

Public Document Pack

Subject to approval at the next Full Council meeting

283

MINUTES OF A MEETING OF THE ARUN DISTRICT COUNCIL HELD IN THE ARUN CIVIC CENTRE On 10 November 2021 at 6.00 pm

Present: Councillors Brooks (Chair), Staniforth (Vice-Chair), Bower, Caffyn, Catterson, Chapman, Chace, Charles, Clayden, Mrs Cooper, Cooper, Coster, Dendle, Dixon, Edwards, Elkins, Goodheart, Gunner, Hamilton, Haywood, Hughes, Huntley, Jones, Kelly, Lury, Madeley, Needs, Oliver-Redgate, Pendleton, Roberts, Smith, Stainton, Stanley, Tilbrook, Thurston, Walsh, Warr, Worne and Yeates.

The following Member was absent from the meeting during consideration of the matters referred to in the Minutes indicated – Councillor Jones – Minute 410 to Minute 421 (Part)].

410. WELCOME

The Chair welcomed Councillors, representatives of the public, press and officers to the meeting. He extended a special welcome to the Council's Interim Chief Executive, James Hassett, having commenced employment with the Council on 1 November 2021.

A warm welcome back to attending physical meetings was extended to Councillor Needs.

411. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Baker, Bennett, Bicknell, Blanchard-Cooper, Buckland, Daniells, Mrs English, English, Gregory, Northeast, Oppler, Purchase, Rhodes and Seex and from all of the Council's Honorary Aldermen.

412. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

The Declaration of Interest Sheet set out below confirms 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.

Full Council - 10.11.21

Name	Town or Parish Council or West Sussex County Council [WSSC]
Councillor Tracy Baker	Littlehampton
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 WSSC
Councillor David Chace	Littlehampton
Councillor John Charles	WSSC
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington and WSSC
Councillor Sandra Daniells	Bognor Regis
Councillor Roger Elkins	Ferring and WSSC
Councillor Paul English	Felpham
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	WSSC
Councillor Jacky Pendleton	Middleton-on-Sea and WSSC
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 WSSC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

413. PUBLIC QUESTION TIME

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

The Chair confirmed that three questions had been submitted – these have been very briefly summarised below:

1. From Mr Cosgrove to the Chair of the Audit & Governance Committee, Councillor Clayden, regarding open and transparent Register of Member Interests
2. From Mr Cosgrove to the Chair of the Economic Committee, Councillor Cooper, regarding regeneration plans to the Regis Centre, Bognor Regis
3. From Mr Cosgrove to the Chair of the Economic Committee, Councillor Cooper, regarding the Regis Centre in Bognor Regis, and the Levelling-Up Bid.

(A schedule of the full questions asked, and the responses provided can be found on the Full Council Web page at: <https://democracy.arun.gov.uk/mgCommitteeDetails.aspx?ID=141>)

The Chairman then drew Public Question Time to a close.

414. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

No questions were asked.

415. PETITIONS

The Leader of the Council, Councillor Gunner, confirmed that he had been presented with a petition on 1 October 2021 at the Arundel Town Hall from residents of Arundel and Ford asking for a Ford to Arundel cycle path to be created following the route of the road rather than the River Arun. This was aimed at school children and others who had to cycle along the current route. Councillor Gunner explained that the petition was going through the Council's verification process to ensure that it contained the required number of signatures needed to ensure Full Council debate which would hopefully take place at the next Full Council meeting on 12 January 2022.

416. MINUTES

The Minutes of the Special Meeting of the Council held on 13 October 2021 were proposed for approval by Councillor Walsh and seconded by Councillor Chapman. The minutes were then approved by the Council as a correct record and were signed by the Chair.

417. CHAIR'S ANNOUNCEMENTS

The Chair confirmed that he was pleased to share the news that the Council had been successful in a bid to secure a grant from the new Government Levelling Up Fund.

Full Council - 10.11.21

A bid had been submitted to enable the Council to embark on extensive improvement projects in Bognor Regis and Littlehampton with a sum of £19.4 million being awarded to the Council. This would not only enhance the area for residents but would attract visitors and new business too, boosting the local economy. The Chair explained that the improvement projects would focus on The Alexandra Theatre in Bognor Regis and the seafront and riverside area in Littlehampton.

