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CABINET

16 November 2020 at 5.00 pm

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

Councillors Bennett, Bicknell, Bower, Brooks, Charles, Clayden, Mrs Cooper, Cooper, Dendle, Dixon, Edwards, English, Gunner, Kelly, Mrs Pendleton, Roberts, Ms Thurston, Tilbrook and Mrs Worne were also in attendance for all or part of the meeting.

273. WELCOME

The Chairman welcomed Members, members of the public and Officers to what was the seventh 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.

274. APOLOGY FOR ABSENCE

An Apology for Absence had been received from the Cabinet Member for Neighbourhood Services, Councillor Mrs Staniforth.

275. DECLARATIONS OF INTEREST

Councillor Coster declared a Personal Interest in Agenda Items 12 [Place St Maur, Bognor Regis] and 13 [Sunken Gardens, Bognor Regis] and confirmed that he wished to make this meeting aware that prior to his role as a District Councillor he had been involved and engaged with the community in his area with regard to regeneration through the Bognor Regis Civic Society and that the understanding he gained from his experiences with the Civic Society had caused him to make comments in connection with or in accordance with these subject matters. These were Councillor Coster's views that he held at the time and so he wished to make it clear that he had an open mind regarding these items and that he would listen and consider all the relevant issues and interests presented and would then reach his decision on merit. Councillor Coster asked that this Personal Interest and Declaration be recorded in the minutes of this meeting.

276. QUESTION TIME

The Chairman confirmed that three questions had been submitted for this meeting in line with the Council's Virtual Meeting Procedure Rules amended by Full Council on 15 July 2020

Two questions related to the A27 Arundel By-Pass and all were for the Leader of the Council, Councillor Dr Walsh to respond to.

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The first question related to the recent Highways England public consultation of local affected citizens around Arundel regarding a proposed bypass, where an overwhelming 64% of respondents had been against any change or were for the "Arundel Alternative." A tiny amount supported the grey route - 7%. The remaining 29% supported other offline routes. Arun District Council had not supported the Grey route.

The questioner asked why the Council supported it now and in light of the Council's very own emergency declaration on climate change. He also asked if the Council thought that this consultation had been worthwhile in any shape or form?

Councillor Dr Walsh responded stating that he had been an advocate of an offline solution for an Arundel Bypass for many years. With all the routes considered there were clearly positives and negatives for each option, and he would have preferred that Highways England had chosen the Magenta route option. They had not and had opted instead for the Grey route. There were clearly issues with this route that Highways England need to address but now the route had been identified as the preferred route it had his support in principle.

Regarding the broader questions, this country was not yet able to abandon the need to improve its road network. That required the Government to make far reaching decisions about how it moved people, goods and services around. In terms of the consultation, he believed it was important that there had been an opportunity for everyone to express an opinion.

The questioner then asked a supplementary question which was responded to at the meeting.

The second questioner explained the situation that he now found himself in as he had exchanged contracts on a house at Avisford Grange in February 2020 and so the new announcement from HE had been devastating for him and others in a similar situation. The questioner asked how the Council would make sure residents and homeowners were going to be protected from this plan and whether the Council would stand behind residents and help them to oppose this route?

Councillor Dr Walsh responded outlining that the Council had granted outline permission for the Avisford Grange development in February 2018, before the Grey route had emerged as an option. Councillor Dr Walsh stated that he was disappointed that Highways England, in making its statement on the preferred route, had not provided greater clarity to the residents affected in terms of how they intended to mitigate the impact of the proposed road. Councillor Dr Walsh confirmed that he intended to write to the Chief Executive of Highways England to ask that they provide the questioner and other similarly affected residents on this development with clarity on what they proposed to mitigate the impact of the scheme at the earliest opportunity. A copy of the response received would be provided.

The questioner then asked a supplementary question which was responded to at the meeting.

The third and final question related to the 3D art installations in Littlehampton Town Centre approved by Littlehampton Town Council (LTC) and the Council (ADC), and the Cabinet. The questioner confirmed that she could not find reference to this in agendas or minutes and could the payment be recouped by insurance for unacceptable outcome from Artist and installer?

