

**Minutes of a meeting of the
Joint Overview & Scrutiny Committee
Adur District and Worthing Borough Councils**

QEII Room, Shoreham Centre, Shoreham-by-Sea

3 September 2019

Councillor Stephen Chipp (Chairman)
Councillor Joss Loader (Vice-Chairman)

Adur District Council:

Carol Albury
Catherine Arnold
Paul Mansfield
Andy McGregor

Worthing Borough Council:

Roy Barraclough
Keith Bickers
Margaret Howard
Charles James
Jane Sim
Bob Smytherman
Carl Walker

Absent

Councillor Paul Baker, Councillor Kevin Boram and Councillor Lavinia O'Connor

JOSC/1/1019-20 Declaration of Interests

There were no declarations of interest made

JOSC/1/1119-20 Substitute Members

Councillor Ann Bridges declared her substitution for Councillor Kevin Boram

Councillor Debs Stainforth declared her substitution for Councillor Lavinia O'Connor

JOSC/1/1219-20 Confirmation of Minutes

Resolved: that the minutes of the meeting of the 27 July 2019 be signed as a correct record and be signed by the Chairman

JOSC/1/1319-20 Public Question Time

A Member of the Public asked the following question *This committee on the 20th June requested the Leaders of Adur and Worthing Councils to write again to the Highways Agency and Department of Transport expressing concern at the lack of progress in them addressing the Councils concern about air pollution on the A27.*

At the Adur Council meeting on the 18th July the Leader said he was in the process of co ordinating a letter with the Leader of Worthing. Timing was important and the secretary of state was due to be appointed. Has this letter been sent and a response received? If not why not and will the chair of the transport working group who made the recommendation follow it up? The Chairman of the Committee stated that JOSOC was awaiting a response from the Joint Strategic Committee on our recommendations, including communicating the ongoing concerns about the A27. I understand the Joint Strategic Committee is considering their response at its November meeting.

JOSOC/1/1419-20 Items Raised Under Urgency Provisions

There were no urgent items

JOSOC/1/1519-20 Call-in Procedure

Resolved: that the call-in procedure be noted

JOSOC/1/1619-20 Consideration of any matter referred to the Committee in relation to a call-in of a decision

The Committee had a report before it attached as item 5, a copy of which had been circulated to all members, a copy of which is attached to a signed copy of these minutes. The report before members detailed that A decision was made and published on 30th July 2019 by the Joint Executive Members for Customer Services, the decision concerned the release of affordable housing budget to secure additional affordable housing. On the 2nd August 2019 the Council's Monitoring Officer received a request for a 'call-in' of the decision from three Members of the Councils. It was deemed to be in compliance with the Joint Overview and Scrutiny Procedure Rules. The matter had therefore been referred to the Joint Overview and Scrutiny Committee for consideration and determination.

The Committee carried out the procedure as required

Those who made the call-in address the Committee

Cllr Alden made a statement which is summarised as follows:

- The alteration to the provision of affordable housing was far removed from the original planning committee decision and should have been referred back to the Planning Committee for decision;
- The Executive Member had failed to consider consultation responses from Councillor Alden and Councillor Cowen and was obligated to state why he had rejected their representations on the issue;
- The Executive Member had been misdirected. The Council was receiving no equity in the properties. There would be a loss in book value and information in the report was not clear and did not allow the executive member to give due regard to all relevant matters;
- Not all relevant matters had been considered land values had increased and there should have been more information about this in the report;

- There would be a loss of four 4 bedroom houses for rent as a result and alternatives should have been sought, there was no evidence that alternatives had been considered;
- Decisions should be legal and Councillor Alden doubted that right to buy receipts could be used in conjunction with funds from Homes England;

Cllr Cowen made a statement which is summarised as follows:

- Cllr Cowen had sent a series of emails and was concerned that his consultation was not considered
- The Head of Planning and Development had powers to make minor amendments and Cllr Alden asked the question whether the Exec Member had powers to make further amendments

Decision maker questions of those who made the call-in

There were no questions

Committee Members questions those who made the call-in

A Member asked about who had made the original planning decision and if they were informed of the change. Members were told by Cllr Alden that the Planning Committee had made the original decision prior to him being elected. It was proffered that the Committee had not been informed about the details of the change. Notification of the decision had been put on the forward plan in February 2019

