

**Minutes of the Meeting of the Council
held in the Queen Elizabeth II Room
at the Shoreham Centre, Pond Road, Shoreham-by-Sea**

2 November 2017

Councillor Peter Metcalfe - Chairman
Councillor Joss Loader - Vice-Chairman

Councillor Carol Albury	Councillor Emma Evans
Councillor Carson Albury	Councillor Jim Funnell
Councillor Les Alden	Councillor Paul Graysmark
Councillor George Barton	Councillor Liz Haywood
Councillor Ken Bishop	Councillor Emily Hilditch
Councillor Ann Bridges	Councillor Barry Mear
Councillor Brian Boggis	Councillor Robin Monk
Councillor Kevin Boram	Councillor Neil Parkin
Councillor Clive Burghard	Councillor Geoff Patmore
Councillor James Butcher	Councillor Lyn Phillips
Councillor Lee Cowen	Councillor David Simmons
Councillor Stephen Chipp	Councillor Ben Stride
Councillor Brian Coomber	Councillor Sami Zeglam
Councillor Angus Dunn	

* = Absent

Councillor Boram arrived at 7.42pm during the item 8E 'Supporting the development of our local NHS'.

C/023/17-18 Apologies for absence

An apology of absence was received from Councillor Boram.

C/024/17-18 Mash Barn Ward - By-election result

Council noted the by-election result for the recent Mash Barn Ward by-election, welcoming Council Cowen to the Chamber.

C/025/17-18 Declarations of Interest

Members were invited to make any declarations of disclosable pecuniary interests, no declarations were made at this time; there was a later declaration made during a debates that is recorded in the minutes.

C/026/17-18 Questions from members of the Public

There was one registered question from Mr Tony Morris.

Question Mr Morris to the Executive Member for Customer Services

'Will the Council be supporting sheltered housing for the foreseeable future and what plans do they have for it?'

Response by the Executive Member for Customer Services

The Council is committed to providing homes for those in need. Sheltered housing provides an important aspect in meeting needs. We constantly need to evaluate and review the type of housing our residents require so that we can make sure we continue to meet the changing demographics and circumstances of our population.

No other questions were asked.

C/027/17-18 Confirmation of Minutes

Resolved that the minutes of the meeting of the Council on 20 July 2017 be approved as a correct record and they be signed by the Chairman.

C/028/17-18 Announcements by the Chairman, Leader, Executive Members and / or Head of Paid Service

The Chairman announced that he had visited the Hove and Adur Sea Cadets for their Annual Inspection in the summer, he had been impressed with the turnout and urged everyone who had young people to go and have a look at the wonderful opportunities and real fun that the Cadets offered. He had also attended the Virtual Doctors presentation at Lancing College which had showcased the amazing Health Care work they did in some of the world's poorest nations of Malawi and Zambia, unbelievable working from an office in Shoreham Airport.

On the 5th of September the Chairman had joined the joined the Cleaning Team and spent the day with Adur and Worthing Waste collection service, he had started at 6am working with the crews it had been a great insight and commended the wonderful job they did everyday.

The Leader announced some housekeeping, he was changing the Vice-Chairman of the Planning Committee from Councillor Coomber to Councillor Chipp.

Council noted the change of Vice-Chairmanship.

The Executive Member for Health and Wellbeing encouraged those present to attend Eastbrook Manor for two events over the forthcoming weekend - the official opening of the Cafe on the Saturday at 11am and on Sunday at 11am the 'Growing Communities Launch'

The Executive Member for Customer Services mentioned an incident at Beechcroft Place in Lancing that had resulted in press coverage; he mentioned that the correct procedure had not been followed and an apology issued. He encouraged tenants and leaseholders to comply with regulations for safety in public areas.

The Executive Member for Regeneration informed Council that the Local Plan would be at the next Council meeting for approval; he thanked the planning team for their work and efforts.

C/029/17-18 Items Raised Under Urgency Provisions

There were no items under the urgency provisions for Council..

C/030/17-18 Recommendations from the Executive and Committees to Council

Council had before it recommendations from the Joint Overview and Scrutiny Committee, Joint Governance Committee, the Joint Strategic Committee and the Joint Senior Staff Committee on various dates. Extracts of these minutes had been circulated and are attached to the minutes as items 8 A to 8 E.