Councillor Dr Walsh responded outlining that this initiative was being progressed by Littlehampton Town Council and he declared his own personal interest as a Member of the Littlehampton Town Council. The Town Council was involving and consulting with Arun District Council as the scheme progressed. ADC had passed the scheme to LTC and its Policy and Finance Committee agreed on 15 June 2019 to delegate authority to its Town Clerk in consultation with the Chairman to authorise to progress phases 1 and 2 of this scheme – in view of the fact that the Chairman was also a District Council Member, that authority was also delegated to also include the Vice-Chairman of the Policy and Finance Committee in all discussions and decisions. This work resulted in a contractor being selected from three quotations and confirmation of this could be found from the September and October meetings of the Policy and Finance Committee by looking on the Town Council's web site. This was approved with no discussion and it had been noted at the October meeting with no concerns raised. The artwork had been installed and since repaired so there was no need to consider an insurance claim as the product was in place.

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

The Chairman then drew Public Question Time to a close.

277. URGENT BUSINESS - RECRUITMENT OF THE ROLE OF GROUP HEAD OF COUNCIL ADVICE AND MONITORING OFFICER (EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS)

The Chairman confirmed that there was one urgent item for this meeting to consider which related to the recruitment of the role of Group Head of Council Advice and Monitoring Officer. This was being considered as urgent as Cabinet needed to be updated on the recruitment of this key post. As this was an Exempt report, this would be considered at the end of the meeting.

278. MINUTES

The minutes from the meeting of Cabinet held on 19 October 2020 were approved as a correct by Cabinet. The Chairman confirmed that these would be signed at the earliest opportunity to him.

279. BUDGET VARIATION REPORTS

There were no matters discussed.

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

The Chairman introduced this report confirming that it provided a formal update on progress on Covid-19 related issues since the last meeting of Cabinet held on 19 October 2020. He outlined that just when some may have thought that the virus was easing, on 5 November everything changed with another National Restriction.

The Chief Executive confirmed that the Clinically Extremely Vulnerable (previously known as Shielded) response, was again being led by West Sussex County Council (WSSCC) with this Council supporting in any way necessary. Furthermore, East and West Sussex, with Kent and Brighton & Hove Councils had requested a local response to the contact part of the test and trace approach (only) by the Government which may involve the Council being involved in some way in the future.

Questions asked covered the administration of the Covid enforcement grant of £75k and the local restrictions support grant to assist those not being able to work due to having to self-isolate, an update was requested in terms of how the Council was managing this. The Chief Executive confirmed that the Council was processing grants for those that were self-isolating and that the Council had received a grant of £75k to cover enforcement or guidance for the public.

Congratulations were extended to the Council's Officers who continued to work long hours in processing the various grants for the benefit of residents and businesses as well as dealing with all aspects of the Council. It was reported that the Council's Revenues and Benefits section had to date dealt with claims totalling more than £30m in addition to the normal day job.

Other questions raised by non-Cabinet Councillors related to the work of the Greater Brighton Economic Board (GBEB) in terms of the Arundel Chord and its importance in allowing economic vitality and resilience for the Brighton mainline routes between London and Brighton as such a route would allow trains from Brighton to get to London via the south coast. They have confirmed lobbying for the Brighton man line but not for the Arundel Chord. As the Council paid to be a member of the Greater Brighton Economic Board assurance was sought that the Council continued to lobby for this vital piece of infrastructure. Reassurance was given that the Arundel Chord had been raised at virtually every meeting.

Further questions raised related to the Covid-19 current grant applications. Although the work completed to date was acknowledged it was fact that small businesses faced hard challenges and many representations were being forwarded to Ward Councillors on this issue. Was the portal now open for businesses to be able to claim small business grants and when would businesses be able to apply? Also, what were the timescales for getting applications out, it was felt that this process needed to be speeded up. It was explained that following the Government's announcement local Councils were putting together the criteria across West Sussex and that the two parts to this process would hopefully go live this week.

There was concern that some businesses were flouting lockdown rules by continuing to trade. It was confirmed that Trading Standards and Licensing Officers were continuing to look into these issues but that their work did rely upon solid information and evidence being provided.

The Cabinet

RESOLVED

That the actions taken to date be noted.

The Cabinet confirmed its decision as per Decision Notice C/027/16112020, a copy of which is attached to the signed copy of the Minutes.

