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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 26 JANUARY 2022 at 6.00 pm

Present: Councillors Brooks (Chair), Staniforth (Vice-Chair), Bicknell, Blanchard-Cooper, Bower, Buckland, Caffyn, Chapman, Clayden, Mrs Cooper, Cooper, Coster, Dendle, Dixon, Edwards, Elkins, Mrs English, English, Goodheart, Gregory, Gunner, Hamilton, Hughes, Kelly, Lury, Madeley, Northeast, Oliver-Redgate, Oppler, Pendleton, Roberts, Stainton, Stanley, Tilbrook, Thurston, Walsh, Warr, Worne and Yeates.

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillor Warr – Minute 621 and Minute 625 to Minute 628;
Councillor Tilbrook – Minute 624 [second set of recommendations];
Councillor Northeast – Minute 625 to Minute 628; Councillor Worne – Minute 625 [Motion 2} to Minute 628; Councillors Buckland, Madeley and Stainton – Minutes 626 to Minute 628.

609. WELCOME

The Chair welcomed Councillors, representatives of the public, press and officers to the meeting.

610. MEMBER OF STAFF BRENDA HEYNE, FORMER MEMBER OF STAFF, SAM MCDOWELL AND HONORARY ALDERMAN JEAN GOAD, MBE

The Chair announced that it was with great sadness to have to start the first Full Council meeting of 2022 in such a sad way.

Firstly, he needed to inform Members of the death of one of the Council's members of staff Brenda Heyne who had passed away unexpectedly on 23 November 2021. This had been a great shock for Brenda's family, close friends and colleagues. Brenda had been a Building Control Support Officer and had worked in the Building Control section of the Council for all the 16 years she had been with Arun.

Secondly, the Chair announced that the Council had been informed earlier in the day of the sad passing of Sam McDowell who had passed away on 21 January 2022. Sam had been the Council's Payroll Manager from 1980 until 2009 when he had retired.

Lastly, the Chair announced the death of Honorary Alderman Jean Goad, MBE. Jean had become an Honorary Alderman of the Council having completed 30 years continuous services as a Councillor representing the Barnham Ward from October 1985 to May 2015, when she stood down in the District Elections at that time.

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The Chair asked all those in attendance to take part in a minute's silence to all of their memories and the Council's condolences were passed onto their family and friends.

611. DECLARATIONS OF INTEREST

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.

Councillor Goodheart declared a Personal Interest in Agenda Item 5 [Petitions] in relation to the Petition received requesting support for the development of a safe cycling and walking pathway between Arundel and Ford. This was because he had been mentioned in the accompanying paperwork.

The Interim Chief Executive declared his Personal and Prejudicial Interests in Agenda Item 19 [Appointment to the Post of Chief Executive Officer].

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 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 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 Will Tilbrook	Littlehampton
Councillor James Walsh	Littlehampton and WSCC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

612. PUBLIC QUESTION TIME

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

613. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

No questions were asked.

614. PETITIONS

There were no petitions presented to this meeting.

The Chair confirmed that a petition had been received requesting the Council to pass a motion of support for the development of a safe cycling and walking pathway between Arundel and Ford Station. This had previously been received by the Council, as confirmed by the Leader of the Council, at the last Full Council meeting held on 10 November 2021. Now that this petition had the support of over 1,500 signatures, it needed to be considered and debated by Council.

The wording of the Petition was shared to the meeting [as set out in the agenda pack at pages 5 and 7] confirming that:

The Arundel Community, as represented by its Town Council and its two Primary Schools, requests that a safe cycle path and footpath be provided between Arundel and Ford, and asks that Arun District Council responds to the petition by:

- (1) Passing a motion of support for the petition;

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- (2) Communicating that support to the Steering Group which is working on the development of the business case to be submitted to National Highways. This steering group has representatives from National Highways, West Sussex County Council, Arundel Town Council and is attended by Kevin Owen Planning Policy Team Leader at Arun District Council.

In line with the Council's Petition Scheme, set out in the Council's Constitution at Part 8 – Codes and Protocols, Section 4 – Petitions Scheme - Paragraph 5.0 Full Council debates, the Chair firstly invited the Petition Organiser, Mr Batty, to present the petition.

Mr Batty then presented the petition. He confirmed that 1,500 Arun residents had signed this petition which was asking the Council to support the development of a safe cycling and walking pathway between Arundel and Ford. Support for this petition had also included The Duke of Norfolk, the District's Arundel and South Downs Member of Parliament, Andrew Griffith, and civic leaders not just from Arundel but from surrounding Parishes and Towns too.

