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## CABINET

20 July 2020 at 5.00 pm

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

Councillors Bennett, Bicknell, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, English, Gunner and Roberts were also in attendance for all or part of the meeting.

### 85. WELCOME

The Chairman welcomed Members, members of the public and Officers to what was the fourth virtual meeting of Cabinet. He provided a brief summary of how the meeting would be conducted and the protocol that would be followed and how any break in the proceedings due to technical difficulties would be managed.

### 86. DECLARATIONS OF INTEREST

Councillor Dr Walsh declared a Personal Interest in Agenda Item 4 [Urgent item] in respect on Pavement Licensing as a Member of West Sussex County Council as the Highway Authority.

### 87. QUESTION TIME

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

### 88. URGENT BUSINESS

The Chairman confirmed that there were three urgent items that needed to be reported.

The first related to the Residents' Satisfactory Survey for 2020 and Councillor Dr Walsh confirmed that he felt that it was important to reveal some of the results that had been received. He explained that a report would be submitted to the Overview Select Committee and Cabinet later in the year, but that he wanted to pass on the headlines in terms of what local residents thought about the area they lived in and the services received from the Council.

Councillor Dr Walsh reported three highlights from the survey as detailed below:

- Overall satisfaction levels were high with 87% of residents saying that they were either very satisfied or satisfied with their local area, compared to 80% in 2019 and against a score of 81% for the Local Government Association (LGA) survey covering all Councils.

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- Satisfaction with the overall cleanliness of the district was high with 78% of residents either very satisfied or satisfied. Waste collection and recycling scored a satisfaction rate of 91%, against a figure of 85% for 2019. This saw a significant improvement from previous results.
- Satisfaction with the Council and its Services showed 77% of residents were either very satisfied or satisfied with the quality of service provided by Arun District Council, significantly up from 66% in 2019 and against the LGA survey with a figure of 70%.

Finally, Councillor Dr Walsh confirmed that whilst the survey also highlighted areas of concern, which would be reviewed by the Council in due course, he was delighted by the overall picture which showed very encouraging improvements over the last year. He paid tribute to all Council staff who had helped to deliver these outstanding results and in particular, the Council's refuse operatives who had continued to collect household waste throughout the Covid-19 pandemic so efficiently and with very few missed collections.

The Cabinet then noted the main features reported from the verbal updated provided.

Councillor Dr Walsh then alerted Cabinet to the next urgent matter which related to the Proposed Temporary Observation Wheel at Banjo Road, Littlehampton.

The Cabinet Member for Neighbourhood Services, Councillor Mrs Staniforth introduced this item and she explained that this report proposed that the Council endorsed the temporary location of an 'observation wheel' in Littlehampton at the Banjo Road car park in the area of the coach park which was currently underutilised. Councillor Mrs Staniforth outlined that this was an exciting opportunity for the Council as this would provide an enormous boost to the local economy and other tourism businesses that were struggling as a result of Covid-19. Councillor Mrs Staniforth explained that this was an urgent report as a decision on whether to accept the observation wheel in this location had to be taken today, otherwise there was the threat that the operator would consider other suitable locations outside of the District.

The Group Head of Neighbourhood Services then presented the report and reinforced what Councillor Mrs Staniforth had said in terms of outlining this as a great opportunity for Littlehampton and the District as a whole.

The Chairman commenced debate by confirming that the report set out the precise location of the wheel and finer details surrounding its operation which if approved tonight would commence on 24 July 2020. He confirmed that he had liaised with the Directors at Harbour Park who welcomed the wheel as they believed that it would provide a natural synergy between Harbour Park and the Town's other facilities.

The Chairman then invited questions from Cabinet Members. Cabinet confirmed its overwhelming support to this new facility stating that it provided something new and exciting for holiday makers, visitors and residents along the seafront.

It was felt that the observation wheel would provide another reason for visitors to come to Littlehampton. It was also agreed that this provided another positive advert for the area confirming that the District was well and truly open for tourism business. It was also pleasing to know that the wheel had received full support from other local tourism providers and Littlehampton Town Council.