The Chair thanked all Members, Officers and consultants who had been involved in submitting the bid stating that he was looking forward to seeing the successful delivery of these projects.

The Leader of the Council, Councillor Gunner, echoed these words confirming that this grant provided a very exciting opportunity for Littlehampton and Bognor Regis and would generate £190 million of economic value; 200 jobs and 100,000 visitors. Councillor Gunner therefore wished to have recorded his thanks to all groups and parties that had been involved in putting the bid together and for the work that the District's three Members of Parliament had undertaken in supporting the bid. Words of thanks were also directed to the Officer team for their hard work put into achieving a successful bid. It was emphasised that further hard work would now begin to deliver these schemes which would provide very exciting projects that the whole of the District would be able to enjoy.

Councillor Walsh, as Leader of the Opposition, endorsed the remarks made confirming that this was extremely welcome news, not just for the two Towns but for all visitors and residents that would use the enhanced facilities. He endorsed the remarks made on the hard work and commitment of Members and Officers in drawing up and submitting the bid, he now looked forward to the commencement and delivery of the projects.

418. URGENT MATTERS

The Chair confirmed that there were no urgent matters for this meeting.

419. MOTIONS

The Chair confirmed that no Motions had been submitted for this meeting.

420. ECONOMIC COMMITTEE - 12 OCTOBER 2021 - MINUTE 361 [BEACH HUT REVIEW] - REPORT FROM THE GROUP HEAD OF LAW & GOVERNANCE AND MONITORING OFFICER - PROPOSAL TO AMEND RESOLUTION (1) PART (III)

The Council received a report from the Group Head of Law & Governance and Monitoring Officer which was being presented as part of the Monitoring Officer's (MOs) statutory role as set out in Part 2 of the Constitution (Articles) and in compliance with the statutory key functions in accordance with Section 5(2) (a) of the Local Government and Housing Act 1989.

Members were reminded that it was the key responsibility of the MO to ensure that he/she would report to the Council any case where he/she believed any proposal, decision, or omission by the Council or any of its Committees, Sub-Committees or Working Parties or any Member or Officer of the Council had given rise to maladministration or illegality.

The MO outlined that her report was asking Council to agree to proposals to amend a resolution made by the Economic Committee on 12 October 2021 on Minute 361, Beach Hut Review. Having discussed that issue at great length, the Committee had agreed the resolution at Option 2 outlined in the report submitted to that Committee which is set out below:

1. Approve for the Council to proceed with the beach hut review as set out in Option 2, including information within the body of the report and the attached viability appraisal at Appendix 1, as amended:
 - i. To propose a 30% increase for new tenants and an annual uplift of 10% (in simple rather than compound interest terms) over the next three years for existing tenants [without change to recommendation 6 in the report – to approve for the Council to proceed with the inclusion of an annual rent increase clause (3%) within all beach hut leases issued as set out in the body of the main report (section 1.8)].
 - ii. That a report on the provision on new beach huts be brought back to Committee.
 - iii. That any new leases given only to be given to residents of the Arun district.

The MO explained that in debating and agreeing to this resolution, Members had been in full agreement for all existing leaseholders to be given the right to renew their leases from 1 April 2022 regardless of whether they resided in the District or not. All Members had sought to retain tenants and protect revenue. The resolution agreed in Resolution (1) (iii) above had been agreed in error. Members were being requested to amend (iii) of this resolution with immediate effect as the consequences of the above Policy change would mean that (a) all leases would come to an end on 31 March 2022, (b) all new leases would then be renewed and granted only to residents of Arun and no others and (c) all private owned beach huts who refuse the new seven years lease (under the revised Policy) would need to sell or assign their lease ahead of 31 March 2022 deadline or lose their beach huts.

To correct this error, which had not been intended by Members, an alternative Option 2 (1) (iii) was proposed as follows:

Full Council - 10.11.21

All existing leaseholders are to be offered the opportunity of a new lease from 1 April 2022 on the agreed revised terms. Following this any subsequent new lease given will only be granted to person(s) whose main residence is within the Arun District and, in addition, permission for any licence to assign an existing lease will only be given where the proposed buyer(s) of the leasehold interest's main residence is within the Arun District.

