

NOTICE OF MEETING

East Pallant House East Pallant Chichester West Sussex PO19 1TY

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MEETING	OVERVIEW AND SCRUTINY COMMITTEE
DATE/TIME	Thursday 3 July 2014 at 10:00
VENUE	Committee Room One East Pallant House East Pallant Chichester West Sussex PO19 1TY
	Lisa Higenbottam – Member Services Assistant Direct line: 01243 534684 E-mail: lhigenbottam@chichester.gov.uk

Wednesday 25 June 2014

JOHN WARD
Head of Finance and Governance Services

AGENDA

*There will be a pre-meeting briefing at 09:30 on the day of this meeting
for the members of the Overview and Scrutiny Committee*

This agenda should be retained for future reference with the minutes of this meeting

The venue for this meeting is on the lower ground floor of East Pallant House

PART I

1 **Chairman's Announcements**

Any apologies for absence that have been received will be noted at this point.

2 **Approval of Minutes** (pages 1 to 7)

The Overview and Scrutiny Committee is requested to approve the minutes of its meeting on Tuesday 8 April 2014.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances are to be dealt with under agenda item 10 (b).

4 **Declarations of Interests**

These are to be made by members of the Overview and Scrutiny Committee or other Chichester District Council members present in respect of matters on the agenda for this meeting.

5 **Public Question Time**

The procedure for submitting public questions in writing by no later than 12:00 on Wednesday 2 July 2014 is available upon request to Member Services (the contact details for which appear on the front page of this agenda).

6 **Overview and Scrutiny Committee 2013/14 annual report and 2014/15 work programme** [Mrs B Jones (Principal Scrutiny Officer)] (pages 8 to 18)

Following the Overview and Scrutiny Committee Workshop held on 23 May 2014 the committee is asked to consider and endorse its annual report and work programme 2014/15 and to recommend the annual report to Council for noting.

7 **Feedback from the Centre for Public Scrutiny Annual Conference** [Mrs C Apel (Chairman)]

Oral report on the Centre for Public Scrutiny Annual Conference held on 10 June 2014.

8 **Review of Planning Enforcement Strategy** [Mrs S Archer (Enforcement Manager)] (pages 19 to 29)

The committee is asked to consider the draft Planning Enforcement Strategy and to make recommendations as appropriate.

9 **Tourism Task and Finish Group – Progress Report** [Mrs J Hotchkiss (Head of Commercial Services) and Mr S Oates (Economic Development Manager)] (pages 30 to 36)

The committee is requested to review progress made, to consider options and make recommendations as appropriate as to the way forward.

10 **Late Items**

(a) Items added to the agenda papers and made available for public inspection

(b) Items that the chairman has agreed should be taken as a matter of urgency by reason of special circumstances to be reported at the meeting

PART II

[Items for which the press and public are likely to be excluded]

The public and press may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of 'exempt information' as defined in section 100 I of and Schedule 12A to the Local Government Act 1972

- 11 **Draft Novium Business Strategy** [Mrs J Hotchkiss (Head of Commercial Services) and Ms C Hakes (Museum Manager)] (pages 37 to 68)

The committee is asked to review progress made since April 2013 and make any recommendations.

NOTES

With the aim of reducing paper consumption, certain restrictions have been introduced on the distribution of paper copies of longer appendices to reports where those appendices are circulated separately from the agenda:

- (1) **Members of the Overview and Scrutiny Committee, the Cabinet and Senior Members** They receive paper copies of the separate appendices with their copy of the agenda
- (2) **Other Members of the Council** The appendices may be viewed via the Members Desktop and a paper copy will also be available for inspection in the Members Room at East Pallant House
- (3) **The Public and Press** The appendices relating to reports listed under Part I of the agenda which are not included with their copy of the agenda can be viewed as follows:
 - (a) on the Council's website at www.chichester.gov.uk select **Committee papers** from the **Quick links** menu in the bottom right-hand corner of the home page and on the **Committee papers** page that appears next select the link to **Overview and Scrutiny Committee – 8 April 2014** from the list of **current committee papers**
 - (b) at the main reception desk at East Pallant House Chichester or at the Council's Area Offices at Midhurst and Selsey
 - (c) by contacting Lisa Higenbottam (Member Services Assistant) on 01243 534684 or lhigenbottam@chichester.gov.uk

Cont.