281. COVID-19 RECOVERY WORKING PARTY - KEY OUTCOMES FROM CABINET

The Chairman introduced this item outlining that the Covid-19 Recovery Working Party had met on three occasions. This report provided the Officer response to some of the ideas that emerged. Councillor Dr Walsh stated that it should be noted that in the Implications section of the report, the Chief Executive had highlighted the workload for Officers as the pandemic continued, and capacity clearly remained an issue.

The Chief Executive then worked through the Appendix to the report which set out the Officer response to some of the ideas that had emerged. It had to be accepted that the high workload for Officers as the pandemic continued could not be ignored nor could the spare capacity of Officers to undertake new projects.

A specific point raised related to Theme 2 [Labour Markets, Unemployment and Skills]. The Council had supported the emergency provision of IT equipment to disadvantaged pupils and students and in recognition of this, the Cabinet had supported seeking clarification from West Sussex County Council about any plans it had to continue the supply of IT equipment to disadvantaged pupils. It was confirmed that WSCC no longer supplied old IT equipment to students and so the Council was now looking at a more local approach. An update was also provided on the recruitment of the post of Climate Change and Sustainability Manager.

A debate took place on the provision of IT equipment to disadvantaged young people where it was hoped that some sort of local scheme could be progressed. Statements were also made with regard to the agreement to seek the approval of the Council to seek a commercial buyer of the Sussex by the Sea brand where it was confirmed that the results of the debates on this subject following meetings of the two Regeneration Sub-Committees would be fed into a future meeting of Cabinet.

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Further debate focused on the Council's green agenda [Theme 5] which had been confirmed as a strategic aim of the Council and concern was expressed in terms of the remit of the new Climate Change and Sustainability Manager post in terms of the target set on green insulation and heating for homes as it had been highlighted that the theme 5(ii) was a medium priority and was not within the current remit of this new post. It was explained that the new post's ultimate task would be to form a carbon reduction plan for all of the Council's operations. It was highlighted by one Councillor that anything to with the climate emergency should not be a medium or low priority.

The Cabinet

RESOLVED

That the report be noted, and Officers instructed to proceed with each of the proposals listed in Appendix A to the report.

The Cabinet confirmed its decision as per Decision Notice C/028/16112020, a copy of which is attached to the signed copy of the Minutes.

282. BUDGET MONITORING REPORT TO 30 SEPTEMBER 2020

The Cabinet Member for Corporate Support, Councillor Oppler, introduced this report confirming that it set out the Capital, Housing Revenue and General Fund Revenue budget performance to the end of September 2020. He confirmed that the report presented some slightly better news than originally expected as the Council had now received £480k from income compensation scheme and £499k from the fourth tranche of Covid-19 grant funding. The Council had also made internal budget savings which would be made available to resource re-allocation. However, it was important to note that the Council still needed to remain cautious as it moved forward with the Pandemic as loss of income remained its greatest risk, with car parking being the most significant issue as well as the financial support to the Leisure Contractor as a result of lockdown restrictions.

The Financial Services Manager confirmed that the audit of the Council's financial statements had been completed and was ready to report into the next meeting of the Audit & Governance Committee taking place on 19 November 2020. It was positive that no changes to the outturn report considered by that Committee had been required and so this put the Council's budget for next year on a sound footing.

Following some discussion,

The Cabinet

RESOLVED – That

- (1) The report at Appendix 1 be noted; and
- (2) The actions taken to mitigate the Council's net expenditure due to the Covid-19 pandemic be noted.

The Cabinet confirmed its decision as per Decision Notice C/029/16112020, a copy of which is attached to the signed copy of the Minutes.

283. FOOD WASTE COLLECTION SERVICE TRIAL

In the absence of the Cabinet Member for Neighbourhood Services, the Chairman introduced this item stating that this Council had made a firm commitment to tackling climate change and therefore it was wholly appropriate for Cabinet to consider a report proposing a trial food waste and absorbent hygiene products collection service. Councillor Dr Walsh stated that everyone had a role to play in reducing their waste as far as possible by recycling as much as possible of what was left. It was fact that significant volumes of food were currently wasted in Arun and so this trial had been designed to test assumptions; to gauge the views of a sample of residents; and to provide valuable data which the Council could consider and use to inform future decision making.

