

**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 18 SEPTEMBER 2019 AT 6.00 PM**

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

Honorary Alderman Mrs Stinchcombe and Squires were also present at the meeting.

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated:- Councillors Bicknell – Minute 203 to 206 [Part]; Councillor English – Minute 203 to 204 (Part); Councillor Mrs Pendleton – Minute 216 to 225; Councillor Bennett – Minute 203 to 218 (Part); Councillors Mrs Caffyn, Mrs Madeley, Miss Rhodes and Mrs Stainton – Minute 222 (Part) to Minute 225; Councillors Bower, Cooper, Edwards, Kelly, Oliver-Redgate and Roberts – Minute 224 (Part) to Minute 225].

203. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and officers to the Council Meeting. A special welcome was extended to Alderman Mrs Stinchcombe and Squires.

204. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Baker, Batley, C Blanchard-Cooper, Miss Needs and from Honorary Aldermen, Mrs Goad, MBE and Mrs Morrish.

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205. DECLARATIONS OF INTEREST

The Director of Place declared a Personal and Prejudicial Interest in Agenda Item 12 [Cabinet – 29 July 2019 – Minute 141 [Local Housing (Property) Company as the current Director of the Company. He confirmed that he would leave the meeting for this item.

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 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 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 Francis Oppler	WSCC
Councillor Jacky Pendleton	Middleton-on-Sea and WSCC
Councillor Vicky Rhodes	Littlehampton
Councillor Dan Purchase	WSCC
Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Matt Stanley	Bognor Regis
Councillor Samantha Staniforth	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

206. PUBLIC QUESTION TIME

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

The Chairman announced that two questions had been received. As the first questioner was not able to be present, the Committee Services Manager read out the question on their behalf. This asked the Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, if the Council could consider the implementation of Neighbourhood Wardens. It was felt that a visible presence could prevent crime and deter repeat offenders.

The Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, responded stating that the Council was aware of the various Neighbourhood Warden schemes in operation across West Sussex and the beneficial outcomes for local communities, which included increasing community guardianship, improved engagement and where required, utilising enforcement to disrupt and deter anti-social behaviour. The Council would scope and consider the viability of implementing a similar scheme in Arun.

The Chairman then invited the second questioner to ask their question. The Cabinet Member for Technical Services, Councillor Stanley, was asked if the barriers around the Felpham beach huts could be removed. The questioner also sought assurance that no similar structure would be erected without full and lawful consultation with the public.

The Cabinet Member for Technical Services, Councillor Stanley, responded stating that he appreciated and understood the frustration some residents felt due to the lack of consultation that was undertaken prior to the installation of fences around the Felpham greensward. He outlined that the fences were installed during the previous administration due to numerous complaints being received by Arun District Council regarding dog waste on the greensward. Alongside this it is also worth noting that that traces of dog waste were previously identified by laboratory analysis in the water nearby.

Since the fences have been in place cleansing officers had reported a noticeable reduction in dog waste around the greensward, and during the 'Beauty of the Beach' Felpham beach clean, which he had attended, no issues of concern or complaints had been raised. In fact, three emails of thanks had been received praising the installation of the fences.

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The Chairman then invited supplementary questions.

The second questioner asked a supplementary question stating that she would appreciate continuing some sort of dialogue with the Cabinet Member to address the issues. Councillor Stanley responded confirming that he would be happy to continue correspondence.

The Chairman then drew Public Question Time to a close.

207. PETITIONS

The Chairman confirmed that no Petitions had been received.

208. MINUTES

The Minutes of the last Full Council Meeting held on 17 July 2019 were approved by the Council as a correct record and signed by the Chairman.

209. CHAIRMAN'S ANNOUNCEMENTS

The Chairman alerted Members to the list of engagements and events that had been attended since the last Full Council meeting held on 17 July 2019 – these had been emailed to Councillors recently.

She also referred to Alderman Mrs Morrish who had been poorly recently and she asked the Council to join with her in sending her good wishes for a speedy recovery.

210. URGENT MATTERS

There were no items for this meeting.

211. DEVELOPMENT CONTROL COMMITTEE - 10 JULY 2019

The Vice-Chairman, Councillor Ms Thurston, presented the Minutes from the meeting of the Development Control Committee held on 10 July 2019.

Councillor Ms Thurston alerted Members to recommendations at Minute 93 [To Consult on the Renewal of the Butlin's Local Development Order]. The recommendations were seconded by Councillor Mrs Yeates.

The Council

RESOLVED - That

- (1) The principle of a Local Development Order for Butlins be agreed for a further 5-year period;
- (2) Delegated authority be granted to the Group Head of Planning to:
 - (a) Carry out formal public consultation on the draft renewal of the Local Development Order
 - (b) Consider the representations to the draft Butlins Local Development Order and make amendments, if necessary;
 - (c) Submit the Local Development Order to the Secretary of State for Communities and Local Government; and
 - (d) Subject to the Secretary of State for Communities and Local Government not intervening through making a direction under Section 61B(1) of the Town and Country Planning Act, the Butlins Local Development Order be adopted as soon as reasonably practicable after 1 September 2019.

212. ELECTORAL REVIEW SUB-COMMITTEE - 16 JULY 2019

The Chairman, Councillor Purchase, presented the Minutes from the meeting of the Electoral Review Sub-Committee held on 16 July 2019.

213. STANDARDS COMMITTEE - 25 JULY 2019

The Chairman, Councillor English, presented the Minutes from the meeting of the Standards Committee held on 25 July 2019.