MEMBERS

Mrs C M M Apel (Chairman)
Mr R J Hayes (Vice-Chairman)

Mr A D Chaplin	Mr G V McAra
Mr P Clementson	Mr H C Potter
Mrs P Dignum	Mrs J A E Tassell
Mrs N Graves	Mr N R D Thomas
Mrs E Hamilton	Mrs B A Tinson
Mr G H Hicks	Mr M Woolley
Mr S Lloyd-Williams	

Minutes of a meeting of the **Overview and Scrutiny Committee** held in Committee Room 1 East Pallant House Chichester West Sussex on Tuesday 8 April 2014 at 10:00am

Members (15)

Mrs C M M Apel (Chairman)
Mr R J Hayes (Vice-Chairman)

Mr A D Chaplin	Mr G H Hicks
Mrs P Dignum	Mr H C Potter
Mrs N Graves	Mr N R D Thomas
Mrs E Hamilton	Mr M Woolley

were present (10)

Overview and Scrutiny Members Absent

Mr S Lloyd-Williams
Mr G V McAra
Mr F Robertson
Mrs J A E Tassell
Mrs B A Tinson

Chichester District Council Members Present as Observers or Contributors

Mr A J French
Mr S J Oakley

Officers Present for All or Specific Items

Mr S Hansford – Assistant Director Communities
Miss L Higenbottam – Member Services Assistant
Mr S Hill – Choose Work Co-ordinator
Mrs B Jones – Principal Scrutiny Officer
Miss A Loaring – Partnerships Officer
Mr S Oates – Economic Development Manager
Mr I Owen – Housing Initiatives Manager
Mrs E Thomas – Health Development Manager

Outside Representatives Present for Specific Agenda Items

Agenda Item 6 – Review of Business Improvement District

Mr A Fynamore – Chairman, Chichester City Centre Partnership
Mrs K Long – City Centre Manager, Chichester City Centre Partnership

Agenda Item 7 – Chichester in Partnership – Getting people into Work Strategy – Progress against action plan

Ms Leanne Newton – Local Job Centre Manager, Jobcentre Plus

Mr S Wood – Relationship Manager, Department for Work and Pensions (DfWP)

182 Chairman’s Announcements

Mrs Apel welcomed everyone to the meeting. There were no specific announcements.

Apologies for absence had been received from Mr Lloyd-Williams, Mr Robertson and Mrs Tinson.

183 Approval of Minutes

RESOLVED

That the minutes of the Overview and Scrutiny Committee’s meeting on Thursday 6 March 2014 are approved as a correct record subject to changing Mrs to Mr Oakley.

Accordingly, Mrs Apel signed and dated the official version of the minutes.

184 Urgent Items

There were no urgent items to be considered at this meeting.

185 Declarations of Interest

Mrs Apel declared a personal interest in respect of agenda item 9 as a Friend of both Chichester Festival Theatre and the Pallant House Gallery.

Mrs Dignum declared a personal interest in respect of agenda item 9 as a Friend of both Chichester Festival Theatre and the Pallant House Gallery.

Mr Woolley declared a personal interest in respect of agenda item 9 as a Friend of Chichester Festival Theatre.

186 Public Question Time

No public questions had been submitted for this meeting.

187 Review of Business Improvement District (BID)

Mr Oates introduced Mr Finnamore and Mrs Long to the committee giving a brief introduction to the report (copy attached to the official minutes).