The Cabinet then invited non-Cabinet Councillors to ask questions. They too supported the new initiative and the cross-business support this new venture had received. Questions were asked as to why the wheel had not been considered for Bognor Regis. The Group Head of Neighbourhood Services confirmed that this had been considered as an option but had not been possible to pursue further due to the construction of the promenade, which was not strong enough to support the weight of the wheel. It was also confirmed that a road closure order would have been necessary to locate the wheel on the promenade in Bognor Regis and this would have not been possible to organise in view of the timescales set by the wheel's operators.

Following some further debate, the Cabinet

#### RESOLVED

That the proposal to locate an Observation Wheel for temporary location at Banjo Road car park, Littlehampton from 22 July 2020 for an operating period of 28 days commencing 24 July 2020 be approved.

The Cabinet then confirmed its decision as per Decision Notice C/004(i)/200720, a copy of which is attached to the signed copy of the minutes.

The Chairman then alerted Members to the third urgent item regarding Pavement Licensing and the street licensing of tables. This was in line with legislation that was being rushed through Parliament this week making it necessary for local authorities to make urgent preparations to administer and enforce the new pavement licensing regime. The streamlined licensing regime was intended to support businesses in the hospitality sector to manage social distancing. The Chairman then invited the Cabinet Member for Technical Services, Councillor Stanley, to introduce the report.

Councillor Stanley explained that if passed, the Business and Planning Bill proposed to make it easier for businesses serving food and drink such as restaurants, cafes and pubs to seat and serve customers outdoors to assist them in managing social distancing to control the spread of Covid-19. To do this, a set of recommendations were before Cabinet to approve to allow the Council to accept and determine applications. The Bill had been established allowing such businesses to apply for a temporary pavement licence. The process in place had been streamlined making it easier for

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businesses to obtain a licence to place temporary seating areas outside of their premises.

Councillor Stanley explained that the new temporary pavement regime would be administered by the Council and a Pavement Licensing Policy had been drafted for approval so that as soon as the legislation was passed, the Council would be in a position to assist business with the processes in place.

Councillor Stanley outlined that the Council had worked with other District and Borough Councils to agree a consistent approach and he was pleased to be able to confirm that applicants would not be charged an application fee. He extended his thanks to the Group Head of Technical Services and his team for the speedy amount of work that had been undertaken to ensure that arrangements were in place prior to the Bill's enactment.

The Group Head of Technical Services presented the highlights of the report confirming that the current situation for businesses was they had to apply for a licence to place furniture and chairs on a pavement, on a highway, to the Highway Authority which was currently West Sussex County Council (WSSCC). This process entailed a 28 days consultation period and in addition businesses needed to apply for planning consent if their application exceeded a certain number of days. To provide much needed financial boost to the hospitality economy, the application process would be streamlined with the licensing process being administered by Arun District Council in two tier Districts such as Arun. This new temporary regime would be in place until the end of September 2021 and the Group Head of Technical Services explained that a much shorter consultation period of 7 days would be in place and he outlined the processes in place in terms of how applications would be considered. In order to provide some control over the process, a draft Policy had been prepared setting out how the Council sought to administer the new temporary regime and how issues such as public safety, highway safety and the suitability and accessibility of sites would be considered. He also outlined the consultees that would be involved in the process such as Ward Councillors; Town and Parish Councils; Trade Associations, the Chamber of Commerce and the Business Improvement District as well as emergency services. The enforcement provisions were also clearly outlined.

The Chairman in inviting debate, confirmed that this had been a very quick response to the Covid-19 emergency and at a time when the gradual easing of lockdown restrictions was in place and at the beginning of the school summer holidays. He therefore very much welcomed the proposals which would be a boost to local tourism and associated businesses. These comments were echoed by other Cabinet Members.

The Director of Place confirmed that it had just been brought to his attention that due to legislative requirements and as legislation was still passing through Parliament, in order for the recommendations to allow the Council to function and undertake the required work associated with pavement licensing, some amendments to the recommendations would need to be made. He explained that the authority that was being offered by Parliament through the Bill, had only been granted to the Leaders of

Councils. To make the recommendations workable for the Council, the Leader of the Council would be required to make a clear statement confirming that he was delegating the authority given to him onto Cabinet so that Cabinet could approve the decisions required allowing the functions in operating the pavement licensing to occur when the Business and Planning Bill came into force. If accepted by the Leader of the Council, he would need to confirm this by making a statement so that the recommendations set out in the report could be amended accordingly.

