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## **MINUTES OF A VIRTUAL EXTRAORDINARY MEETING OF THE ARUN DISTRICT COUNCIL HELD ON 12 MAY 2021 AT 5.00 PM**

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

Honorary Aldermen Patricia Stinchcombe and Norman Dingemans were also in attendance at the meeting.

### 546. WELCOME

The Chair welcomed Councillors, representatives of the public, press and officers to this Extraordinary Meeting of the Council. She particularly extended a warm welcome to the Council's two newly elected Councillors, following the two By-Elections held on 6 May 2021, to Councillor David Chace [Brookfield Ward] and Joan English [Pevensey Ward].

Finally, the Chair welcomed the Council's Honorary Aldermen, Patricia Stinchcombe and Norman Dingemans.

### 547. TRIBUTES TO HIS ROYAL HIGHNESS, THE PRINCE PHILIP, DUKE OF EDINBURGH AND HONORARY ALDERMAN CATHERINE MORRISH

The Chair then asked the Council to pay tribute to His Royal Highness, The Prince Philip, Duke of Edinburgh, who had passed away on 9 April 2021 and to Catherine Morrish, Honorary Alderman, who had passed away on 15 March 2021, as this was the first Council meeting held following these announcements.

The Council then undertook a minute's silence to their memory.

### 548. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Batley and Andy Cooper and from Honorary Alderman, Mrs Goad, MBE.

### 549. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

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The Declaration of Interest Sheet set out below confirms those Members who had made a declaration of their personal interest as a Member of a Town or Parish Councillor or a West Sussex County Councillor, as confirmed in their Register of Interest as these declarations could apply to any of the issues to be discussed at the meeting.

<b>Name</b>	<b>Town or Parish Council or West Sussex County Council [WSSC]</b>
Councillor Tracy Baker	Littlehampton
Councillor Kenton Batley	Bognor Regis
Councillor Jamie Bennett	Rustington
Councillor Paul Bicknell	Angmering
Councillor Billy Blanchard-Cooper	Littlehampton
Councillor Jim Brooks	Bognor Regis
Councillor Ian Buckland	Littlehampton and WSSC
Councillor David Chace	Littlehampton
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington
Councillor Sandra Daniells	Bognor Regis
Councillor David Edwards	WSSC
Councillor Roger Elkins	Ferring and WSSC
Councillor Paul English	Felpham
Councillor Steve Goodheart	Bognor Regis
Councillor Pauline Gregory	Rustington
Councillor June Hamilton	Pagham
Councillor Shirley Haywood	Middleton-on-Sea
Councillor David Huntley	Pagham
Councillor Henry Jones	Bognor Regis
Councillor Martin Lury	Bersted
Councillor Claire Needs	Bognor Regis
Councillor Mike Northeast	Littlehampton
Councillor Francis Oppler	WSSC
Councillor Jacky Pendleton	Middleton-on-Sea and WSSC
Councillor Vicky Rhodes	Littlehampton
Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Samantha Staniforth	Bognor Regis
Councillor Matt Stanley	Bognor Regis
Councillor Isabel Thurston	Barnham & Eastergate
Councillor James Walsh	Littlehampton and WSSC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

550. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

No questions were asked.

551. COUNCIL MEETINGS - PROPOSALS FOR CONTINGENCY ARRANGEMENTS DURING THE COVID-19 PANDEMIC RESTRICTIONS

The Chief Executive presented this item explaining that on 7 May 2020, Government Regulations had come into force to enable Councils to hold virtual meetings for one year, providing certain conditions were met in relation to ensuring openness and public access. This had been an exception to the long-accepted interpretation of Local Government Law in relation to meetings needing to take place by attendance in a physical space by Councillors. The situation that the Council now found itself in was that there were no plans being made by the Government for the renewal of these Regulations from 7 May 2021, presenting difficulties as alternative venues to hold Council meetings in a Covid secure environment were very limited. In view of this dilemma and the need for the Council to continue to adhere to the Government's request for staff to continue to work from home up to and until 21 June 2021, the Chairman had asked the Chief Executive to convene an extraordinary meeting of the Council so that it could consider options and a contingency plan for the running of meetings for the period up to at least 21 June 2021, or such later date when the Government confirmed social distancing requirements would be completely relaxed.

The Health and Safety at Work Act 1974 placed duties on employers, and those in control of business premises, to ensure that reasonably practicable measures would be taken to ensure that premises would be safe and without risk to health. The Act also required employers to ensure the health, safety and welfare at work of all employees with the Chief Executive having final and overall responsibility for health and safety matters within the organisation. This meant that the Council now had to resolve the conflict between the requirements of the Local Government Act 1972, for physical meetings, and the requirements of Health and Safety Legislation and organisational policy in relation to attendance at places of work when that work could be carried out remotely.

