSING & CUSTOMER SERVICES WORKING GROUP - 21 JULY 2020

The Cabinet Member for Residential Services, Councillor Mrs Gregory, presented the Minutes from the meeting of the Housing & Customer Services Working Group held on 21 July 2020.

Councillor Mrs Gregory alerted Cabinet to the first set of recommendations at Minute 5 [Fire Policy and Management Plan] which set out how the Council would respond and comply with regulations and manage fire risk for all its properties. Councillor Mrs Gregory praised the huge amount of work that had been undertaken by the Repairs and Maintenance Manager and his team for concluding this vast piece of work.

The Cabinet

RESOLVED – That

- (1) The Fire Safety Policy 2020 be adopted;
- (2) The Fire Safety Management Plan 2020 be adopted; and
- (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.

Councillor Mrs Gregory then alerted Cabinet to the next set of recommendations at Minute 6 [Void Lettable Standards 2020] which enabled the Council to comply with health and safety and security requirements as well as providing clarity to contractors on the expected performance expected from them.

The Cabinet

RESOLVED – That

- (1) The Void Lettable Standards 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 standard.

The Cabinet confirmed its decision as per Decision Notice C/016/210920, a copy of which is attached to the signed copy of the Minutes.

219. 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 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.

220. LONDON ROAD COACH, LORRY AND CAR PARK [EXEMPT - PARAGRAPH 3 - THE SUPPLY OF GOODS AND SERVICES]

The Cabinet Member for Commercial and Business Development introduced this item explaining that at Cabinet on 23 July 2018, it had been agreed to market the disposal of freehold land at London Road, Bognor Regis for redevelopment to include student accommodation, whilst retaining public car parking. In accordance with that Cabinet resolution, the site had been marketed and a preferred bidder selected. A revision was made to the authorisation by Cabinet on 10 February 2020 to include public convenience provision. The report before Cabinet, provided an update on progress and it considered the options available to the Council.

It was outlined that since the last report to Cabinet, the market had changed considerably resulting in the preferred bidder withdrawing its offer, although a reduced offer had been submitted citing a variety of reasons which were explained to the meeting.

The Cabinet Member for Commercial and Business Development explained his preference for undertaking further investigation or alternative uses for the site, as well as alternatives to disposal, in an attempt to provide greater certainty that the Council was obtaining best consideration for its interest in the site.

Following some debate, the Cabinet

RESOLVED – That

- (1) The rejection of the current offer for purchase of the site for a development of student accommodation be approved;
- (2) Delegated authority be approved for the Director of Place, in consultation with the Section 151 Officer, the Cabinet Member for Technical

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Services and the Cabinet Member for Commercial and Business Development to:

- (a) Open discussions with Sussex Police on whether there is an opportunity for a joint venture involving the adjacent Police Station site;
- (b) Identify a wider range of alternative future uses of the site; and
- (c) Consider an alternative way forward for delivery and return to Cabinet with a recommendation on the proposed delivery options for how to obtain best consideration for the site

(3) Agreement be given that these decisions replace all previous decisions related to this site.

The Cabinet confirmed its decision as per Decision Notice C/017/210920, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 8.12 pm)

ARUN DISTRICT COUNCIL

DECISION NOTICES FROM THE MEETING HELD ON MONDAY 21 SEPTEMBER 2020

REF NO.	DECISION
C/007/21092020	Budget Monitoring Report to 31 July 2020
C/008/21092020	Financial Prospects Report 2020/21 to 2025/26
C/009/21092020	Financial Support to Leisure Operating Contract
C/010/21092020	Covid-19 Relief Payment for June 2020 to Osborne Property Services Limited
C/011/21092020	Variation to Car Parking Charges
C/012/21092020	Options to Progress Webcast Improvement Project
C/013/21092020	Advisory Group Terms of Reference
C/014/21092020	The Council's Response to the Covid-19 Pandemic Situation
C/015/21092020	Covid-19 Recovery Working Party Meetings – 23 July and 8 September 2020
C/016/21092020	Housing & Customer Services Working Group – 21 July 2020 – Consideration of Recommendations – Fire Policy and Management Plan and Void Lettable Standards 2020
C/017/21092020	London Road Coach, Lorry and Car Park – Exempt – Paragraph 3 – The Supply of Goods and Services

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00
A.M. ON 30 SEPTEMBER 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/007/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: BUDGET MONITORING REPORT TO 31 JULY 2020	
OFFICER CONTACT: Carolin Martlew – Financial Services Manager Tel: 01903 737568 Email: carolin.martlew@arun.gov.uk	

EXECUTIVE SUMMARY: The Budget Monitoring Report sets out the Capital, Housing Revenue and General Fund Revenue Budget performance to the end of July 2020.	
DECISION: The Cabinet RESOLVED – That (1) The report in Appendix 1 be noted; (2) It be noted that the Council’s Budget for 2020/21 is at risk of being exceeded because of the additional expenditure and loss of income due to the Covid-19 Pandemic	
REASON FOR THE DECISION: To ensure that spending is in line with approved Council policies and that it is contained within overall budget limits.	
OPTIONS CONSIDERED BUT REJECTED: There were no other options considered.	
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/008/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: FINANCIAL PROSPECTS REPORT 2020/21 TO 2025/6	
OFFICER CONTACT: Alan Peach – Group Head of Corporate Support Tel: 01903 737558 Email: alan.peach@arun.gov.uk	

EXECUTIVE SUMMARY:

The Council's Medium-Term Financial Strategy (MTFS) covering the period up to 2025/26 rolls forward the data in the existing approved MTFS. The Strategy amends certain assumptions contained in it to reflect changes in the Council's circumstances and other issues that have a strategic bearing on the Council's financial prospects.

DECISION:

The Cabinet

RESOLVED – That

- (1) The core assumptions set out in the Medium-Term Financial Strategy and the current financial position be agreed;
- (2) The significant risks to local government finance that have been clearly outlined in the report be noted and agreed;
- (3) The Medium-Term Financial Strategy be approved and be used to set up the Budgetary framework in preparing the 2021/22 Budget.

REASON FOR THE DECISION:

To formulate the Council's Medium-Term Financial Strategy and set the financial context and framework for decisions to be taken by the Council.

OPTIONS CONSIDERED BUT REJECTED:

The Cabinet accepted the assumptions outlined in the Strategy.

CABINET MEMBER(S):

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

None

DISPENSATIONS GRANTED :

None

CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None

REFERENCE NO: C/009/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: FINANCIAL SUPPORT TO LEISURE OPERATING CONTRACT	
OFFICER CONTACT: Robin Wickham – Group Head of Community Wellbeing Tel: 01903 737835 Email: robin.wickham@arun.gov.uk	

EXECUTIVE SUMMARY:

Freedom Leisure is in receipt of a support package to mitigate the impact of the Covid-19 pandemic on the Council's Leisure Operating Contract. This report set out the current situation and recommendations for the future viability of the Contract.

DECISION:

The Cabinet

RESOLVED

That approval be given to the measure to recover the forecast income for operating fees as budgeted using the local government income compensation scheme for lost sales, fees and charges as a result of Covid-19; and

The Council

RECOMMEND TO FULL COUNCIL

That a supplementary estimate for a sum up to £191,500 (Band D equivalent of £3.07) to support the Council's leisure operating contract from October to December 2020 be approved.

REASON FOR THE DECISION:

To safeguard the Council's Leisure Operating Contract and to serve the health and wellbeing needs of the community.

OPTIONS CONSIDERED BUT REJECTED:

The Cabinet supported the recommendations set out in the report.

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/010/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: COVID-19 RELIEF PAYMENT FOR JUNE 2020 TO OSBORNE PROPERTY SERVICES LIMITED	
OFFICER CONTACT: Satnam Kaur – Group Head of Residential Services Tel: 01903 737718 Email: satnam.kaur@arun.gov.uk	

EXECUTIVE SUMMARY:

The purpose of this report is to seek Cabinet approval to pay Osborne Property Services Limited (OPSL), the Council's contractor for undertaking repairs and void works on council housing stock, Covid relief payment for June 2020.

DECISION:

The Cabinet

RESOLVED

That payment of £55,057.37 exclusive of VAT be approved to cover operating costs for June 2020 in response to the Covid-19 pandemic and in accordance with Cabinet Office issued guidance documents, Procurement Policy Note (PPN) 02/20 and 04/20 to Osborne Property Services Limited.

REASON FOR THE DECISION:

To safeguard the Council's responsive repair and voids contract ensuring the welfare, health and safety of the Council's residents and maintenance of assets.

OPTIONS CONSIDERED BUT REJECTED:

The Cabinet supported the recommendations in the report.

CABINET MEMBER(S):

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

None

DISPENSATIONS GRANTED :

None

CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None

REFERENCE NO: C/011/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: VARIATION TO CAR PARKING CHARGES	
OFFICER CONTACT: Calvin Baylis – Customer and Parking Services Manager Tel: 01903 737649 Email: calvin/baylis@arun.gov.uk	

EXECUTIVE SUMMARY:

The Council's Medium-Term Financial Strategy assumes that income from all charges should be reviewed. This therefore requires certain parking charges for 2020/21 and 2021/22 to be varied to find the additional income.

The purpose of this report was to not make the decision on the charges now but to ask for approval to commence consultation.

In addition, the report reviewed other car park initiatives and service improvements.

DECISION:

The Cabinet

RESOLVED

To defer this item.

REASON FOR THE DECISION:

The report highlighted that the reasons to make this decision were financial [to meet the Council's financial strategy] and that a legal process was required to increase parking charges – if this was what the Council chose to do.

Cabinet deferred this item.

OPTIONS CONSIDERED BUT REJECTED:

Cabinet agreed to not consider the charges outlined in Appendix A of the report and agreed to defer this item confirming that due to the Covid-19 pandemic, now was not the time to consider increasing car parking charges when the District's High Streets needed as much support as possible.

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/012/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: OPTIONS TO PROGRESS WEBCAST IMPROVEMENT PROJECT	
OFFICER CONTACT: Karl Roberts – Director of Place Tel: 01903 737760 Email: karl.roberts@arun.gov.uk	

EXECUTIVE SUMMARY:

Following previous reports, this report set out options for Cabinet to consider in terms of progressing the Webcast Improvement Project with associated costs.

DECISION:

The Cabinet

RECOMMEND TO FULL COUNCIL – That

(1) A supplementary estimate of £65k (Option 2.1 (a)) for the one-off project costs for the webcasting hardware installation be approved. This equates to a Band D equivalent Council Tax of £1.04; and

(2) Subject to the approval of Recommendation (1) above, to approve the additional on-going revenue costs for annual maintenance and broadband subscription of £21k per annum to be included in the Budget for 2021/22.

REASON FOR THE DECISION:

To respond to Cabinet's request for options to be presented on this project and to allow the project group to progress with procuring an appropriate system.

OPTIONS CONSIDERED BUT REJECTED:

Cabinet accepted Option 2.1 (a) as set out in the report.

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/013/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: ADVISORY GROUP TERMS OF REFERENCE	
OFFICER CONTACT: Neil Crowther – Group Head of Planning Tel: 01903 737839 Email: neil.crowther@arun.gov.uk	

EXECUTIVE SUMMARY:

In October 2017 a series of additional local Advisory Groups were established to consider the implementation of strategic development sites in Bersted, Aldwick and Pagham and Ford, Yapton and Climping. The terms of reference and membership of these Groups was agreed by Cabinet.

A request from the Chairman of the Bersted Group has been made to formally expand the membership of this Group. This report asked the Cabinet to consider expanding the membership of this Group through updated terms of reference which had been attached to the report as Appendix 1.

DECISION:

The Cabinet

RESOLVED – That

(1) That the revised Terms of Reference for the Bersted Advisory Group, as set out in Appendix 1 to the report, be adopted; and

(2) Any further minor changes to the Terms of Reference for all Advisory Groups be delegated to the Cabinet Member for Planning and the Group Head of Planning.

REASON FOR THE DECISION:

To extend the membership of the Bersted Advisory Group to include a Ward Member from Aldwick and a representative from Aldwick Parish Council to aid the discussion on the implementation of the planning permissions in this area.

OPTIONS CONSIDERED BUT REJECTED:

Cabinet accepted the composition of the Bersted Advisory Group as per the amended terms of reference.

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/014/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION	
OFFICER CONTACT: Nigel Lynn – Chief Executive Tel: 01903 737600 Email: nigel.lynn@arun.gov.uk	

EXECUTIVE SUMMARY: The report updated Cabinet on the Council's continued response to the pandemic situation and it set out possible proposals for economic recovery.	
DECISION: The Cabinet RESOLVED That the actions outlined in the report be noted. The Cabinet then moved to the list of recommendations contained within the Minutes of the meeting of the Covid-19 Recovery Working Party held on 8 September 2020 which are set out in the next Decision Notice.	
REASON FOR THE DECISION: To note the ongoing recovery work of the Council.	
OPTIONS CONSIDERED BUT REJECTED: The Cabinet supported the options presented.	
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/015/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: COVID-19 RECOVERY WORKING PARTY - 23 JULY AND 8 SEPTEMBER 2020	
OFFICER CONTACT: Nigel Lynn – Chief Executive Tel: 01903 737600 Email: nigel.lynn@arun.gov.uk	

EXECUTIVE SUMMARY:

Following the establishment of this Working Party by Cabinet on 22 June 2020, this report included the various points raised at the meeting of the Working Party held on 23 July 2020 for approaching the review to help tackle the Council's recovery from the Covid-19 pandemic.

DECISION:

The Cabinet

RESOLVED – That

- (1) A reliable database of skills shortage is compiled so that the District can effectively play its part in recovering and continuing the economic wellbeing of businesses and residents in the future. The Arun Business Partnership should be involved in this process;
- (2) a further study is initiated into the convergence of the results of the survey of skills shortages with the extra Government funding for “Skills Academies”;
- (3) the “Climate Change and Sustainability Manager” (when appointed) should fully engage with local enterprises in the drive for economic recovery including “green” insulation and heating for homes, business premises and public buildings and other emerging innovations and new products;
- (4) The Planning Policy Sub-Committee consider how the provision of higher numbers of self-catering units for families and individuals in the District might be increased;
- (5) The Council supports the emergency provision of IT equipment to disadvantaged pupils and students. It is therefore recommended that Cabinet seeks clarification from West Sussex County Council about any plans it has to continue the supply of IT equipment to disadvantaged pupils in schools or colleges;
- (6) Agreement be given to seek the approval of the Council to seek a Commercial Buyer of the Sussex by the Sea brand;
- (7) Approval be given to consult with Parish and Town Councils to establish their capability and willingness to continue to provide Community Hubs for the future to ensure that community/social support gained during the emergency are not lost;
- (8) Reviews take place on the previous strategies for the two seafronts to:
 - Re-examine the 2016 Bognor Regis Seafront Delivery Plan and prioritise a series of deliverable interventions and actions
 - Re-examine the 2014 Nine Big Ideas for Littlehampton, Concept

Investment Plan and the 2016 Seafront Greens and Promenade project ideas and identify ways to progress the recommendations into deliverable projects;

(9) the emerging heightened importance of the appointment of a Climate Change and Sustainability Manager to deliver a green, carbon neutral plan for the District is noted;

(10) a study is commissioned aimed at gaining improved synergy from the numerous “bio-diversity” groups within the District so that better value is obtained from the District’s contributions to their diverse interests and activities; and

(11) When the full and final recommendations from the Government’s independent review are published the Council establishes a Working Party to consider a food strategy for local implementation; and

(12) The Working Party to not confirm future meeting dates at this time but be able to meet when needed in light of the changing factors surrounding the Covid-19 pandemic.