Councillor Dr Walsh confirmed that as he whole heartedly supported all the recommendations, he was happy to make such a statement. He then outlined that the delegated authority given to him, as Leader of the Council, under the Business and Planning Bill, be delegated onto the whole of Cabinet and that the recommendations set out in the report be amended accordingly.

The Chairman then invited Cabinet comment. One area of concern was around those businesses who might have already paid a pavement licensing fee to WSCC and whether they would be entitled to some form of refund as a result of the new regime. The Group Head of Technical Services confirmed that this would be for any such business to raise directly with WSCC.

The Chairman then raised the issue of non-smokers sitting outside and that they should be able to enjoy outside space in a smoke and vapour free environment. The Group Head of Technical Services outlined that non-smoking areas would have to be designated.

Non-Cabinet Councillors present were then invited to ask questions. They confirmed that they welcomed this Bill passing and hoped that designated non-smoking outside space would be provided.

#### The Cabinet

##### RESOLVED – That

- (1) The Pavement Licensing Policy be adopted;
- (2) The application fee be set at zero;
- (3) The authority given to the Leader of the Council in this instance be delegated and granted to the whole of Cabinet once the legislation is enacted and passed to the Group Head of Technical Services in consultation with the Chairman of the Licensing Committee to make any required amendments to the Policy;
- (4) The authority given to the Leader of the Council in this instance be delegated and granted to the whole of Cabinet once the legislation is enacted and passed to the Group Head of Technical Services so that Cabinet has delegated authority to determine licence revocations proposed by Officers;

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(5) The authority given to the Leader of the Council in this instance be delegated onto the whole of Cabinet once the legislation is enacted and passed to the Group Head of Technical Services, to allow the Council to revoke pavement licences where the matter is considered urgent; and

(6) The authority given to the Leader of the Council in this instance be delegated onto the whole of Cabinet once the legislation is enacted and passed onto the Group Head of Technical Services allowing the determination of applications, place conditions on licences and to serve enforcement notices.

89. MINUTES

The Minutes of the Cabinet meeting held on 22 June 2020 were approved by the Cabinet as a correct record and the Chairman confirmed that he would sign the minutes as soon as practically possible.

90. BUDGET VARIATION REPORTS

There were no matters discussed.

91. SUPPLEMENTARY ESTIMATE TO DEFEND APPEALS AT MIDDLETON POULTRY FARM [M/80/19/PL]; INGLENOOK HOTEL, PAGHAM [P/58/19/PL]; AND LAND EAST OF SHRIPNEY ROAD, SHRIPNEY [BE/109/19/OUT]

The Cabinet received a report from the Group Head of Planning which sought approval of a supplementary estimate of £40,000 to be able to present a case to defend three planning appeals for major development where planning permission had been refused by the Council. The three applications had been refused by the Development Control Committee contrary to Officer recommendation and related to:

- Middleton Poultry Farm
- Inglenook Hotel, Pagham
- Shripney Road, Shripney

The Group Head of Planning explained that Officers' current appeal workload was exceptionally high and had increased significantly since May 2019. The Planning Department had limited resources to deal with appeals. In the municipal year May 2019 to May 2020, 16 out of 81 applications that had been referred to the Development Control Committee had been overturned and refused planning permission. This had resulted in 14 appeals to defend - ten current appeals as four had already been determined. It was emphasised that the department had a very limited budget for this work and that Officers could not sustain such an increase in workload within existing resources. Some of the appeals were for major development proposals and so had more significant issues to address as well as there being an increased exposure to cost awards against the Council, this was why a supplementary estimate was being sought.