Councillor English then drew Members' attention to a series of recommendations at Minute 127 [Local Government Ethical Standards] and which he formally proposed. It was confirmed that the minutes were incorrect in referring to these as a 'resolved' matter as they should have been recommended to the Council. The recommendations were then duly seconded by Councillor Tilbrook.

The Council

RESOLVED – That

- (1) The areas for change in the Members' Code of Conduct and the Local Assessment Procedure be agreed, as set out in Appendix 4 attached to the Minutes;
- (2) The review of the Code of Conduct should consider updating the "Principles of the Code of Conduct" against the latest wording for the Seven Principles of Public Life;

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(3) Consultation be undertaken with Town and Parish Councils in considering any areas for change; and

(4) The Group Head of Council Advice & Monitoring Officer should bring back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting, taking account of the areas for change.

214. CABINET - 29 JULY 2019

The Chairman, Councillor Dr Walsh, presented the Minutes from the meeting of the Cabinet held on 29 July 2019.

Councillor Dr Walsh drew Members' attention to the first set of recommendation at Minute 135 [Corporate Plan 2018-2022 – Quarter 4 and end of Year Performance Outturn for 1 April 2018 to 31 March 2019] which he duly proposed. The recommendations were then seconded by Councillor Oppler.

The Council

RESOLVED - That

(1) The CP11 [Household Waste Sent for Re-Use, Recycling and Composting] indicator target be increased from 40% to 50% for 2019-2020; and

(2) The CP8 [Number of new Council Homes Built or Purchased per annum] target be increased from 25 to 35 for 2019-2020.

Councillor Dr Walsh then drew Members' attention to the next recommendation at Minute 139 [Local Housing (property) Company – Trisanto].

[The Director of Place redeclared his Personal and Prejudicial Interest made at the start of the meeting and left the meeting for this item].

Councillor Dr Walsh confirmed that he was withdrawing this item explaining that further investigation needed to take place as to whether the termination of the Local Housing (Property) Company was the right decision for the Council to make.

Councillor Dr Walsh then drew Members' attention to the final recommendation at Minute 142 [Overview Select Committee – 25 June 2019 – Minutes of the meeting of the Council Tax Support Task and Finish Working Party (16 April 2019) which was asking the Council to support that the Council's Council Tax Support (the income banded scheme) be retained and unchanged for a further year. Councillor Dr Walsh proposed this recommendation which was seconded by Councillor Oppler.

Councillor Buckland confirmed that he needed to disclose to the Council that Section 106 of the Local Government Finance Act 1992 applied to him and so he would not be voting on this matter but would remain in the meeting for this item.

The Council

RESOLVED

That the Council's Council Tax Support (the income banded scheme) is retained – that is no change to the current scheme.

215. AUDIT & GOVERNANCE COMMITTEE - 30 JULY 2019

The Chairman, Councillor Mrs Erskine, presented the Minutes from the Meeting of the Audit & Governance Committee held on 30 July 2019.

Councillor Mrs Erskine alerted Members to three recommendations at Minute 150 [Treasury Management Annual Report – 2018/19] which she duly proposed. The recommendations were then seconded by Councillor Mrs Haywood.

The Council then

RESOLVED – That

- (1) the actual prudential and treasury indicators for 2018/19 contained in the report be approved;
- (2) the treasury management report for 2018/19 be noted; and
- (3) the treasury activity during 2018/19, which had generated interest receipts of £754,000 (1.25%) Budget £480,000 (1.14%) be noted.

216. DEVELOPMENT CONTROL COMMITTEE - 7 AUGUST 2019

The Vice-Chairman for the meeting, Councillor Chapman, presented the Minutes from the meeting of the Development Control Committee held on 7 August 2019.

Councillor Coster confirmed that he wished to make a Statement in accordance with Council Procedure Rule 13.2 in relation to Minute 162 [Planning Application P/30/19/OUT]. He stated that he had serious concerns as he believed that the Council had acted unlawfully in considering this planning application. Councillor Coster stated that at the meeting he had asked for an officer explanation as to why the Committee was being requested to approve the application when it had breached five important policies contained within the Local Plan. As Councillor Coster felt that he had not received a satisfactory response to the questions and concerns raised, he wished this application to be brought back to the Development Control Committee for reconsideration.

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The Chief Executive responded confirming that the Decision Notice for this application had been issued as the decision was legally binding. He further confirmed that this matter could not be debated at this meeting as the Council had, through its Constitution, delegated authority to determine this and other applications, to the Development Control Committee as confirmed at Part 3 – Responsibility for Functions, Paragraph 4.2.

Councillor Huntley confirmed that he wished to make a Statement on the same matter in accordance with Council Procedure Rule 13.2. He criticised the date of the meeting having been organised during the peak school holiday summer season which had resulted in several apologies being submitted making substitutions difficult.

The response provided by the Chief Executive outlined that the Calendar of Meetings had been set months in advance and that meetings of the Development Control Committee always took place in the month of August.

217. CABINET - 2 SEPTEMBER 2019

The Chairman, Councillor Dr Walsh, presented the Minutes from the meeting of Cabinet held on 2 September 2019, which had been circulated separately to the agenda.

218. OVERVIEW SELECT COMMITTEE - 3 SEPTEMBER 2019

The Chairman, Councillor Coster, presented the Minutes from the meeting of the Overview Select Committee held on 3 September 2019, which had been circulated separately to the agenda.

Councillor Dendle confirmed that he wished to make a Statement in accordance with Council Procedure Rule 13.2 in relation to Minute 184 [Combined Cleansing Services Contract – Review of Performance Since Award and Extension of Contract]. He referred to the discussion that had taken place at the meeting about the Council's green waste service and what methods could be introduced to boost recycling levels. He had proposed that garden waste collections should be provided to all residents without charge and it had been disappointing that his proposal had not been supported.