The support mentioned above had been reinforced in 2020 by this Council's own research into Active Travel revealing that people that cycled in their own area had a preference to cycle in and around Arundel creating it into a cycling hub. The reason for this was that the Ford Road was flat and provided excellent access from the southern coastal plain to the South Downs.

Mr Batty confirmed that his objective this evening was to ensure that Councillors understood the level of public demand; to explain why there was urgency; and to ask the Council to support the Motion and to instruct Officers to proceed urgently.

A very short presentation was then shared to the meeting showing a map illustrating Arundel as the geographic centre with the Downs to the North and the coastal plain to the south. The railway, the A27 and the National Cycle Route 2 running east to west along the coastal plain were highlighted showing the need for this cycle route which would cut across creating a safe link between these locations.

Mr Batty outlined that this petition was about doing the right thing for the District's residents and the environment. It would:

- Provide safe access to Ford station for Arundel secondary school children and for workers commuting along the coastal plain
- Enhance more Cycle Route 2 [recently opened] connecting the three Towns of the District
- Make it easier for workers to get from Littlehampton to Arundel as there were no direct trains
- There was an urgent need as 2,000 new homes had been identified for Ford
- The Local Plan had identified the need for a new secondary school in Yapton

- The Council had declared a climate emergency and transport was now the biggest polluter
- Making Ford Station more accessible would encourage more to use public transport and to abandon cars for journeys less than 2 miles – these were important behavioural changes that needed to be made to achieve the Government’s target of net zero by 2050.

Mr Batty outlined the timely nature of the petition. Shared funding would be the most likely way to achieve the delivery of the route. The A27 had brought National Highways to the table providing a unique opportunity; West Sussex County Council was on board; Central Government was investing; this Council’s own draft Infrastructure Business Plan identified this as a top five priority. Ford Road was a very dangerous road; this pathway would be used for generations to come; residents wanted it; the evidence of support was clear from many other sources, but a political shove was required to get this pathway across the line. The Ford Road report had highlighted the key points and what needed to happen next. The Council’s support would reassure residents that good progress was being made. Mr Batty therefore urged Councillors to support his petition and the recommendation in the accompanying Officer’s report.

Having thanked Mr Batty for his informative presentation, the Chair then invited the Chair of the Planning Policy Committee, Councillor Bower, to make a response to the petition. He thanked Mr Batty for the petition and confirmed that he had good news to share. Councillor Bower outlined that at a meeting of the Council’s Planning Policy Committee held yesterday evening, Councillors had considered this item under the CIL Infrastructure Project Plan, and this particular project had received the green light to proceed. Although much of the funding had been identified, the project had not yet been programmed in terms of delivery; it had to be delivered by WSCC and this Council was now awaiting a response from WSCC in terms of it plans to progress this forward. Councillor Bower provided assurance that every Member of the Committee had voted in favour of this project which would come to fruition in the foreseeable future.

In inviting debate from Councillors, the first to speak was the Leader of the Council, Councillor Gunner. He thanked Mr Batty for the petition referring to the special presentation event that he had attended when he had formally received the petition in October 2021. The children who had presented the petition had talked very passionately about how dangerous Ford Road was to use as a cyclist and a pedestrian and how they wished to cycle more using this route. They were keen to hear how the Council could work to deliver this much needed route for them. To illustrate how this Council planned to work in assisting the delivery of this route, Councillor Gunner confirmed that the decision taken by the Planning Policy Committee secured commitment and support. There was also wide ranging support from many other Councils and signatories who would all engage positively to ensure the delivery of the route.

The Chair then invited Councillor Bower to propose the recommendation set out in the Officer’s accompanying report. Councillor Bower formally proposed “that the Council supports the ambition of the local community to secure a safe cycle path and footpath between Arundel and Ford”. Councillor Gunner then seconded this proposal.

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The Chair then invited questions on the petition. The Council congratulated Mr Batty on the petition and for the thorough research that accompanied it. A question was asked over the implications this proposal might have on the proposal of the cycle path up the riverbank as there was a separate proposal for this. The fear was that there could be two cycle paths from Arundel to Ford and nothing for along Ford Lane. The Director Place was invited to respond. He outlined that the two proposals were potentially mutually supportive; they had different functions with the one being considered now being principally about supporting commuters whereas the one along the river was related to a leisure route. It was anticipated that this route would come forward first as the other route was more complex with no funding resolved for it. The Director of Place felt that there was no issue of concern.

Another question asked sought confirmation as to whether this Council was signed up to the Local Cycling and Walking Infrastructure Plan known as LCWIP. The Director of Place confirmed that this Council had commissioned a separate report called The Active Travel Report [as referred to by the petitioner] which had already been considered by the Planning Policy Committee Plan and had been supported. As Councillor Bower had highlighted earlier, funding has already been identified via the CIL process and was now a matter for WSCC and National Highways to see if they wished to support additional funds. Although this Council had taken a slightly different route, it was not anticipated that this would be a restriction to securing funding from other sources.