In considering the report Cabinet asked various questions. The Group Head of Planning was asked why it had been confirmed that Officers would be unable to fully articulate the case for the Council, especially as they were highly skilled in planning matters. It was explained that there were several reasons why the supplementary estimate has been requested. Officers had previously articulated decisions of the Committee particularly recently and had faced comments from Members about the quality of cases made at appeal and on issues where they would have genuinely struggled to have come up with a cogent case following the debate made at the Committee. It was felt that the best solution was to seek a supplementary estimate and to source outside help on these appeals for this reason and due to the workload pressures already explained.

The Chairman then invited non-Cabinet Councillors to ask questions. Several participated and outlined concern over the workload of the Officer team and whether the Council was looking to expand the number of Officers in the Planning team to consider the number of planning applications rejected at the Development Control Committee. Questions were also asked about what would be the supplementary cap before this issue was reviewed? The Chairman responded to part of this question reminding Councillors that any voting that took place against an Officer recommendation was entirely cross party reflecting the quasi-judicial nature of the Committee. A better education and briefing of Members with each application might assist. The Group Head of Planning could not confirm that a permanent solution in terms of extra funding or posts in Planning could resolve the current issue. If this situation continued to be a trend, then this would require the need for further investigation.

Following further discussion,

The Cabinet

**RECOMMEND TO FULL COUNCIL – That**

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

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

The Cabinet confirmed its decision as per Decision Notice C/005/200720, a copy of which is attached to the signed copy of the Minutes.

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## 92. REVENUE AND CAPITAL OUTTURN EXPENDITURE 2019/20

The Deputy Leader of the Council and Cabinet Member for Corporate Support introduced the revenue and capital outturn expenditure for 2019/20 explaining that the report set out the actual performance for Capital, Housing Revenue Account and General Fund Revenue against budget for 2019/20.

It was explained that despite the early effects of the Covid-19 pandemic the Council finished the financial year with some strong financial performance. The supplementary estimates approved during the year were effectively covered by underspends in other areas and a review of unrequired earmarked reserves enabled an addition transfer to the Funding Resilience Reserve which now stands close to £6m (£5.826m).

The Financial Services Manager, before commenting on the outturn report stated that she would like to take the opportunity to update Cabinet on the latest Covid-19 grant funding position. The allocation of the third tranche of £500m had been announced on 16 July 2020 and it was pleasing to confirm that the Council would be receiving a further £264,767. This was the highest amount for all the Districts in West Sussex and had been based on Round 2 and 3 spend, population and deprivation. This made the total of non-ringfenced support £1.939m, meaning that Arun had received the highest level of grant funding out of all Districts in West Sussex.

In addition, separate compensation was anticipated for fees and charges such as car parking under the Income Loss Scheme, however, Leisure Trusts were not covered by the scheme at this stage nor were commercial and rental income.

The Financial Services Manager then reported on the Revenue and Capital outturn 2019/20 report confirming that the draft accounts for the year ended 31 March 2020 were available to view on the Council's website. The Statements were currently being audited as originally planned for approval by the Audit and Governance Committee on 30 July 2020, however, achieving this deadline was subject to significant additional risk this year mainly due to the increased uncertainty due to Covid 19 including the issues that were completely out of the Council's control like the conclusion of the audit of the West Sussex County Council pension fund.

It was outlined that if there were any material changes specially to the usable reserve balances, then a full update would be provided to the next meeting of Cabinet on 21 September 2020.

Brief updates were then provided as follows:

- **General Fund Outturn 2019/20 - Section 2** - some of the variations against individual service budgets in appendix A were due to technical accounting requirements e.g. capital and special projects which were budgeted separately. Also, the requirement to split current and past pension fund liabilities.

The variations against original budget had been summarised in table 2.4 of the report. It was outlined that it should be noted that the outturn was made up of a significant number of over and underspends against budget. The outturn was generally favourable which allowed an additional contribution of £844k (balance £5.826m) to the Funding Resilience Reserve. This reserve was set up to allow the Council a planned reduction in net expenditure due to pressures from reduced funding. This included Recycling Credits (£826k 2019/20) as well as the reset of the Business Rates.