Councillor Dr Walsh confirmed that he firmly believed that many residents would fully support the proposal for a trial as there was a growing number of environmentally conscientious residents who wanted to have the opportunity to do the right thing when it came to waste reduction and recycling. If ultimately, we can reduce the amount of food wasted and recycle as much of what is left as possible, then this would be a positive development for all concerned. This trial was a positive first step in exploring this possibility.

The Group Head of Neighbourhood Services and the Environment Services and Strategy Manager then provided further details on all aspects of the proposed trial. The key points have been summarised below:

- The Government was expected to mandate the separate collection of food waste as early as 2023
- The trial would address the fact that Arun's food waste equated to 46% of the content of total waste.
- From a 2018 modelling exercise, this collection system was the optimal collection model in terms of maximising recycling rates.
- If approved, all residents would be provided with a 240-litre residual bin as well as internal and external food waste caddies

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- Looking at operational delivery, the report set out how the trial would look and work on the ground. Collections would be made by the Council's existing cleansing contractor, Biffa.
- AHP collections would be undertaken by Medisort, the Council's existing clinical waste collection contractor.
- Throughout the trial Ward Members and the Cabinet Member including the Environment & Leisure Working Group and the appropriate new Committee will be kept fully apprised of the trial including details such as resident satisfaction and other data.
- The project timetable identified a proposed start date of March 2021
- Looking at outcomes and targets, customer satisfaction would be evaluated
- The trial would be funded by WSCC as the disposal authority who would set aside a performance improvement fund for Districts and Boroughs within the West Sussex Waste Partnership to bid for in respect of projects that would deliver improvements in recycling performance.
- The importance of compiling a well-considered communications plan was key to ensure resident engagement and understanding.

In discussing the proposed trial, Cabinet fully supported this scheme and as this was fully funded by WSCC and as the Government had an expectation for all Local authorities to meet a 50% recycling rate. It was also recognised that the collection of Food Waste could also likely become a mandatory requirement, although it was more likely that the Government would provide additional resources through "New Burdens Funding". Questions were asked about where in the District this trial would take place and as some Councillors had received representation from some of the conservation areas that might not be appropriate for such a trial. The process that would be followed once the trial area had been confirmed was explained in that there would be a period of engagement and communication with residents in the trial area. It was felt that this was an initiative that many people had been waiting for and it provided the Council with the opportunity to fully test a trial before such a scheme was enforced. This trial would be fully funded by WSCC and would address the 42% of food waste that was currently in the Council's residual waste.

A variety of questions were asked by non-Cabinet Councillors. These related to the location of the food trial and what areas should be targeted or avoided. It was outlined that it was important for the trial area chosen to have a mix of tenures to thoroughly test the scheme. Questions were asked over the cost of vehicles and whether these could be electric, or hydrogen fuelled and whether the Council had any control over the cost of bins, caddies and liners.

In response, although no assurance could be provided on the type of vehicle to be used, reassurance could be provided that the Council was actively exploring these types of options with Biffa, its current Contractor, and would seek to keep all costs for the project down to a minimum through procurement and negotiation.

The Cabinet

RESOLVED – That

- (1) Approval be given to proceed with a Food Waste and Absorbent Hygiene Products (AHP) collections trial using a '123' service at outlined in the report for a period of twelve months, commencing in March 2021;
- (2) It be noted and support given to the governance arrangements which are designed to allow the respective project teams to take all necessary decisions to successfully deliver the trial within the framework outlined in the report; and
- (3) The necessary drawing down of funding from West Sussex County Council (WSCC) and expenditure associated with Arun's delivery of the trial as outlined in the report, be approved.

The Cabinet confirmed its decision as per Decision Notice C/030/16112020, a copy of which is attached to the signed copy of the Minutes.

284. BEACH ACCESS, BOGNOR REGIS

The Cabinet Member for Technical Services, Councillor Stanley, introduced this item confirming that this administration had, for a long time, held ambition to improve access to the beach in Bognor Regis for people with mobility issues. It was explained that such a scheme could have significant benefits for the experience of disabled residents and visitors to the area and so Councillor Stanley was pleased that the Council was now able to report on the first phase of investigatory work into the options available to take this ambition forward.

The Group Head of Technical Services followed by the Engineering Services Manager provided further information. It was explained that the report identified a range of options to fulfil this aim and these were briefly outlined in terms of the different approaches considered and what the Council could and could not pursue.