A final question was asked which focused upon the need to look at extending this proposed route from Ford Station down to Climping, providing a complete safe route from Arundel down to Climping. The Director of Place confirmed that this was one of the routes set out in the Active Travel Report referred to earlier.

The Chair then invited debate on the petition. This saw many Councillors speaking in support of it and recognising how important this was to the residents of Arundel. This proposal fitted completely with all the Council's objectives and praise was extended to Mr Batty for his work in starting the petition. This highlighted how the community could work in partnership to achieve objectives and it was identified as an excellent model as to how a community had worked together to achieve results. Further tributes were extended to Mr Batty and Arundel Town Council for the work in producing the business case that had accompanied the petition.

The Council, then

RESOLVED

To support the ambition of the local community to secure a safe cycle path and footpath between Arundel and Ford Station.

615. MINUTES

The Minutes of the Council Meeting held on 10 November 2021 were approved by the Council as a correct record and would be signed by the Chair at the end of the meeting.

616. CHAIR'S ANNOUNCEMENTS

The Chair confirmed that it gave him the greatest of pleasure to be able to announce those in the District that had received awards in The Queen's New Year's Honours list.

The Chair offered words of congratulations to:

- Professor Ann Sutton, MBE on becoming an Officer of the Order of the British Empire for services to the Arts, which was an OBE;
- Ms Sandra Prail, who was also one of the Council's Independent Persons of the Standards Committee; who had received an MBE for services to Education;
- Mrs Mari Sharp who had received an MBE for services to the Covid-19 response;
- Mr Jeremy Fox for services to the community in Littlehampton and Mrs Alison Whitburn also for services to the community in Littlehampton, both had received The Medallists of the Order of the British Empire, a BEM.

617. URGENT MATTERS

The Chair confirmed that he wished to propose a change to the order of the agenda to bring forward Agenda Items 19 [Appointment to the Post of Chief Executive Officer -Exempt – Paragraph 1 – Information Relating to Individuals] and Item 20 Appointment to the Post of Interim Group Head of Law & Governance and Monitoring Officer – Exempt – Paragraph 1 – Information Relating to Individuals] to be considered now. This was approved by the Council via a show of hands.

Having been proposed by Councillor Bower and seconded by Councillor Edwards that the resolution to move into Exempt business be made.

The Council

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 items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

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618. APPOINTMENT TO THE POST OF CHIEF EXECUTIVE OFFICER [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO ANY INDIVIDUAL]

(In line with his Declaration of Interest made at the start of the meeting, the Interim Chief Executive left the meeting for this item).

The Interim Group Head of Corporate Support & Section 151 Officer presented this report which informed Members of the process followed by the Chief Executive's Recruitment and Selection Panel for the selection of a permanent Chief Executive.

The report was asking the Council to confirm the appointment of the Chief Executive Officer as recommended by the Recruitment and Selection Panel which had made the recommendations set out in the report following its meeting held on 22 December 2022. These recommendations were then proposed by Councillor Gunner and seconded by Councillor Pendleton.

Following a full debate covering a range of issues and statements made in support of the applicant, a request had been made that the voting on both recommendations be recorded. The recorded vote undertaken applied to both recommendations.

Those voting for the recommendations were Councillors Bicknell, Blanchard-Cooper, Bower, Buckland, Chapman, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Goodheart, Gregory, Gunner, Hamilton, Hughes, Kelly, Lury, Madeley, Northeast, Oliver-Redgate, Oppler, Pendleton, Roberts, Stainton, Staniforth, Stanley, Tilbrook, Thurston, Walsh, Warr, Worne and Yeates [35]. There were no votes against and Councillors Brooks, Coster and Dixon abstained from voting [3].

The Council

RESOLVED – That

(1) The process by which a new Chief Executive had been recruited be noted; and

(2) The appointment of James Hassett as the Chief Executive Officer for Arun District Council be confirmed.

619. APPOINTMENT TO THE POST OF INTERIM GROUP HEAD OF LAW AND GOVERNANCE AND MONITORING OFFICER [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO ANY INDIVIDUAL]

The Chief Executive presented this report confirming that the Group Head of Law & Governance and Monitoring Officer had resigned and was due to leave the Council's employment on 31 January 2022.

Due to the seniority and importance of this post, the recruitment process was comprehensive and could take months to complete. Having had initial discussions with a specialist recruitment agency and considering a selection of suitable curriculum vitae, Solomon Agutu was selected as the preferred candidate for the interim position. Members were advised that a formal recruitment process had commenced but that interim arrangements needed to be confirmed until such time as the Council was able to agree a permanent arrangement.