REASON FOR THE DECISION:

To implement the decision of Cabinet on 22 June 2020 and to carve out a way forward in terms of recovering from the Covid-19 pandemic.

OPTIONS CONSIDERED BUT REJECTED:

The Cabinet considered each of the options presented in Appendix A of the report as a basis for the recovery work for the Council and how the Council could build on these to propose future priorities and what needed to be investigated further.

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/016/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: HOUSING & CUSTOMER SERVICES WORKING GROUP - 21 JULY 2020	
OFFICER CONTACT: Satnam Kaur – Group Head of Residential Services Tel: 01903 737718 Email: satnam.kaur@arun.gov.uk	

EXECUTIVE SUMMARY:

Fire Safety Policy and Management Plan

The report sought Member approval for the adoption of the Fire Safety Policy and Management Plan in respect of Council housing stock.

Void Lettable Standard

The report sought Member approval for the adoption of the Void Lettable Standard in respect of Council housing stock.

DECISION:

The Cabinet

RESOLVED – That

- (1) The Fire Safety Policy 2020 be adopted;
- (2) The Fire Safety Management Plan 2020 be adopted; and
- (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 Cabinet

RESOLVED – That

- (1) The Void Lettable Standard 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 standard.

REASON FOR THE DECISION:

Fire Safety Policy and Management Plan

To ensure that Council staff and tenants are able to manage fire safety in the Council's housing stock.

Void Lettable Standard

To ensure that Council staff and tenants are able to provide safe and secure properties for the Council's housing tenants whilst ensuring effective asset management, minimising rent loss and also achieving value for money.

OPTIONS CONSIDERED BUT REJECTED:

Fire Safety Policy

Cabinet approved the Fire Safety Policy and Management Plan and considered no other options.

Void Lettable Standard

Cabinet approved the Void Lettable Standard and considered no other options.

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/017/21092020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: LONDON ROAD COACH, LORRY AND CAR PARK [EXEMPT - PARAGRAPH 3 - THE SUPPLY OF GOODS AND SERVICES]	
OFFICER CONTACT: Nat Slade – Group Head of Technical Services Tel: 01903 737683 Email: nat.slade@arun.gov.uk	

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 accordance with the Cabinet resolution, the site was marketed and a preferred bidder was selected. A revision was made to the authorisation by Cabinet on 10 February 2020.

The report updated Cabinet on progress and considered the options available to the Council.

DECISION:

The Cabinet

RESOLVED – That

- (1) The rejection of the current offer for purchase of the site for a development of student accommodation be approved;
- (2) Delegated authority be approved for the Director of Place, in consultation with the Section 151 Officer, the Cabinet Member for Technical Services and the Cabinet Member for Commercial and Business Development to:
 - (a) Open discussions with Sussex Police on whether there is an opportunity for a joint venture involving the adjacent Police Station site;
 - (b) Identify a wider range of alternative future uses of the site; and
 - (c) Consider an alternative way forward for delivery and return to Cabinet with a recommendation on the proposed delivery options for how to obtain best consideration for the site
- (3) Agreement be given that these decisions replace all previous decisions related to this site.

REASON FOR THE DECISION:

Delivery of a development on the London Road site will assist in preserving and improving the financial and other resources available to the Council in support of the Council's 2020 Vision and beyond.

The disposal of land is supported by the Council's property investment strategy and should see generation of additional revenue income for the Council that can be utilised to underpin both statutory and non-statutory services delivered to the community.

The proposal is considered the route most likely to provide the best capital receipt for the site whilst retaining car parking facilities especially in order to support use of the adjacent Hotham Park.

OPTIONS CONSIDERED BUT REJECTED:

The Cabinet considered all options available in confirming its recommendations.

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**

PLANNING POLICY SUB-COMMITTEE

22 September 2020 at 6.00 pm

Present: Councillors Mrs Yeates (Chairman), Bower, Chapman, Charles, Dixon, Edwards (Substitute for Councillor Hughes), Elkins, Lury, Ms Thurston and Tilbrook

11. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Hughes, Huntley, Jones and Oppler.

12. DECLARATIONS OF INTEREST

There were no declarations of interest made.

13. MINUTES

The Minutes of the meeting held on 30 June 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.

14. ARUN DISTRICT COUNCIL INFRASTRUCTURE FUNDING STATEMENT (IFS) 2019/20

(In the course of discussion on this matter, Councillor Elkins declared a personal interest as a member of West Sussex County Council. He remained in the meeting and took part in the debate and vote.)

The Planning Policy Team Leader introduced this report which set out the detail of why an Infrastructure Funding Statement (IFS) was now required to be prepared and published by all planning obligation collecting authorities on an annual basis and the content of such a statement. The main aim of this change to the CIL (Community Infrastructure Levy) Regulations was to provide a way to make developer contributions fully transparent to enable anyone to ascertain how much an individual development site had contributed to infrastructure provision.

In discussing the item, Members commended the report and welcomed this approach as providing transparency to the public. They participated in a full general debate to improve their understanding, with the Principal Planning Officer responding to any queries raised. A particular point was put forward with regard to GIS mapping and the benefit that could have on illustrating infrastructure contributions from sites with planning permissions. As this was an issue not strictly pertinent to the item on the table, the Group Head of Planning encouraged Members to review the current GIS

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system on the Council's website and feedback comments to officers to enable further consideration of the matter.

The Subcommittee

RECOMMEND TO FULL COUNCIL

That the Arun Infrastructure Funding Statement 2019/20 be approved and published on the Council's website in accordance with Regulation 121A of the Community Infrastructure Levy Regulations 2010 (as amended).

15. GYPSY & TRAVELLER & TRAVELLING SHOWMEN SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT - PREFERRED OPTIONS

(In the course of discussion on this matter, Councillor Elkins declared a personal interest as a member of West Sussex County Council. He remained in the meeting and took part in the debate and vote.)

The Planning Policy Team Leader presented this report which sought approval to undertake a Regulation 18 Draft Gypsy & Traveller and Travelling Showmen Site Allocation Development Plan Document (Draft DPD) 'Preferred Options' public consultation.

Members were appraised of the background and detail as to how the preferred options had been arrived at and particularly highlighted that a new location at Bilsham Corner had been identified for inclusion towards the end of the Plan period as it might offer scope for accommodating a range of Gypsy & Traveller (G&T) pitches and Traveller Showmen (TSM) plots and thus provide a degree of contingency and flexibility should delivery not progress in accordance with the plan accommodation requirements. The Planning Policy Team Leader also clarified that Climate Change and flooding matters had been raised by the Environment Agency and West Sussex County Council (e.g. the Caravan site and Little Meadow Bilsham Corner). However, officers were confident the planning permission and level 2 Flood Risk Assessments at the Caravan Site showed that technical solutions on the ground were possible and the proposed Little Meadow broad location allocation towards the end of the plan period to accommodate a plot shortfall and contingency period was, similarly, likely to offer scope to mitigate risks and vulnerability to meet national policy requirements. There was little to choose from between sites according to the 'G&T Site Identification Study', the 'Sustainability Appraisal' and limited capacity and so the plan should progress to consultation which might generate further evidence and possible options.

Unfortunately, the Planning Policy Team Leader had to report that 5 existing sites that should have been included in the document for safeguarding as G&T and TSM sites on the policies map (these are separate from and not sites proposed for intensification) had been omitted due to a gremlin in the system but would be added and ARU044 2 Wyndham Acres should also have been listed in the safeguarding policy but was correctly shown on the policies map. These were:-

ARU030 Ryebank Caravan Park G&T
ARU052 Cottage Piggeries G&T
ARU045 The Paddocks G&T
ARU022 The Drive TSM
ARU023 Fairfield Eastergate Lane TSM

In debating the matter, questions were asked relating to the consultation process and the Planning Team Leader advised Members of the steps that would be taken to ensure that the consultation was in line with Regulation 18 and, particularly, to take account of the effect that the pandemic might have on accessibility. In fact, the consultation period had been extended to 8 weeks from 6 weeks specifically because of the pandemic.

Further debate centred around suitability and sustainability of sites; social cohesion and social harmony; and site notices, all of which were addressed at the meeting by the Planning Team Leader.

The Subcommittee

RESOLVED – That

- (1) The consultation Draft Gypsy & Traveller and Travelling Showmen Site Allocations Development Plan Document 'Preferred Options' be agreed for an eight week public consultation in October 2020; and
- (2) The Group Head of Planning, in consultation with the Planning Portfolio Holder and the Chairman be granted delegated authority to finalise the draft Preferred Options DPD and accompanying consultation documentation.

(The meeting concluded at 7.22 pm)

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Public Document Pack Agenda Item 17

Subject to approval at the next Standards meeting

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STANDARDS

24 September 2020 at 6.00 pm

Present: Councillors Edwards (Chairman), Bower, Coster, English, Kelly and Tilbrook

Independent Members: Mr J. Thompson, Mr B. Green, Mrs S. Prail and Mr J. Cooke

Councillors Charles and Clayden were also in attendance at the meeting.

221. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett and Blanchard-Cooper.

222. DECLARATIONS OF INTEREST

Councillor Coster declared a personal interest in Agenda Item 9, Register of Complaints Against Councillors[Exempt], and stated he would leave the meeting if there was any discussion on the item.

223. MINUTES

The Minutes of the meeting held on 20 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.

224. ASSESSMENT HEARING PANEL PROCEDURES

It had been brought to the attention of the Chairman that there were anomalies in the Assessment Hearing Panel Procedures and, as an Hearing was scheduled for 21 October 2020, he felt that this should be addressed as a matter of urgency at this meeting for the benefit of all parties concerned.

Members views were expressed that it would be unfair to change the process at this time whilst there was an ongoing case as the relevant parties had already been advised of the procedure. It was felt that a review should be undertaken and a report brought back to the meeting scheduled for 3 December 2020 to enable the Committee to fully consider the matter.

Hoey Ainscough Associates Ltd had been commissioned to act on the Council's behalf with regard to Standards issues and the Chairman welcomed Mr Hoey to the meeting and thanked him for his attendance. He asked Mr Hoey's advice with regard to the risk to the Council if the process was not changed for the upcoming hearing. Mr Hoey advised that the key issue was that the Assessment Hearing Panel had to be

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treated as any other Committee of the Council and should therefore decide whether hearings should be heard in closed or public session on a case by case basis. At the present time, the Panels had been set up to consider all cases in closed session. He was of the view that, if Members wished to maintain the status quo for the hearing in October, that would present a low risk but that was for Members to assess.

Mr Hoey confirmed that he would prepare a report for the next meeting of the Committee on 3 December 2020 to enable Members to reconsider the procedures in respect of Assessment Hearing Panels.

Members agreed that no change be made to the procedure at this time.

225. LOCAL GOVERNMENT ASSOCIATION MODEL MEMBER CODE OF CONDUCT

(In considering this item, Mr Hoey declared a personal interest as his company had been invited by the LGA to write the Code.)

The Chief Executive advised the Committee that the LGA (Local Government Association) had not yet finalised the New Model Member Code of Conduct. Mr Hoey confirmed that it was anticipated that the New Code would be approved at the LGA's Annual General Meeting due to be held in October and it was therefore suggested that the matter be deferred for consideration at the meeting on 3 December 2020.

The Committee

RESOLVED

That consideration of the New Model Member Code of Conduct be deferred to the meeting on 3 December 2020.

226. NEW SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

The Chief Executive introduced this report and stated that the new Social Media Guidance would sit as a separate document to the New Model Members Code of Conduct but would be referenced within that Code. Hoey Ainscough Associates Ltd had been asked to review the existing guidance as social media had transformed the way that people communicated and it was important for Councillors to know how to use the medium effectively as a communication tool.

In considering the matter, some Members expressed their views that the new guidance was not strong enough and it could just be ignored, it had no "teeth". However, Mr Hoey advised that there were legal remedies available if Members breached the Code of Conduct and there was a particular difficulty in that Members were also private individuals who could express their views in that capacity. The guidance was to merely set out how Councillors could avoid getting into difficulties and to provide a framework for approaching social media.

The Chief Executive reiterated that there were other routes that could be taken to deal with problems arising with unacceptable use of social media by Members. Mr Hoey also advised that his company was working with the LGA as that body wished to see something more explicit included in the new Code of Conduct that applied to the use of social media. He confirmed that the law made it very clear that the Council only had jurisdiction over Councillors when acting in that specific role and not when acting as a private individual. The Government was being pressed to expand the definition of when the Code applied to cover the use of social media but that was still to be looked at.

Comment was made that the new guidance was an improvement on the previous version but would it not be useful to make reference to GDPR (General Data Protection Regulations) and SARs (Subject Access Requests) as Councillors should be aware that if they named individuals there could be repercussions? The Chief Executive stressed that Members needed to read the guidance very carefully and understand that any breaches could be referred to the Information Commissioner's Office and there could be sanctions.

It was suggested that mandatory training should be provided but the Chief Executive advised that could not be imposed on Councillors but Group Leaders could ensure that all their members were aware of and understood the guidance. In addition, the Chairman, when presenting the Minutes, could raise the issue at Full Council.

The Committee

RECOMMEND TO CABINET – That

- (1) The new Social Media Guidance for Councillors be endorsed, replacing the previous version endorsed by Cabinet on 31 May 2016; and
- (2) The Acting Monitoring Officer be authorised to make any consequential changes arising from the adoption of a new Members Code of Conduct.

227. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

In presenting this report, the Chief Executive provided a verbal update on case 20/06 to advise that an informal resolution had been agreed.

The Committee then

RESOLVED

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That the Register of Complaints against Councillors and progress of any outstanding complaints be noted.

228. 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.

229. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS]

(Prior to consideration of this item, Councillor Coster redeclared his personal interest and stated he would leave the meeting if any discussion took place on the matter pertaining to him.)

The Chief Executive presented this report and also provided verbal updates on a number of the cases included in the register.

Following a brief discussion, the Committee

RESOLVED – That

- (1) The Register of Complaints against Councillors be noted; and
- (2) The Acting Monitoring Officer send a refresher to all Members on the importance of making open minded declarations, where appropriate, and how to make an open minded declaration.

(The meeting concluded at 7.05 pm)

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Subject to approval at the next Development Control Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

30 September 2020 at 2.30 pm

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

Councillor Huntley was also in attendance for part of the meeting.

230. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Pendleton and Roberts.

231. DECLARATIONS OF INTEREST

Agenda Item 12 – Submission of West of Bersted Masterplan Framework for Endorsement – The following Councillors declared a personal interest for the reasons stated:-

Councillor Lury as a member of Bersted Parish Council and a member of the Bersted Advisory Group.

Councillor Mrs Yeates as a member of Bersted Parish Council and Chairman of the Bersted Advisory Group.

Councillor Edwards as the County Councillor for Bersted and as a member of the Bersted Advisory Group.

Councillor Mrs Hamilton as a member of Pagham Parish Council and that would apply to the Bersted site.

Planning Application AW/297/20/PL – Councillor Coster declared a personal interest and stated that he would make a statement at consideration of the item.

232. MINUTES

The Minutes of the meeting held on 2 September 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.

Member comment was made that, in respect of Minute 180 - Planning Application F/15/20/WS, the letters sent by officers on behalf of the Council to West

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Sussex County Council and to the Minister relating to the potential for a call-in were excellent and covered all the points raised by Members in the debate.