Prior to inviting debate, the Chairman confirmed that he had been provided with a statement from Councillor Brooks, who had had to leave the meeting and so this was read out. This outlined that Option 7 [the Timber Piled Ramp] would be very expensive and only addressed part of the problem. The beach west of the pier in front of the old Esplanade site and Rock Gardens flats was where the shingle was regularly washed away due to the shape of the shoreline. This area already had half-buried under the shingle a lower promenade, steps and a ramp suitable for pushchairs and pneumatic tyred wheelchairs. Pneumatic wheelchairs could be provided to gauge response, this could be part of a café concession. Further consideration on using tested techniques, the area might be developed to form a protected sandy bay, permitting access for all disabilities using a lift direct to the sand. As the Council owned the adjacent land and

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car park, there was also the opportunity to add disabled toilets, cafe, and family entertainment with concessions to help with costs. The addition of showers and changing rooms alone would also attract wind surfers, scuba divers and other water sports enthusiasts. Support was therefore given to Recommendation 3) but with the addition of Option 1.

In debating the report, many comments, ideas and concerns were expressed which have been summarised below:

- There was a lot to consider and many risks, but the Council was duty bound to consider these
- Getting down to the beach was more straight forward than getting back up
- Support was given to exploring further Options 4, 5 and 7
- It would be vital to ensure that appropriate consultation would be undertaken but with the right groups of people, those that would need to use it
- There was concern over the cost and size of the ramp proposal
- What groups had been identified for the consultation
- There was concern that the Council might also have to provide a service in operating any scheme, not just the means of accessing the beach
- How would the size of the proposed ramp fit in with the local area?
- Some of the suggestion put forward were outside of the remit set for this exercise and were a matter for the wider Seafront Strategy for Bognor Regis.
- Beach friendly wheelchairs would be required
- It was essential to get people involved who experienced access difficulties so that they could contribute first hand
- Should other areas in the District be considered, why Bognor Regis?
- There were concerns expressed over the logistics and functionality, this was a difficult matter to resolve unless the Council could pursue some sort of sea water Lido.
- Should a cross-party Working Party be established to take this forward and to undertake the required consultation
- How many other locations had been considered and rejected? Other locations could be easier and more cost effective.
- The risks associated with this project were of concern – it was agreed that all options would have to be fully assessed
- Could the Council look at other areas and look at partnership opportunities?

In responding to the debate and matters raised, the Chairman reminded Councillors that at this early stage, Cabinet was being requested to endorse further investigation and the potential viability of Options 4, 5 and 7 as a means of improving access to the lower beach at Bognor Regis, the findings of which would be brought back to Cabinet or the relevant Committee to consider further with the final solution being informed by those that would use such a facility.

Following further discussion and responses from Officers,

The Cabinet

RESOLVED – That

- (1) The report be noted;
- (2) It be agreed not pursue Options 1, 2, 3, 6 or 8; and
- (3) Endorsement be given for further investigation and potential viability of Options 4, 5 and 7 as a means of improving access to the lower beach at Bognor Regis, with findings and further recommendations to be reported back to the relevant Committee.

The Cabinet confirmed its decision as per Decision Notice C/031/16112020, a copy of which is attached to the signed copy of the Minutes.

285. PLACE ST MAUR - BOGNOR REGIS

(Prior to the commencement of this item, Councillor Coster redeclared his Personal Interest made at the start of the meeting).

The Chairman confirmed that he wished to announce that the Council had been successful with its bid for £1.2m of Coast to Capital funding with the caveat that the funding is provisional subject to final checks and due diligence. This was an exciting good news item to share.

The Cabinet Member for Technical Services then introduced this report confirming that it provided an update on the Place St Maur project in Bognor Regis which aimed to deliver much needed improvements to the public realm. This was an important seafront site which had a very run-down appearance but once the enhancements would be delivered, the site would provide much wider benefits for Bognor Regis. The report also sought to make recommendations to Full Council regarding funding for the project.

Points of Order were raised in terms of whether this item contradicted a Motion approved by Full Council and whether this item should be considered by the Bognor Regis Sub-Committee rather than at Cabinet. The Chief Executive confirmed that it was necessary for the Council to continue to push the next stages of the project and in light of the successful bid received from the Coast to Capital Local Enterprise Partnership, there was a tight timescale in place to spend the funding awarded.