The Chief Executive asked the Council to consider the options set out in the report for Full Council meetings and any Committee meetings which must transact business and which could not be arranged as Covid-safe physical meetings in compliance with the Local Government Act 1972 and the social distancing regulations. The preferred option was Option 1, which was to continue with remote/virtual meetings until at least 21 June 2021, and he asked Councillors to consider the recommendations set out in the report to include an amendment which he explained and shared to the meeting. The two recommendations being put forward have been set out below showing the amendment in bold:

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(1) In accordance with his Health and Safety responsibilities the Chief Executive recommends that the Council, **in exercise of its powers, under Section 111 of the Local Government Act 1972, and the general power of competence under Section 1 of the Localism Act 2011, continues** with virtual meetings **for advisory decisions as appropriate** (for all of the Council's meetings) **(Option 1) with the Chief Executive using his emergency powers to execute the Council's advisory decision** from 7 May 2021 through to such date **as** the Government confirms social distancing will be completely relaxed (current indications are that this is until at least 21 June 2021) to ensure the safety of Councillors, staff and the public, and

(2) Section 5 Part 5 of the Constitution: The Virtual Meeting Procedure Rules are amended at Paragraph 2.1, to provide for those Rules to prevail until further notice.

The Chief Executive then explained the amendment proposed. This was to allow all Council meetings to continue to be held virtually, but that these meetings would be held in an advisory capacity with the recommended decision then being made by the Chief Executive, in accordance with the provisions of the Officer Scheme of Delegation as set out in the Council's Constitution. It was felt that this would be enough to allow the Council to continue with its work in the next few weeks.

The Chief Executive then invited Councillors to discuss the proposals and options presented.

The first Councillor to speak was Councillor Gunner confirming that he supported the proposals and was happy to formally propose the two recommendations as amended. In doing so, he asked for confirmation that this Extraordinary Meeting of the Council had been legally called allowing the Council to make such a decision. Councillor Gunner outlined that he felt that he needed to ask this as West Sussex County Council (WSCC) had taken a different route in terms of how it would meet between now and 21 June 2021. Clarification was also sought in that any advisory decisions taken and ratified by the Chief Executive would be legally binding; and whether further information could be shared in terms of concerns raised about meetings held and decisions made by the Licensing Committee and Development Control Committee [to be called the Planning Committee from 19 May 2021].

Councillor Walsh then seconded the recommendations, as amended.

Before inviting debate, the Chief Executive confirmed that this meeting had been legally called and that WSCC, in terms of how they proposed to proceed, were in a completely different position to Arun, as they had a very large Council Chamber, making social distancing easier, and also had a larger single party in majority, both of these put together provided more flexibility in arranging physical meetings. Also, WSCC did not have any issues with staff questioning if they should be physically present in the building. The Chief Executive confirmed that he had undertaken work to firstly look at finding an alternative venue that would be large enough to host Full

Council meetings and to deal with the Council's proportionality issues. He had not been able to find a suitable venue and for the dates needed. What he could confirm was that other authorities were taking similar approaches to Arun, as this was the only option available to them. Responding to concerns raised about the Licensing and Development Control Committee meetings, Councillors needed to be aware that the issue was about risk assessment and looking at what the risk might be to the Council in terms of questioning those points. The option being presented to the Council was legally viable and doable and worked around the important position the Council was in, in terms of risk. It was proposed that meetings of the Planning Committee on 26 May 2021 and the Licensing Committee [18 June 2021] be cancelled. The Special Meeting of the Development Control Committee on 18 May 2021 could continue to proceed due to the nature of the one item planned for that agenda.

Councillor Walsh, as seconder, reminded Councillors that the country was still in a national pandemic and that the Council had a legal obligation, under Government guidelines, to ensure the health and safety of all Councillors and all of its employees, many of which had still not received a first vaccination. The recommendations achieved this by continuing with virtual meetings until restrictions were lifted on or after 21 June 2021.

Further debate saw concerns being raised at the potential cancellation of the scheduled Planning Committee on 26 May 2021, in view of the known items on that agenda, the major item being to debate the WSCC Ford Incinerator second planning application. The views of Councillors were that it was vital that this meeting should proceed and not be cancelled, and the Chief Executive was asked if the Council, as a consultee, had received dispensation from WSCC to extend the deadline for responding to the consultation. If not, the meeting needed to proceed and every effort made to make plans for this meeting to be held physically either at the Council offices, in view of the Committee's reduced membership numbers, or at another venue.

In response, Councillors were reminded of the Council's legal obligations under Health and Safety legislation to always protect Councillors and staff and to consider, as the ultimate priority, their health and wellbeing. The Council was also reminded that it was also duty bound to protect any member of the public wishing to physically attend meetings. Debate continued with some Councillors suggesting that staff should be found who would be willing to attend meetings physically, those had had received a vaccination.

Following further requests made to hold the Planning Committee on 26 May 2021 physically, the Chief Executive responded reminding Councillors of the major point being missed which was the Council's responsibility as an employer to its staff and that whilst the Government was still urging the public to work from home until 21 June 2021, the Council could not and must not insist on putting staff into a vulnerable working environment.

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Following further discussion, the Council

RESOLVED – That

(1) In accordance with his Health and Safety responsibilities the Chief Executive recommends that the Council, in exercise of its powers, under Section 111 of the Local Government Act 1972, and the general power of competence under Section 1 of the Localism Act 2011, continues with virtual meetings for advisory decisions as appropriate (for all of the Council's meetings) (Option 1) with the Chief Executive using his emergency powers to execute the Council's advisory decision from 7 May 2021 through to such date as the Government confirms social distancing will be completely relaxed (current indications are that this is until at least 21 June 2021) to ensure the safety of Councillors, staff and the public, and

(2) Section 5 Part 5 of the Constitution: The Virtual Meeting Procedure Rules are amended at Paragraph 2.1, to provide for those Rules to prevail until further notice.

(The meeting concluded at 5.45 pm)