233. P/116/19/OUT - LAND ADJACENT TO SEFTER SCHOOL HOUSE, SEFTER ROAD, BOGNOR REGIS PO21 3EE

Public Speakers: Mr P. Atkins, Objector
Mr M. Josey, Objector
Mrs E. Lawrence, Agent
Cllr D. Huntley, Ward Member

P/116/19/OUT – Outline application with all matters reserved, except for access, for the erection of 4 No. semi-detached 3 bedroom houses & 2 No. detached 4 bedroom houses with associated access, parking and gardens. This application is a Departure from the Development Plan, Land adjacent to Sefter School House, Sefter Road, Bognor Regis

The Planning Team Leader presented this report and also provided the Committee with a verbal update report covering the following:-

- 25 further letters of objection had been received on the grounds of infrastructure, traffic, highways, drainage, loss of farmland, wild life, flooding and pollution, all of which had been addressed in the officer's report.
- A Councillor had raised the issue of local finance and the Planning Team Leader addressed this by referring to Sections 70 (2) and 70 (4) of the Town & Country Planning Act.

Whilst a raft of Member objections to the proposal were raised at the meeting it was acknowledged that, without support from statutory consultees, it would be difficult to justify any refusal and the Committee therefore

RESOLVED

That the application be approved as detailed in the report.

234. FG/73/20/PL - EASTLANDS, LITTLEHAMPTON ROAD, FERRING BN12 6PB

Public Speaker: Cllr S. Abbott, Ferring Parish Council

FG/73/20/PL – Variation of Condition 4 approved under FG/8/20/PL for the condition to read “The occupation of the dwelling shall be limited to a person or persons solely or mainly working, or last working, at the equestrian centre at Eastlands, or a widow or widower of such a person, and to any resident dependents”.

The Planning Team Leader presented this report and confirmed that the variation to the wording of the relevant condition complied with planning guidance.

Members participated in a full debate as a number of concerns were expressed that the variation would compromise the original permission which had been for a dwelling house to support the running of the equestrian business. However, strong advice was provided by the Group Head of Planning that the wording was the standard wording set out in circular 11/95 which, as government guidance, was considered to be acceptable and to go against that would be unreasonable. Further advice was provided by the Planning Team Leader that, should the dwelling use no longer be tied to the business, a planning application would have to be submitted to delete the condition and so that matter would be considered at that time.

The Committee

RESOLVED

That the application be approved as detailed in the report.

235. BN/57/19/RES - LAND EAST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL BN18 0SB

Public Speaker: Ms E. Murphy, Agent

(In the course of consideration of this item, Councillor Ms Thurston declared a personal interest as a member of Barnham & Eastergate Parish Council.)

BN/57/19/RES – Approval of reserved matters for 3785sqm of light industrial floorspace (Class B1(b)(c) following the grant of WA/22/15/OUT, Land east of Fontwell Avenue, Fontwell Avenue, Fontwell

The Committee received a comprehensive presentation from the Principal Planning Officer, together with the officer's written report update which set out the detail of:-

- discussions that had been had regarding the retention of trees and resultant reduction in car parking provision;
- the size and precise location of the attenuation pond yet to be agreed
- a revised layout plan and consequential changes to the submitted landscaping scheme, including the planting of English oaks.
- Amendment to the recommendation that, if Members were minded to approve the application, the decision be delegated to the Group Head of Planning to approve following receipt of a satisfactory amended landscaping scheme and subject to the conditions set out in the officer's report, with the reference numbers of plans, drawings and documents updated accordingly.

In considering the proposal, the Principal Planning Officer was commended for his work, particularly on safeguarding the trees on the site, and Members welcomed the additional employment opportunities that would be generated by the applicant. The installation of 574 solar panels was applauded and, following a query with regard to

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odour, that was satisfactorily addressed by the Principal Planning Officer at the meeting, the Committee then

RESOLVED

That the application be approved and the decision be delegated to the Group Head of Planning following receipt of a satisfactory amended landscaping scheme and subject to the conditions set out in the officer's report, with the reference numbers of plans, drawings and documents updated accordingly.

236. AB/75/20/PL - 55-57 HIGH STREET, ARUNDEL BN18 9AJ

AB/75/20/PL – Conversion of existing mixed use space to 1 No. 1 bedroom flat. This application affects the character & appearance of the Arundel Conservation Area and affects the setting of a Listed Building, 55-57 High Street, Arundel

The Planning Team Leader presented this report, together with the officer's written report update which advised that 3 additional objections had been received. A verbal update was also provided that the Council's Conservation Officer was of the opinion that the proposal was acceptable as there would be less than substantial harm to a heritage asset.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

237. AW/197/20/PL - THE FORMER SHIP INN, ALDWICK STREET, ALDWICK PO21 3AP

(Prior to consideration of this application, Councillor Coster declared a personal interest and stated that he wished to make the meeting aware that he might have made observations or comments in connection with the application – these were the views he held at that time. However, he had an open mind about this item and he would listen and consider the relevant issues presented to the Committee and confirmed that he would reach his decision based on merit. He remained in the meeting and took part in the debate and vote.)

AW/197/20/PL – Variation of conditions 8 – concerning hours of deliveries and 10 - types of vehicles making deliveries following AW/211/14/PL. This application is in CIL Zone 4 (zero rated) as 'other development', The Former Ship Inn, Aldwick Street, Aldwick

The Planning Team Leader presented this report to the Committee, together with the officer's written report update which set out a representation from Aldwick Parish Council.

In considering the proposal, views were expressed that there was no significant difference to what had earlier been refused due to road safety issues and therefore the same conclusion must be reached. However, Member comment highlighted that a traffic survey and road safety reports that had been requested for the previous application had, as detailed in the report, been responded to by the applicant and County Highways had reviewed the documents and raised no objection. Other Members urged caution in moving towards a refusal as the case would certainly be lost at appeal.

Following further comment opposing any approval, the Committee

RESOLVED

That the application be approved as detailed in the report.

238. APPEALS

The Committee received and noted the list of appeals that had been received.

239. SUBMISSION OF WEST BERSTED MASTERPLAN FRAMEWORK FOR ENDORSEMENT

(Prior to consideration of this item, Councillors Edwards, Mrs Hamilton, Lury and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.

Councillor Coster also declared a personal interest as he had attended a meeting of the West of Bersted Advisory Group and remained in the meeting and took part in the debate and vote.)

Prior to detailed consideration of this item, the Chairman read out a statement reminding the Committee that it was being asked to endorse the Framework Masterplan for the West of Bersted strategic allocation within the Arun Local Plan. It did not, and should not, include details relating to how infrastructure might be secured or delivered, i.e. highway mitigation measures or school provision, and greater detail relating to the layout, appearance, landscaping of the site, parking and housing design would all be considered when Reserved Matters applications came forward. He requested that Members focus their discussion solely on the overarching principles set out in the Framework Masterplan (FM). He then invited the Senior Planning Officer to commence his presentation.

The Committee received a full and comprehensive presentation on the detail of the FM from the Senior Planning Officer in tandem with the report included in the agenda and together with the officer's written report update which provided information relating to:-

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- Receipt of petition and 61 additional comments following expiration of the consultation period on 21 September 2020
- Objection from Councillor Stanley
- Receipt of consultation responses set out in the update
- Comment from the West of Bersted Advisory Group
- Amendments to the Framework Masterplan, as detailed in the update and which had been incorporated in the final submitted version for endorsement
- Amended recommendation to take account of the final submitted version

The Committee heard that the FM had been prepared to facilitate the development of at least 2,500 homes and associated infrastructure, including a new primary school, community facilities, public open space, sports and retail provision. The concept of the Masterplan layout was based on two character areas; one to the north (Character Area A), and one to the south (Character Area B). The northern area would be based on a grid layout and the southern area would be centred around the green space in an orbital layout.

The subsequent planning applications based on this document would deliver a comprehensive package of infrastructure and discussions were currently ongoing with the main key stakeholders involved in infrastructure provision. Officers would be reporting back to the Advisory Group Members regarding those discussions to ensure proposed delivery was considered and scrutinised by all. They were satisfied that the FM would allow a robust package towards infrastructure to be secured at the planning application stage.

In concluding his presentation, the Senior Planning Officer acknowledged that the developers had made appropriate concessions throughout the process to ensure the Masterplan aligned with the adopted Arun Local Plan. He stated that the submitted Framework Masterplan would enable both Officers and Members to robustly and comprehensively determine the detailed design of future planning applications on the site.

In opening up the debate, due to the Council's past experience, concerns were expressed around the actual delivery of the infrastructure required, particularly with regard to the provision of school and health facilities. It was stated that such provision **must** happen and it was advised that the Advisory Group too were of the view that health facilities had to be improved, with phasing not being acceptable. Member comments were made that the infrastructure providers should be represented on the Advisory Groups to ensure they were engaged early in the process, and that included County Highways as it was felt that highways matters needed to be addressed prior to reaching the planning application stage.

The Senior Planning Officer reassured Members that the issues raised had been noted and would be discussed with the relevant parties.

The Chairman thanked the Senior Planning Officer for his presentation and the Committee then

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RESOLVED

That the Land at West Bersted Framework Masterplan Version for Endorsement(update) 18723-SBR-ZZ-XX-RT-A-80204 Rev 13 be endorsed.

(The meeting concluded at 5.28 pm)

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Subject to approval at the next Overview Select Committee meeting

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OVERVIEW SELECT COMMITTEE

6 October 2020 at 6.00 pm

Present: Councillors Northeast (Chairman), English (Vice-Chair), Bennett, Bicknell, B Blanchard-Cooper, Mrs Catterson, Mrs Cooper, Dendle, Dixon, Elkins, Gunner, Huntley, Miss Needs and Tilbrook

Councillors Bower, Charles, Clayden, Coster, Edwards, Mrs Gregory, Oppler, Mrs Pendleton, Mrs Staniforth, Stanley, Dr Walsh, Mrs Warr and Mrs Yeates were also in attendance for all or part of the meeting.

Apologies: Councillors Miss Seex

240. DECLARATIONS OF INTEREST

None.

241. MINUTES

The minutes of the Overview Select Meeting held on 1 September 2020, were approved by the Committee.

242. RESIDENTS SATISFACTION SURVEY RESULTS 2020

The Group Head of Policy provided Members with a brief overview of the survey results and referred Members to page 15 in the agenda for the detail of her report. She explained that the survey was carried out annually in the spring of each year and completed by BMG. She advised Members that BMG believed Covid did not negatively the survey and could have had a positive impact due to the number of people at home during this period.

The Committee had a full debate on this item a summary of discussions has been provided below;

- Members felt that simply posting the survey was an outdated approach and that the ability to have the survey completed online would potentially reach a wider audience. It was felt that this option should be researched and considered in time for the next survey in 2021. It was also commented that it was important to continue with the survey via post when considering the online approach as this would potentially stop a proportion of residents who do not have access to online facilities from taking part.
- There was concern raised regarding the integrity of the data when comparing the data to last year's results where it was evident that the weighting had been changed significantly in some cases

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It was then proposed by Councillor English that a Working Group be set up to take forward the suggestions that had been raised by the Committee; this was then seconded by Councillor Dendle.

The Chief Executive advised the Committee that the Local Government Association (LGA) look at two questions in particular, the general satisfaction question and the question around the cleanliness of the area, so whilst he appreciated what Members were saying, nationally these are the two areas focused on and the Council had done very well on those two particular questions.

The Chairman then returned to the proposal that had been put forward by Councillors English and Dendle. It was clarified if the proposal was for a Working Group (held in public) or a Working Party (held in private), it was agreed that a Working Party was what the Committee wanted to be resolved and on being put to the vote,

The Committee RESOLVED that;

A Working Party be established to take forward the suggestions that had been raised by the Committee and that the Membership of this Working Party would be, Councillors, Mrs Cooper, Dendle and Tilbrook

243. COVID 19 UPDATE FROM CEO

The Chief Executive advised Members that the figures in West Sussex had risen, the Arun District figure was 24.3 cases for every 100,000, but Arun's figures are still low in comparison to other areas. He further advised that currently the Track and Trace service had 96 hours to contact an individual to advise on their need to self-isolate, however the contact time would be being reduced to 48 hours and then reduced to 24 hours, he highlighted that it would create a significant amount of pressure on those undertaking this role and local Council's would need to ensure that they keep their eye on this. He then spoke to the changes to the self-isolation support payment of £500 from the Government. He concluded that large events were continuing to be discouraged and that the District had a number of events coming up e.g. Remembrance Sunday and Bonfire night where there would need to be serious thought given the current level of restrictions.

A summary of the debate had by Members is detailed below;

- A question raised to the Chief Executive was did he know if County Councils were having to pay to have access to the Track & Trace service? He confirmed that he was aware that private companies had to pay for access to the service but did not know if this also impacted County Councils, he advised he would find out and inform members
- It was confirmed that the Council was still waiting to have a response from central government in relation to support needed for the leisure industry.

- A concern regarding the enforcement of restrictions was raised, it was confirmed that extra monies had been received for extra officers for Environmental Health which would help with this. Working in partnership with the Police would be required and ongoing discussions locally and nationally will see plans in place by 12 October 2020.

The Chief Executive then provided the Committee with an update from the Covid-19 Working Party meetings, that centred around 5 themes that had been agreed by the Working Party to take forward to Cabinet at the November 2020 meeting.

- A request for more information regarding the food strategy was made, it was confirmed that the proposal for this was put forward by Councillor Ms Thurston and seconded by Councillor Tilbrook. As more information was expected from central government on this topic, it was also confirmed that more detail would be given once this had been received.
- Overall comments were made that this Working Party was making a difference and it was agreed that there was much more work to do.

The Committee noted the update.

244. PROPOSED CORRECTION OF OSC MINUTES FROM 10 MARCH 2020

The Group Head of Policy introduced this report to the Committee and provided a brief outline of what was required from the Committee at this meeting in terms of Councillor Huntleys request. She drew Members attention to section 2 of the report that detailed the original minute against the new proposed wording for the minute.

Councillor Huntley was then invited by the chairman to speak on this matter. At this point he requested a further amendment be made to the previously agreed new wording at section 2.3 in the report. He advised the Committee that as a horticulturalist the original wording was “dangerously inaccurate”.

The Committee had a full debate on the request from Councillor Huntley, there was a large proportion of the Committee who were not in agreement with the request who stated that they felt as the minutes had already been approved by this Committee, they had already been agreed as an accurate reflection of the meeting that took place on 10 March 2020. It was also felt that this change should have been raised at Full Council (*date) as this process had not been followed, no change should be made.

The Committee RECOMMEND TO FULL COUNCIL;

The minutes from the Overview Select Committee Meeting of 10 March 2020 be approved with no change.

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245. FEEDBACK FROM MEETINGS OF THE HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE HELD ON 9 SEPTEMBER 2020

Councillor Bennett advised the Committee that due to a last-minute change he was unable to attend the meeting held on 9 June 2020, he did however provide the Committee with some highlights from the minutes of that meeting that included;

- A good discussion was had regarding the Sussex Strategy Plan and West Sussex joint placed based response to the NHS long term plan from the CCG
- The new operating model for the new mental health response was explained
- A possible merger between Western Sussex and Brighton Hospital will be on the agenda soon.