The Principal Landscape and Project Officer then presented the report reminding Councillors that back in March 2020, Cabinet had recommended to Full Council the approval of the draft design brief for public realm improvements at the Place St Maur; the procurement of consultants to enable the delivery of the project and the

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virement of up to £235k for this purpose and other associated project costs. It had also recommended that the enhancement proposals be prepared for public consultation. These recommendations were approved by Full Council on 22 July 2020. The funding application in the sum of £1.2 m had then been prepared with £370k of Council partnership funding and had included the delivery of public realm works at the Place St Maur as well as design concepts for a section of the Esplanade. The procurement of consultants to produce proposals had commenced via a tender on the Council's portal. The consultant would prepare concept designs for both sites and then develop final designs before preparing technical information for the construction tender process. Now that confirmation had been received that the Coast to Capital bid had been successful, it would be necessary to comply with a range of terms and conditions and enter into a funding agreement with Coast to Capital. It was proposed that approval be given for this, subject to scrutiny of the terms and conditions by Legal Services in consultation with the Monitoring Officer. It was also proposed that authority be given to draw down the external funding. The project proposal had been set out in Appendix 1 to the report defining the scope of the project; setting out objectives and deliverables. It also defined the current risks and outlined the Service Delivery Programme with key milestones, which would be used to monitor progress. It was proposed that the Project Proposal be approved to provide clear direction to the project team.

Before inviting debate, the Chairman confirmed that the confirmation received on the successful funding was very positive news. The Place St Maur site had, for a long time, looked dishevelled and unkept. This project would provide enhanced public realm to bring the enhancement of this important site forward.

The remainder of Cabinet agreed that this was stunningly good news for Bognor Regis and the wider Arun District, this was because the current state of the Place St Maur had looked appalling for many years, whilst the Council had been discussing regeneration issues. This project was greatly supported by Butlins and would ensure that what was a vital link between the seafront and the Town Centre would be enhanced. The Bognor Regis Business Improvement District (BID) had confirmed its support and it was acknowledged that the residents of Bognor Regis would be delighted to now see action being taken to refurbish this wonderful seafront location.

In considering the report, questions were asked about what plans the Council had in place to achieve good engagement with the public and in terms of the final designs. The engagement proposals planned with local stakeholders and groups were explained and in terms of how these would be taken forward considering the current Covid-19 restrictions.

Having formally thanked the Principal Landscape and Project Officer and her team for their sterling work to get this project through the investment board of Coast to Capital, the Cabinet

RESOLVED – That

- (1) The project proposal as set out at Appendix 1 be approved; and
- (2) Approval be given to the designs being presented to future Cabinet meetings.

The Cabinet also

RECOMMEND TO FULL COUNCIL – That

- (1) Approval be given to a supplementary estimate of £370k for the Place St Maur project, funded from the unallocated capital project earmarked reserve; and
- (2) Authority be given for the Council to enter into a funding agreement with Coast to Capital and approve the drawdown and expenditure of external funding, with the terms and conditions of the funding agreement to be reviewed and agreed by Legal Services in consultation with the Monitoring Officer.

The Cabinet confirmed its decision as per Decision Notice C/032/161120, a copy of which is attached to the signed copy of the Minutes.

286. SUNKEN GARDENS , BOGNOR REGIS

(Prior to the commencement of this item, Councillor Coster redeclared his Personal Interest made at the start of the meeting).

The Cabinet Member for Technical Services, Councillor Stanley, introduced this report which sets out the scope and detail of a project to refurbish the Sunken Gardens in Bognor Regis. It was outlined that this project would provide an important opportunity to improve this well-loved greenspace and would further contribute to the wider improvements in the Town.

The Principal Landscape and Project Officer was then invited to present the item. The plans in place for this project were explained to include how the Council would address anti-social behaviour issues to reverse this trend and create a destination for both locals and visitors. The proposals for the site had been set out in the appendix attached to the report. To allow the project to be delivered, Full Council would be asked to approve a supplementary estimate of £500k funded from the £316k balance of the earmarked reserve identified for unallocated project funding and essential capital maintenance.