Members asked about the predicted sales value and were told that information had been taken from the Land registry website

Decision maker addresses the Committee

Cllr Albury made a statement which is summarised as follows

- Cllr Albury stated that evidence that he had considered as part of the consultation had not been recorded on the decision which was an error on his part. He had received an email from Cllr Alden on the 19th July
- The issue was complex and centred around a viability statement that had been submitted by the developers and checked by an independent viability assessor;
- The viability statement had determined that the provision of affordable housing was no longer viable and without further funding, it would not be possible to provide rented units;
- The Executive Member sat down with the Heads of Planning and Development and Housing and went through the issues item by item;

- No maintenance costs would be incurred by Adur and rent would be going to Hyde not Adur. The rented housing would be available for housing list in perpetuity;
- The Executive Member was faced with a choice to either provide housing with money that was available or say no to the proposal.

Those who made the call-in questions of the decision maker

The Executive Member was asked if Planning Officer had attempted to renegotiate and was told that Planning matters were not the within the Executive Members remit as decision maker;

The Executive Member was asked why he had not responded to observations made as part of the consultation and was told that the Executive Member was surprised to receive the representations as he was providing additional housing.

The Executive Member was asked about sales values and was told that viability issues were in the remit of the responsible Head of Service and he was under a duty to consider the advice of paid professional officers.

The Executive Member was asked if the loss of 4 four bedroom houses should have been renegotiated officers. Members were told that it was a planning matter. In addition the greatest demand for housing was one and two bedroom houses

The Executive Member was asked if Right to Buy receipts could be used in conjunction with Homes England and was told that the matter had been checked with the Head of Planning and Development and there were no problems as far as they were concerned. He also noted that Right to Buy receipts were returned to Central Government if they weren't spent within a certain amount of time.

Committee Members question the decision maker

A Member asked if discussions with the Heads of Planning and Development and Housing about the consultation had been documented and evidenced and was told that they had not been and agreed that there would have been a benefit in doing so

A Member asked if the Executive Member had sought alternative options when he saw the result of the viability assessment and was told that no alternatives to the housing mix had been discussed. Without the decision rented accommodation would not be able to be provided.

A Member asked what actions had been undertaken when he received emails from Councillors Alden and Cowen as part of the consultation and was told that he had discussed the representations with Heads of Planning and Development and Housing. He considered that things could have been differently, however, his primary concern was the provision of social housing where possible.

The Executive Member was asked if he had considered the matters put forward by Councillor Alden. The Committee were told that the Executive Members' main concern was the provision of housing matters put forward by Cllr Alden were Planning issues. He had received the emails but had not responded to them.

A Member asked if alternative options had been considered and was told that it was the Officer's power to vary conditions and it was not for the Executive Member for Customer Services to influence that decision.

Those who made the call-in make a final statement

Cllr Alden made a closing statement which is summarised as follows:

- The developer was getting excused from making their full obligations under the terms of the original application;
- Cllr Alden was disappointed with the brevity of the viability statement;
- The Executive Member had not responded to his representation and he had an obligation under decision making rules to do so;
- The Executive Member had not called for alternative options;
- The Executive Member had not given due regard to all of the necessary requirements.

Decision makers' final statement

Cllr Albury made a closing statement which is summarised as follows

The right to buy receipts would need to go back to Central Government if remained unspent;

The bottom line was that Adur wanted to provide as many houses as possible

Debate of the Committee

The Committee debated the matter. A Member stated that based upon questions that were answered. It was apparent that it could be concluded that due regard had not been given because not all meetings and responses had been documented. Due to this it was proposed that the matter be referred back to the Executive Member for reconsideration. The proposal was debated and a counter opinion was put that all matters had been considered but not documented and the call-in should be rejected. On a vote however, the original proposal was approved and the matter referred back to the Executive Member for reconsideration

Resolved: that the matter be referred back to the Executive Member for Customer Services. The reason for this was that there had been a lack of documented evidence as part of the decision making process.

The meeting was declared closed by the Chairman at 7.45 pm, it having commenced at 6.30 pm

Chairman