246. FEEDBACK FROM MEETINGS OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 25 JUNE 2020

Councillor Mrs Yeates provided the Committee with an overview of the meeting held on 25 June 2020. She highlighted her visit to the Chichester Custody Centre and in particular the safety of Officers and quality of care for detainees.

A concern was raised regarding the amount of money that had been spent on the temporary refurbishment costs for the Chichester Custody Centre when it was only going to be used as a temporary unit. Cllr Mrs Yeates advised that she thought the figures would all be reported in the next review; however, she would ask the question at the next meeting of the Panel.

247. CABINET MEMBER QUESTIONS AND UPDATES

The Chairman thanked the Cabinet Member for Residential Services and Cabinet Member for Neighbourhood services who provided an update to Members in advance of this meeting. He then proceeded to invite verbal updates on Portfolios from other Cabinet Members in attendance at the meeting.

Cabinet Member for Commercial Business and Development advised that nothing had changed since his last update regarding the recruitment of a Commercial Manager. He reiterated that he does need Officer support in order to get this moving and he felt that we just have to get on with it and that Officers were heavily distracted in dealing with the Councils response to the Pandemic he also said that he understood it was difficult for them at this time.

Cabinet Member for Community Wellbeing advised that it was the middle of Annual General Meeting (AGM) season and that unfortunately she missed the West Sussex Hospital Trust meeting as it had clashed with a Development Control Meeting at Arun. She did provide an update on the Voluntary Action Trust advising that a number of issues relating to the Pandemic had seen a rise in demand for mental health advice,

debt advice, domestic violence and support for carers. She explained that there was a shortage in volunteers for this area and that fundraising from events and trading had generally plummeted. However, she reiterated that there is still help there for those who need it.

The Chairman then invited questions from the Committee to Cabinet Members starting with the question submitted in writing by Councillor Bower ahead of the meeting.

The first question was to the Cabinet Member for Planning and the Cabinet Member for Community Wellbeing this was “given the fact that Planning Policy Sub was held on 22 September 2020 and *did not* include an item to agree the Council’s response to the Government Consultation on *Changes to the Current Planning System* (report circulated the day after the Press release issued) and the next Planning Policy Sub Committee is not until December, how was it proposed to ensure compliance with the Constitution Part 3, Section 5, 3.5 iv, *to approve consultation responses* before the Governments closing date on the *Planning for the Future* consultation on 29 October 2020?

I also note an email to members from the Group Head of Planning suggesting this item would be on the Agenda of the Cabinet meeting for 19 October 2020, however, the Constitution clearly states at Part 3, Section 2, 2.1, the Cabinet will exercise those functions which are **not** the responsibility of ... b: Committees, Sub-Committees and Panels of the Council.

Would Members agree that a single-issue Planning Policy Sub - Committee be held?
How do these Councillors propose compliance with the Constitution on this matter?

The Cabinet Member for Planning responded by stating that he thought to help members to understand both the question and his response it would be helpful to provide an explanation. Firstly, there are two consultations, issued at the same time. The first *Changes to the Current Planning System* had a closing date of the 1 October 2020 for responses. The second *Planning for the future – White Paper* has a closing date of the 29 October 2020.

For the first consultation paper there was considered insufficient time to prepare a report to the Planning Policy Sub Committee when you take into consideration when the report would have needed to be finalised. This issue was compounded by the work that was required on preparing a response to the other consultation- the Planning White Paper.

In consultation with Officers it was decided that the response to this first consultation paper could be submitted by myself as portfolio holder under a loose interpretation of the specific responsibilities of the post which includes - Liaison with all outside bodies, agencies and organisations responsible for matters relating to land use, planning, highways and public footpaths and - To represent the Council’s views where relevant to outside bodies and at other relevant meetings.

This approach was set out in the Forward Plan as early as August 2020. A copy of the proposed response was circulated to all the Group Leaders inviting any comments in late September 2020.

My intention will be to report the response to the next available meeting of the PPSC. I understand when you were portfolio holder you took a similar approach.

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In respect of the second consultation paper the Cabinet has a broad range of functions including - to clarify the Council's position on issues of importance through appropriate internal and external communications. It would seem sensible for the Cabinet to put forward its view on these major changes to the planning system including the preparation of local plan since Cabinet as the Executive also has responsibility for the consideration and implementation of matters relating to the major plans, strategies and policies of the Council.

I would welcome comments from Councillor Bower during the consideration of this matter at Cabinet and we would be pleased to hear from him.

Councillor Bower was then invited by the Chairman to ask a supplementary question. He stated that, we have totally different Councillors from when I was the Planning Portfolio Holder, I did when and where possible try to include consultation through the Planning Policy Sub-Committee. I would like to draw the Cabinet Member for Planning and the Cabinet Member for Community Wellbeing's attention to the constitution and I advise I shall be seeking advice from the Monitoring Officer on this matter moving forward.

The Cabinet Member for Planning responded that this item had been on the Forward Plan since August, this question has taken two months to come to fruition. The Group Leaders were all written to on 18 September 2020 with the proposed response to the changes consultation and requested to submit a response by 1 October 2020. We did not receive a response from the Leader of the Opposition. If the white paper was to be taken to the Planning Policy Sub-Committee, a report would need to be prepared by 4 September 2020 and this was just not practical. It is also worth noting that Councillor Bower will not have seen the draft response yet, so it is probably worth waiting for that.

The Chairman then invited the Leader of the Opposition to ask his question to the Leader of the Council. He advised that last week he attended a meeting about the public realm work in Littlehampton from the train station through the High Street and down Beach road. At this meeting we learnt that this project is now in jeopardy and asked if the Leader of the Council would like to provide an update on this?

The Leader of the Council. Cllr Dr Walsh advised that the project was grant funded from two external sources totalling £3.4million pounds, a request for tender went out and when it came back only one had been received. The Regeneration Committee received a presentation last week and contrary to the assertion that has been made, the scheme is not in doubt, it will go ahead. Because the monies did not match the sum of the original tender, it was decided to put out a slightly reduced scheme, detailing that work from Littlehampton train station to the south end of Arundel Road will not be completed at this first stage. It is hoped that on the reduced retendering we will receive more competitive tenders to enable the reinstatement of this work. Something similar happened in Bognor Regis under the last administration, due to funds not being available in the first instance, so the work was split into different stages, but it was completed. Littlehampton public realm work will start in March 2021, but it will now be completed in different stages at this point.

Leader of the Opposition, Councillor Gunner then asked his supplementary question which was, what we heard in the update last week was that this work would not start until after March 2021 and this could mean that we could lose all funding? And

is it time we relooked at the strategic targets of the Council as currently 8 are not being met – Do you agree with me?

The Leader of the Council, Councillor Dr Walsh responded that it took the last administration 10 years plus to agree the Local Plan and we are now looking to revise this plan. He also reminded Members that for the last 6 months the Council had been focusing on its response to the current Pandemic – we are not living in a business as usual situation. We will continue to work towards meeting the agreed strategic targets. He then drew Members attention back to the results of the residents' survey that had been discussed earlier in the meeting advising that based on these results the public are increasingly satisfied with the way things are going.

The Chairman then invited questions from non-Committee Members with the approval of the Committee. Councillor Mrs Pendleton asked a question to the Cabinet Member for Residential Services which was, as you are aware there has been a lot of concern raised about the living conditions at Flaxmean house in Felpham, the showering facilities are less than satisfactory. Flaxmean House is outdated and not fit for purpose. I would like to propose to you that we put into place an emergency plan to rectify the awful conditions for the residents living there. I propose the following as a plan of action;

- Engage with residents individually
- Assist those who will move to ensure the move is without stress and at no cost to themselves – do not subsequently backfill these spaces
- Put in place a timeline for residents to have been moved by and have a priority list
- For those residents who remain install internal shower cubicles and have these individually assigned to the remaining residents

Surely at a cost of £3,000 maximum per shower unit, this could be done? During the ensuing period of encouraging remaining residents to accept alternative accommodation, draw up plans to demolish the site and rebuild, I call upon you to support this proposal and actively deliver it within a year.

The Cabinet Member for Residential Services thanked Cllr Mrs Pendleton for her statement and proposal and replied that she agreed with the remarks she had made in terms of Flaxmean not being fit for purpose. In March 2020, when the Pandemic was announced we made a decision to install external showers, not ideal but we had no indication of how long the Pandemic would last, clearly with winter approaching the external showers are no longer viable, we have written to the affected residents providing them with options of additional cleaning of the external showers remaining. An estimated cost was also obtained to install showers in vacant flats. This was not a particularly good or cost-effective solution as tenants would still have to leave their flat in order to shower, plus there would be a significant lead in time. She stated that she had suggested to the Director of Services and the Group Head of Residential Services that the offer of alternative self-contained sheltered accommodation with either bathing or showering facilities should be considered. There are funds set aside to refurbish/update all of the Councils sheltered housing accommodation to meet modern day standards, but any progress had been hampered by the Pandemic, however she had encouraged feasibility studies of all the sheltered accommodation. In summary she stated that the proposal was quite an ask especially with the timeframe of a year. Whilst she does have experience of similar projects it would be a false promise that this could

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be completed in a year, however she admired Cllr Mrs Pendleton's expectations. She advised that she would, take her ideas to the relevant Officers for consideration.

The Chairman then invited Councillor Cooper to ask his question to the leader of the Council which was, regarding the Littlehampton Regeneration briefing, I am looking for the Leaders cast iron guarantee that we will not be seeing time slippages and his assurance that this scheme will go ahead.

The Leader of the Council, Councillor Dr Walsh advised that as he had explained in his earlier answers the scheme was going to go ahead, there is a slight delay, due to the funds available to us from the grant's fund. If the tender had come in at over £3.4 million we would be going ahead with the full plan, but we haven't got that, hopefully a further tender will be more competitive and we will be able to start in March 2020, with great benefit to the Town and District.

Councillor Cooper was then invited to ask a supplementary question which was, I would like a guarantee that as the new tender process goes forward that the quality will not slip and that Littlehampton gets the very best it deserves and we ensure that, that happens?

Councillor Dr Walsh responded giving his guarantee that there would be no sacrifice, the small section from the train station has had to be removed for the new tender, hopefully that will be reinstated at a later date. I am determined that it has the highest quality finish and appearance, we want to enhance the shopping experience, the food & drink facilities and all the other attractions that Littlehampton has to offer.

The Chairman then invited Councillor Roberts to ask his question to the Leader of the Council which was in reference to the strategic targets: would he be prepared to review these across the whole Chamber and concerning the Littlehampton Public Realm work, will he guarantee the work will start before March 2021 and will be fully funded?

The Leader of the Council responded: as Leader I am very happy to receive suggestions from anyone, any group at any time. Secondly the funding is limited, it's not that we have run out of funds. As I have previously explained the retendering process had to be followed to ensure that the scheme fits the Capital that is available. It is expected that work will start in March 2021, we are in talks with the Group Head of Economy and the funding bodies to ensure that if there is any further slippage, most of which has been directly related to the Pandemic, that these are resolved by March 2021.

The Chairman then invited Councillor Roberts to ask his supplementary question which was, is there an opportunity to have an extension on the timeframe for this funding and if not, it's very dangerous to say that it is absolutely going to happen.

The Leader of the Council responded that it is expected and hoped that once the retendering process has completed, we will be able to start the work in March 2021.

The Chairman then suggested that the Council don't do the paving that is planned, we have perfectly good paving down currently, he felt that the new paving wouldn't be as robust and then the rest of the scheme could be completed. He explained that he had spoken to traders and the disruption the traders would suffer when the paving would be completed was not something, they were overly happy about.

The Leader of the Council, Cllr Dr Walsh advised that it was a matter for the Sub-Committee to make and not for him on his own. The problem with this, was the whole scheme would need to be completely redesigned as the paving was an integral part of the current plan to improve the overall shopping experience. Equally the funding bodies would not be keen on an integrated scheme. I think therefore it would be unlikely the Sub-Committee would accept this suggestion.

The Chairman then invited Councillor English to ask his question the Cabinet Member for Residential Services which was, as there are a number Freedom of Information requests (FOI's) being sent in by the residents at Flaxmean House as they are very unhappy with the current suggested proposals, it was raised to me that on each floor there was a spare room that could be turned into shower rooms, why had this not been considered? And, what and how much consultation had been done by the Council with these residents?

The Leader of the Council answered on behalf of the Cabinet Member for Residential Services who had left the meeting. He advised he would relay the question over to Cllr Mrs Gregory for her to respond to.

Cllr Jacky Pendleton was then asked by the Chairman if she wanted to add anything at this point, she stated that she wanted to get some pressure behind this issue, to get it resolved for the residents. She felt that the residents could and should be involved whether it was a rebuild or a refurb. The environment at the moment was unacceptable in its current state, the residents want to stay within their community but not in the current environment.

The Leader of the Council, Cllr Dr Walsh then stated that it was important to understand that the issues raised with Flaxmean had not just turned up since the Lib Dem administration, it had been getting steadily worse over a number of years. The time has come to do something about it, and he would ensure that a full consultation with the residents was completed.

The Chairman then invited Leader of the Opposition, Cllr Gunner to ask his next question to the Leader of the Council which was, Cllr Dr Walsh do you feel you have made any false promises to the residents of Arun? Cllr Dr Walsh responded by saying, no, we are living in difficult times and would ensure that any and all of the promises he had made would be seen through to fruition.

Cllr Gunner was then invited to ask a supplementary question which was, you have been in office for nearly 18 months, you've blamed the Government and the Pandemic, when are you going to start looking forwards and not backwards?

Cllr Dr Walsh stated that we are looking forward, we are developing the Littlehampton Public Realm, we are rolling out super-fast fibre broadband across Littlehampton, we are contributing to the Lyminster Bypass, the Sunken Gardens , the Place St Maur, all of these proposals will be coming forwards shortly.

The Chairman invited the Chief Executive to speak as he had indicated he wanted to do so. He then advised the Committee that he was unaware of FOI's that had not been responded to and he believed this was not the case. He also reminded Members that there was no need for them to put in FOI requests, as Members have the ability to ask for information and be given the information.

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As there were no further questions to be asked, the Chairman thanked all for their questions and updates.

248. WORK PROGRAMME 2020/2021

The Group Head of Policy advised that there had been a Call-in received, although it was not up for discussion tonight, it was expected that this meeting would potentially take place in early November 2020. She then advised members that funding had now been made available to commission an external organisation to complete the Equalities and Diversity work that had been referred to at the previous meeting.

The Chairman then drew Members attention back to the question that had come in at the last Full Council meeting from a member of the public which was, "Does the Chairman agree with me that there should be a full scrutiny of the way in which the Council has handled the application & regeneration proposals of the Sir Richard Hotham Project as an early and important item on this Committees Work Programme", he explained that as there had now been a motion agreed at the last full council meeting and did the Committee was to accept this proposal to review at a later date or if indeed at all?

Members were in agreement that it was not the right time to complete a review on this and therefore should be deferred to a later meeting of the Committee should it still be needed. The Committee then agreed to add it to their work programme but to delay looking at this until March 2021.

The Committee noted the Work Programme for 2020/21.

(The meeting concluded at 8.52 pm)

Public Document Pack Agenda Item 20

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

7

LITTLEHAMPTON REGENERATION SUB-COMMITTEE

7 October 2020 at 6.00 pm

Present: Councillors Miss Seex (Chairman), B Blanchard-Cooper (Vice-Chairman), Bicknell, Buckland, Mrs Caffyn, Goodheart, Gunner, Miss Rhodes and Dr Walsh

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

12. DECLARATIONS OF INTEREST

There were no declarations of interest made.