(A) Joint Overview and Scrutiny Committee - 27 July 2017

The Chairman of the Joint Committee presented the recommendations from his Committee on page 5 the agenda, item 8A.

Annual Report 2016/17

The recommendation was seconded by Councillor Carson Albury.

There were no speakers on the item.

On a vote For 27 Against 0 Abstentions 1

Resolved that the Adur and Worthing Joint Overview and Scrutiny Committee Annual report 2016/17 be approved.

(B) Joint Strategic Committee - 12 September 2017

The Leader of the Council presented the Committee's recommendations on pages 7 to 8 circulated with the agenda, items 8B

1st Capital Investment Programme and Projects Monitoring 2017/18

The Leader highlighted that the recommendation included a contribution to the 3G pitch at Sir Robert Woodard Academy funded from S106 receipts and increases the General Fund Budget for Affordable Housing Grants to Registered Social Housing Providers.

The recommendation was seconded by Councillor Dunn.

There were no speakers on the item.

Councillor Simmons declare his interest as Chairman of the School Council (for Sir Robert Woodard Academy).

On a vote For 26 Against 0 Abstentions 2

Resolved that Council

- (1) Agreed the amendment to the 2017/18 Capital Investment Programme to include the contribution of £630,000 to the Sir Robert Woodard Academy for the construction of a 3G pitch, funded from S106 receipts, as detailed in paragraphs 2.1.3 iii) of the report;
- (2) Agreed an increase of £190,000 in the 2017/18 General Fund Budget for Affordable Housing Grants to Registered Social Housing Providers, funded by Right to Buy receipts and S106 Affordable Housing Receipts received by the Council, and to delegate approval to allocate this funding as schemes are identified to the Head of Housing, Chief Financial Officer and the Executive Member for Housing, as detailed in paragraphs 2.1.3 iv) of the report.

(C) Joint Governance Committee - 26 September 2017

Council had before it recommendations from the Joint Governance Committee of 26 September on pages 9-10, item 8C attached to the minutes. In presenting the recommendation the Chairman highlighted the work of the JIRP (Joint Independent Remuneration Panel) in undertaking the research and presenting a comprehensive report with options for consideration, he moved the adoption of Option 2. The proposal was seconded by Councillor Carson Albury.

The Deputy Leader and Executive Member for Resources stood to propose an amendment to Council; commending the work of the JIRP to reach parity between the two Councils but highlighted that the that whilst the officer structure had been through a pay and grading system to integrate officers undertaking the same function; the two Councils were separate. He proposed an amendment to Council that the increase for Adur Councillors be the same as for for staff.

The amendment was seconded by Councillor Patmore.

Members stood to support the amendment.

On a vote For 27 Against 0 Abstentions 1

Resolved that the Adur Members Allowance for 2018/19 be increased by the same amount as awarded to staff.

(D) Joint Strategic Committee - 10 October 2017

The Leader presented and proposed the recommendations from the meeting of the Joint Strategic Committee as item 8D1.

(i) Our Growing Regional Economy - the Greater Brighton Economic Board

Council was asked to ratify Crawley Borough Council's membership of the Greater Brighton Economic Board. It was seconded by Councillor Evans.

On a vote For 27 Against 0 Abstain 1

Resolved that Adur District Council Council ratify Crawley Borough Council's membership of the Greater Brighton Economic Joint Committee (which meets with the Greater Brighton Business Partnership as the Greater Brighton Economic Board), subject to the decision of other constituent authorities, and delegated authority to the Solicitor to the Councils to make consequential changes to the Joint Committee Agreement and the Councils' Constitutions;

(ii) Proposed submission Shoreham Harbour Joint Action Plan

The Leader mentioned that the full copy of the recommendations to Council had been circulated to all Members by email earlier in the week. The recommendation was seconded by Councillor Chipp.

There were no speakers on the item.

