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471

MINUTES OF A VIRTUAL MEETING OF THE ARUN DISTRICT COUNCIL HELD ON 12 MAY 2021 AT 6.00 PM

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

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

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Jones - Minute 552 to Minute 563 (part)].

552. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and officers to the meeting. She extended a special welcome to the Council's Honorary Aldermen present.

553. APOLOGIES FOR ABSENCE

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

554. REPORT FROM THE RETURNING OFFICER OF THOSE PERSONS ELECTED AS DISTRICT COUNCILLORS FOR ARUN DISTRICT COUNCIL ON 6 MAY 2021

The Council received and noted the report of the Returning Officer following the two District By-Elections held on 6 May 2021, which had been circulated separately to the agenda.

555. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

Full Council - 12.05.21

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.

Name	Town or Parish Council or West Sussex County Council [WSCC]
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 WSCC
Councillor David Chace	Littlehampton
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	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 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	WSCC
Councillor Jacky Pendleton	Middleton-on-Sea and WSCC
Councillor Vicky Rhodes	Littlehampton
Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Samantha Staniforth	Bognor Regis
Councillor Matt Stanley	Bognor Regis
Councillor Isabel Thurston	Barnham & Eastergate
Councillor James Walsh	Littlehampton and WSCC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

556. PUBLIC QUESTION TIME

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

557. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

No questions were asked.

558. PETITIONS

There were no petitions presented to this meeting.

559. MINUTES

The Minutes of the meetings of the Council held on 17 and 24 March 2021 were approved by the Council as a correct record and would be signed by the Chairman when normal office functions started again, subject to a very minor amendment being made to the minutes from 17 March 2021 at Minute 472 [Declarations of Interest] where it was pointed out by Councillor Dixon that the final declaration needed to be amended in the final sentence to remove reference to Councillor Coster and to replace his name [Dixon].

560. CHAIR'S ANNOUNCEMENTS

The Chair provided some detail behind her forthcoming Civic Service to be held on 14 May 2021 and her and the Vice-Chair's 24 hour marathon to be held in Hotham Park, Bognor Regis on 16 May 2021.

561. URGENT MATTERS - APPOINTMENT THE THE POST OF INTERIM GROUP HEAD OF CORPORATE SUPPORT AND SECTION 151 OFFICER

Having confirmed that there were no items for this meeting, the Leader of the Council, Councillor Walsh requested to speak.

Councillor Walsh made a brief statement. He confirmed that he recognised the reality that the results of the two District By-Elections held on 6 May 2021 for the Brookfield and Pevensy Wards meant for the Council which had been heightened by Councillor Staniforth leaving the Liberal Democrat Group and joining the Conservatives. This meant that the Conservatives were now the largest Group on the Council and would no doubt be wishing to put into place a new administration by next Wednesday, the date of the Annual Council Meeting. To ensure an orderly transfer as possible at that meeting on 19 May 2021, Councillor Walsh confirmed that having consulted with the Chief Executive and the Leader of the Conservative Group, he would now cancel the meeting of Cabinet scheduled for 17 May 2021 and could confirm that no Member of the Cabinet, between now and the Annual Council Meeting, would make any Individual Cabinet Member Decisions.

Full Council - 12.05.21

Councillor Walsh confirmed that he hoped that this announcement would allow the Council to deal efficiently with the business for tonight's meeting and at the Annual Meeting of the Council in the spirit of true co-operation.

In view of this announcement and the cancellation of Cabinet on 17 May 2021, the Chief Executive confirmed that there was an urgent item that now needed to be considered. This was to approve the interim appointment to the post of Group Head of Corporate Support (Section 151 Officer).

The Chief Executive summarised the report confirming that the Group Head of Corporate Support, Alan Peach, had been in post since 1 April 2017 but had firstly joined the Council in October 1982. After such long service, Alan had decided to retire and would be leaving Arun on 30 June 2021. Due to owed annual leave, Alan's last working day at Arun would be 21 May 2021.

The Council's Financial Services Manager, Carolin Martlew, had been taking part in developmental activities as part of a succession planning programme which had included undertaking many duties of the Section 151 Officer, she was currently Deputy Section 151 Officer.

The Chief Executive confirmed that the Council proposed to appoint Carolin on an interim basis for a period of between 12 to 18 months to allow her to undertake the role in its entirety and allowing her to be able to fairly compete with external applicants and to allow the Council time to organise a comprehensive recruitment and selection process for this role.

Within the Council's Constitution, at Part 6, Procedure Rules, Section 7 [Officer Employment] Section 2.0 [Recruitment and Appointment] Paragraph 2.6 it stated that any object to such an appointment needed to be made by the Leader of the Council on behalf of the Cabinet to the Chief Executive within 5 working days. The Chief Executive confirmed that no objection had been received to the proposals.