Having been proposed by Councillor Cooper and seconded by Councillor Gunner, the Council

The Council

RESOLVED

That Part (iii) to Resolution 1 be amended to read:

All existing leaseholders are to be offered the opportunity of a new lease from 1 April 2022, on the agreed revised terms. Following this, any subsequent new lease given will only be granted to person(s) whose main residence is within the Arun District and, in addition, permission for any licence to assign an existing lease will only be given where the proposed buyer(s) of the leasehold interest's main residence is within the Arun District.

421. RESIDENTIAL & WELLBEING SERVICES COMMITTEE - 30 SEPTEMBER 2021

The Chair of the Residential & Wellbeing Services Committee, Councillor Pendleton, presented the minutes from the meeting of the Committee held on 30 September 2021.

Councillor Pendleton alerted Members to two recommendations at Minute 319 [Empty Homes Council Tax Premium] which was asking the Council to consider maximising the Council Tax premium for empty homes from April 2022 in line with legislation that had come into force in 2020. This aimed to bring empty homes back into use so that levels of homelessness and those waiting on the Council's housing waiting list could be reduced. Councillor Pendleton then proposed the recommendations which were then seconded by Councillor Mrs Cooper.

The Chair then invited debate which saw full support to these recommendations.

The Council, therefore

RESOLVED – That

(1) An increase to the premium on long term empty properties be approved as follows:

- 100% premium from 1 April 2022 for those properties which are empty for 2 years and over
- 200% premium from 1 April 2022 for those properties which are empty for 5 years and over
- 300% premium from 1 April 2022 for those properties which are empty for 10 years and over

(2) The Group Head of Residential Services be given delegated authority in exceptional circumstances to waive any premium on a case by case basis.

422. PLANNING POLICY COMMITTEE - 6 OCTOBER 2021

The Chair of the Planning Policy Committee, Councillor Bower, presented the minutes of the Planning Policy Committee held on 6 October 2021.

Councillor Bower alerted Members to a recommendation at Minute 338 (Arun Local Plan Update), and he explained that the Council was being asked to support Option 3 which was to pause the preparation of a revised Local Plan until details of the new plan making system had been agreed, with this pause be reviewed in six months' time. Councillor Bower outlined that the Planning Policy Committee had debated this item at great length. What had been relevant to that debate was that the new Secretary of State had made comments on Local Plans and suggestions over the removal of housing targets and zones. This meant that there was a significant risk that planning reforms could impact the Arun Local Plan update resulting in abortive costs and the need to comprehensively redo work under the new review arrangements. Councillor Bower advised that the content of the planning reform bill was therefore eagerly awaited and that this had been the main reason for proposing a six month pause. Councillor Bower therefore formally proposed the recommendation which was then seconded by Councillor Hughes.

The Chair then invited debate. The first to speak was Councillor Stanley confirming that he wished to propose an amendment. This read as set out below – deletions have been shown using ~~strikethrough~~ and additions in **bold**:

Option 3 to pause the preparation of a revised Local Plan until details of the new plan making system be agreed, ~~and~~ **or for a maximum of 6 months' time.** ~~that the pause be reviewed in six months' time.~~

Full Council - 10.11.21

Councillor Stanley stated that he could see the advantage in proposing a delay. With a new Minister in post, there were Planning Policy changes being proposed and so it would be sensible to pause and wait to see what the changes might be. However, the Council did have a Local Plan in place which was not working; it was not delivering what the Council needed; and the Council as a result was being subjected to applications because of that. Councillor Stanley stated that he did not believe that it was sensible for the Council to leave the Local Plan potentially open ended so he hoped that the Council would either receive the information in the six month period or the Council would need to look at moving a review forward.

This amendment was then seconded by Councillor Jones. He outlined that he had been disappointed with the outcome of the Committee's debate and recommendation stating that the Council should continue with the review of the Local Plan which was currently not fit for purpose. He understood that the Government was possibly going to be introducing new planning reforms, however, he felt that to sit, stall and wait for the Government to solve the Council's problems was not the best course of action for the Council to be taking, the Council needed to be more proactive. Councillor Jones stated that it was encouraging that the Council had noted that its Local Plan had issues and that these needed to be rectified so he could not understand wishing to delay this work. This was why he supported this amendment as he did not want the Council to delay updating the Local Plan when many of the updates would be transferrable to a new plan in any case. The Officer recommendation proposed had been to continue the local plan update as scheduled as this was the most effective method of progress.