A response was provided confirming that the wider aspects of this approach needed to be addressed first along with other initiatives. It was emphasised that the Council faced huge challenges around West Sussex County Council's (WSCCs) approach to recycling and so it was necessary to look at all alternatives to make recycling work for the Council.

Councillor Buckland confirmed that he wished to make a Statement on the same matter in accordance with Council Procedure Rule 13.2 relating to the carbon footprint. He held the view that more work needed to be undertaken with Central Government in terms of the recycling of the batteries from electric vehicles. His other concern related the amount of electricity that was used to power up electric car batteries which he felt also needed further research as electric vehicles became more popular.

Councillor Coster, as Chairman of the Committee, raised one final point. He had become aware that during the meeting a Member of the Committee had used his mobile phone at the table to take pictures of certain Councillors which had then been published onto social media following the meeting without the consent of those Councillors. Councillor Coster made a request that the publication of such photographs be investigated to ensure that this action was not in breach of the Council's Filming and Recording of Meetings Protocol.

The Councillor responsible confirmed that he had taken the pictures so that he could engage with the public. He apologised for this action but not for intending to engage with the public.

The Chief Executive confirmed that the Council did have a Filming and Recordings of Meeting Protocol in place, and he asked Members to ensure that they complied with it.

219. DEVELOPMENT CONTROL COMMITTEE - 4 SEPTEMBER 2019

The Chairman, Councillor Bennett, presented the Minutes from the meeting of the Development Control Committee held on 4 September 2019, which had been circulated separately to the agenda.

220. CONSTITUTION WORKING PARTY - 9 SEPTEMBER 2019

The Chairman, Councillor Mrs Yeates, presented the Minutes from the meeting of the Constitution Working Party held on 9 September 2019, which had been circulated separately to the agenda.

The Chairman alerted Members to the first of a series of recommendations at Minute 5 [Constitutional Amendments – Officer Employment Rules]. Councillor Mrs Yeates outlined that this had been a major review of this section of the Constitution which had been undertaken to take account of changes to legislation since the Officer Employment Rules had been drawn up. As this part of the Constitution has not been reviewed for some years a complete re-write had been necessary to also consider best practice and Joint Negotiating Committee guidance. Councillors were advised that Appendix 1 in their second bundle of papers set out the replacement text to be adopted which would make managing staff more straight forwards from a day-to-day operational perspective. Councillor Mrs Gregory then seconded the recommendations.

The Council

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RESOLVED - That

(1) The proposed changes to the Constitution at Part 6 [Procedure Rules (Other)], Section 7 [Officer Employment Rules] as set out in the replacement text at Appendix 1, as attached to the minutes, be approved;

(2) Article 4, paragraph 2.0(o) be amended to add the words shown in bold below:

“Approving the dismissal in a disciplinary matter 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;

(3) Article 4, paragraph 2.0(p) be amended to remove the words crossed through and add the words shown in bold:

“Approving terminations of service of the Head of Paid Service (Chief Executive) in respect of early retirement and/or redundancy within the framework of restructuring proposals, and any changes to the postholder’s terms and conditions in response to a request for flexible retirement.

(4) Amend Part 4 (Officer Scheme of Delegation), Section 2 (Chief Executive and Directors), paragraph 2.0 (Chief Executive) to add a further paragraph as shown in bold to read:

a. Settlement Agreements

- i. to agree terms for Settlement Agreements up to a cost to the Council of £50,000 in consultation with the Section 151 Officer; ii. to agree terms for Settlement Agreements up to a cost to the Council of £95,000 in consultation with the Leader of the Council, Leader of the Opposition and Section 151 Officer; and iii. to submit a report to Full Council for consideration on settlements of more than £95,000.

(5) Amend Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads), paragraph 2.1 (Group Head of Corporate Support) to replace the word “Compromise” with “Settlement” in the title and text; and amend the figure of “£10,000” to read “£25,000”. To also replace the last sentence with the words “Settlements of more than £25,000 may be considered by the Chief Executive or Full Council dependent on their value as confirmed in Part 4 (Officer Scheme of Delegation, Section 2 (Chief Executive and Directors) and Article 4 (Functions of Full Council).”

(6) Amend Article 4 (Functions of Full Council) to add a further paragraph as shown in bold to read:

- a. Approving Settlement Agreements of more than £95,000.

(7) Amend Part 3 (Responsibility for Functions), paragraph 8.6 (Staff Appeals Panel) as shown crossed through and in bold below:

- a. *At the 1st bullet point* - Any financial settlement up to a limit of £25,000 for an individual claim to a compensatory payment. All financial claims relating to a regrading claim require a decision of Full

Council where a supplementary estimate is needed; and

- b. *At the 2nd bullet point* – “The non-financial terms for a confidentiality agreement or settlement agreement to settle a matter.”

(8) The Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

Councillor Mrs Yeates then referred Members to the next set of recommendations at Minute 6 [Constitutional Amendments – Part 4 (Officer Scheme of Delegation for Crime and Disorder Act 1998 and the Anti-Social Behaviour, Crime and Policing Act 2014)]. Councillor Mrs Yeates explained that Full Council approval was sought to make changes to the Constitution in respect of decision making on matters relating to the Council’s response to crime, disorder and anti-social behaviour. Currently, in her position as Cabinet Member for Community Wellbeing, she had responsibility for making all decisions on such matters. However, to facilitate the operational requirements of application and enforcement, it was proposed that responsibility for these functions and associated two legislative acts be delegated to Senior Officers, under the Council’s Officer Scheme of Delegation. In her position as Cabinet Member, this would mean that she would continue to retain responsibility for Policy decisions under the legislation.

