

[REDACTED]

From: paul collins [REDACTED]
Sent: 05 March 2022 12:08
To: Neil Crowther
Cc: [REDACTED]; Cllr. June Hamilton; Cllr. David Huntley; Daniel Vick; David Easton; Cllr. Hugh Coster; Chief Executive
Subject: RE: P/167/21/RES; P/158/21/RES; P/155/21/RES ,P/153/21/RES, P/156/21/DOC; Pagham South
Attachments: PART 4 - OSoD - Section 1 General Principles.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Mr Crowther

I note what you say but invite you to reconsider your asserted position and the manner in which you are choosing to operate those powers delegated to you by Mr Roberts under the Councils Scheme of delegation in the light of Part 4 General Principles of the Constitution (copy attached for ease of reference) and my site specific correspondence sent under separate cover.

I also invite you to respond to the question I asked Mr Easton in the first paragraph of my e mail in the light of the attached and notwithstanding same also invite the Planning Committee and/or its Chairman to exercise its authority to require that these applications be determined by the Committee and not by Officers in accordance with paragraph 2.6. Notwithstanding the foregoing I have also copied this correspondence to the Chief Executive so that he may give consideration to the matters raised in accordance with paragraph 1.6 of Part 4.

Thankyou

Paul Collins BA (Hons) DipTP

[REDACTED]

From: Neil Crowther [REDACTED]
Sent: Wednesday, March 2, 2022 10:47 AM
To: paul collins [REDACTED]
Cc: [REDACTED]; Cllr. June Hamilton [REDACTED]; Cllr. David Huntley [REDACTED]
Subject: RE: P/167/21/RES; P/158/21/RES; P/155/21/RES ,P/153/21/RES, P/156/21/DOC; Pagham South

Mr Collins,

You will note that the Constitution refers to only 'minor or major applications for planning permission' are affected by a Parish objection in terms of where they are determined. DOC's are neither. Therefore, in accordance with the Constitution, they do not go to Committee and no unlawful decisions have been taken.

Neil

Neil Crowther
Group Head of Planning



Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

To register to receive notification of planning applications in your area please go to
<https://www1.arun.gov.uk/planning-application-finder>

From: paul collins [REDACTED]
Sent: 24 February 2022 16:47
To: David Easton [REDACTED]
Cc: Karl Roberts [REDACTED]; Neil Crowther [REDACTED]
[REDACTED] Cllr. June Hamilton [REDACTED]; Cllr. David Huntley
[REDACTED]; Cllr. Terence Chapman [REDACTED]; Cllr. Hugh Coster
[REDACTED]
Subject: P/167/21/RES; P/158/21/RES; P/155/21/RES ,P/153/21/RES, P/156/21/DOC; Pagham South

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Dear Mr Easton

In view of the Pagham Parish Council Objections and the large number of objections from local residents please can you confirm by e mail that in the event that you as the Case Officer is minded to recommend approval and/or discharge in response to these applications, these recommendations will be reported in writing to the Planning Committee for decision in accordance with the Officers Scheme of delegation set out in the Constitution at Part 4 Section 3 (<https://democracy.arun.gov.uk/documents/s10129/PART%204%20-%20SoD%20-%20Section%203%20Group%20Heads.pdf>) rather than being determined by the Group Head of Planning. (Mr Crowther).

I ask for confirmation because I note that the earlier application made under ADC Ref: P/83/21/DOC - *Approval of details reserved by condition imposed under ref P/140/16/OUT relating to Condition No 6 - design code masterplan* was approved (unlawfully) by Mr Crowther (presumably on your recommendation but without any written report and/or recorded decision making process) and not by the Planning Committee in direct conflict with objections made by Pagham Parish Council et al and therefore that approved scheme of delegation and in direct conflict with Policies HSP2 and HSP2a of the ALP .

Please place this e mail and any response on the file for future reference if required.