The Council was therefore being asked to:

- (1) Approve the appointment of Carolin Martlew, Arun's current Financial Services Manager, to the post of interim Group Head for Corporate Support and Section 151 Officer for a period of between 12 to 18 months, at which point a formal competitive selection process for a permanent post will apply; and
- (2) To acknowledge and formally recognise Alan Peach's long standing contribution to Arun District Council.

Councillor Gunner then confirmed that he wished to move a Motion without Notice to adjourn the meeting for a period of half an hour. This was seconded by Councillor Kelly.

In response, the Interim Monitoring Officer was asked if this could happen without providing a reason why.

The Interim Monitoring Officer confirmed that this Motion without Notice had been moved and seconded in the middle of consideration of another item and he recommended that the urgent item on the interim appointment to the post of Group Head of Corporate Support should be concluded first.

The Chairman then continued with the urgent item before the Council.

Having had the two recommendations presented to the meeting, the Council

RESOLVED – That

- (1) Approve the appointment of Carolin Martlew, Arun's current Financial Services Manager, to the post of interim Group Head for Corporate Support and Section 151 Officer for a period of between 12 to 18 months, at which point a formal competitive selection process for a permanent post will apply; and
- (2) To acknowledge and formally recognise Alan Peach's long standing contribution to Arun District Council.

The Chairman then returned to Councillor Gunner's request to adjourn the meeting for half an hour and the Interim Monitoring Officer was asked to provide advice. He sought clarification as to whether this Motion without Notice was Council Procedure Rule 15 (I) to adjourn the meeting or if this Motion without Notice related to adjourning the meeting for a short period of time, clarification was sought.

Before putting this Motion without Notice to the vote, Councillor Gunner was asked to explain why this Motion had been put.

Councillor Gunner confirmed that he wished to have a discussion with his Group following the statement that had been made by Councillor Walsh, as this had not been what he had expected and in light of this, he now needed to discuss with his Group how to proceed with this meeting in view of this fact.

A Point of Order was then raised in response as the Constitution did allow for a Motion without Notice to be put to adjourn a meeting but not to adjourn a meeting for a period of time to allow consultation with Group Members to take place. Clarification was sought.

The Chief Executive confirmed that in view of the unexpected announcement that had been made by Councillor Walsh, the requested adjournment to take a short break be permitted.

Following various Points of Order raised, the Chairman confirmed the adjournment.

Full Council - 12.05.21

The Chairman then called Councillor Gunner to speak following the adjournment to the meeting that he had requested. Councillor Gunner stated that he anticipated that it was Councillor Walsh that may have something to say and that if this was the case, he would then respond.

Councillor Walsh then repeated his statement made earlier confirming that he recognised a new reality that existed following the two District By-Elections recently held and the victory achieved by the Conservative Group and that Councillor Staniforth, following these elections, had shifted parties by joining the Conservative Group, making it the largest party in Arun. He acknowledged that this meant that the Conservative would wish to form a new administration under their leadership at the Annual Council Meeting on 19 May 2021. Councillor Walsh confirmed that he wished for an orderly transfer as possible, and to assist in achieving this and in the spirit of co-operation, he would cancel the Cabinet meeting scheduled for 17 May 2021 and would provide assurance that no Cabinet Members would make Individual Cabinet Member decisions between now and the Annual Council Meeting. Finally, he confirmed that at the beginning of next week's Annual Council Meeting he would stand down as Leader of the Council.

562. MOTIONS

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

563. TRANSITION TO COMMITTEE STYLE OF GOVERNANCE

The Chairman invited the Interim Monitoring Officer to present this item.

Councillor Roberts confirmed that he wished to propose a Motion without Notice which was:

Part A - that under Part 5, Section 1, Paragraph 15 (m) of the Constitution, that Council Procedure Rules 14.1 and 17.2 be suspended to allow consideration and voting in respect of the vote of no confidence set out in Part B of this Motion.

Part B - that this Council has no confidence in the current administration and calls for their immediate resignation.

Part C - that this Council henceforth appoints Councillor Shaun Gunner as Leader of the Council to form a new Administration.

Councillor Dendle then seconded this Motion without Notice.

The Chair invited the Interim Monitoring Officer to provide advice and to give an opinion. He confirmed that the first part of the Motion was in order but that Part B was not clear as there was no such thing as a vote of no confidence in the Constitution or clarity as to what the current administration meant. The only Motion that could validly be moved was a Motion to remove the Leader and to remove the Deputy Leader with

immediate effect. A call could not be made for their immediate resignation as they could choose not to resign.

Councillor Roberts then suggested an amendment to Part B to read “I call for the immediate resignation of the Leader and Deputy Leader of the Council”. This amended wording was challenged by the Interim Monitoring Officer who confirmed that he would be happy for the Motion to be debated, as amended, and that if the Motion was passed it had to be confirmed that it would have no effect whatsoever as it currently stood.