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The points made in debating this item, focused on the fact that the Sunken Gardens were a community asset that needed to be protected as they were greatly valued by the local community and needed to be retained and enhanced. By opening the southern entrance, this would encourage more people to use the gardens and would enhance links to the seafront. Thanks, were extended to the Bognor Regis Community Gardeners who had played a vital part helping to maintain the gardens and being involved in stakeholder activities.

A Point of Order was raised and concern expressed that by considering this item the Council was contradicting a motion already approved by the Council and that this item fell under the remit of the Bognor Regis Regeneration Sub-Committee and so should not be considered by Cabinet. The Chief Executive confirmed that he had liaised with the Council's Interim Monitoring Officer and the matter could be discussed and agreed by the Cabinet, if they so wished.

Following some discussion, the Cabinet

RESOLVED

That the scope of the Sunken Gardens project be approved and that the project team progresses its delivery, subject to Full Council approval of Recommendation 2 below.

Cabinet also

RECOMMEND TO FULL COUNCIL

That approval be given to a supplementary estimate of £500k for the Sunken Garden project funded from the £316k balance of the earmarked reserve identified for unallocated project funding and essential capital maintenance and the balance of £184k which equates to a Band D equivalent Council Tax of £2.97.

The Cabinet confirmed its decision as per Decision Notice C/033/161120, a copy of which is attached to the signed copy of the Minutes.

287. KINGLEY GATE DEVELOPMENT, LITTLEHAMPTON - COMMUNITY FACILITIES AND SECTION 106 FUNDING

(Prior to the commencement of this item, Councillor Dr Walsh declared a Personal Interest as a Member of Littlehampton Town Council).

In the absence of the Cabinet Member for Neighbourhood Services, the Chairman introduced this report stating that it sought authority to draw down Section 106 contributions from the Kingley Gate development to allow for the management and maintenance of the community facilities. These facilities, which were virtually complete,

were being transferred to the Council for everyone to use including changing facilities, sports pitches, a play area and public open space.

In addition, the report sought authority to transfer a financial contribution from this development towards a community building due to be delivered by Littlehampton Town Council at Eldon Way, Wick, Littlehampton.

The Group Head of Neighbourhood Services then explained the recommendations set out in the report.

Having thanked the Officer team for their work in this project which was an excellent example of joint working with developers and Parishes,

The Cabinet

RESOLVED – That

Subject to the various Section 106 sums being received, approval be given to:

- (1) The drawing down of the following sums to fund the Council's ongoing maintenance commitments on receipt of the sums on transfer of the facilities:
 - Public open space sum £334,798, plus indexation
 - Play areas sums £24,000, plus indexation
 - Playing fields sum £24,144.00 – plus indexation
 - Changing facilities sum £16,324 – plus indexation
 - Total: £399,266 plus indexation
- (2) Additional annual revenue expenditure of up to £30,000 plus indexation in respect of the Council's maintenance commitments for the public open space areas, play area and changing facilities as outlined in Recommendation 1 above be approved. This to include the extension of an existing temporary post in the Greenspace service to use the 5% management sum; and
- (3) Approval be given to the transfer of the Community Facilities commuted sum of £263,464.37 (held by Arun District Council) to Littlehampton Town Council by way of a Deed of Agreement towards construction of the replacement community facility building known as the Keystone building at Eldon Way, Littlehampton.

The Cabinet confirmed its decision as per Decision Notice C/034/161120, a copy of which is attached to the signed copy of the Minutes.

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288. ESTABLISHMENT OF A PLANNING REVIEW WORKING PARTY

The Chairman, Councillor Dr Walsh, presented this report highlighting that it would be in the Council's best interest to respond to the Planning Review undertaken quickly when presented. Dates were being finalised and a presentation for Members would hopefully be held on 24 November 2020.

Councillor Dr Walsh outlined that as soon as the presentation had been received by Mr Hannaby, Members would need to consider his recommendations. It was felt that it would not be appropriate for the Development Control Committee to lead on this, although they would have an input. The proposal within the report was to create a small Working Party of Members in advance, so that Officers could prepare dates for these meetings and provide Members with notice. This Working Party would then report to Cabinet and Full Council.

The establishment of a cross party Working Party made up of 7 Members, in political proportionality was proposed by the Chief Executive. However, Councillor Dr Walsh believed that the Working Party would need to be slightly larger in size and so he proposed a size of 8 by putting forward an amendment to the Officer Recommendation 1 (b) to read "politically balanced and 8 in size to consist of 3 Liberal Democrats; 3 Conservative; 1 Independent and 1 Arun Independent or 1 Green...".