Councillor Mrs Yeates outlined that at the Working Party a slight amendment to Recommendation (2) a) had been made to ensure that such decisions could only be made by members of staff in the Senior Management Team consisting of the Corporate Management Team and Group Heads to provide additional capacity to the Council in responding to these operational matters. Councillor Mrs Gregory then seconded the recommendations.

The Council

RESOLVED – That

The following Constitutional amendments be agreed:

(1) Part 3 (Responsibility for Functions), Section 3 (Cabinet Member Responsibilities) amend point (8) under the Cabinet Member for Community Wellbeing’s specific responsibilities to add the word shown in bold:

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- a) To make policy decisions on all matters arising from the Council's statutory responsibilities under the Crime and Disorder Act 1998 and the Anti-social behaviour, Crime and Policing Act 2014".
- (2) Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 2.0 (Chief Executive), paragraph 2.24 is amended as follows – additions are shown in bold and deletions crossed through:
 - a) Pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 power to issue Closure Notices for up to a maximum period of 48 hours and the power to delegate authority to other officers within the authority for the purpose of issuing closure notices for up to a maximum period of 48 hours. In the absence of the Chief Executive this authority is delegated to their nominees, these being members of the Senior Management Team [the Corporate Management Team and Group Heads].
 - b) Subject to 2(a), delete paragraph 3.16 at Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 3.0 (Director of Services).
 - c) Delete paragraph 3.15 at Part 4 (Officer Scheme of Delegation), Section 2, Sub-Section 3.0 (Director of Services).
- (3) Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads), paragraph 4.1 (Group Head of Community Wellbeing) is amended as follows:
 - a) Subject to 2(a), delete paragraph 4.1.2.
 - b) Insert new paragraph to read: To appoint local Business Wardens that are accredited with the Community Safety Scheme as authorised persons for the purposes of Section 63(1) of the Anti-social Behaviour Crime and Policing Act 2014.
- (4) Part 4 (Officer Scheme of Delegation), Section 3 (Group Heads) is amended as follows:
 - a) At paragraph 3.2 (Group Head of Technical Services) insert new paragraph to read: "To issue written warnings prior to issuing Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014".
 - b) Subject to 2(a), delete paragraph 3.2.10.
 - c) At paragraph 4.2 (Group Head of Residential Services) insert new paragraph to read: "To issue written warnings prior to issuing Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014".
 - d) At paragraph 4.3 (Group Head of Neighbourhood Services) insert new paragraph to read: "To issue written warnings prior to issuing

Community Protection Notices, Community Protection Notices and Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014”.

- (5) The Monitoring Officer is authorised to make further consequential changes to the Constitution arising from the implementation of recommendations 1 – 4 above.

The Chairman then referred Members to the next recommendation at Minute 7 [Arun District Council’s Members’ Allowances Scheme – Guidance] and reminded Members that at the last meeting of Full Council, a new Members’ Allowances Scheme had been approved. To meet statutory requirements, there was now a need to publish guidance on how the scheme would be administered in the Council’s Constitution at Part 9. Councillor Mrs Gregory then seconded the recommendation.

The Council

RESOLVED

That the guidance set out in the Appendices attached to these Minutes be added to Part 9 of the Constitution – Members’ Allowances.

The Chairman then alerted Members to the final two recommendations at Minute 8 [Constitutional Amendments – Part 5 – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rules. Councillor Mrs Yeates explained that approval was being sought to add a new Rule 14.3 to Section 7 of the Constitution in respect of Special Meetings to confer the Title of Honorary Alderman at Paragraph 4 (Special Council Meetings). It was outlined that there was a stipulation under Section 249 of the Local Government Act 1972, that no other business shall be conducted at such meetings. The inclusion of this new Rule would ensure just that, that Special Meetings of the Council to confer such titles would be one item meetings to allow the civic and ceremonial elements of this unique occasion to be enjoyed.

Having been seconded by Councillor Mrs Gregory, the Council

RESOLVED – That

- (1) Approval be given to a new Rule 4.3 being added at Part 5 of the Constitution – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rules to read as set out below:

SPECIAL MEETINGS TO CONFER THE TITLE OF HONORARY ALDERMAN

A Special meeting of the Council may be called by the Chief Executive in consultation with the Chairman of the Council and Political Group Leaders to consider conferring the title of Honorary Alderman on a former Councillor who meets the Council’s agreed protocol.

At such meetings, the business to be followed will be:

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- (1) Election of Chairman/Vice-Chairman [if not present]
- (2) Declarations of Interest
- (3) Conferment of the title of Honorary Alderman

As required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such a meeting.

- (2) Agree that the Group Head of Council Advice and Monitoring Officer be authorised to make any further consequential changes to the Constitution.

221. MOTIONS

The Chairman announced that three Motions had been received in accordance with Council Procedure Rules 14.1 and 14.2.

The Chairman invited the proposer of the first Motion, Councillor Dixon to present the Motion which he duly proposed. The Motion was seconded by Councillor Coster. The Motion read as follows:

Motion relating to climate change and the implications for large scale development on the coastal plain

Climate change is real. It doesn't matter whether we believe it is man-made or the end of the last ice age – climate change is happening – and quickly.

We are compelled, against our will, by government, to build 20,000 new homes on a coastal plain. As Councillors we are required to consider and determine planning applications for 20,000 new homes on this part of the coastal plain in the coming years.