The amendment was then shared to the meeting – as set out below with the further amendment to Part B shown in **bold** and with deletions shown using ~~strikethrough~~:

Part A - that under Part 5, Section 1, Paragraph 15 (m) of the Constitution, that Council Procedure Rules 14.1 and 17.2 be suspended to allow consideration and voting in respect of the vote of no confidence set out in Part B of this Motion.

Part B - that this Council **resolves to remove the Leader and Deputy Leader of the Council with immediate effect** ~~has no confidence in the current administration and calls for their immediate resignation.~~

Part C - that this Council henceforth appoints Councillor Shaun Gunner as Leader of the Council to form a new Administration.

Councillor Roberts confirmed this amendment and asked to make a further amendment to Part A to read as follows:

Part A - that under Part 5, Section 1, Paragraph 15 (m) of the Constitution, that Council Procedure Rules 14.1 and 17.2 be suspended to allow consideration and voting in respect of the ~~vote of~~ **the resolution set out in Part B of this motion** ~~no confidence set out in Part B of this Motion.~~

This further amendment was confirmed by Councillor Roberts and seconded by Councillor Dendle.

The Interim Monitoring Officer sought confirmation that Councillor Gunner would accept the nomination to become the Leader of the Council under the Cabinet system which was still in force until 19 May 2021, when the new Constitution would go live and the new Committee system would take effect. Councillor Gunner confirmed that he would be happy to be nominated.

Following further explanation by the Interim Monitoring Officer, the Chair then invited debate on this Motion. This saw many Councillors speaking in support of Councillor Walsh and the dignity he had shown in delivering his statement. His many years of distinguished public service was applauded in light of what was felt by many to be an unnecessary and unpleasant further Motion. There were many Councillors who confirmed that they could in no way support this motion and requests were made for it to be withdrawn and to allow the business of the meeting to continue.

Full Council - 12.05.21

Other Councillors spoke in support of the new motion claiming that the statement made by Councillor Walsh did not fulfil what had been agreed with Councillor Gunner earlier. Councillor Gunner then confirmed his understanding of what he thought Councillor Walsh should have said stating that if Councillor Walsh could confirm these facts, then the motion would be withdrawn.

Following further debate, Councillor Roberts then confirmed that he wished to withdraw his motion.

The Chairman then returned to the item before the Council [Transition to Committee Style of Governance] and invited the Interim Monitoring Officer to present his report. It was confirmed that this was a follow up report which had been requested at the meeting of Full Council on 17 March 2021. Members were reminded that on 15 January 2020, a resolution had been passed to adopt the new Committee style form of governance from 19 May 2021. At the last Full Council meeting, it had been reported that the work to rewrite the Constitution was now complete and Councillors had been asked to confirm that it could be published, once Member briefings had taken place. Two Member briefings had taken place and so the Constitution was being brought back so that agreement for it to be published could be approved ahead of the Annual Meeting of the Council.

Councillor Walsh then formally proposed the recommendation which was then seconded by Councillor Yeates.

Following debate, in which the lack of scrutiny in the new structure was again raised as a concern, the Council

RESOLVED

That it be agreed that the Constitution be published ready for use at the Annual Council meeting on 19 May 2021.

564. DEVELOPMENT CONTROL COMMITTEE - 3 MARCH 2021

The Chair, Councillor Bennett, presented the Minutes from the meeting of the Development Control Committee held on 3 March 2021.

565. LITTLEHAMPTON REGENERATION SUB-COMMITTEE - 11 MARCH 2021

The Chair, Councillor Seex, presented the minutes from the meeting of the Littlehampton Regeneration Sub-Committee held on 11 March 2021.

Councillor Seex referred Members to a recommendation at Minute 21 [Seafront Regeneration Report] which she duly proposed. The recommendation was then seconded by Cllr Walsh.

The Council

RESOLVED – That

- (1) The development of projects be supported, including possible bids for funding to the Levelling-Up Fund, for new green and beach links, improvements to the Promenade and secondly the creation of a vision for the redevelopment of the Harbour Park and Windmill area, exploring options for the provision of cinema/theatre in the Town;
- (2) The engagement with any leaseholders be supported; and
- (3) A progress report be submitted to the Economic Committee.

566. HOUSING & CUSTOMER SERVICES WORKING GROUP - 16 MARCH 2021

The Chair, Councillor Bennett, presented the minutes from the Housing & Customer Services Working Group held on 16 March 2021.

As this had been the last meeting of this Working Group ahead of the move to the new Committee structure on 19 May 2021, Councillor Bennett confirmed that he wished to thank his Vice-Chair, Councillor Pendleton, and his Committee Manager, Carley Lavender and all other Officers for their hard work over the last couple of years.