Councillor Gunner then proposed the recommendation in the report which was then seconded by Councillor Pendleton.

In debating the report, thanks were extended to Sameera Khan, the Group Head of Law & Governance and Monitoring Officer, for her work and support to date and she was congratulated on her promotion.

Councillors also supported the recommendation confirming that they were very happy to support this temporary arrangement.

The Council

RESOLVED

That the appointment of Solomon Agutu to the post of Interim Group Head for Law & Governance (Monitoring Officer) be confirmed in accordance with the Council's Constitution for a period of up to 5 months or until such time as the Council is able to agree a permanent arrangement for the replacement of the Monitoring Officer post.

The Council then resumed in public session.

620. AUDIT & GOVERNANCE COMMITTEE - 16 NOVEMBER 2021

The Chair of the Audit & Governance Committee, Councillor Clayden, presented the recommendations following the meeting of the Audit & Governance Committee held on 16 November 2021.

Councillor Clayden referred Members to two recommendations at Minute 432 [Arrangements for the Appointment of External Auditor] which he duly proposed. The recommendations were then seconded by Councillor Chapman.

The Council

RESOLVED – That

- (1) Opting-in to the Sector Led Body for the procurement and appointment of external auditors with effect from 2023/24 be approved; and

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- (2) The responsible Officers be authorised to opt-in to the Sector Led Body for the procurement and appointment of external auditors with effect from 2023/24.

Councillor Clayden then alerted Members to the next set of recommendations at Minute 433 [Treasury Management Mid-Year Report 2021/22] which he duly proposed. In seconding these recommendations, Councillor Chapman wished to have recorded his thanks to the Council's treasury management team for their continuing success and for protecting the financial wellbeing of the Council.

The Council

RESOLVED – That

- (1) The actual prudential and treasury indicators for 2021/22 contained in the report be approved;
- (2) The treasury management mid-year review for 2021/22 be noted;
- (3) The treasury mid-year activity for the period ended 30 September 2021, which had generated interest receipts of £225,000 (0.62%) year to date, against a budget of £332,000 (0.64%) for the full year be noted; and
- (4) The addition of Leeds and Principality Building Society to the lending list adhering to the required criteria of Category 4 be noted.

621. PLANNING POLICY COMMITTEE - 30 NOVEMBER 2021

The Chair of the Planning Policy Committee, Councillor Bower, presented the recommendations following the meeting of the Planning Policy Committee held on 30 November 2021.

Councillor Bower alerted Members to the first recommendation at Minute 480 [To 'Make' The Barnham and Eastergate Neighbourhood Development Plan (Review) 2019-2031. Councillor Bower confirmed that he needed to withdraw this item and that this was because the process of making the modified Barnham and Eastergate Neighbourhood Plan had been challenged by Judicial Review. The Council had instructed a Barrister, who had advised that it was right to accept the Developer's request not to take this item tonight as the Developers were likely to get an injunction anyway. The Monitoring Officer's advice was that Members should accept the Barrister's advice and not make the Plan tonight and this should be done without discussion.

Councillor Bower then referred Members to the next recommendation which was at Minute 481 [First Homes Policy] which he duly proposed. The recommendation was then seconded by Councillor Hughes.

The Council

RESOLVED

That the proposed approach to accommodating the Government's 'First Homes Policy' requirement, as part of the Affordable Housing tenure mix provision in Arun, as set out in Section 1.12 and Appendix 1 of the report be approved and that it should be published as an interim policy statement on the Council's web site.

622. HOUSING & WELLBEING COMMITTEE - 2 DECEMBER 2021

The Chair of the Housing & Wellbeing Committee, Councillor Pendleton, presented a recommendation following the meeting of the Housing & Wellbeing Committee held on 2 December 2021.

Councillor Pendleton alerted Members to a recommendation at Minute 490 [Housing revenue Account Business Plan 2021/22 – Annual Update] which she formally proposed with this being seconded by Councillor Gregory.

The Council

RESOLVED

That the annual update of the Housing Revenue Account Business Plan 2021/22 be noted.

623. POLICY & FINANCE COMMITTEE - 9 DECEMBER 2021

The Chair of the Policy & Finance Committee, Councillor Gunner, presented recommendations following the meeting of the Policy & Finance Committee held on 9 December 2021.