Yet, here in Arun District the environmental risks are already substantial and increasing. The district is uniquely unsuitable for large scale development because it is particularly vulnerable to the risks arising from climate change, in addition to every type of flooding that already occurs in this country.

In Paleolithic times the land we now live on was under the sea. The Slindon, Norton and Aldingbourne raised beaches, roughly following the line of the A27, remind us where the beach once was. If the coastal plain was under the sea once, it can be again.

Sea levels have been rising since the end of the last ice age (approx. 11,700 years ago) and continue to do so. As sea levels rise, and extreme weather events increase, as anticipated by scientists around the world, flood risk will increase significantly, yet we have no coherent and deliverable plan or funding for effectively guaranteeing the prevention of this risk to the residents of the district.

Large scale development in an area at risk of coastal and tidal flooding, flash flooding, surface water flooding, groundwater flooding from chalk aquifers and fluvial flooding is irresponsible.

Because we live on a coastal plain the land is flat and the water table is very high. Drainage of surface and ground water to the sea is slow, even more so at times of major weather events, via a small network of rifes that are tide locked twice a day. We also have the South Downs to the north shedding water southwards towards the coastal plain and sea.

Against this background, this council believes that the Local Plan does not adequately protect new and existing communities from increasing flood risk. Therefore, we have no confidence in the Local Plan.

The Council calls on the Government to introduce a moratorium on large scale development in the Arun District whilst climate change and its potential impact on coastal plain development is properly assessed at governmental level.

The Council instructs the Chief Executive to write to the appropriate government Minister to notify him/her of this motion and to request a meeting with the Minster in order to discuss it.

We also call on local MPs to engage with the concerns raised in this motion and to assist the council in taking these concerns to Government”.

Councillor Dixon then provided the meeting with a detailed presentation outlining what the impacts would be for the District as a result of rising sea levels. His presentation also covered what the long-term implications would be in terms of large-scale development.

Councillor Dixon stated that if the coastal plain had been underwater before, then it could be again and so the protection of residents was vital. He believed that the Council's Local Plan did not adequately protect new and existing communities from increasing flood risk and due to this he held no confidence in the Council's Local Plan. He therefore urged Members to agree with his Motion requesting the Council to call on the Government to introduce a moratorium on large scale development in the District whilst the impacts of climate change on coastal plain development could be assessed. This could be achieved by the Council's Chief Executive notifying the relevant Government Minister of the Motion by requesting a meeting to discuss it. The Council's three Members of Parliament were also requested to engage with the sentiments of the Motion and to assist the Council in taking these concerns to Government.

The Chairman then invited Members to debate the Motion. The first to speak was Councillor Jones who stated that he wished to propose an amendment to the end of the third paragraph of the Motion to read as set out below – additions have been shown in **bold**:

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The Council calls on the Government to introduce a moratorium on large scale development in the Arun District whilst climate change and its potential impact on coastal plain development is properly assessed at governmental level. **“The Council also calls on the Government to, as part of this assessment, report on the terrain of the Arun District and which areas are expected to be lost as a result of rising high tide marks, increased saturation of the water table and alteration of the flood plains - with reference to global sea levels of +0.5m, +1, +2 and +3m.”**

Councillor Jones explained that he supported the Motion but felt that added pressure needed to be applied to Central Government on this topic as climate change encompassed a huge range of issues. He held concern that many of these that needed to be focused on could not be backed up by the necessary scientific studies. This was not just about climate change, rising sea levels was also a major concern. Studies could prove that sea levels could rise by half a metre or more by the end of this century as a result of pollution. This was specifically relative in the medium to short term as it could not be underestimated what the impacts for the District would be. Councillor Jones hoped that other Councils would follow Arun's stance and press Government for the appropriate data to be used when considering large scale development in the future.

Councillor Mrs Catterson then seconded the amendment.

The Chief Executive asked Councillor Dixon if he and his seconder would be happy to accept Councillor Jones' amendment being added to his Motion. Councillor Dixon confirmed that they were both happy for the amendment to be added to his Motion.

The Chairman then invited debate on the amended Motion. Councillor Ms Thurston confirmed that she wished to propose a short amendment to add a few words to the first paragraph of the Motion to read as set out below [additions have been shown in **bold**]:

Climate change is real. It doesn't matter whether we believe it is man-made or the end of the last ice age – climate change is happening – and quickly. **Earlier this year, the UK Parliament declared an Environment and Climate Emergency.**

Councillor Ms Thurston in proposing her amendment stated that she felt these words would add strength to the Motion. She felt it necessary to remind the Government of its own declaration made and that it was now duty bound to act upon it bearing in mind that it had declared a climate change emergency.

Councillor Mrs Catterson then seconded this amendment.

A Point of Order was then raised in which concerns were aired over the procedural aspects in debating and voting on this Motion.

The Chief Executive confirmed that two amendments to the Motion had now been proposed and seconded. The first amendment had been accepted by the proposer and seconder of the Motion, Councillor Dixon. If he now felt able to accept this second amendment, it would be easier for the Council to then continue to debate and then vote on the Motion, as amended.

The Chief Executive asked Councillor Dixon if he and his seconder would be happy to accept Councillor Ms Thurston's amendment being added to his Motion. Councillor Dixon confirmed that they were both happy for the amendment to be added to the Motion.

The Chairman then invited debate on the amended Motion.