- **Capital and Asset Management C** – the review of GF assets in 2019/20 found these assets would require significant investment to keep them to the required standard for service delivery. £390k was identified and placed in an earmarked reserve to contribute towards these works in the future.
- **Appendix D Capital Receipts** – this showed £2.815m of capital receipts at 31 March 2020 of which £1.812m related to 1 for 1s to right to buy
- Earmarked reserves of £15.768m were shown in portfolios in **Appendix E**
- The total s106 developer contributions held on deposit at 1 March 2020 was £8.544m.

The Chairman thanked the Financial Services Manager for a most comprehensive report and extended Cabinet's thanks to the entire Finance team for their superb work in looking after the Council's financial resources and during such exceptional times.

The Cabinet

RESOLVED – That

- (1) The outturn report at Appendix 1 be noted;
- (2) The revenue and capital outturn expenditure for 2019/20 be noted;
- (3) The level of balances and unused Section 106 sums at 31 March be approved;
- (4) The additional contribution of £0.844m to the Funding Resilience Reserve be noted; and
- (5) The additional £249k required to complete the Housing Revenue Account (HRA) part of the Housing service restructure in 2020/21 be noted.

The Cabinet confirmed its decision as per Decision Notice C/006/200720, a copy of which is attached to the signed copy of the Minutes.

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### 93. THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION

The Leader of the Council, Councillor Dr Walsh, outlined that this formed another update report from the Chief Executive to bring Cabinet and other Members up to date with how the Council has been dealing with the Coronavirus over recent weeks. All Members had received a weekly update from the Chief Executive and himself and these briefings had also been sent to the Council's partners.

The first part of the report was a formal record of what the Council had done. The Covid-19 Recovery Working Party had met on the 2 July to help the Cabinet consider not only the economic impact on the Council, but also its local businesses and the community, but also how it should consider the social impacts. The report provided notes made at that meeting at Item 10 and the Chairman confirmed that these would be considered as part of this item.

The Chief Executive then worked through some of the detail of the report before moving onto the notes taken from the Working Party meeting, confirming that the Working Party notes set out ideas for the recovery stage of Covid-19. The Working Party had held its first initial meetings to establish ideas and would be meeting again on 23 July 2020 to prioritise some actions and make recommendations to the next meeting of Cabinet on 21 September 2020.

The Chairman invited Cabinet debate. The positive impact from the Bognor Regis Business Improvement District (BID) and the Council in terms of the parts they had played in communicating to the business community was sighted as a real positive. The role of the business wardens was also seen as a very useful tool used when lockdown restrictions had eased and as the High Street had started to reopen. It was felt that the business wardens would continue to play a valuable role in assisting with the new requirements for all to wear face masks in shops from 24 July 2020. It was hoped that most people would adhere to these new rules. Of concern were reports that there was an upturn in aggressive behaviour towards retail staff and how accessible would the police service be in assisting retail staff experiencing difficulties in the event that shoppers were refusing to wear face coverings. It was asked if the Arun Business Partnership could offer any support to avoid a new strain being placed onto the customer/employee relationship.

The Chief Executive responded stating that there needed to be a careful balance between encouraging people to come and use the District's shops versus trying to stimulate markets. He had been in touch with the Police on a regular basis and would raise this concern. In terms of trying to support the retail sector, the Council had employed some community officers through the High Street Fund to assist with the issues raised. The main priority was to support retail in the area whilst at the same time maintaining the safety of the District.

Congratulations were passed onto the Council's housing team who had worked exceptionally hard during the pandemic and had housed 44 homeless residents at Butlins. The Council had also successfully found alternative accommodation for those concerned. The Chief Executive concurred that the work of the housing team had been excellent, and he endorsed the Council's relationship with Butlins.

The Cabinet

RESOLVED - That

- (1) The actions outlined in the report and taken to date be noted; and
- (2) The minutes from the meeting of the Covid-19 Recovery Working Party held on 2 July 2020 be noted.

94. COVID-19 RECOVERY WORKING PARTY - 2 JULY 2020

This item had been considered as part of the last item, the Council's response to the Covid 19 Pandemic Situation.

95. ITEMS PUT FORWARD BY THE OVERVIEW SELECT COMMITTEE AND WORKING GROUPS

The Chairman confirmed that there were no items to report to this meeting.

(The meeting concluded at 6.30 pm)

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