In debating this item, the Cabinet confirmed that it was looking forward to receiving the presentation from Hannaby Associates and agreed that this was the most sensible way forward to look at whatever may be presented. Cabinet completely understood the rationale behind the cross party Working Party as opposed to the Development Control Committee acting as lead and was interested to learn if measures would be put into place to restrict Development Control Members sitting on the Working Party, which would go against the purpose of it. Councillor Dr Wash agreed that it would not work if Members from Development Control were to be the judge and jury in their own case and that it was important for other Councillors to have the opportunity to be involved in the overview and scrutiny of the report. He confirmed that Member would be appointed to the Working Party by their respective Group Leader to ensure that Development Control duplication would not happen, although a mix of Development Control Member and other non-Development Control Members would probably be ideal, providing some planning experience to the Working Party.

Comments made by non-Cabinet Councillors were that the establishment of the Working Party was welcomed but that it had been hoped that the size of the Working Party would have been similar to that for the Covid-19 Recovery Working Party which had a much fairer balance of support. There were some Councillors who did not agree that it would be inappropriate for Development Control Members to sit on this Working Party as to exclude Councillors with extensive planning knowledge was a short-sighted move.

Following some discussion,

Cabinet

RESOLVED – That

- (1) support be given to the establishment of a Planning Review Working Party based on the following terms:
 - (a) Terms of Reference – to consider the findings and examine the recommendations from the Planning Review (when presented) so that the Council can agree which recommendations it wants to accept and establish a monitoring process to ensure that recommendations are followed through. The Working Party will report to Cabinet, who will report to Full Council;
 - (b) Size of the Working Party – the seats on this Working Party will be politically balanced and 8 in size (3/LD, 3/Cons, 1/Ind, 1/AI or 1/G).
 - (c) Nominations to the seats – to be confirmed by the relevant Group Leaders immediately if the proposal is accepted by Cabinet;
 - (d) Proposals for the allocation of seats if vacancies occur – to be for the relevant Group Leader to fill the vacant seat and report this information to the next Full Council meeting;
 - (e) Timescale for the work to be undertaken – over the next few months following receipt of the forthcoming presentation and publication of the report (establishing the Working Party now means that the Council will be ready to conduct this work speedily); and
 - (f) To report back to Cabinet as soon as possible to enable the Council to progress with any recommendations it supports.

- (2) If established, the Working Party can then:
 - (a) Review its terms of reference at its first meeting and recommend any change back to Cabinet;
 - (b) Make any recommendations to Cabinet based on the terms of reference – it will have no decision-making authority; and
 - (c) Meet in private unless it agrees that it will work to the Meeting Procedure Rules at Part 5 of the Council’s Constitution.

The Cabinet confirmed its decision as per Decision Notice C/035/161120, a copy of which is attached to the signed copy of the Minutes.

Cabinet - 16.11.20

289. EXEMPT INFORMATION

The Cabinet

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

290. RECRUITMENT OF THE ROLE OF GROUP HEAD OF COUNCIL ADVICE AND MONITORING OFFICER [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO ANY INDIVIDUAL]

The Chief Executive presented this urgent report advising Cabinet of the latest position regarding the appointment of the vacant position of Group Head of Council Advice and Monitoring Officer.

In accordance with the Constitution at Part 6 – Procedure Rules (Other) – section 7 – Officer Employment at Section 2.6 – Consultation Procedure for Appointment, it was confirmed that the Chief Executive had delegated authority to make this appointment but this report was asking Cabinet to note the latest position that the Council was in. This was to confirm that no appointment had been made and Cabinet was asked to note the Chief Executive’s approach going forward which was to seek the temporary employment of an interim Monitoring Officer from 2 December 2020, when the existing arrangement with Chichester District Council sharing their Monitoring Officer would cease and to see a permanent replacement through a recruitment agency process in the New Year.

Following discussion and debate,

The Cabinet

RESOLVED

That the outcome of the recruitment process for the vacant role of Group Head of Council Advice and Monitoring Officer be noted.

The Cabinet confirmed its decision as per Decision Notice C/026/161120, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 9.06 pm)