Various Councillors spoke against the Motion. The point was made that at the last meeting of the Council various statements had been made on managing the coast in a changing climate. This had resulted in the Cabinet confirming that there was no intention of the Council giving up the sea defences along the Arun coastline. Requests had also been made that a stop should be put to scaremongering and frightening residents on this topic. At the same meeting, a Motion had been debated on how the Council could improve the level of sustainability of all developments in comparison to the present position and it had also been resolved that this work be carried forward through the Planning Policy Sub-Committee. This Motion was asking Councillors to declare that they had no confidence in the Council's adopted Local Plan and to agree a moratorium on large scale developments whilst instructing the Chief Executive to write to the appropriate Minister seeking a meeting. It was a fact that global warming and climate change were the direct result of population growth and it was due to this that the present arrangements for Local Plans and Neighbourhood Plans had been introduced. As population grew, more homes were needed to house residents in sustainable development. Without a National Planning Policy Framework speculative development would lead to an inability to provide homes to meet the need of the population in the locations where homes were needed. This was why the Council had a Local Plan which included specific policies on green infrastructure; natural environment; and flooding including sustainable drainage. All of these assessments had been included within the Local Plan and were well understood by the relevant organisations such as the Environment Agency. Based on this, some Councillors could not support this element of the Motion as the areas of concern raised were specifically and adequately covered in the Local Plan.

Other Councillors speaking against the Motion stated that they could not envisage Government supporting implementing a moratorium on large scale developments in the District due to the support of all three main political groups to increase rates of housebuilding to house the growing population. It was also unclear whether the moratorium would cover the number of homes for which permission had been granted and were either already in development or awaiting development. It needed to be pointed out that any delay in carrying forward agreed developments would result in rising levels of homelessness; a reduction in Section 106 contributions supporting infrastructure improvements and a reduction in income from New Homes

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Bonus. It was felt that the Motion did not address the issue of homelessness and would make that situation worse.

Those speaking in favour of the Motion could not agree with the statements just made. It was stated that the reasons for climate change such as population growth could not be accepted. One of the reasons lying behind climate change was the behaviour of people. It was accepted that housing for young people was needed. What had to be looked at was where these houses would be built – in areas where people had major concern about flooding now and in the future. The anticipated timeframe for increased sea levels was not far away. This Motion was simply asking for some breathing space so that the Council could take another look at these unpopular and contentious areas. The Motion, if accepted, need not hold up housebuilding, it was about looking at local challenges for Central Government to review.

There were some Members who expressed views for and against the Motion. It was pointed out that proposals for creating an Eco Town at Ford has been fully discussed some years ago but had not been pursued for all sorts of reasons. Much debate had taken place in agreeing housing numbers with the Council challenging these figures on two or three occasions since 2006. All these facts had been fully covered when the Council had agreed the Local Plan. The Council had a legal obligation to assess planning applications against the Local Plan. Failure to do this would lead to more planning appeals and losing controlling of the planning system.

Councillor Coster, as seconder to the Motion, confirmed that the Council should not rule out the fact that sea levels were rising and that if predictions materialised this meant a considerable rise within the next 60 years. This was why the Council had to adopt a sensible precautionary attitude in planning for this possibility to ensure that residents were protected. The Council's Local Plan was not adequately covering this threat. What was needed was a coherent and funded plan which needed to come from Central Government level. A moratorium would introduce a temporary pause allowing a proper assessment to take place about what could happen.

Councillor Dixon, as proposer of the Motion, stated that he felt that many Members had not understood it. He had presented evidence that sea levels would increase to where they had once been. Although the precise timescales were not known, this was why Government needed to look at the unique situation forming Arun's coastal community. He felt sure that it would result in the Council being recommended to not build on some levels. On the issue of providing much needed housing, he agreed that houses were needed but should only be built on what would be dry land in the future, this was the main thrust of his Motion and this was why the matter needed serious consideration by Central Government and before the Council granted planning permission for thousands of houses in areas at risk of flooding. He was simply asking the Government to assess the risk prior to the granting of planning permission.

A request had been made for a recorded vote to be taken.

Those voting for the Motion, as amended were Councillors Bennett, B Blanchard-Cooper, Brooks, Mrs Catterson, Coster, Dixon, Mrs Erskine, Goodheart, Mrs Gregory, Mrs Hamilton, Mrs Haywood, Huntley, Jones, Lury, Oliver-Redgate, Oppler, Purchase, Smith, Mrs Staniforth, Stanley, Ms Thurston, Dr Walsh, Mrs Worne and Mrs Yeates (24). Those voting against were Councillors Bicknell, Bower, Mrs Caffyn, Chapman, Charles, Clayden, Mrs Cooper, Mrs Daniells, Dendle, Edwards, Elkins, English, Gunner, Kelly, Mrs Madeley, Miss Rhodes, Roberts and Mrs Stainton (18). Councillors Buckland, Hughes, Ms Seex, Tilbrook and Mrs Warr abstained from voting.

The Motion was therefore declared CARRIED.

The Council, therefore

RESOLVED

That climate change is real. It doesn't matter whether we believe it is man-made or the end of the last ice age – climate change is happening – and quickly. Earlier this year, the UK Parliament declared an Environment and Climate Emergency.

We are compelled, against our will, by Government, to build 20,000 new homes on a coastal plain. As Councillors we are required to consider and determine planning applications for 20,000 new homes on this part of the coastal plain in the coming years.

Yet, here in Arun District the environmental risks are already substantial and increasing. The district is uniquely unsuitable for large scale development because it is particularly vulnerable to the risks arising from climate change, in addition to every type of flooding that already occurs in this country.

In Paleolithic times the land we now live on was under the sea. The Slindon, Norton and Aldingbourne raised beaches, roughly following the line of the A27, remind us where the beach once was. If the coastal plain was under the sea once, it can be again.