13. MINUTES

The Minutes of the meeting held on 10 June 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.

14. STRATEGIC REVIEW OF ARUN DISTRICT COUNCIL'S TOURISM SERVICE

The Chairman welcomed to the meeting Mr Adam Bates, Blue Sail Consulting, who had been appointed to undertake a review of the Council's tourism function. The review had considered all aspects of tourism support offered by the authority and its recommendations would be put forward to Cabinet for consideration and decision; the Subcommittee was being requested for their views which would be forwarded to Cabinet to assist their deliberations of the matter.

Mr Bates gave a presentation which covered his brief for the review and what Arun should be doing to fit in with others in marketing, management, and development to improve the offer in the District and to increase staying visitors over the dominance of day visitors as at the present time. Tourism was an important sector for the local economy and, whilst there was a good variety, i.e. coast, towns and countryside, it was felt that what was on offer was good not great and that there was a modest impact on tourism spend and jobs. To encourage visitors to stay, better quality accommodation would be required and experiences provided that were worth travelling for. The offer therefore needed to be renewed, new markets attracted, year round value for money provided and higher value jobs encouraged.

Members welcomed the report from Mr Bates, which they had found interesting and informative and then participated in a question and answer session, summarised as follows:-

- Dominance of day visitors and how best to encourage people to stay in the district to increase the spend. Mr Bates stated that, fundamentally, Arun had two broad markets i.e. families and couples and that generally speaking people

were looking to take short breaks due to changing work patterns. Rural accommodation was increasingly popular, e.g glamping, and for a significant economic impact Travel Lodges/Premier Inns and mid range accommodation was required.

- Concern was raised relating to the resourcing of the plan within the existing resource envelope and the three year time frame. Members were advised that, although there was quite a lot that could be actioned immediately, focus should be given to providing 5 or 6 things that could make the most difference and biggest impact.
- Working with partners was highlighted and particular mention was made to the Littlehampton Harbour Board. Mr Bates agreed that the most should be made of the beaches and River Arun and the opportunities for water based activities, offering a good variety would help get visitors to come and stay longer.

The Chairman thanked Mr Bates for his comprehensive review, useful presentation and attendance at the meeting and invited him to leave if he so wished.

The Chairman then invited the Group Head of Economy to present her report which set out the background to the review, its remit and the four strategic recommendations for the Council's tourism service contained therein. Support and any further comments were being sought from the Subcommittee, which would then be indicated to Cabinet when it considered and decided on the matter at a future meeting. It was also brought to Members' attention that there would be changes to the service should the recommendations be supported.

In opening up the debate, the Chairman welcomed the report from Blue Sail and expressed her view that that approach was the right one and that a Strategic Tourism Investment Role was required to coordinate and work with businesses and towns and seek investment for the District.

Whilst a concern was expressed that any changes to the service should not be part of the discussion, the Group Head of Economy emphasised that, in supporting the recommendations from Blue Sail, change was inherent to the direction the Council would be taking, including the cessation of Sussex by the Sea website, removal of the Visitor Information Points at Bognor Regis, Littlehampton and Arundel and the bi-annual Visitor Guide and she wanted Members to be aware of that. Other Members recognised that that change was contained in the detail of the review and fully supported it as it was recognised that, to achieve an improved role in the tourism sector, things had to move forward and change.

The Subcommittee

RESOLVED

That officers to make Cabinet aware that the review recommendations contained within the Arun Strategic Review of Tourism are supported by the Subcommittee.

15. PROPOSED NEW COMMERCIAL PITCHES ON LITTLEHAMPTON SEAFRONT

In consideration of this matter, Councillors Cooper and Mrs Cooper spoke to the item.

On 26 May 2020 the Development Control Committee considered an application for temporary commercial pitches on the Littlehampton Promenade near the river and at Banjo Road Coach Park. Members had deferred the application on several grounds and particularly wished to receive the views of the Subcommittee prior to determination.

The Subcommittee now received a full and comprehensive report from the Senior Regeneration Officer which addressed all the issues raised by the Development Control Committee in respect of the proposal. Members were advised that the overall aim was to boost the local economy through the enhancement and improvement of the Littlehampton Seafront offer for its visitors. This would draw in more visitors, encourage them to stay longer and spend more, thus increasing footfall which would in turn benefit all the businesses located in the vicinity and, as a footnote, support the aims of the Strategic Tourism Review which had been considered as a previous item on the agenda.

Members expressed a number of concerns in the course of consideration of this matter which revolved around:-

- Potential to replicate facilities/services to the detriment of existing businesses
- Potential sale of alcohol which would exacerbate an already serious problem
- Potential for unattractive units and furniture at the relevant sites
- For safety reasons, paddle boarding or water activities should not be allowed near the river due to it being so fast flowing and dangerous

The Senior Regeneration Officer was able to assure Members that any commercial activities that took place at the two sites could be regulated via conditions attached to an Operating Schedule as drawn up by the Property & Estates Department, in consultation with Legal, to ensure that control was secured on what was being provided. She was also able to advise that the Town Council was keen to utilise Banjo Road and that the Town and District would work together to ensure there was no conflict with other events.

Member comment as made that the proposal offered the opportunity to encourage new outlets into the town to provide activities and services for the benefit of tourists and residents alike and there would be no need to replicate. Additional support was given that there was a need to provide a stronger offering along the seafront

In concluding the debate, it was formally proposed and seconded that the Subcommittee advise the Development Control Committee that it supported the planning application and that restrictions would be attached to the Operating Licence and would be enforced by the Property & Estates Department to ensure that the

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Riverside site only provided facilities relating to recreation and entertainment, with no food or drink, and that the Banjo Road site would be permitted to sell food but no alcohol and to provide recreation and entertainment. On being put to the vote, the Subcommittee agreed.

The Subcommittee

RESOLVED

That the Development Control Committee be advised that the Subcommittee supported the planning application and that restrictions will be attached to the Operating Licence and will be enforced by the Property & Estates Department to ensure that the Riverside site only provides facilities relating to recreation and entertainment, with no food or drink, and that the Banjo Road site will be permitted to sell food but no alcohol and to provide recreation and entertainment.

16. ECONOMY GROUP'S SUPPORT TO BUSINESSES DURING THE COVID-19 PANDEMIC

The Group Head of Economy presented this report which provided an update on the work of the team to date to support local businesses throughout the pandemic. She particularly highlighted that the Arun Business Partnership had over 3,000 businesses on its mailing list and all members received weekly electronic bulletins with the most up to date government guidance and information. Partnership working throughout this time had played an important role in keeping businesses abreast of the situation and everyone had found creative ways of working to ensure information was circulated to as wide a spectrum as possible. She paid particular tribute to the hard work and commitment of the Revenues & Benefits Team who had worked so diligently to ensure grant payments were sent out in a timely manner.

The Subcommittee was advised by the Group Head of Economy of a number of initiatives and actions covered in the report, both in terms of action taken and steps for moving forward with recovery planning. She was thanked for her comprehensive coverage of the issues detailed and the Leader of the Council also acknowledged the phenomenally huge extra workload that her team and many members of staff had taken on during this very difficult time.

Following brief comment, the Subcommittee noted the report.

17. LITTLEHAMPTON REGENERATION POSITION STATEMENT

In consideration of this item, Councillor Roberts spoke to the item.

In presenting the Position Statement, the Group Head of Economy provided an in depth update in respect of the Littlehampton Town Centre Public Realm Scheme in light of the difficulties that had been experienced. The update could not be included in

the Position Statement included in the agenda as it had to be published prior to the Members' briefing on 29 September.

The Subcommittee was advised that the Council had issued the Invitation to Tender for the public realm in June 2020, as soon as practical after lockdown had been lifted. The tender deadline was 21 July and the bids were assessed by 5 August. Two bids were submitted but one was eliminated because it was non-compliant and the compliant bid was significantly higher than the budget available so could not be accepted.

The project team reviewed the tendering process and bids to understand why the costs were so much over what was expected; the cost increase appeared to be due to increases in materials and the contractors' increased profit margins and contingencies. Value engineering, through changing the paving (by far the single largest expenditure) to an equivalent alternative, would reduce the costs but not enough to bring the project back into budget.

The project team met to discuss options for delivering the scheme within budget and an alternative solution to drop Phase 1 was agreed with key members on 10 September. Funders were then contacted to advise of the changes and implications of this.

A briefing to update Members was held on 29th September.

The second Invitation to Tender (ITT) was published on 5 October with tenders to be returned by 16 November for bids for the detailed design for Phases 1, 2 & 3 of the project and construction of Phases 2 & 3. This was a two stage open book approach and open procedure tender process (i.e. the full tender documents were published for any interested party to access via Contracts Finder). It was hoped this would generate more bids.

The ITT stated a maximum budget for the construction works and all bids over that value would be disqualified. There might be a risk that no contractors would submit bids under the threshold but procurement believed that to be a low risk.

Members participated in some debate on the matter and concerns were raised with regard to the possibility of losing the funding altogether should the completion date not be met. The Group Head of Economy advised that the funders were seeking reassurance that the project would actually be delivered, rather than by a certain date, and she was confident that evidence could be provided to that effect. It was questioned whether it would be better to delay Phase 3 rather than Phase 1 as Phase 1 was the gateway to the town via the train station but a response was given that that was not possible due to the way the funding was set up as Phases 1 & 2 would be funded by the Coastal Communities Fund and Phase 3 was separate LEP funding.

Following further comments, the Subcommittee noted the update and the remainder of the Position Statement.

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18. THANKS

As this was the last meeting of the Subcommittee the Committee Manager, Carrie O'Connor, would be attending before leaving, the Chairman and Members thanked her for her 34 years' service to the Council and wished her well in her retirement.

(The meeting concluded at 9.04 pm)

Public Document Pack Agenda Item 21

Subject to approval at the next Cabinet meeting

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CABINET

19 October 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, Bower, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Dendle, Dixon, Edwards, English, Gunner, Roberts and Tilbrook were also in attendance for all or part of the meeting.

249. WELCOME

The Chairman welcomed Members, members of the public and Officers to what was the sixth 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.

250. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

251. QUESTION TIME

The Chairman confirmed that no questions had been submitted for this meeting.

252. URGENT BUSINESS

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

253. MINUTES

The minutes from the meeting of Cabinet held on 21 September 2020 were approved as a correct by Cabinet. The Chairman confirmed that these would be signed at the earliest opportunity to him.

254. BUDGET VARIATION REPORTS

There were no items for this meeting.

255. THE COUNCIL'S FUTURE FINANCIAL ISSUES

The Leader of the Council introduced this report outlining that the Council's 151 Officer had provided various reports over recent months highlighting the Council's current financial position and the scale of its financial issues for the future. Whilst acknowledging the lack of clarity, due to a variety of uncertainties, this report provided

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an update on possible financial measures, proposed by Officers, for Cabinet to consider helping anticipated future deficits, particularly from 2022/23. Although Cabinet had received regular updates on the Strategic Targets, this report provided an update following the Coronavirus Pandemic Lockdown, which had commenced on 23 March 2020, the detail of which had been set out in Appendix A to the report.

The Chairman stated that the Council's Corporate Management Team, had been working with Group Heads of services examining possible changes to service delivery that would assist the Council's Budget. These proposals had been set out in Appendix B to this report. The Chairman then invited the Chief Executive to work through the first part of the report and Appendix A. He reminded Councillors that the Council had agreed the ten Strategic Targets in 2019, long before the Council had any idea of the financial troubles lying ahead of it. Appendix A provided a target and timescale update for each of the targets listed. Members were reminded of the fact that for the last eight months; Officers have been tied up with the Coronavirus pandemic. However, it was appropriate, currently, for Cabinet to consider each target and its appropriateness in the current climate and the estimated revised timescales.

The Chairman firstly invited debate on the first part of the report and the strategic targets as set out in Appendix A.

Cabinet was very much of the view that Officer's focus had rightly been in responding to the demands of Covid-19 and it was accepted that this had had an impact on targets. However, Cabinet confirmed that it felt that all of the targets were still very relevant and revised timescales were noted.

The Cabinet Member for Technical Services, Councillor Stanley, made reference to strategic target (8) [Public Engagement Strategy] stating that this had been one of the targets that had been rapidly progressed and as a result of the pandemic as it had been vital for the Council to engage better with the public through better digital channels. He referred to the last Cabinet meeting where funding had been recommended for an enhanced webcasting service and that significant improvements were being made to the Council's web site in terms of design and content to make information clearer and easier to find, especially in relation to the top transactional services. Work had also progressed in looking at call handling and introducing web chats at a time when the public wanted to engage with the Council in different ways and were demanding to do this too. There was now an expectation through places like Amazon and Netflix that people should be able to communicate with larger organisations in different ways. This was right and the Council was responding to this and as it had become not just a personal preference from the customer prospective but a necessity to be able to contact and engage with the Council in different ways. Councillor Stanley stated that had been a lot of success and engagement around social media activity, with the introduction of the Leader of the Council's social media broadcasts and so this was a target that had progressed very well.

The Cabinet Member for Housing, Councillor Mrs Gregory, praised the work on housing [target 7] and confirmed some good news items against the target set. She stated that there were now 90 new housing units in the pipeline and that there would be

another 22 progressing further by the end of this month. The Council had also secured 2 temporary accommodation units of family size. There were also schemes where terms had already been agreed providing a more accurate reflection on progress. Looking at this, a scheme in Bognor Regis had been proposed for extension to provide a further two properties.

The Cabinet Member for Commercial and Business Development, Councillor Coster, acknowledged the distractions brought about by Covid-19 and stated that despite this much progress had been made in pushing forward the strategic targets. Examples were the change in governance [target 5] and the Public Engagement Strategy. Even regeneration issues were pushing forward, the details of which would be reported through soon.

The Chairman echoed the positives raised by Cabinet Members and re-emphasised that Covid-19 had been a huge and all-consuming distraction, nationally and locally for the Council and that Officers had battled to undertake this challenge whilst at the same time having to also complete the day job. The result of this was that Arun continued to see one of the lowest incidents of Covid in the country and he paid tribute to Arun's residents who had adhered to the relevant protocols.

The Chairman then alerted Councillors to Appendix B to the report. He stated that according to the Institute of Fiscal Studies, there had been a near decade of austerity within Local Government finance, with an average budget reduction for Districts of 40% and a decline in spend by the population of 23%. The medium-term financial outlook did not look good, particularly as the Government's own most recent figures referred to a reduction in growth of 5% nationally. The pressure on Districts was larger as they moved towards a Government "levelling up" through the Business Rate reset and the Fair Funding Review, which were still scheduled to happen in April 2021. The Institute of Fiscal Studies estimated that whilst the forthcoming unfunded financial pressures on County Councils would be around 1.5%, for Districts it would be around 8%, largely because of the nature in how Districts obtained their finances.

It had to be accepted that the Coronavirus pandemic had put additional pressure onto the Council to find new, and innovative ways, of balancing the books. In 2018, the Council's Vision 2020 programme saved the Council £3m pa on its revenue costs, which had helped to put the Council into a stronger position. But now the Council needed to consider more ways to balance its budget.

The Chairman drew Members' attention to Appendix B of the report which provided a list of possible avenues the Council could embark upon and which asked Cabinet to provide guidance to Officers on each of the items listed. Some of the items on the list had already been achieved, some were ongoing, whilst the remainder needed Cabinet support. Depending upon the steer from Cabinet, Officers would then move these projects forward in an appropriate way.