567. CABINET - 22 MARCH 2021

The Chairman, Councillor Dr Walsh, presented the Minutes from the meeting of Cabinet held on 19 October 2020.

Councillor Walsh alerted Councillors to recommendations at Minute 495 [Options to Progress Webcast Improvement Project] and confirmed that in view of the amendment made by Cabinet to the recommendations that a supplementary estimate in the sum of £40k was being requested, that this equated to a Band D equivalent of Council Tax of £0.64p. Councillor Walsh then formally proposed the recommendations which were then seconded by Councillor Stanley.

In debating this item, many Councillors confirmed that they could still not support these proposals and could not justify the Council spending this money. They felt that this project required further review with the current proposals not representing value for money.

Following debate, the Council

RESOLVED – That

- (1) Approval is not given to fund those items listed in Table A of the report amounting to £40,000 for the one-off project cost for the webcasting hardware installation;

Full Council - 12.05.21

(2) The proposed action to purchase the hardware required to facilitate hybrid meetings is not noted; and

(3) Approval is not given to the additional on-going revenue costs for annual maintenance and broadband subscription of £21k per annum to be included in the Budget for 2021/22.

Councillor Walsh then referred Members to the next recommendation at Minute 497 [Anti-Graffiti Systems Ltd – Trading as AGS One – Admissions Agreement to Local Government Pension Scheme]. In duly proposing this item, Councillor Walsh explained that this was a technical necessity with the Council being required to act as guarantor in respect of any and all pension liabilities which might arise through the term of the Pest Control Contract. Councillor Oppler then proposed the recommendation.

The Council

RESOLVED

That the Council acts as a guarantor in respect of any and all pension liabilities which may arise through the term of the Pest Control Contract and delegated authority be given to Legal Services to enter into the Admission Agreement and Guarantee.

(Prior to the vote being undertaken on this item, Councillor Walsh declared a Personal Interest as he was a Trustee of the West Sussex Pension Scheme in his capacity as a West Sussex County Councillor).

568. OVERVIEW SELECT COMMITTEE - 23 MARCH 2021

Prior to the commencement of this item, Councillor English confirmed that he wished to have noted his thanks to Councillor Northeast for being an excellent Chairman to this Committee. Other Councillors supported these sentiments.

The Chair, Councillor Northeast, then presented the minutes from the Overview Select Committee held on 23 March 2021.

569. ENVIRONMENT & LEISURE WORKING GROUP - 25 MARCH 2021

The Chair, Councillor Warr, presented the minutes from the Environment & Leisure Working Group held on 25 March 2021.

Various statements were then made in accordance with Council Procedure Rule 13,2 by Councillor Brooks and Goodheart in relation to Minute 32 [Place St Maur] and by Councillor Gunner in relation to Minute 30 [Southern Water].

570. DEVELOPMENT CONTROL COMMITTEE - 31 MARCH 2021

The Chair, Councillor Bennett, presented the minutes from the Development Control Committee held on 31 March 2021.

571. DEVELOPMENT CONTROL COMMITTEE - 28 APRIL 2021

The Chair, Councillor Bennett, presented the minutes from the Development Control Committee held on 28 April 2021, which had been circulated separately to the agenda as a supplement on 10 May 2021.

572. QUESTIONS FROM MEMBERS

The Chair confirmed that no questions had been submitted by Members in line with the Council's Constitution.

573. COMMITTEE MEMBERSHIPS

The Council noted the following changes in Committee Memberships:

The membership to the Levelling-Up Fund Working Party was confirmed as:

Councillors Walsh [Chair]
Edwards [Vice-Chair]
Andy Cooper
Coster
Gunner
Stanley
Tilbrook
Thurston and Seex [non-voting Members]

574. REPRESENTATION ON OUTSIDE BODIES

The Leader of the Council confirmed and proposed the following changes in representation to Outside Bodies which were then seconded by Councillor Oppler.

The Council

RESOLVED

That the following Outside bodies be removed from the Council's approved list:

- (1) Voluntary Action Arun & Chichester [Cllr Yeates]
- (2) Age UK – West Sussex [Cllr Yeates]
- (3) Parking and Traffic Regulations Outside London Adjudication Joint Committee [Cllr Staniforth and Sub – Cllr Buckland]

Subject to approval at the next Full Council meeting

482

Full Council - 12.05.21

- (4) East Arun Health Services Advisory Committee [Leader of the Council and representatives Cllrs Bennett and Northeast]
- (5) Bathing Water Quality Steering Group [Cllrs Stanley and Brooks]
- (6) Integrated Prevention and Earliest Help (IPEH) Board [Cllrs Yeates and Goodheart]
- (7) Western Sussex Hospitals – Member of Council of Governors [Cllr Yeates]

(The meeting concluded at 9.36 pm)