Paul Collins BA (Hons) DipTP
[REDACTED]

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

CONSTITUTION 2021
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

1.0 GENERAL PRINCIPLES

- 1.1 All functions that are not specifically reserved by law or under this Constitution to the Full Council, a Regulatory Committee, Sub-Committee or officers, are delegated to the relevant Service Committee.
- 1.2 Subject to the above, the Council's functions delegated to officers are set out in Sections 2 and 3 of this Part of the Constitution.
- 1.3 This scheme is made by the Council under section 101(1) (a) of the Local Government Act 1972
- 1.4 The scheme is made in accordance with section 151 of the Local Government Act 1972, and all other provisions relating to functions held by the Council; and shall be construed in accordance with any legislation amending, or substituted for, any of those provisions, or any legislation having a similar purpose or made for similar purposes.
- 1.5 This scheme does not delegate to officers:
- any matter reserved to the Full Council,
 - any matter which by law may not be delegated to an officer,
 - any matter expressly reserved to a Committee or Sub-Committee by this Constitution,
 - any power to change concession policies,
 - any power to make a decision on permanent savings in a budget,
 - any power to make an order for the compulsory acquisition of land,
 - any power to acquire land in advance of requirements,
 - any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.
- 1.6 In respect of any matter falling within the parameters of this scheme, the Chief Executive may in writing make such detailed delegations to Directors concerning functions and activities within their areas of responsibility as they consider appropriate.
- 1.7 This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, byelaws present and future, and common law provisions, within those descriptions, and all powers and duties incidental to that legislation including the institution and conduct of proceedings. The powers and duties shall be exercised in accordance with the Constitution and the policies and objectives of the Council relevant to the matter upon which action is to be taken.
- 1.8 This scheme includes an obligation on officers to keep Members of the Council properly informed of activity arising within the scope of these delegations.

CONSTITUTION 2021
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

- 1.9 These general principles and any amendment of or addition to them made by the Council shall apply to the delegation of functions in the Constitution.

2.0 GENERAL LIMITATIONS

- 2.1 An officer, in exercising delegated powers, shall consult other appropriate officers and shall have regard to any advice received.
- 2.2 Any exercise of delegated powers shall be subject to any Policy Framework approved by the Council, including the authority's employment policies and disciplinary procedures, equality policies, and any service delivery policies; and shall be guided by relevant Codes of Conduct or Protocols produced or adopted by the Council (including any Code or Protocol which has been included within the Council's Constitution) and the Corporate Plan.
- 2.3 Any exercise of delegated powers shall be subject to:
- any statutory restrictions
 - the Council's Procedure Rules relating to Purchasing, Procurement, Contracts and Disposals
 - the Council's Financial Procedure Rules
 - Article 13 of the Constitution (Finance, Contracts and Legal Matters)
 - the provisions generally of this Part of the Constitution
- 2.4 In exercising delegated powers, officers shall not go beyond the provision made in the revenue or capital budgets for their service, except to the extent permitted by the Council's Financial Procedure Rules or the Procedure Rules relating to Purchasing, Procurement, Contracts and Disposals set out in Part 6 of this Constitution.
- 2.5 Any matters relating to the making and/or alteration of Council policy shall be referred to the Full Council or the relevant Service Committee.
- 2.6 The delegation of authority to deal with any matter shall not override the power of the Council to call for a report on any decision or action taken or to require any such matter under consideration to be referred to the Council or to the appropriate Committee or Sub-Committee for decision.
- 2.7 The Chief Executive, a Director or Group Head may, after consultation with any officer concerned, refer to the Council, the appropriate Committee or Sub-Committee for decision any matter which has been brought to their notice and which in their opinion, because of special difficulty or otherwise, warrants such reference.
- 2.8 It shall always be open to an officer to whom authority is delegated to consult the appropriate Chair of a Committee on the exercise of a delegated function, or not to exercise a delegated function but to refer the matter back to the Full Council, the relevant Committee or Sub-Committee for decision.
- 2.9 Where a delegation requires the agreement of, or consultation with a Committee Chair, such delegation shall allow for the substitution of the Vice-Chair or in their absence, another member of the Committee.