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The Chief Executive then explained the varying sections in Appendix B and alerted Cabinet to the Officer comments showing the areas that the Council's Corporate Management Team were keen to progress. In total there were 35 items for Cabinet to consider and prioritise and it was outlined that in response to whatever Cabinet instructed Officers to do, further reports would be forthcoming.

In debating this item, Cabinet was of the view that in looking at the Council's current financial situation and the possible financial measures that could be taken to help future deficits, attention needed to be given to looking at investments not just about making savings. Examples provided were Proposals 7 [introduce solar panels for car parks] and 11 [electric charging points] which would be investments in commercial activities which would bring environmental benefits which could also produce an income stream. The recruitment of a Commercial Manager was supported and seen as vital to progressing many of the proposals outlined. It was acknowledged that the Council would have to make difficult decisions and choices but that some potential schemes were not negotiable and were too important to not progress. These were highlighted and it was stated that they were already budgeted for, being the replacement roof for the Littlehampton Chapel as a cost of £250k. Another important priority was that of accessibility and making Bognor Regis beach accessible to all, this was confirmed as another priority which would be budgeted for in next year's budget. This was why the recruitment of a Commercial Manager was vital so that investments could be made to protect the lifestyles of Arun's community. All the 35 proposals were supported by Cabinet and it confirmed that they should be pushed forward to maintain the very high level of customer satisfaction in Arun.

A non-Cabinet Member stated that this was a long 'to do' list and involved a lot of work if all proposals were agreed. How would non-Cabinet Councillors be kept updated on progress. Would this be via individual Cabinet Member monthly reports or would a working document be sent out with timeframes and an update on progress?

In response, the Chairman and the Chief Executive explained that before any of the projects listed in Appendix B were progressed, update reports would be submitted to Cabinet or the appropriate Committee for approval. In some cases, some of the proposals would be automatically progressed by Officers. There would also be regular updates provided to Members through the normal channels, this was a starting point by asking Cabinet to confirm how it wished to proceed with each of the proposals listed.

The Cabinet

RESOLVED

The report be noted, and Officers be instructed to proceed with each proposal.

The Cabinet confirmed its decision as per Decision Notice C/018/191020, a copy of which is attached to the signed copy of the Minutes.

256. RESPONSE TO THE PLANNING WHITE PAPER - PLANNING FOR THE FUTURE

The Cabinet Member for Planning, Councillor Lury, introduced this report stating that it set out a summary of the fundamental changes being consulted upon on the Government's Planning White Paper – Planning for the Future. These changes, if implemented, would result in significant changes to the planning system and the way in which the Council would have to operate. Councillor Lury outlined his observations – these have been summarised below:

- looking at binding house numbers and the top down approach – he could not find any reference on how to replace duty to co-operate and he had concerns about who would be the arbiter of constraints in an area, would the infrastructure deficit that Arun had, be accepted as a constraint?
- He had concerns about the extension of permitted development rights – where would a resident go to object and then where would be the quality control?
- On the Infrastructure Levy, Councils could borrow to provide up front infrastructure, but for large projects this would be a huge risk
- He had concerns on the idea that the public could get involved at stage 1, when there would be no details
- On the stripping back of local plans – this sounded like a good idea going from 7 years to 30 months, but was this workable?
- The new White Paper was not all negative – the new design code was great but how would you be able to get builders to build beautiful homes – how would this work in practice?

Councillor Lury stated that the Council's planned responses to the consultation questions had been set out in Appendix 1 to the report and that Cabinet was being asked to agree these. He then invited the Group Head of Planning to outline some of the main changes proposed.

The Group Head of Planning confirmed that the White Paper presented the most fundamental changes to the planning system in a generation. It was seeking to streamline and modernise the planning system by introducing 24 proposals which would be implemented by the end of 2024. This led to 26 consultation questions being asked and Officers had drafted responses for Cabinet to agree.

The Group Head of Planning then talked about the main proposals. The main thrust to the changes would be how Local Plans would be produced in terms of their content in that they would only designate three different types of land uses. Growth areas that would automatically benefit from outline planning permission, renewals for smaller scale developments, and protected areas where there would be stringent controls such as areas of countryside and areas of outstanding natural beauty. The timetable to produce plans would be reduced to 30 months. The standard housing methodology would be binding on Local authorities and plans produced would have to make provision to meet this by law. There would be more emphasis on design quality and a new proposal called "fast track to beauty". In terms of decision making, there would be a greater

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emphasis on digitalisation and more standard planning statements. There was also the potential for the automatic refund on fees if applications were not determined in time.

There were a lot of proposals to be welcomed, but there were also many questions that remained unanswered. The main issues were the distinct lack of opportunity taken to address climate change. The Government had made some positive statements but had not followed these through in the White Paper. The simplification to Local Plans were welcomed but timescales need to be realistic. There were also issues around public engagement which needed to be ironed out because there was potential for less public involvement in the process and short timescales to get involved at various stages. There were also questions around strategic planning and joint working with potential implications on income in terms of performance and numerous issues around additional resourcing. The Group Head of Planning outlined that the Council would have to wait to see what type of detail might come through and the likely amount of income that could be received if there was the need to create posts around design. Another missed opportunity had been to not address the issue of developers building without permissions and them receiving penalties for doing so.

The Chairman commenced debate and referred to question 8a. He referred to infrastructure capacity stating that although the Government had said that they would move to a system of funding it by Government up front, then recovering from the developer later, he was not sure how this would work and who would initiate and agree it. Looking at highways, the frequent answer that the Council received from WSCC, as Highways Authority, was in relation to the size of developments proposed which would only make a small incremental adjustment to traffic on a particular stretch of road, the accumulative effect of development did not seem to be addressed.

The Group Head of Planning confirmed that there were more questions than answers and that there was the need to consider Community Infrastructure Levy (CIL) now and not just Section 106 monies. Large items that were not delivered through strategic allocations would have to come forward from CIL and would be down to the Council to determine how to spend these funds when received on an annual basis. There would be different reports being submitted for Member consideration later. On cumulative impacts, these were taken into account in terms of looking at what was committed through transport assessments, but these might not always be able to include small windfall sites. The issue of forward funding projects through proposals in the white paper would be a decision that the Council would need to take in terms of the amount of risk it might wish to expose itself to and the long-term issue of then recouping money back through the CIL process.

The Chairman then raised a concern over 9a [Do you agree that there should be automatic outline permission for areas for substantial development (Growth Areas) with faster routes for detailed consent? There was a caveat there in terms of who and how these decisions would be made, local residents would have less and less say over routine permissions than at current. The Group Head of Planning confirmed that the White Paper had that potential, though there were professionals who saw it very differently and saw public engagement being more front loaded. There was a big issue around outline or permission in principles from whether a site or area was defined for

growth in that who prepared that evidence to justify an allocation in a plan – there was a whole new level of detail that the Council currently prepared evidence base for. It was outlined that if this burden should fall on the Council then the burden should fall on the developers to do this, though nothing had been detailed in the White Paper that explained this.

Other Cabinet Members spoke thanking the Group Head of Planning for a most comprehensive report and for drafting some excellent responses. They confirmed that infrastructure was a huge issue that needed to be addressed and needed to be specifically linked to development in that it should not happen without the infrastructure being in place first such as highways, doctors and dentist surgeries and that the development of these should be the responsibility for the developer.

The Group Head of Planning in response confirmed that he was noting the comments made and that if Cabinet wanted to add wording or strengthen any of the responses supplied, would they be happy to delegate this authority for him to sort in consultation with the Cabinet Member for Planning. Cabinet confirmed that it would be happy for this action to take place.

Other comments made saw Cabinet confirming that it was happy that a more efficient and simplified planning system would follow the White Paper but that this could not come at the cost of local democracy. Some of the proposals presented were felt to be long overdue but that they missed some integral points, the main one being the climate change agenda and delegation on planning permissions i.e. building out. There was concern expressed over the large amounts of applications that were not moving forward making land supply worse. It was felt that the situation around infrastructure should be tied more with the developers and that highways were a big issue as were schools and GP surgeries, just to name a few from a very long list. The ability to have more input with large development was mentioned, as with a significant amount of small developments it was the accumulative effect that was causing concern, who then made the decision and stepped in, in relation to infrastructure and smaller development.

The Chairman then invited non-Cabinet Members to ask questions.

It was stated that historically, the District's infrastructure deficit had restricted Arun's ability to attract inward investment to improve the local economy and employment opportunities, this was why the existing local plan had sought to address north/south connectivity, it was felt that this area of planning needed to be included in the white paper as part of Arun's response. The Duty to Co-operate was introduced to ensure cross border and strategic matters would be addressed in areas without returning to the County structure plan rather than removing the Duty to Co-operate. It was felt that this should be extended to include infrastructure providers who had a responsibility. The removal of Section 106 and CIL was felt to be significant and would influence the delivery of infrastructure and so needed to be addressed in the Council's response.

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Others spoke confirming that they were delighted to see that the Council's priorities were sustainability, climate change and affordable housing. Concerns were expressed as to how authorities would respond to the remaining constraints evidence and in view of the District's unique location. Concern was also expressed over-growth and renewal areas. Overall, it was agreed that the responses provided formed a robust series of responses on these issues. It was outlined that a firm response needed to be added to ensure that the District's farmland was retained. Agreement was given to the idea of requisitioning land previous offered for landowners up rather than taking it from them. Any proportion on growth and renewal zones?

The Cabinet

RESOLVED

To note the contents, of and proposals, within the White Paper, and agree to the responses to the consultation questions contained within Appendix 1, with the comments raised at the meeting being added to the responses by the Group Head of Planning in consultation with the Cabinet Member for Planning.

The Cabinet confirmed its decision as per Decision Notice C/019/191020, a copy of which is attached to the signed copy of the Minutes.

257. ENGINEERING SERVICES ANNUAL REVIEW

The Cabinet Member for Technical Services, Councillor Stanley, introduced the Engineering Services Annual Review for 2020 confirming that this covered all aspects of the Engineering Service for the past year as well as identifying the issues lying ahead.

Councillor Stanley stated that there were several issues that involved consideration of significant financial sums and he invited the Group Head of Technical Services and the Engineering Services Manager to highlight the most important issues and to answer questions from Members.

The Engineering Services Manager explained that the report looked at the Council's engineering services operations looking both backwards and forwards. He referred to the Community Flood Fund which had benefited a range of schemes on the coast and inland worth around £10m across the District. The report sought a modest top up to that fund which would enable the Council to continue to bring forward much needed works by the Council and its partners. Turning to Pagham, the report set out how the Council had managed the situation following the natural breach and regrowth of the spit which was the underlying problem in the area. The Council was continuing with the adaptive management approach but outlined that it should be noted that the

current method of reducing risk to life and property relied very heavily on there being a reliable source of shingle and other various constraints. Accordingly, the Council was looking at all other options with its partners and outlined that the recently announced Innovative Flood and Coastal Resilience Fund would be explored. Regarding the Coastal Change Management Area, this was an investigatory way forward and it was outlined that the Council was not proposing a (CCMA) at this time, as this was not a straightforward process. The Engineering Services Manager then mentioned the other aspects of the section's work being internal drainage boards and issues surrounding the River Arun IDB.

The Chairman invited Cabinet debate. Cabinet welcomed the report and although had heard that a CCMA would not be introduced at this time, felt that the Council needed to investigate this with some urgency in view of climate change emergency measures.

Points raised by non-Cabinet Councillors related to Climping and a further update was requested. The Chairman reminded Councillors that the Climping frontage was the responsibility of the Environment Agency (EA) and not the Council, though the Council was in constant dialogue with the EA in terms of pushing forward a resolution to this matter. The Engineering Services Manager outlined that work behind the scenes had explored all ways that the Littlehampton Economic Growth Area (LEGA) scheme could contribute and that other methods of providing the defence in terms of a 'mini Medmerry', similar to that at Selsey was being investigated, although the Climping topography was not favourable in that respect. The Council was also looking to see if the Innovative Flood and Coastal Resilience Programme could assist.

Questions were also asked about Elmer and whether the provision of boulders over the years had improved the situation.

Following further discussion,

The Cabinet

RESOLVED – That

- (1) The report be noted;
- (2) The contributions from the Community Flood Fund at Paragraph 1.4.3 of the report be approved;
- (3) A £50,000 'top' up to the Community Flood Fund in the 2021/22 Budget be endorsed;

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- (4) Support be given to the Council making a bid to the DEFA/EA Innovative Flood and Coastal Resilience Programme;
- (5) The inclusion of £50,000 in each of 2021/22 and 2022/23 to be available for the purpose of beach material recycling at Pagham beach be endorsed;
- (6) Approval be given to the use of the Community Flood Fund to supplement the Coast Protection revenue budget, subject to approval in accordance with the scheme of delegation, not to exceed a total of £50,000 per annum;
- (7) Authorisation be given to the Engineering Services Manager to undertake the necessary preparatory work relating to the three new schemes shown within Appendix 1 to the report, and to make funding applications to the Environment Agency; and
- (8) Authorisation be given to Officers to enter discussions regarding new arrangements relating to the River Arun Internal Drainage Board in accordance with Paragraph 1.10.5 of the report.

The Cabinet also

RECOMMEND TO FULL COUNCIL

That a supplementary estimate be approved for a sum of £30,000 (which equates to a Band D Council Tax equivalent of £0.48) with underspends carried forward to future financial years, to investigate the introduction of a Coastal Change Management Area.

The Cabinet confirmed its decision as per Decision Notice C/020/191020, a copy of which is attached to the signed copy of the Minutes.

258. PUBLIC SPACE PROTECTION ORDER (PSPO) - DOG CONTROLS

The Cabinet Member for Technical Services, Councillor Stanley, introduced this report stating that Dog Controls in Arun transferred into Public Space Protection Orders, or PSPOs, in October 2017 and would expire after three years. In deciding whether to replace them and in what form, the Council had taken account of feedback received over the three year period and so minor amendments were proposed which had been subject to a comprehensive public consultation exercise which demonstrated support for the amended PSPOs being adopted.

The Group Head of Technical Services then outlined the main amendments proposed which had been set out in Appendix A of the report, the Proposed Public Space Protection Orders.

The Cabinet

RESOLVED – That

- (1) The proposed Public Space Protection Order, to be effective from 6 November 2020 be adopted; and
- (2) The proposed Public Space Protection Orders as shown in Appendix A of the report be:
 - The Fouling of Land by Dogs
 - Dogs on Leads by Direction
 - Dogs Exclusion
 - Dogs on Leads

The Cabinet confirmed its decision as per Decision Notice C/021/191020, a copy of which is attached to the signed copy of the Minutes.

259. RENEWAL OF THE MAINTENANCE CONTRACT FOR THE HR/PAYROLL IT SYSTEM

The Deputy Leader of the Council and Cabinet Member for Corporate Support. Councillor Oppler, introduced this item confirming that Cabinet was being asked to approve the renewal of the HR/Payroll system.

The Financial Services Manager confirmed that the Council had the option of agreeing an ongoing maintenance contract without undertaking a tender process as permitted by Regulation 32(2)(b) of the Public Contract regulations 2015 and that Cabinet approval was sought to agree to the renewal of the maintenance contract subject to the procurement requirements being met.