On a vote For 27 Against 0 Abstain 1

Resolved that Council

1. Agree that the Proposed Submission Shoreham Harbour Joint Area Action Plan is published for a six-week period of representation from 10 November 2017 to 22 December 2017 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and that accompanying documents including the Sustainability Appraisal are also made available.
2. Delegate authority to the Director for Economy to amend the Proposed Submission Shoreham Harbour Joint Area Action Plan, prior to its publication, and also the Sustainability Appraisal, where amendment is required to correct minor errors factual updates, and for purposes of clarification only.
3. Delegate to the Director for Economy, in consultation with the Executive Member for Regeneration and Chair of Adur Planning Committee, to agree for publication those documents accompanying the Proposed Submission Shoreham Harbour Joint Area Action Plan.
4. Agree that following the six-week publication period for representations, the Proposed Submission Shoreham Harbour Joint Area Action Plan will be submitted to the Secretary for State for examination, together with its accompanying documents, any representations received during the publication period, any proposed modifications, and any updates to the evidence base as may be necessary.

(E) Joint Senior Staff Committee - 17 October 2017

Supporting the development of our local NHS

The Chairman of the Joint Senior Staff Committee introduced the item explaining the work undertaken in the background to reach this proposal; the secondment for 2 days a week of the Chief Executive was to work with the CCG (Clinical Commissioning Group) to work at a strategic level to improve health delivery for residents.

The recommendation was seconded by Councillor Dunn

Concerns were expressed on the effect of the secondment on the remaining senior staff; it was proposed by Councillor Patmore, seconded by Councillor Dunn that a six month review of the secondment be reported to the Joint Strategic Committee. The amendment was accepted by the Chairman of the Committee.

Councillor Simmons declared an interest as the nominated Governor of the Sussex NHS Partnership Trust on Mental Health.

On a vote For 28 Against 0 Abstain 1

Resolved that

- (1) The secondment of the Chief Executive to the Coastal West Sussex Clinical Commissioning Group on the terms set out in the report be agreed by the District Council,
- (2) That a six month review of the secondment be reported to the Joint Strategic Committee

C/031/17-18 Report of the Leader on decisions taken by the Executive

The Leader of the Council presented his report on decisions taken by the Executive since the last ordinary meeting of the Council; which were detailed in Item 9 on pages 17 to 21

The Leader highlighted the response made on the A27 consultation, he understood that the Highways Agency would be looking again at the scheme to consider other options.

A question was asked on the Council Tax support scheme to which the Leader responded that the item would be considered by the Joint Strategic Committee then Council.

A question was asked on the A27 improvements near New Monks Farm, the Leader responded that the recent consultation by the Highways Agency was from Worthing to the Lancing Manor junction; he was unable to comment on proposals in a live planning application.

C/032/17-18 Decision making by Adur District Council 2017-18

The Chairman introduced the report to Council on pages 23 to 26 of the agenda which reported on the political balance changes as a result of the Mash Barn by-election.

The recommendations were proposed by Councillor Dunn, seconded by Councillor Parkin.

On a vote For 28 Against 0 Abstain 1

Resolved that Council

- (1) Notes the re-calculation of the political balance on the Council as detailed at 2.4 in the report.

(2) Notes and approves the following committee changes:

Councillor Les Alden becomes a member of the Joint Overview & Scrutiny Committee (replacing Cllr Clive Burghard from the UKIP group).

Councillor Lee Cowen becomes a member of the Adur Overview & Scrutiny Committee (replacing Cllr Clive Burghard from the UKIP group).

Councillor Lee Cowen becomes a substitute planning committee member

C/033/17-18 Members Questions under Council Procedure Rule 12

The Chairman announced that the Proper Officer had received 4 questions from Members under CPR 12, which would be asked in accordance with the Rule, one supplementary question may be asked which must arise out of the original question or the reply.

Question from Councillor Les Alden to Executive Member for Regeneration

This question relates to the procedures adopted when a developer wishes to reduce the previously proposed amount of 'affordable' housing in a development.

I understand the current procedure is for the developer themselves to appoint a party to examine their books for 'affordability', and for the report to be verified by the District Valuer.

Will the Executive member agree with me that this process is not sufficiently open and transparent to assure Adur residents that their interests are protected?

Will the Executive member in future cases arrange for the Council themselves to appoint an independent Housing Capital Finance expert to examine the developer's books and for the subsequent report to be referred to a committee of the council?