Other Councillors spoke in support of the amendment confirming that the vital evidence gathering work already undertaken could be out of date by the time the review of the Local Plan would recommence. A budget had already been approved to undertake the updates and several studies had been commissioned.

Those not supporting the amendment stated that this was because the recommendation agreed at Committee was very straight forward. It was awaiting details of the new plan making system to be agreed first, with the pause then being reviewed in 6 months' time. Whatever the Council wanted, it could not force the Secretary of State to move any faster with his review due restrictions of consultation that would need to be undertaken, the amendment made it sound that the Council had the power to do something that it did not have the power to do. Councillors were reminded of the major problem with the 5 year land supply and how this had affected the review of the existing Local Plan, which had been challenged on its housing numbers each time causing delay and additional cost. The Council did not want to review its existing Plan falsely.

On this amendment being put to the vote it was not carried.

The Chair then returned to the substantive recommendation and following further discussion, a request was made that the voting on this substantive recommendation be recorded.

Those voting for it were Councillors Bower, Caffyn, Chace, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Coster, Dendle, Dixon, Edwards, Elkins, Goodheart, Gunner, Hamilton, Haywood, Hughes, Huntley, Kelly, Lury, Madeley, Oliver-Redgate, Pendleton, Roberts, Stainton, Stanley, Tilbrook, Walsh, Warr and Yeates (31). Those voting against were Councillors Catterson, Jones, Thurston, and Smith (4). Councillors Brooks, Needs, Staniforth and Worne abstained from voting (4).

The Council

RESOLVED

That Option 3, to pause the preparation of a revised Local Plan until details of the new plan making system be agreed, and that the pause be reviewed in six months' time.

423. CONSTITUTION WORKING PARTY - 1 NOVEMBER 2021

The Chair of the Constitution Working Party, Councillor Bower, presented the minutes from the meeting of the Constitution Working Party held on 1 November 2021, which had been circulated separately to the agenda on 9 November 2021.

He referred Members to the first recommendation at Minute 9 [New Committee System – Changes to the Constitution – Committee Names – Referral Back and Changes to Service Areas Covered by Committees] explaining that the issue of name changes to Service Committees had been referred to the Working Party by Full Council for further consideration. Councillor Bower confirmed that there had been little debate over the change in names and so he asked Members to support the recommendations which he then formally proposed. Councillor Cooper then seconded the recommendations.

Discussion on the recommendations saw some concern being expressed over the proposed change in name from the Environment & Neighbourhood Services Committee to the Environment Committee. It was pointed out that the reasoning behind changing the names of Committees had been to make them more understandable by the public. When this matter had been debated previously, there were concerns that the issues that this Committee dealt with around car parking and other areas that fell under the 'Neighbourhood' category would mean that the new name of this Committee to the Environment Committee would be misunderstood. This was a concern especially when considering issues such as climate change which was not reported to this Committee but the newly named Policy & Finance Committee. Concerns were also expressed about losing the 'Residential' from the Housing and Wellbeing Committee.

The Chair of the Environment Committee, Councillor Edwards, stated that he took these comments on board, however, the Environment Committee had not changed or lost any of the service areas that reported into it.

Other Councillors spoke stating that they strongly felt that the name of the Environment & Neighbourhood Services Committee should remain unchanged to avoid confusion.

Full Council - 10.11.21

Following some further discussion, the Council

RESOLVED

That the proposal for changing names of some of the Council's Service Committees be approved as set out below:

<u>Current Name</u>	<u>New Name</u>
Corporate Policy & Performance	Policy and Finance Committee
Residential & Wellbeing Services Committee	Housing and Wellbeing Committee
Environment & Neighbourhood Services Committee	Environment Committee
Economic Committee	Economy Committee

Councillor Bower then moved onto the next recommendation under Minute 9 explaining that the Working Party had received a recommendation from the then Environment & Neighbourhood Services Committee to have Biodiversity added to the service areas covered by the Environment Committee as set out in Part 3 – Responsibility for Functions in the Constitution. This recommendation was then proposed by Councillor Bower and was then seconded by Councillor Cooper.