Mrs Dignum requested clarification regarding the replacement of city trees, implementation of solar lighting, the nature of the ‘man in a van’ and information on any further street art style festivals being planned. Mrs Long informed the committee that there were no further street art style plans. She confirmed that the BID was in liaison with West Sussex County Council (WSCC) who were responsible for the replacement of trees and once a few more had been replaced the BID would look at the decorative solar lighting. The ‘man in a van’ related to young disabled adults getting work experience with the aid of paid helpers.

Mr Hicks ask for clarification of the figures on pages 10 and 11, requesting expenditure for the future. Mrs Long informed the panel that the BID received approximately £270,000 per year and it had completed two years of a five year delivery term.

Mr Thomas asked for a progress update on city maps which were due to be printed in March. Mr Fynamore clarified for the committee that a new map of the city would be placed as a leaflet in the pay and display car parks and would be ready to print in the next few days. The leaflets would contain detailed information on attractions, restaurants, cafes and bed and breakfasts. The larger maps for the six car parks would be ready in a month to six weeks.

Mr Chaplin asked what the position was on the Little London Walk. Mrs Long informed the committee that the matter was a private concern but TK Maxx were still lined up as new tenants with two flats above. Mr Fynamore added it was important following the events of Little London Walk to focus on funding for side streets and asked whether Chichester District Council (CDC) would consider acquiring Little London Walk. Mr Oates informed Mr Fynamore that Estates would be the department to approach in this connection.

Mr Woolley asked what the plans were for the bin store behind the Oxmarket. Mrs Long informed the committee that planning permission had been granted but the quotes had been high so the BID would be resubmitting simpler plans.

Mr Hayes asked how popular the CCTV/nighttime security mobile headcams had been. He also asked what the BID's thoughts were on the uncomfortable nature of guiding a wheelchair over the city's stones. Mrs Long informed the committee that the mobile headcams had been a huge success and the police had been very supportive. Roads and pavements were a WSCC concern and the BID would raise this issue with them.

Mrs Graves asked for clarification on child bands. Mrs Long explained to the committee that the bands go around a child's wrist with a contact mobile number if they get lost. There are safe houses in each of the four main streets of Chichester where Chibac businesses are aware of what they need to do.

Mrs Graves asked for information on the nature of the proposed hanging signs in Crane Street and any further information on the Cattle Market building. Mrs Long explained that the Cattle Market building was out of the BID's area. She explained that there would be a move to finger boards rather than A-boards and hanging signs would be used in Crane Street.

Mr Hayes asked whether the Chichester Access Group would be consulted on the impact of boards for wheelchair users or the sight impaired. Mr Fynamore suggested that the BID would carry out a consultation exercise in due course.

Mrs Apel requested to know the BID's marketing strategy and who is on the Board. Mrs Long gave a number of examples of marketing actions which were being carried out. On Saturday 26 April a fashion and beauty show would be held outside the Assembly Rooms. Businesses had been working together and were donating a vast amount of prizes. There would be a week's radio campaign on Spirit FM leading up to the event. Catwalk items would be labeled within stores for consumers to purchase. The BID's AGM would be held at George Bell House on Wednesday 30 April. The Festival of Flowers shop competition has attracted twenty shops. The Garden market in past years had attracted the highest Saturday footfall and would take place between 9 and 11 May

inclusive. Friday 4 July Independence Day would be blogged, have a newspaper feature and shops decorated throughout the city. Ride 2 Chi on Sunday 27 July would see 250 motorbikes on the streets. The BID is looking to actively market the city as a shopping destination on the sides of lorries. The BID provides a twice yearly business leaflet and a quarterly City Focus newsletter and is aiming to move this online.

Mrs Long named the BID Board members for the committee.

RESOLVED

1. That the BID's broad range of activities affecting city centre businesses against the focus of the business plan objective be noted.
2. That the City Centre Partnership be requested to provide a further written report update to the committee on the BID's progress against the specific business plan outcomes in 6 months time.
3. That the BID's view that there is a need for small retail business opportunities for startup premises in the city centre be noted.

Mrs Apel thanked Mr Fynamore and Mrs Long for their attendance at the committee.