CONSTITUTION 2021
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

- 2.10 An officer to whom authority is delegated shall have power to undertake all work to give full effect to any decision of the Council, its Committees and Sub-Committees.

3.0 DELEGATIONS TO OFFICERS

- 3.1 The functions or activities listed in Sections 2 and 3 of this Part of the Constitution and varied from time to time are delegated to the officers in the posts named in Sections 2 and 3.

- 3.2 **Limitations of delegations** - The powers delegated to officers under this scheme do not include any power to take a decision which is properly a matter for the Council, or a Committee or Sub-Committee. Officers are, in the context of this scheme, responsible for the management of their services, the provision of advice to the Council and Members, and the implementation of Council policies and decisions. A decision which an officer takes, under a delegation made by or under this scheme, must:

- implement a policy previously approved or decision previously taken by the Council, or a Committee or Sub-Committee; or
- facilitate, or be conducive or incidental to, the implementation of a policy or decision previously approved;
- be recorded in accordance with paragraphs 5.1 and 5.2 below

4.0 FURTHER PROVISIONS

- 4.1 **Continuation of existing delegations** - A delegation to an officer which existed at the date of the introduction of this scheme shall, to any extent that it remains unaltered by (and is not inconsistent with) any delegation (or variation to a delegation) made by or under this scheme, shall continue to have effect.
- 4.2 **Deemed delegations** - Where in respect of a given function or activity, no delegation is in effect, and an officer has a management responsibility in relation to the exercise of that function or activity, the exercise of any delegated authority necessary to carry out the function or activity effectively shall be deemed to have been delegated to that post holder.
- 4.3 In this scheme, "officer" means the holder of any post to which a function or activity, or powers and duties in relation to such a function or activity, may be delegated.
- 4.4 Where a function or activity has been specifically delegated by or under this scheme to an officer, and where the officer to whom the delegation was made is absent or otherwise unavailable, that function or activity shall not be exercised by another officer without the consent of the Chief Executive.
- 4.5 An authority delegated to officers includes management of the human and material resources made available for the service area and any function concerned, within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another

CONSTITUTION 2021
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

officer.

- 4.6 In each case, a delegated authority excludes any determination of policy, any exception to policy, or of any budget by the officer concerned.

5.0 RECORDS OF DECISIONS MADE BY OFFICERS WITH DELEGATED RESPONSIBILITIES

- 5.1 It is the responsibility of every officer exercising a delegated responsibility to maintain a paper or electronic record of all decisions made and actions decided upon for a period of six years or such other period as required by statute or regulation in a manner that meets the overall responsibility of the Council arising from that decision, including the needs of officers from all services who will action the decision as well as the officers who are responsible for the governance of the Council.

- 5.2 Where a decision delegated to an officer would otherwise have been taken by the Full Council, a Committee, Sub-Committee or Joint Committee either:

- a) under a specific express authorisation; or
- b) under a general authorisation to officers to take such decisions and, the effect of the decision is to -
 - grant a permission or licence;
 - affect the rights of an individual; or
 - award a contract or incur expenditure which, in either case, materially affects the Council's financial position

the decision-making officer must produce and retain for a period of six years a written record of the decision as soon as practicable containing the following information:

- i. the date the decision was taken;
- ii. a record of the decision and the reasons for the decision;
- iii. details of alternative options, if any, considered and rejected; and
- iv. where the decision falls under paragraph 5.2 a) above, the names of any Member of the Council who has declared a conflict of interest in relation to the decision

6.0 WRITTEN RECORD OF THE DECISION

- 6.1 For decision made under Paragraph 5.2 above, the written record must, as soon as reasonably practicable after the decision is made, be available:

- a) for inspection at Council Officers during normal working hours; and
- b) to view online