Most of the debate on this item focused on the request put to the Working Party to have Biodiversity Net Gain added to the service areas covered by the Planning Policy Committee. The Working Party had agreed to refer this back to Officers so that more information could be provided to the Working Party at its next meeting as concern had been raised that Biodiversity Net Gain was adequately covered within the Local Plan questioning the need for this request.

The Council

RESOLVED

That 'Biodiversity' be added to the service areas covered by the Environment Committee at Part 3 – Responsibility for Functions in the Constitution.

Councillor Bower then alerted Councillors to the next set of recommendations at Minute 10 [Public Speaking Rules for the Planning Committee] explaining that the changes to these recommendations were to reinstate and amend an error that had occurred in the redrafting of the Constitution in May 2021. Councillor Bower then formally proposed the recommendations which were then seconded by Councillor Cooper.

The Chair then invited debate. The first to speak was Councillor Stanley and he confirmed that he wished to make an amendment to public speaking rule 11.3 – this has been set out below with deletions shown using ~~striketrough~~ and additions shown using **bold**:

11.3 Any person who has made a written representation on an application and wishes to speak must register their request by ~~5.00 pm~~ **9.00 am** on the **Monday Friday** before the meeting, by phoning 01903 737512 or by email. It is the responsibility of the individual to check whether the application is to be considered by the Planning Committee [one should be able to register to be automatically notified when the agenda for the Committee is published].

Councillor Stanley then explained his amendment stating that it was being proposed as it would not impact Officer time but would benefit the public by allowing more time to register their request to speak by email over the weekend.

Councillor Gunner then seconded this amendment stating that he had some reservations over the changes proposed to rule 11.3. The amendment proposed by Councillor Stanley was an acceptable compromise.

The Chair invited debate on this amendment which saw wide support from Members and from the Chair of the Planning Committee, Councillor Chapman.

Voting on this amendment then took place and it was declared CARRIED.

The Chair then returned to the substantive recommendations and the Council

RESOLVED

That the Public Speaking Rules for the Planning Committee as set out in Part 8, Section 3 of the Constitution at Paragraphs 11 – Public Speaking at Planning Committees are amended as set out below.

11.3 Any person who has made a written representation on an application and wishes to speak must register their request by 9.00 am on the Monday before the meeting, by phoning 01903 737512 or by email. It is the responsibility of the individual to check whether the application is to be considered by the Planning Committee [one should be able to register to be automatically notified when the agenda for the Committee is published].

Full Council - 10.11.21

11.4 There is a time limit of 3 minutes for each speaker i.e., Ward Members, Parish Councils, objectors, applicants/agents, or supporters. Objectors & supporters include residents' groups, community groups or interest groups. A supporter must be an independent third party such as a local resident, not a relative of the applicant or the applicant themselves if their appointed agent is already speaking.

11.5 A speaker can speak for up to the 3 minutes. The order of speaking will be as follows:

11.7 In the event that more than two speakers have registered to speak in categories 2, 3, or 4, the first two registered persons appearing on the register only will be allowed to speak. Prior to the commencement of the meeting, attendance of those who have registered to speak will be listed. The Chair's discretion shall apply in the event of any dispute in the matter of which persons may speak.

424. GENERAL QUESTIONS FROM MEMBERS [BY ADVANCE NOTICE]

The Chair referred Councillors to the Questions from Members that had been circulated to the meeting and had been submitted in line with Council Procedure Rule 14.3.

Councillor Stanley asked a supplementary to Question 1 and a response was provided by Councillor Edwards.

A copy of the Member Question schedule would be uploaded to the Full Council web page following the meeting.

425. COMMITTEE MEMBERSHIPS

The Leader of the Council, Councillor Gunner, confirmed that there were no changes to Committee Memberships to report.

426. REPRESENTATION ON OUTSIDE BODIES

The Chair confirmed that there were no changes to report to this meeting.

(The meeting concluded at 7.55 pm)