Non-Cabinet Councillors asked questions. As this contract exceeded the EU threshold, it should be required to go through the normal tender process but that the Council had chosen not to go out to tender because of intellectual property rights to the system, meaning that it was unlikely that there would be any other providers who could maintain this system. It was felt that other providers should be investigated and pursued as the contract amount, nearly £190k was a large sum of money. It was felt that the renewal of this maintenance contract required further scrutiny before any decision to proceed in approving the recommendation was taken.

The Financial Services Manager explained that the annual cost was around £40k which benchmarked as being reasonable anything else would cost more as the Council would have to incur all costs of implementing a new system. This was the most economical way, to the renew the Contract with a capped increase in costs of 1% per annum for the life of the contract.

Further questions were asked which were responded to at the meeting.

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The Cabinet, then

RESOLVED – That

- (1) Agreement be given to the renewal of the maintenance contract for the HR/Payroll/IT system with SumTotal, on an 'Evergreen' basis, subject to the procurement requirements being met, as set out below; and
- (2) Delegated authority be given to the Group Head of Corporate Support to sign and enter into the renewal contract on behalf of the Council.

The Cabinet confirmed its decision as per Decision Notice C/022/191020, a copy of which is attached to the signed copy of the Minutes.

260. SUPPLEMENTARY ESTIMATE FOR THE PROCUREMENT AND AWARD OF A NEW HOUSING MANAGEMENT IT SYSTEM

The Cabinet Member for Residential Services, Councillor Mrs Gregory, introduced this item stating that it updated Cabinet and sought approval in respect of the procurement and award of a new Integrated Housing Management IT System with some of the associated project costs being met from within the Housing Revenue Account (HRA) budget. The new system would provide greater accessibility to services for tenants and leaseholders.

The Group Head of Residential Services provided some further background. She explained that the Council had been running the existing system since 2014 and that the current contract was due to expire in November 2021. The Covid-19 pandemic and the necessity to work from home had highlighted a number of system limitations, the conclusion being that the current system was not fit to meet future needs. The new system would provide the opportunity to implement cloud hosting; a modern customer self-service portal; contractor portal and an integrated document management system. This would result in a reduction of paper used with manual processes being replaced by electronic billing and integrated processes reducing the need for the customer to have to physically visit the Civic Centre. To start the procurement process, it was confirmed that Full Council would be asked to approve a Housing Revenue Account supplementary estimate of £160k.

The Cabinet Member for Residential Services confirmed that the new system would be a positive for tenants as it would provide them with self-service opportunities that they did not have now. Cabinet fully supported the procurement and award of the new integrated Housing Management IT System.

Non-Cabinet Councillors outlined that although they were pleased to see advances in technology, they had concerns about investing significant sums into a new system when the existing system had only been procured back in 2014. There was also concern that the request to approve funding for this scheme seemed to have come

out of nowhere and a request was made for the finances to be re-explained as what had been set in the report was confusing.

The Group Head of Residential Services explained the figures involved. She outlined that the current contract expired in November 2021 and so work was progressing twelve months in advance of that date to provide time to implement the new system, so this was a planned process. In terms of the total project cost this was explained by the Group Head of Residential Services and the Financial Services Manager. Having received this explanation, there were non-Cabinet Councillors who insisted to know what the outcomes from this investment would be. It was explained that there would be greater efficiencies in terms of transactional costs and that the self-service opportunities would provide tenants and leaseholders with a service seven days a week twenty-four hours a day. Until the system had been running for a period of time, it would not be possible to confirm what tangible savings could be made in respect of staff time and in terms of service delivery.

Further questions were asked about the business case for the new system and that sight of this was needed to see the full detail of the project and to ascertain benefits versus costs that would accrue and where would savings be made. It was agreed that the business case for the system as presented to the Arun Improvement Programme Board would be sent to those Councillors who requested it.

Following further discussion,

The Cabinet

RECOMMEND TO FULL COUNCIL

(1) That a Housing Revenue Account (HRA) supplementary estimate of £160k [which equates to a weekly rent of 92p per dwelling] be approved for the costs associated with the procurement and implementation of a new integrated housing management IT system

The Cabinet also

RESOLVED – That

- (1) The virement of £240k from within existing budgets be approved - £140k from capital budget x25 and £100k from revenue contingency underspend;
- (2) Approvement be given to the procurement and awards of a 2+1+1 contract to a total value of £500k (inclusive of maintenance and support costs) of a new Integrated Housing Management System, subject to Full Council approving the supplementary estimate in Recommendation (1) above; and

Cabinet - 19.10.20

- (3) The ongoing maintenance and support costs for the new system of £50k of which £15k is accounted for within existing budgets be noted.

The Cabinet confirmed its decision as per Decision Notice C/023/191020, a copy of which is attached to the signed copy of the Minutes.

261. THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION

The Leader of the Council, Councillor Dr Walsh, introduced this item confirming that this was another of the Chief Executive's regular updates to Cabinet and had been based on the weekly updates sent to all Councillors and partners.

The Chairman stated that unfortunately, only a few weeks ago, it had been thought that we were coming out of this dreadful pandemic, but things had since changed dramatically. Whilst the prevalence of the virus remained low across West Sussex, there were some peaks around and outside of the District that the Council needed to watch carefully.

The Chief Executive then guided Cabinet through some of the essential detail in the update report. He confirmed that the Council's Environmental Health team continued to support local businesses and workplaces regarding the new restrictions in place and that Central Government had allocated £75k in additional resources to assist this work. Also, funding had been provided to meet the £500 payment for those having to self-isolate. The Council was already administering this money to these in need, with this latest payment scheme being up and running quickly from 12 October 2020. Overall, in relation to Covid-19, the points made earlier about savings and income generating ideas, Officers would continue to work with Cabinet Members to reduce additional costs and raise additional income. Every effort was being made to try to keep Covid-19 costs to a minimum.

Before inviting Cabinet Members to discuss the report, the Chairman confirmed that he wished to have placed on record his tribute to staff who were keeping everything going in addition to managing the extra work as a result of Covid-19.

Cabinet echoed these comments and congratulations were extended also to the Council's Revenues and Benefits team who were actively now administering the £500 paid for those having to self-isolate. Staff had managed to set up the payment scheme through the Northgate system very quickly and were very thoroughly scrutinising application received as the first two received had been fraudulent and picked up and dealt with by Officers.

Other question asked by Non-Cabinet Members were around Test and Trace as it was understood that this would become a Local Authority responsibility. Could any update be provided on this in terms of costings as it had been suggested that the company responsible to date had been charging for the service. The Chief Executive confirmed that WSCC would be administering this and that he was awaiting a response back in terms of costings. It was agreed that once this response had been received, it would be included in the weekly briefings that he and the Leader of the Council

provided to Councillors. The Chief executive was asked how much support Arun might need to give and it was agreed that the response to this would be provided in the weekly briefing.

A further question was asked in relation to Test and Trace and the support to be given to local communities. The question related to local secondary schools where cases had been reported that there were several year groups precluded from going to school. The concern was that some of these students were out and about in the community when they should be at home isolating. Did the Council have a plan to support local schools and how was it undertaking tracing these young people and preventing them from being out. The Chairman responded stating that this was a WSCC function as the Local Education Authority. The Chief Executive added to this stating that he had been in discussion with WSCC, from an enforcement perspective. The £75k grant paid to the Council was to be used to assist with enforcement and the 75k would be used for environmental health teams to be going out and working in the community. In terms of the issues raised about young people, part of the enforcement work would cover this type of enforcement.

Following some discussion, the Cabinet

RESOLVED – That

- (1) The actions taken to date be noted; and
- (2) It be noted that following the discussion at Cabinet on 21 September 2020 in relation to the recommendations from the Covid-19 Recovery Working Party held on 8 September 2020, the Chief Executive will present a report to Cabinet on 16 November 2020 which will prioritise the recommendations and identify any costs.

The Cabinet confirmed its decision as per Decision Notice C/024/191020, a copy of which is attached to the signed copy of the Minutes.

262. STANDARDS COMMITTEE - 24 SEPTEMBER 2020 - NEW SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

The Deputy Leader of the Council and Cabinet Member for Corporate Support, Councillor Oppler, presented the Minutes from the meeting of the Standards Committee held on 24 September 2020, which had been circulated separately to the agenda.

Councillor Oppler alerted Cabinet to recommendations at Minute 226 [New Social Media Guidance for Councillors] which set out a new Social Media Guidance for Councillors which Cabinet was being asked to endorse.

In discussing this guidance, Cabinet broadly supported it.

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Non-Cabinet Councillors then asked a series of questions and raised some concerns around what the Policy recommended Councillors should not do.

Following a lengthy discussion, the Chairman proposed that the Policy be referred back to the Standards Committee for further discussion and to allow that Committee to fully review the list of recommendations that Councillors should not undertake. This was seconded by Councillor Coster.

The Cabinet then

RESOLVED

That the new Social Media Guidance for Councillors be referred back to the next meeting of the Standards Committee for further discussion and debate.

The Cabinet confirmed its decision as per Decision Notice C/025/19102020, a copy of which is attached to the signed copy of the Minutes.

263. OVERVIEW SELECT COMMITTEE - 6 OCTOBER 2020

There were no items to be reported to Cabinet from this meeting.

(The meeting concluded at 7.56 pm)

ARUN DISTRICT COUNCIL

DECISION NOTICES FROM THE MEETING HELD ON MONDAY 19 OCTOBER 2020

REF NO.	DECISION
C/018/19102020	The Council's Future Financial Issues
C/019/19102020	Response to the Planning White Paper – Planning for the Future
C/020/19102020	Engineering Services Annual Review
C/021/19102020	Public Space Protection Order (PSPO) – Dog Controls
C/022/19102020	Renewal of the Maintenance Contract for the HR/Payroll IT System
C/023/19102020	Supplementary Estimate for the Procurement and Award of a New Housing Management IT System
C/024/19102020	The Council's Response to the Covid-19 Pandemic Situation
C/025/19102020	Standards Committee – 24 September 2020 – New Social Media Guidance for Councillors

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00
A.M. ON 28 OCTOBER 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/018/19102020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: THE COUNCIL'S FUTURE FINANCIAL ISSUES	
OFFICER CONTACT: Nigel Lynn – Chief Executive Tel: 01903 737600 Email: nigel.lynn@arun.gov.uk	

EXECUTIVE SUMMARY:

The Council's 151 Officer has provided various reports over recent months highlighting the Council's current financial position and the scale of our financial issues for the future. Whilst acknowledging the lack of clarity (due to various uncertainties), this report provides an update on possible financial measures to help future deficits.

Officers request that Cabinet considers the items identified and advise on the way forward.

DECISION:

Cabinet

RESOLVED

That the report be noted and Officers be instructed to proceed with each proposal.

REASON FOR THE DECISION:

To enable Officers to investigate a series of measures to reduce the Council's revenue budget.

OPTIONS CONSIDERED BUT REJECTED: To suggest alternative proposals

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/019/19102020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: RESPONSE TO THE PLANNING WHITE PAPER - PLANNING FOR THE FUTURE	
OFFICER CONTACT: Neil Crowther – Group Head of Planning Tel: 01903 737839 Email: neil.crowther@arun.gov.uk	

EXECUTIVE SUMMARY:

On 6 August, the Government published a White Paper – Planning for the Future – for consultation. The consultation period expires on 29 October 2020.

Consultation description:

‘The Planning for the future consultation proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed’.

DECISION:

Cabinet

RESOLVED

To note the contents, of and proposals, within the White Paper, and agree to the responses to the consultation questions contained with Appendix 1, with the comments raised at the meeting being added to the responses by the Group Head of Planning in consultation with the Cabinet Member for Planning.

REASON FOR THE DECISION:

The Council should respond to such consultation containing such fundamental changes.

OPTIONS CONSIDERED BUT REJECTED:

To either amend the response or to submit no response.

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/020/19102020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: ENGINEERING SERVICES ANNUAL REVIEW	
OFFICER CONTACT: Roger Spencer – Engineering Services Manager Tel: 01903 737812 Email: roger.spencer@arun.gov.uk	

EXECUTIVE SUMMARY:

This report is presented as an update on the Council's Engineering Service Area and explores the issues addressed in the preceding year and outlines matters that have arisen, or are foreseen for the coming year, across the service area.

Specific matters relating to the Pagham coastal defences, River Arun Internal Drainage Board, Community Flood Fund and Defra/Environment Agency recently published document are included. This report also recommends that the Council considers designating a Coastal Change Management Area.

The report also seeks to request future budgetary provision for a number of these matters particularly proposed future expenditure at Pagham and a continuation of the Community Flood Fund.

DECISION:

Cabinet

RESOLVED - That

- (1) The report be noted;
- (2) the contributions from the Community Flood Fund noted at Paragraph 1.4.3 be approved;
- (3) a £50,000 'top-up' to the Community Flood Fund in the 2021/22 Budget be endorsed;
- (4) Support be given to the Council making a bid to the Defra/EA Innovative Flood and Coastal Resilience Programme;
- (5) the inclusion of £50,000 in each of 2021/22 and 2022/23 to be available for the purpose of beach material recycling at Pagham beach be endorsed;
- (6) the use of the Community Flood Fund to supplement the Coast Protection revenue budget, subject to approval in accordance with the scheme of delegation, not to exceed a total of £50,000 per annum be approved;
- (7) the Engineering Services Manager be given authorisation to undertake the necessary preparatory work relating to the three new schemes shown within Appendix 1 to the report, and to make funding applications to the Environment Agency; and
- (8) authorisation be given to Officers to enter discussions regarding new arrangements relating to the River Arun Internal Drainage Board in accordance with paragraph 1.10.5 of the report.

Cabinet also

RECOMMEND TO FULL COUNCIL

- (9) to approve a supplementary estimate of £30,000 (which equates to a band D equivalent of £0.48) with underspends carried forward to future financial years, to investigate the introduction of a Coastal Change Management Area.

REASON FOR THE DECISION:

To ensure resources are used sustainably to manage flood and erosion risk in the District.

OPTIONS CONSIDERED BUT REJECTED:

Not to accept the Report

Community Flood Fund

Not to approve the proposed scheme contributions (para 1.4.3) – the effect being that the schemes would be unlikely to proceed.

Not to make any further contributions and use up the fund over time (this removing the ability to make PF contributions and probably not see schemes progress);

Replenish and keep to previous target level (i.e. £750,000) by two further annual contributions of £250,000;

Replenish at an alternative level (higher or lower) with annual contributions greater or less than £250,00 – perhaps set annually as part of the budget setting process.

Not to approve the concept of using Community Flood Fund to augment the coast protection Revenue budget – the effect would be to allow the continued decline in the condition of the Council’s coastal defence assets

Augment the coast protection Revenue budget by some other means

Not approve the investigation into the formation of a Coastal Change Management Area – this would lead to uncertainty regarding the unsustainable situation and a greater risk to life and property

Not to approve the new schemes within the proposed Coast Protection Capital Programme – the effect would be that there would be an increased risk of erosion and /or flooding to the areas concerned.

River Arun Internal Drainage Board

Instruct officers to negotiate the terms of any future Board funding based around the current funding arrangement, whereby there is an unbalanced geographic contribution/spend arrangement.

Instruct officers to negotiate the terms of any future Board that excluded Arun District involvement.

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/021/19102020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: PUBLIC SPACE PROTECTION ORDER (PSPO) - DOG CONTROLS	
OFFICER CONTACT: Nat Slade – Group Head of Technical Services Tel: 01903 737683 Email: nat.slade@arun.gov.uk	

EXECUTIVE SUMMARY:

This report informs Cabinet of the findings of a public consultation exercise to review the existing Public Spaces Protection Order (PSPO) Dog Controls which expires in October 2020 and recommends to Cabinet options for a new PSPOs to be effective from 6 November 2020.