Sea levels have been rising since the end of the last ice age (approx. 11,700 years ago) and continue to do so. As sea levels rise, and extreme weather events increase, as anticipated by scientists around the world, flood risk will increase significantly, yet we have no coherent and deliverable plan or funding for effectively guaranteeing the prevention of this risk to the residents of the district.

Large scale development in an area at risk of coastal and tidal flooding, flash flooding, surface water flooding, groundwater flooding from chalk aquifers and fluvial flooding is irresponsible.

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Because we live on a coastal plain the land is flat and the water table is very high. Drainage of surface and ground water to the sea is slow, even more so at times of major weather events, via a small network of rife that are tide locked twice a day. We also have the South Downs to the north shedding water southwards towards the coastal plain and sea.

Against this background, this council believes that the Local Plan does not adequately protect new and existing communities from increasing flood risk. Therefore, we have no confidence in the Local Plan.

The Council calls on the Government to introduce a moratorium on large scale development in the Arun District whilst climate change and its potential impact on coastal plain development is properly assessed at governmental level. The Council also calls on the Government to, as part of this assessment, report on the terrain of the Arun District and which areas are expected to be lost as a result of rising high tide marks, increased saturation of the water table and alteration of the flood plains - with reference to global sea levels of +0.5m, +1, +2 and +3m.

The Council instructs the Chief Executive to write to the appropriate government Minister to notify him/her of this motion and to request a meeting with the Minister in order to discuss it.

We also call on local MPs to engage with the concerns raised in this motion and to assist the council in taking these concerns to Government.

The Chairman then invited Councillor B Blanchard-Cooper to present his Motion – this was Motion 2 which read:

“The Council believes that the decision by West Sussex County Council to enforce a blanket license fee for the use of tables and chairs on highways to be unfair, unjust, short sighted. This seems to have undergone no measurable research against similar charges made by other similar authorities. We request an urgent meeting with West Sussex County Council to find resolution to this punitive measure that will protect the economic future of the Arun District”.

Councillor B Blanchard-Cooper stated that West Sussex County Council's decision had been ill thought out and would be detrimental to Arun's business community. He had contacted the Leader of West Sussex County Council, the copy of the email and the response received had been circulated to the meeting. The email had asked a series of questions and raised concerns and it was hoped that the response received might have cultivated a constructive way forward. Unfortunately, a bland list of answers had been received. Councillor B Blanchard-Cooper stated that although he had been disappointed at the response received, the Cabinet Member for Highways and Infrastructure at WSCC, Councillor Elkins, had been in contact and had offered to meet to discuss the concerns listed. Based on this latest chain of events, Councillor B Blanchard-Cooper stated that he now wished to withdraw his Motion.

The Chairman then invited Councillor Bennet to present his Motion, this was Motion 3 which had been set out in the second bundle of papers issued. The Motion read:

“I make a request to change the following section of the Council's Constitution- Part 3- Responsibility for Functions-Paragraph 4.2- Development Control Committee in terms of its stipulation that no more than 2 Members can also be Cabinet Members.

This will enable Cabinet Member Substitutes to replace any member on the Development Control Committee should they not be able to attend. It will also ensure that this vitally important committee has full representation at each meeting, which will help deliver the best possible service to the community of Arun District.”

Councillor Bennett outlined that the Development Control Committee was one of the Council's most important Committees. Some of the Members on this Committee were Members who worked and so it was not always possible for them to be able to attend all meetings, sometimes apologies had to be given and at short notice. The Council's Constitution limited the number of Cabinet Members who were able to sit on the Committee to two. This made substitution arrangements difficult if the Liberal Democrat Group found that a named substitute who was also a Cabinet Member needed to substitute a Member of the Committee who was not a Cabinet Member. The Motion aimed to resolve this issue.

Councillor Oppler seconded the Motion.

In debating this Motion, Councillor Dr Walsh stated that having discussed the Motion with the Council's Monitoring Officer, he believed there some ambiguity in what was being proposed and so he therefore wished to propose an amendment to make the Motion clear. The amendment is set out below with deletions shown using ~~striketrough~~ and any additions shown in **bold**.

“I make a request to change the following section of the Council's Constitution- Part 3- Responsibility for Functions-Paragraph 4.2- Development Control Committee in terms of its stipulation that no more than 2 Members can also be Cabinet Members **and increase this figure from 2 to 4**.

This will enable Cabinet Member Substitutes to replace ~~any~~ **a relevant Group** Member on the Development Control Committee should they not be able to attend. It will also ensure that this vitally important committee has full representation at each meeting, which will help deliver the best possible service to the community of Arun District.”

Councillor Oppler, as seconder, and Councillor Bennett, as proposer to the Motion confirmed that they were happy to accept this amendment.

The Chairman then invited debate on the Motion, as amended.

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Debate saw several viewpoints being expressed. A couple of Members felt that to extend the Membership of the Committee to allow up to four Cabinet Members to be able to sit on the Committee was too big an increase and that the matter needed wider debate at the Constitution Working Party where more legal opinion could be gained.

In response, the Group Head of Council Advice & Monitoring Officer confirmed that the appropriate Regulations had been checked and this was why it had been recommended that a cap on the level of Cabinet Member attendance be added to the Motion. The further amendment in the second paragraph also ensured that the political balance of the Committee would always be maintained.

Other Members spoke in support highlighting that the most important element of the Motion was to ensure that the Committee had full representation at each meeting.

Having voted on the amendment, it was declared CARRIED.