Response by the Executive Member for Regeneration:

Where a developer claims that a scheme is not viable and cannot afford to deliver the required affordable housing, the Council requires the developer to submit his development appraisals and it is the Council that then seeks an independent review. This is carried out by the District Valuer or a Viability Consultant.

The cost of the review is recovered from the developer but it is the Council that appoints the independent assessment. The Developer often argues that this 'open book' approach should be undertaken confidentially as it sometimes contains commercially sensitive material. However, this information could be shared with Planning Committee on a confidential basis if this assists consideration of an application.

The production of commercially sensitive material at Planning Committee would need to be dealt with in accordance with the Council's rules relating to exempt material, and in accordance with Section 100 I Local Government Act 1972 and the exemptions contained in Schedule 12A of that Act. In particular information will be exempt information where it relates to the financial or business affairs of any particular person (including the Authority

holding that information). In this context person can include a living individual or body corporate.

Question from Councillor Les Alden to Chairman of Planning

Will the Chair of the Planning Committee agree with me that the amount of 'affordable' housing promised by a developer should be included as a firm and binding condition at every stage of planning permission. This would include outline planning permission.

Response by the Chairman of Planning:

Any affordable housing negotiated at outline or full planning application stage is secured through a binding agreement under s106 of the Town and Country Planning Act. However, the legal agreement is only binding once the planning permission has been implemented (i.e building commences) and if circumstances change a new planning application can be submitted or a request to vary the s106 agreement.

Of course the Council does not have to agree to vary a binding s106 agreement, however, if there is a genuine change of circumstances than it is appropriate that the level of affordable housing being provided is reviewed. If less than 30% affordable is secured (because of viability issues) the s106 agreement can also require a clawback provision in the agreement so that if the developer makes additional profit over and above what was anticipated additional affordable housing or development contributions can be secured. This provision is now included in all such agreements.

Question from Councillor Les Alden to Chairman of the Joint Staff Committee (Councillor Brian Boggis)

I note that the Council has not yet signed the TUC's 'Dying to Work' Charter which seeks to protect the interests of staff with long term or terminal illness. Will the Executive Member continue the Council's record as a 'Good Employer' by signing and implementing the Charter.

Response by the Chairman of the Joint Staff Committee

Our approach is to deal with matters on a case by case basis. We are currently reviewing our sickness absence policy and every sickness case is dealt with on an individual basis whilst ensuring the policy is applied fairly. As part of the roll-out of the new policy managers will receive training on how to manage their staff through sickness absence. If required they can also be coached through individual cases by a member of the HR team.

During long term illness, once a member of staff has passed probation, staff are entitled to 6 months full time pay and 6 months half time pay. This will financially support staff during a long-term sickness or terminal illness, If the prospect of returning to work is unlikely then the council can award early access to pension.

The Councils have an Employee Assistance Programme that has the capacity to provide support to any person with a terminal illness, including access to counselling and financial advice.

Question from Councillor Lee Cowen to Executive Member for Health and Wellbeing

Following the developer's assessment that the proposed New Monks Farm development will have 'negligible' effect on air quality on the A27 between the Sussex Pad and Manor roundabout, would the executive member agree with me that the Council should immediately measure current pollution levels to establish a 'baseline' for future comparison.

Response by the Executive Member for Health and Wellbeing :

Air Monitoring needs to take place at a location for a full year to provide meaningful results, the Council reviews monitoring locations at the end of every year to ensure we are monitoring in the correct locations, taking into account potential developments and hotspots, with the equipment needing to be properly sited to gather quality information. The Council intends to undertake a review in December for commencement of monitoring at any new locations in January - In choosing locations the Council considers: traffic hotspots not previously monitored, the distance of receptors from the carriageway (homes, schools etc), the geography of the locality (how open is it, street canyons, etc), and the location and size of developments that we are aware of. The Council already monitor along the A27 approx 1km (0.6 miles) west of the Sussex Pad lights, the area around New Monks Farm has been identified as a potential site for consideration.

The Chairman declared the meeting closed at 8.13 pm having commenced at 7pm.

Chairman