Councillor Gunner alerted Members to four recommendations at Minute 504 [Urgent Items – Levelling-Up Fund Projects] and in proposing these recommendations confirmed that he wished to make an amendment to Recommendation (5). Councillor Gunner confirmed that the wording to this amendment had been emailed to Members prior to the meeting. The wording to this amendment is as set out below:

The additional wording added to this recommendation is shown using **bold**:

Recommendation (5) - As per Part 4 – Officers Scheme of Delegation (4.3 to 4.7 refers) and under Part 7 of the Council's Constitution, delegate authority to the Director of Place and Director of Services to plan, drawdown as well as make budgetary decisions on the expenditure of external spending of Levelling Up Funds in accordance with the terms and conditions and in consultation with the Chair of the Policy and Finance Committee and Section 151 Officer; and **following the procurement process to appoint consultants (as set out in the approved heads of terms in section 2.1**

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of the report), Full Council is requested to approve authority to enter into an agreement for pre-construction services with the successful bidders for the Alexandra Theatre project and Littlehampton seafront and riverside project.

Councillor Gunner explained that this additional wording was required due to the need to make rapid progress on the Levelling Up Fund projects. The additional wording had been suggested for clarification purposes. It would ensure that all aspects of the consultant appointment were covered and included specific reference to the entering into a contract with the appointed consultant team. The wording of Recommendation 1 approved by the Policy & Finance Committee inferred this to be the case, but this additional wording made this explicit. Councillor Gunner also outlined that should the amendment not be accepted, a delay in progressing the project by a couple of months could not be avoided.

Councillor Gunner then formally proposed this amendment which was then seconded by Councillor Pendleton.

The Chair then invited debate on this amendment. Statements made saw full support for the amendment with Councillors recognising the need to be able to press on and deliver the projects. Questions were asked as to whether Members would have opportunity to be involved in the next steps of this project. The Director of Services confirmed the need to be able to appoint consultants for the pre-construction stages and the importance of keeping to Government induced project timelines. Members were reassured that continuous updates would be made to the Policy & Finance Committee and when required, recommendations would be taken to Full Council.

Having undertaken a vote on this amendment, it was declared CARRIED.

The Chair then returned to the substantive recommendations which were proposed and seconded by Councillors Gunner and Pendleton. These attracted further debate. A point was made that the supporting report and minutes referred to two different names for the project being the Regis Centre and Alexandra Theatre. In terms of the project moving forward, a request was made to either refer to the project site as the Alexandra Theatre or the renovation of the Regis Centre and not to use both names. This request was supported by other Councillors stating that the site had always been referred to as the Regis Centre including the Alexandra Theatre. In focusing upon the refurbishment of this building, further requests were made to ensure that the project would ensure to deliver a high quality finish and that the use of second rate materials that could lead to future maintenance issues be avoided. Further discussion concurred with these points where concerns were expressed over the need to replace the roof of the Regis Centre and to provide or reinstate the Alexandra Hall which would attract events and exhibitions.

The Council

RESOLVED – That

(1) The Levelling Up Fund Grant Award of £19,042,597 be accepted for improvements to the Alexandra Theatre, Bognor Regis and the public realm at Littlehampton seafront and riverside;

(2) Approved authority be given to enter into a Memorandum of Understanding/funding agreement with Central Government and approve the drawdown and expenditure of external funding and that the terms and conditions of the Memorandum of Understanding/funding agreement are to be reviewed and agreed by Legal Services in consultation with the Monitoring Officer;

(3) [Recommendation 5 in the minutes] As per Part 4 – Officers Scheme of Delegation (4.3 to 4.7 refers) and under Part 7 of the Council’s Constitution, delegate authority to the Director of Place and Director of Services to plan, drawdown as well as make budgetary decisions on the expenditure of external spending of Levelling Up Funds in accordance with the terms and conditions and in consultation with the Chair of the Policy and Finance Committee and Section 151 Officer; and following the procurement process to appoint consultants (as set out in the approved heads of terms in section 2.1 of the report), approve authority to enter into an agreement for pre-construction services with the successful bidders for the Alexandra Theatre project and Littlehampton seafront and riverside project; and

(4) Authority be given for the Policy & Finance Committee to manage and lead on the Levelling-Up Fund as part of its name key plan objectives and strategies.

624. LICENSING COMMITTEE - 10 DECEMBER 2021

The Chair of the Licensing Committee, Councillor Blanchard-Cooper, presented recommendations from the meeting of the Licensing Committee held on 10 December 2021.

Councillor Blanchard-Cooper alerted Members to the first two recommendations at Minute 523 Taxi Fares] and in proposing these recommendations he thanked Licensing Team for their work in undertaking this review. The recommendations were then seconded by Councillor Cooper.

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RESOLVED – That

- (1) The fare structure of no increase for 2022/23 be agreed, as advertised with the fare structure coming into effect on 1 April 2022; and
- (2) The approval of taxi fares be delegated to the Licensing Committee.