DECISION:

Cabinet

RESOLVED

- (1) to adopt the proposed Public Space Protection Orders, to be effective from 6 November 2020;
- (2) the proposed Public Space Protection Orders be as shown in **Appendix A** – as:
 - a. The Fouling of Land by Dogs.
 - b. Dogs on Leads by Direction.
 - c. Dogs Exclusion.
 - d. Dogs on Leads.

REASON FOR THE DECISION:

To mitigate the expiration of Arun's current PSPOs by implementing new Orders which take into account the outcomes of a comprehensive consultation exercise, meet the needs of the district and enables the Council and partners to reduce anti-social behaviour from dogs and improve community safety.

OPTIONS CONSIDERED BUT REJECTED:

Alternative options available:

- Adopt the proposed PSPOs, effective from a later date
- Amend the proposed PSPOs and adopt
- Not to adopt PSPOs for dog controls. This will result in the current Orders expiring and being discharged leaving no PSPOs in place within the District and not have any dog controls to tackle anti-social behaviour and nuisance.

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/022/19102020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: RENEWAL OF THE MAINTENANCE CONTRACT FOR THE HR/PAYROLL IT SYSTEM	
OFFICER CONTACT: Karen Pearce – Human Resources Manager Tel: 01903 737807 Email: karen.pearce@arun.gov.uk	

EXECUTIVE SUMMARY:

The maintenance contract for the Council's HR/Payroll IT system (SumTotal) is due for renewal. The Council has the option of agreeing an ongoing 'evergreen' maintenance contract without undertaking a tender process as permitted by Regulation 32(2)(b) of the Public Contract Regulations 2015.

DECISION:

Cabinet

RESOLVED - That

- (1) the renewal of the maintenance contract for the HR/Payroll IT system with SumTotal, on an 'Evergreen' basis, subject to the procurement requirements being met, as set out below; be agreed and
- (2) delegated authority be given to the Group Head of Corporate Support to sign and enter into the renewal contract on behalf of the Council.

REASON FOR THE DECISION:

The award of Contracts above the European tender threshold requires Cabinet approval.

OPTIONS CONSIDERED BUT REJECTED:

1. To agree to the renewal of the maintenance contract for the HR/Payroll IT system with SumTotal for a period of one year, accepting a 5% increase in cost and uncapped increase in future costs.
2. To procure a new HR/Payroll system, however, this is likely to be expensive, there is no in-house project management support available and probably unachievable in the timescale available.
3. To do nothing. However, this would leave the Council without any product support for a business-critical system, a situation which would become untenable very quickly.

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/023/19102020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: SUPPLEMENTARY ESTIMATE FOR THE PROCUREMENT AND AWARD OF A NEW HOUSING MANAGEMENT IT SYSTEM	
OFFICER CONTACT: Karen McGreal – Business Improvement Manager and Satnam Kaur – Group Head of Residential Services Tel: 01903 737718 Email: kare.McGreal@arun.gov.uk and Satnam.Kaur@arun.gov.uk	

EXECUTIVE SUMMARY:

This report provides a budgetary update in respect of the procurement and award of a new Integrated Housing Management IT System contract for a period of four years. The project is anticipated to cost c£600k.

In order to commence the project in the current financial year a Housing Revenue Account (HRA) supplementary capital estimate of £160k and a virement of £240k from within existing 2020/21 HRA budgets is requested. Provision will be made in the 2021/22 Housing Revenue Account budget for the £200k balance.

DECISION:

Cabinet

RECOMMEND TO FULL COUNCIL

The approval of a Housing Revenue Account supplementary estimate of £160k (which equates to a weekly rent of 92p per dwelling) for the costs associated with the procurement and implementation of a new integrated housing management IT system.

Cabinet

RESOLVED – That

- (1) the virement of £240k be approved from existing budgets - £140k from capital budget x 25 and £100k from revenue contingency underspend;
- (2) the procurement and award of a 2+1+1 Contract be approved to a total value of £500k (inclusive of maintenance and support costs_ of a new Integrated Housing Management System, subject to Full Council approving the above supplementary estimate;
- (3) the ongoing maintenance and support costs for the new system of £50k of which £15k is accounted for within existing budgets be noted.

REASON FOR THE DECISION:

To enable services to continue to be provided to our council housing tenants and leaseholders through the provision of a modern integrated housing management system and to regularise the budget position.

OPTIONS CONSIDERED BUT REJECTED: To not approve the supplementary estimate, virement or contract award. However, this is not considered to be a viable option. The current contract expires in November 2021 and the system limitations have shown it is not possible to meet our business requirements or tenant and leaseholders' expectations of

a modern interactive housing service.

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/024/19102020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION	
OFFICER CONTACT: Nigel Lynn – Chief Executive Tel: 01903 737600 Email: nigel.lynn@arun.gov.uk	

EXECUTIVE SUMMARY:

This report updates Cabinet on the Council's response to the pandemic situation and possible proposals for economic recovery.

DECISION:

Cabinet

RESOLVED to:

- (1) note the actions taken to date;
- (2) note that following the discussion at Cabinet on 21 September 2020 in relation to the recommendations from the Covid-19 Recovery Working Party held on 8 September 2020, the Chief Executive will present a report to Cabinet on 16 November which will prioritise the recommendations and identify any costs.

REASON FOR THE DECISION:

For Cabinet to note the Council's response to the Covid-19 Pandemic.

OPTIONS CONSIDERED BUT REJECTED: None – further details were requested

CABINET MEMBER(S):

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

None

DISPENSATIONS GRANTED :

CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None

REFERENCE NO: C/024/19102020

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: STANDARDS COMMITTEE - 24 SEPTEMBER 2020 - NEW SOCIAL MEDIA GUIDANCE FOR COUNCILLORS	
OFFICER CONTACT: Nigel Lynn – Chief Executive Tel: 01903 737600 Email: nigel.lynn@arun.gov.uk	

EXECUTIVE SUMMARY: This report seeks the views of the Standards Committee relating to a new Social Media Guidance document for Councillors. It is open to Standards Committee to recommend that Cabinet endorse the Guidance in whole, or with amendments.	
DECISION: Cabinet RESOLVED That the Social Media Guidance for Councillors be referred back to the next meeting of the Standards Committee for further discussion.	
REASON FOR THE DECISION: To debate further sections of the guidance	
OPTIONS CONSIDERED BUT REJECTED: None	
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	

Public Document Pack Agenda Item 22

Subject to approval at the next Bognor Regis Regeneration Sub-Committee meeting

5

BOGNOR REGIS REGENERATION SUB-COMMITTEE

21 October 2020 at 6.00 pm

Present: Councillors Stanley (Chairman), Brooks (Vice-Chairman), Mrs Daniells, Dixon, English, Mrs Madeley, Oppler and Mrs Warr

Councillors Charles, Cooper, Mrs Cooper, Edwards, Gunner, Mrs Pendleton and Roberts were also in attendance for all or part of the meeting.

8. DECLARATIONS OF INTEREST

Councillor Dixon declared a personal interest as a member of the Bognor Regis Civic Society.

9. MINUTES

The Minutes of the meeting held on 17 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.

10. STRATEGIC REVIEW OF ARUN DISTRICT COUNCIL'S TOURISM SERVICE

The Chairman welcomed to the meeting Mr Adam Bates, Blue Sail Consulting, who had been appointed to undertake a review of the Council's tourism function. The review had considered all aspects of tourism support offered by the authority and its recommendations would be put forward to Cabinet for consideration and decision; the Subcommittee was being requested for its views which would be forwarded to Cabinet to assist their deliberations of the matter.

Mr Bates gave a presentation which covered his brief for the review and what Arun should be doing to fit in with others in marketing, management and development to improve the offer in the District and to increase staying visitors over the dominance of day visitors as at the present time. Tourism was an important sector for the local economy and, whilst there was a good variety, i.e. coast, towns and countryside, it was felt that what was on offer was good but not great and that there was a modest impact on tourism spend and jobs. To encourage visitors to stay, better quality accommodation would be required and experiences provided that were worth travelling for. The offer therefore needed to be renewed, new markets attracted, year round value for money provided and higher value jobs encouraged.

Mr Bates highlighted the 4 recommendations contained in the review which would have implications for the way in which the Council would organise and support tourism development in the District in order to meet its wider strategic ambitions.

Bognor Regis Regeneration Sub-Committee - 21.10.20

Members welcomed the report from Mr Bates and participated in a question and answer session, summarised as follows:-

- Web sites promoting the District – it was acknowledged that the 3 town websites (Littlehampton, Bognor Regis and Arundel) were good and that Sussex by the Sea should be retired but that there should perhaps be a cloaking page to transfer information across to the towns and the South Downs National Park websites. Comment was made that Experience West Sussex made no reference to the beach at Bognor Regis, which was felt to be a glaring omission. Mr Bates stated that views on web sites were very subjective and, from his observation, Experience West Sussex was doing a good job in trying to create a narrative to draw people into the area and inspire them to stay and do different things. In advising that Experience West Sussex was not just a web site, it also covered marketing and information, the Group Head of Economy requested Members to pass on to her any comments they had about it and she would take it up with that body.
- Comment was made that tourism was important to the local economy and must be supported. It was felt there was a demand for fun seaside activities and events and Bognor Regis needed to focus on its core strengths, e.g. its safe beach. Mr Bates agreed that events were a powerful tool but thought had to be given to the type and range in order to attract visitors.
- Concerns were raised at the proposal to shift emphasis away from the Sussex by the Sea website as it was felt that it had been successful in referring people to the other more detailed town website. It would therefore be a shame to lose it.

As the Chairman was experiencing connectivity issues, the Vice-Chairman took the chair for the remainder of this item and he thanked Mr Bates for a very good report and for his attendance at the meeting. He invited Mr Bates to leave the meeting.

The Vice-Chairman then invited the Group Head of Economy to present her report which set out the background to the review, its remit and the four strategic recommendations for the Council's tourism service contained therein. Support and any further comments were being sought from the Subcommittee, which would then be indicated to Cabinet when it considered and decided on the matter at a future meeting. It was also brought to Members' attention that there would be changes to the service should the recommendations be supported and that a Strategic Tourism Investment role was required to coordinate and work with the partners, towns and businesses. Members were advised that it was being proposed that Sussex by the Sea website would cease operation; the annual Visitor Guide would no longer be produced; and the Visitor Information Points in Bognor Regis, Littlehampton and Arundel would no longer exist in their present format. The Group Head of Economy acknowledged that there was a lot the team would like to do but the reality was what could actually be done to develop the tourism offer with the resources available.

In opening the debate, broad support of the four recommendations was expressed. However, other views focussed on the loss of the Sussex by the Sea website and the detrimental impact that would have on attracting visitors to the town,

even though it was acknowledged it was dated in its present format and other websites now served that function.

The Chairman stated that the Council did have to reflect on its position with regard to tourism. Although it was lucky to have strong links with key stakeholders, the Council did have to take a step back to assess who was best placed to deliver certain aspects of tourism. He was therefore of the view that the idea of developing a strategy alongside strategic partners and stakeholders made sense.

In being put to the vote, the Subcommittee did not accept the report's recommendation and therefore

RESOLVED

That officers to make Cabinet aware that the review recommendations contained within the Arun Strategic Review of Tourism are not supported by the Subcommittee.

11. PRESENTATION ON THE TRACK CREATIVE DIGITAL HUB AT BOGNOR REGIS RAILWAY STATION

The Chairman welcomed to the meeting Anne de Sausmarez, Principal Economic Development Officer, West Sussex County Council, who was in attendance to give a presentation on the recently established digital hub known as The Track.

Ms De Sausmarez advised the meeting that the aim of the project was to create a digital hub which would add value to the local economies of Bognor Regis and Coastal West Sussex by supporting the growth of high value knowledge economy businesses and jobs, including in the creative digital sectors. It was envisaged that a shared workspace would enable such businesses and entrepreneurs to work together collaboratively and flexibly. It was delivered by WSCC, with funding support from Coast to Capital LEP Local Growth Fund and partnership support from the District Council and Bognor Regis Town Council.

The Subcommittee was advised that valuable input to the project had been provided by:

Hemingway Design for their vision in transforming the empty space at Bognor Regis Railway Station and for The Track branding of the project.

Wired Sussex for their expertise and experience in working with the digital sector.

Town Square Space, as the operator of the project.

Following completion of lengthy negotiations with British Rail regarding leasing of the premises in September 2019, work was able to commence and was due to be completed in April 2020. However, due to lockdown and the pandemic, that did not occur until July and two Community Managers had now been appointed to take the project forward.

Slides of the refurbished premises were shown to Members, who were impressed with this new facility, particularly as the digital element of the District's local economy seemed to be expanding.

Following a brief question and answer session which covered a charging regime for space; activities that could be held under social distancing rules; and engagement with the business community, the Chairman thanked Ms de Sausmarez for her informative presentation and invited her to leave the meeting.

12. ECONOMY GROUP'S SUPPORT TO BUSINESSES DURING THE COVID 19 PANDEMIC

The Group Head of Economy presented this report which provided an update on the work of the team to date to support local businesses throughout the pandemic. She particularly highlighted that the Arun Business Partnership had over 3,000 businesses on its mailing list and all members received weekly electronic bulletins with the most up to date government guidance and information. Partnership working throughout this time had played an important role in keeping businesses abreast of the situation and everyone had found creative ways of working to ensure information was circulated to as wide a spectrum as possible. She paid particular tribute to the hard work and commitment of the Revenues & Benefits Team as they had worked so diligently to ensure grant payments were sent out in a timely manner.

The Economic Regeneration Officer provided further information to the Subcommittee on the disbursement of the Reopening the High Streets Safety Fund.

In concluding her presentation of the report, the Group Head of Economy focussed on paragraph 1.25, Recovery Planning. She stated that the team was preparing for that and highlighted the range of initiatives that were being put in place now and which would continue. The Youth Works project was particularly highlighted as there were significant issues around youth unemployment locally.

Following brief comment from Members relating to recovery planning and the Youth Works project, the Chairman complimented the partnership working that had been undertaken with relevant stakeholders with signage, etc to make the town centre feel safe.

The Subcommittee noted the report.

13. BOGNOR REGIS REGENERATION POSITION STATEMENT

The Chairman welcomed to the meeting, Heather Allen, Bognor Regis BID (Business Improvement District) Coordinator, who was in attendance due to the absence of Jason Passingham, to provide the Subcommittee with an update on the work of BID during these very difficult times due to the pandemic.

Ms Allen provided some detail on a number of promotion campaigns that would be held throughout October to support businesses. Christmas events could not be held this year but arrangements were in place for stand alone lighting to be installed in different parts of the town to provide visual enhancement, together with an elf house to try to create a really magical experience.

It was acknowledged that High Streets had been changing prior to Covid and that had now accelerated. However, if everybody kept working together positively and pro-actively, the opportunity to help shape that change could be seen to be an exciting time.

Members commended Ms Allen for her enthusiasm and positivity and, following a brief discussion, the Chairman thanked her for her attendance and contribution.

The Subcommittee noted the remainder of the Position Statement and was reminded by the Chairman to contact the Group Head of Economy should any Member have any queries.

(The meeting concluded at 8.37 pm)

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