The Council

RESOLVED – That

(1) the following section of the Council's Constitution - Part 3 - Responsibility for Functions -Paragraph 4.2 - Development Control Committee be changed in terms of its stipulation that no more than 2 Members can also be Cabinet Members and increase this figure from 2 to 3.

(2) This will enable Cabinet Member Substitutes to replace a relevant Group Member on the Development Control Committee should they not be able to attend. It will also ensure that this vitally important Committee has full representation at each meeting, which will help deliver the best possible service to the community of Arun District.

222. QUESTIONS FROM MEMBERS

The Chairman confirmed that the Questions from Members along with their responses had been circulated to the meeting and so this would be put without discussion, in line with the Constitution.

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

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

223. REVIEW OF GOVERNANCE ARRANGEMENTS

The Deputy Leader of the Council and Cabinet Member for Corporate Governance, Councillor Oppler, presented a report that sought Members' views on whether the Council should conduct a review of governance arrangements moving from the current Cabinet arrangement to a new Committee style structure. The report highlighted the scope for a review process and how this could be taken forward.

Councillor Oppler outlined his personal view that a Committee style structure did have the advantage of involving the maximum number of members in decision making and provided more opportunity for the voice of members to be heard. A review of this nature would provide an opportunity for all political groups to work together and to come up with a Committee system that would not only work for the Council but for all residents of Arun too. Having proposed the recommendations in the report, Councillor Dr Walsh then duly seconded them.

In discussing the recommendations, many Councillors welcomed the opportunity for review, though some concerns were expressed over the timeline in place for concluding this work. It was acknowledged that there was considerable work involved with a review of this nature and whether this could be achieved in time for a new Committee system to be introduced in May 2020. Concern was also expressed that the cost of undertaking and implementing this work had not been included in the report.

Despite the short timescale in place, it was hoped that the Working Party would be able to scrutinise thoroughly all the issues in determining a new decision-making process, looking at the upside and downside benefits.

Having concluded to support the recommendations in the report and the establishment of a Governance Working Party to take forward this specific task, the following membership nominations were put forward as follows:

Liberal Democrats – 4 Members – Councillors Mrs Gregory, Oppler, Stanley and Dr Walsh

Conservatives – 4 Members – Councillors Bower, Charles, Gunner and Mrs Pendleton.

Independents – 1 Member – Councillor Dixon

Green – 1 Member – Councillor Ms Thurston

Other Independents – Councillor Mrs Daniells

The Council

RESOLVED – That

- (1) A review of governance arrangements being conducted is agreed;
- (2) A Governance Working Party is established to undertake this review based on the following terms:

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Terms of reference	<p>(i) To conduct a review of the Council's governance arrangements exploring the advantages and disadvantages of moving to a Committee system.</p> <p>(ii) The review to work to the Local Government Association and Centre for Public Scrutiny's guidance "Rethinking governance – practical steps for councils considering changes to their governance arrangements" and to take account of experience in other district and borough local authorities.</p>
Size of the Working Party	<p>11 Members with seats allocated based on the political balance of the Council as follows:</p> <ul style="list-style-type: none"> • Liberal Democrats x 4 • Conservatives x 4 • Independents x 1 • Green x 1 • Labour x 0 • Other Independents x 1
Nominations to the seats	<p>Membership confirmed as follows:</p> <p>Councillors Bower, Charles, Mrs Daniells, Dixon, Mrs Gregory, Gunner, Oppler, Mrs Pendleton, Stanley, Ms Thurston and Dr Walsh</p>
Vacancies to seats	<p>To be for the relevant Group Leader to fill the vacant seat and report this for information to the next Council meeting</p>
Timescale for the work to be undertaken	<p>To consult with the Audit and Governance Committee before Full Council and by 15 January 2020</p> <p>To report back to Full Council on proposals to:</p> <ul style="list-style-type: none"> (i) Agree the formal resolution for any change to governance arrangements; and (ii) Instruct officers to take forward the work to re-design rules and procedures

(3) The Working party provides a report back to the next meeting of Full Council.

224. COMMITTEE MEMBERSHIPS

The Council received and noted the following changes in Committee Memberships:

- (1) Councillor Edwards to replace Councillor Oliver-Redgate as a Member of the Development Control Committee;
- (2) Councillor Chapman to replace Councillor Bicknell as a named substitute of the Development Control Committee;
- (3) Councillors Clayden to become a named substitute of the Development Control Committee;
- (4) Councillor Bower to replace Councillor Mrs Stainton as a Member of the Standards Committee;
- (5) Councillor Chapman to replace Councillor Mrs Madeley as a Member of the Audit & Governance Committee;
- (6) Councillor Charles to replace Councillor Dendle as a Member of the Members' IT Working Party;
- (7) Councillor Charles to replace Councillor Roberts as a Member of the Chief Executive's (CEO) Remuneration Committee;
- (8) Councillor Bicknell to now become a Member of the Housing & Customer Services and Environment & Leisure Working Groups;
- (9) Councillor B Blanchard-Cooper to replace Councillor C Blanchard- Cooper as the Vice-Chairman of the Littlehampton Regeneration Sub-Committee
- (10) Councillor Ms Thurston to now become a Member of the Housing & Customer Services and Environment & Leisure Working Group; and
- (11) The Assets of Community Value Appeals Panel is no longer required. The appeals process against a decision made under The Assets of Community Value (England) Regulations 2012 is to the First Tier Tribunal, not a Council body.

Having received permission from the Chairman, Councillor Dixon made a statement in relation to Councillor Bower's membership on the Standards Committee.

225. REPRESENTATION ON OUTSIDE BODIES

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

(The meeting concluded at 9.45 pm)