Councillor Blanchard-Cooper then referred Members to the next two recommendations at Minute 524 [Street Trading Designations] which he duly proposed with the recommendations then being seconded by Councillor Cooper.

The Council

RESOLVED – That

- (1) An intention to pass a resolution to vary Street Trading Designations as set out in the appendices of the report be made. This intention is made by agreeing to the advertising of the proposed Designations.
- (2) Future matters relating to Street Trading Designations, Policy and Fees be delegated to the Licensing Committee.

Councillor Blanchard-Cooper then referred Members to the last recommendation at Minute 525 [Statement of Gambling Licensing Principles 2022-2025] which he duly proposed with the recommendation then being seconded by Councillor Cooper.

The Council

RESOLVED

That the proposed Statement of Gambling Principles 2022-2025 without change be adopted.

625. MOTIONS

The Chair confirmed that Four Motions had been submitted for this meeting in line with Council Procedure Rule 15:

MOTION 1

The Chair invited the proposer of Motion 1, Councillor Coster to present his Motion.

The wording of the Motion is set out below:

REQUEST FOR PUBLICATION OF CURRENT ADMINISTRATION'S POLICIES

That Full Council notes that the current administration and Leadership has been in power with majority votes for eight months, yet in spite of having all that time to create, evaluate and present clear and specific policies for the Council to consider, no policies have been published at all. Vague high-level visions are not enough, and without specific policies and clear action plans to get on and deal with the many major issues facing the Council today, nothing will get done and the Council will continue to drift as it has done since this administration took over.

In May 2021 the Independent Group published and distributed a list of 21 district wide policy proposals. If the current administration and Leadership have any policy proposals, they are not immediately apparent. Full Council calls on the administration and Leadership to publish a list of its current and planned policy proposals, also including a proposed action plan and timescale, before the next Ordinary Council meeting so that all members may be fully aware of specific future plans for the benefit of the District.

Councillor Coster explained that his motion was asking the current conservative majority to confirm what their specific policies were in terms of the future of this Council. He confirmed that Councillors had not been informed and so they did not know what these were. Councillor Coster then read out his Motion. Having referred to a 'story', Councillor Coster outlined that no policies or plans covering the next two years had been provided. Councillor Coster questioned what these Policies were and if they would be accompanied by an action plan. Councillor Coster then referred to the Leader of the Council's speech made at the Annual Council Meeting held in May 2021 where his Group's aspirations had been confirmed, being new environmental initiatives; to help, support and enhance the District's natural environment; create leisure and tourism opportunities; and looking at health care provision across the District. Councillor Coster asked where these policies and action plans were that would deal with these issues, and he stated that other political groups needed sight of these now to appreciate the Council's direction of travel.

Councillor Coster formally proposed his Motion and urged Councillors to support it. He also requested that a recorded vote be undertaken. The Motion was seconded by Councillor Dixon [who reserved his right to speak at the end of the debate].

The Chair then invited debate. Councillors supporting this request to the Council and Conservative administration stated that it was important for the Council to have sight of a 'route map' to know what was happening and that it was also important for the electorate to know what was planned so that the administration could be judged against it. Other administrations had produced clear plans so that the delivery of these could be scrutinised. The priorities of the last administration were then read out to the meeting confirming that the previous administration had issued clear plans confirming their proposals and that this should apply to any administration allowing Members to not only have an appreciation of these plans and policies but also their timescale for delivery.

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Other Councillors spoke strongly against the Motion, and they took issue with many of the points that had been raised, explaining that many projects and schemes had been achieved under the current administration such as the successful Levelling-Up Fund projects proving that the current administration did press on with projects and did get these moving forward.

Other Councillors not in support of the Motion reminded Councillors of the current projects underway. Councillors were reminded that the Council was currently working its way through its budget process which proposed new and beneficial strategies for this District and many examples were provided to the meeting such as the Food Waste Trial and the Tree Planting Strategy providing an additional 100 trees for every Parish in the District, coinciding with the Queen's Platinum Jubilee. This proved that the current administration was delivering real benefits for the District.

Debate continued with some Councillors stating that it was important for the Council to be able to work more consultatively. It was accepted that the current administration had many good ideas, such as the new Council Vision that all Councillors were working to, but more joint working and consultation amongst Groups was required to ensure that all Councillors felt involved and had the opportunity to think about future proposals.

In response, the Leader of the Council, confirmed that he would not be supporting this motion to publish the Conservative Group's manifesto and he explained why. He referred to policies and actions of the previous coalition Liberal Democrat administration and confirmed a list of regeneration strategies; plans, policies and targets that had not been delivered. Councillor Gunner confirmed that he could not accept the point made that this was an administration that was not getting things done. Some of the key areas of delivery raised earlier in the debate were repeated especially around the economy and regeneration.

Councillor Dixon was invited to speak as seconder of the Motion. He outlined that it was the public that the Council served that needed to see the policies of the current administration and especially as his Group had published their policies in 2021 in the hope that this would have stimulated discussion, instead it had been met with a wall of silence. Councillor Dixon outlined that the Council needed to tackle the many problems that it faced, like the failing Local plan which was not viable. The Committee system had Committees with light work programmes and so what was the strategic direction for the Council? There was a major problem that needed to be addressed which was that the Government had applied its severest sanction available by putting the Council into presumption for what they assessed as failure to deliver new housing. What was the Council going to do about this and what were its plans to assist the local economy in terms of wage levels; plans for the Bognor Regis Arcade and providing a vibrant visitor economy to attract visitors.

Councillor Coster, as proposer of the Motion, reinforced what he had requested earlier in delivering the Motion.

Those voting for the Motion were Councillors Blanchard-Cooper, Coster, Dixon, Gregory, Hamilton, Lury, Oppler, Stanley, Tilbrook, Thurston, Walsh, Worne and Yeates [13]. Those voting against it were Councillors Bicknell, Bower, Caffyn, Chapman, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Goodheart, Gunner, Hughes, Kelly, Madeley, Oliver-Redgate, Pendleton, Roberts and Stainton [21]. Councillors Brooks, Buckland and Staniforth abstained from voting [3].

The motion was therefore declared NOT CARRIED.

Motion 2

The Chair invited Councillor Dixon to present his Motion. Councillor Dixon confirmed that he was proceeding with Motion 2 but would withdraw Motion 3.

The wording for Motion 2 is as set out below:

Following events at the September 2021 Full Council this Council no longer has confidence in Councillor Bower as Chairman of the Constitution Working Party.

Councillor Buckland raised a Point of Order strongly confirming his views that the content of this Motion was inappropriate and should not be treated as business of this Council. His viewpoint was that if Councillor Bower's conduct had been inappropriate at any time, then there were other methods that would deal with this matter through the Standards Committee and its procedures for Member Conduct.

The Chair invited the Chief Executive to comment. He outlined that having sought legal advice, the presumption was that Motions put forward by an Elected Member should wherever possible be accepted. The question mark was a technical one having had the Motion put forward. The legal challenge was whether the Constitution stipulated that someone could have a vote of no confidence applied to them, and the Constitution was silent on that. However, there was no other remedy within the Constitution and so the presumption to accept was taken and the Motion accepted. Councillors now had to debate and express their own opinions as to how to debate this matter.

Councillor Dixon then presented his motion explaining why it was necessary. He referred to events that had occurred at the September meeting of Full Council which he stated remained unresolved and so it was important for the public to understand what happened and why those matters remained unresolved.

Councillor Dixon then proposed his Motion which was seconded by Councillor Coster.

Councillor Dixon provided some background to his motion covering how the new Committee system had been introduced, that a new Constitution had been adopted for the new governance structure and that the Constitution Working Party had remained as a functioning Working Party to address any issues arising from the change in structure that might need reviewing. At the September Full Council meeting, Councillor Roberts

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had proposed a Motion without Notice to suspend a Council Procedure Rule which had been seconded by Councillor Bower who was also Chair of the Constitution Working Party. The purpose of this Motion without Notice had been to permanently remove the ability to rescind decisions from the Constitution. The way in which the motion had been dealt with procedurally led to a walk out from the meeting by many Members of the Council. What followed was a maladministration complaint and an independent investigation being conducted by Chichester District Council's Monitoring Officer as well as other various legal advice with associated costs. There had been tentative agreement at Leader level to reinstate the ability to rescind and to reinstate Council Procedure Rule 19.1, which should be considered at the next meeting of the Constitution Working Party. This matter remained unresolved with some injustices remaining unactioned. The maladministration complaint had since been referred to The Secretary of State to resolve. As Councillor Bower held special responsibility for the Constitution, as Chair of the Constitution Working Party, his conduct at the September Full Council meeting was under question as he should have upheld the Constitution and should have followed due process in the long term interests of the Council. The Council's Constitution made it clear that any changes to the Constitution should be firstly discussed and debated by the Working Party. This process had been bypassed at the Full Council meeting and no advance and adequate consultation had been undertaken with the Monitoring Officer in advance of the meeting. Councillor Dixon then referred to the appropriate sections of the Constitution that needed to be considered when changing any sections of the Constitution. This procedure had not been applied.

In response to some of the comments made by Councillor Dixon in delivering his motion, the Chief Executive confirmed that the processes followed had been legal.

Councillor Dixon returned to his motion referring to the investigation conducted in response to the maladministration complaint and attempted to read out the legal response he had received. This was not permitted by the Monitoring Officer.

Councillor Bower held a position of special responsibility in his role as Chair of the Constitution Working Party and failed to act in accordance with his role. He should have upheld the Constitution ensuring that any requested changes to it followed the correct constitutional process and were in the long-term interests of the Council. He did not do this, and this was why he needed to face the motion of no confidence. Councillor Dixon requested that a recorded vote be undertaken.

The Chair then invited debate. A Councillor expressed his concern at the use of the word maladministration and stated that there had been no maladministration upheld and so asked for this to be removed and retracted by the Councillor.

Councillor Dixon disputed this and refused to withdraw the statements he had made.

The Chair confirmed that he did not feel that mention of maladministration should be recorded in the minutes. A request was made by Councillor Cooper to Councillor Dixon to withdraw his Motion.

The Chair then invited debate. Councillors speaking against this motion express their strong views and sadness over the nature of it and that it was not appropriate business for the Council. Those speaking regarded the motion as shameful, spiteful, despicable and unconscionable. Members speaking strongly against the Motion supported Councillor Bower and referred to his longstanding and exceptional service to the Council covering 30 years' service to the District and the residents of Arun. Referring to the legal advice received, this had shown that the decisions made at the September Full Council meeting had been legitimate.

Having heard strong views from Councillor Buckland that this was inappropriate Council business, he formally proposed a Motion without Notice to "Move to the Vote" which was immediately seconded by Councillor Dendle.

The Chair agreed to this but returned to Councillor Coster, as seconder to the Motion, and as he had reserved his right to speak.

Councillor Coster repeated the words of Councillor Dixon in proposing the Motion reminding Members of the importance of the Constitution Working Party and the role of its Chair.

Councillor Dixon, as proposer of the Motion, referred again to the breaches that had taken place and that had not been actioned.

Those voting for the Motion were Councillors Coster, Dixon, Hamilton, Lury, Oppler, Stanley, Thurston and Walsh [8]. Those voting against were Councillors Bicknell, Bower, Buckland, Caffyn, Chapman, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Goodheart, Gunner, Hughes, Kelly, Madeley, Oliver-Redgate, Pendleton, Roberts, Stainton and Staniforth [23]. Councillors Blanchard-Cooper, Brooks, Tilbrook and Yeates abstained from voting [4].

The motion was therefore not carried.

MOTION 3

As previously confirmed by the proposer, Councillor Dixon, earlier – this Motion was withdrawn.

MOTION 4

The proposer of this Motion, Councillor Gunner confirmed that he was withdrawing this Motion.

626. GENERAL QUESTIONS FROM MEMBERS [BY ADVANCE NOTICE]

The Chair referred Councillors to the Questions from Members Schedule that had been circulated earlier in the day confirming that all questions had been submitted in line with Council Procedure Rule 14.3.

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Six questions had been submitted as bullet pointed below:

- (1) From Councillor Dixon to the Chair of the Planning Policy Committee, Councillor Bower, regarding the Arun Local Plan and Barnham and Eastergate strategic allocation and the A29 realignment;
- (2) From Councillor Dixon to the Chair of the Planning Policy Committee, Councillor Bower, regarding the Arun Local Plan and link road provision between the A259, bridging the railway at Ford and joining the A27;
- (3) From Councillor Dixon to the Chair of the Planning Policy Committee, Councillor Bower, regarding the Government placing the Council under the severest sanction available for what they assess as failure to deliver new housing;
- (4) From Councillor Dixon to the Chair of the Economy Committee, Councillor Cooper, regarding the Bognor Regis Arcade; and
- (5) From Councillor Worne to the Chair of the Constitution Working Party, Councillor Bower regarding the new governance structure and intentions to move back to a Cabinet system; and
- (6) From Councillor Stanley to the Chair of the Housing & Wellbeing Committee, Councillor Pendleton, regarding sheltered accommodation and which schemes had designated disabled parking bays and disabled toilets.

Supplementary questions and responses were asked and provided to all six questions asked.

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

627. COMMITTEE MEMBERSHIPS

The Council received and noted a verbal update from the Leader of the Council, Councillor Gunner, confirming changes to Committee Memberships as detailed below:

- Planning Committee – Councillor Chace would replace Councillor Charles;
- Planning Policy Committee – Councillor Edwards would replace Councillor Charles
- Housing & Wellbeing Committee – Councillor Madeley would replace Councillor Rhodes.

Subject to approval at the next Full Council meeting

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628. REPRESENTATION ON OUTSIDE BODIES

The Chair confirmed that there were no changes to representation on Outside Bodies for the meeting to consider.

(The meeting concluded at 10.07 pm)

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