188 Chichester in Partnership – Getting people into Work Strategy – Progress against action plan

Miss Loaring presented the report (copy attached to the official minutes) and introduced Mr Wood, from the DfWP, Ms Newton from Jobcentre Plus, Mr Hill, the council's Choose Work Coordinator, and Mr Oates, the council's Economic Development Manager, to the committee. Mr Wood advised the committee that the Council was exceeding its targets, but these could vary on an on-going basis; registers had decreased in the 18-24 age group and medical support allowance registers had increased. Mr Wood commended the work of Mr Hill and the council's Selsey Works project. Mr Hill explained to the committee that a lot of his work involved building confidence in people and guiding them onto new paths of employment.

Mr Chaplin requested that Chichester in Partnership provide the committee with further details of outcomes in the future like the types of jobs people are accessing and whether any of these are on zero hours contracts. Mr Wood informed the committee that it had been difficult to get employers to provide permanent contracts. Mr Hill added that zero hour contracts still built confidence and allowed people to gain much needed experience.

Mr Thomas acknowledged the work going on in Selsey and asked what would happen north of the Downs and where there were plans for next. Miss Loaring answered that Petworth Town Council were considering a Selsey style approach but other areas had to cater for the specific needs of the community. Chichester in Partnership would be targeting Chichester East, Chichester South and Tangmere.

To a request from Mrs Dignum for more information on Women's Wisdom, Miss Loaring advised that Women's Wisdom was a community based organisation originally designed to help women suffering from domestic violence but now also providing training courses.

Mrs Dignum asked if it was difficult to arrange apprenticeships. Miss Loaring replied that Chichester College had gone to rural areas to encourage apprenticeships, making sure the businesses were made aware of the funding benefits. Mrs Dignum requested that paragraph 14.1 on page 27 be reviewed.

Mrs Graves asked if support was provided for basic skills and how much contact there was with schools. Miss Loaring advised the committee that Selsey Works has contact with schools along with officers working on the Targeted Support initiative. Selsey Works has also helped older people with computer skills. Chichester College will be offering CV skills workshops. Selsey Works will look to introduce training on iPads and Smartphones. Mr Oates added that the economic development team were trying to get schools to use the Council's work experience template.

RESOLVED

That Chichester in Partnership's progress to date against its Work Strategy action plan and the excellent partnership work being carried out be commended.

That a further update report be brought to this committee in one year's time at the end of the final year of this three year action plan.

Mrs Apel thanked all those presenting.

189 Amendments to the Housing Allocations Scheme

Mr Owen introduced the report (copy attached to the official minutes) and informed the committee of the amendments to the Housing Allocation Scheme made under the authority delegated to the Head of Housing and Environment Services in consultation with the Cabinet Member for Housing and Planning. Cabinet in July 2013 had requested that any amendments be reported to this committee.

Mr Hayes asked Mr Owen to amend the wording 'medical circumstance' in section 5.7 of the report to read 'medical circumstance or disability'.

Mr Thomas asked for clarification of how long people stay in Westward House. Mr Owen replied that Westward House is for temporary accommodation pending permanent re-housing. If Westward House is full a Bed and Breakfast is provided.

Mr Chaplin asked if the removal of social rents was a national issue or whether it would affect Chichester locally. Mr Owen replied that social rent was a problem as there was a lack of grant. Mr Chaplin replied that the council should look at ways and means of supporting housing in the district. Mr Potter suggested that the authority give or lease land to a Housing Association to solve the problem. Mr Owen advised that he was not able to answer this question and suggested that they be directed to the council's Housing Delivery Manager.

RESOLVED

That the amendments to the Housing Allocation Scheme made under the authority delegated to the Head of Housing and Environment Services in consultation with the Cabinet Member for Housing and Planning be noted.

190 Chichester Festival Theatre/Pallant House Gallery Task and Finish Group report

Mrs Apel and Mr Hansford presented the Task and Finish Group's report commenting on the attached annual reports from both organisations and the service level agreements for 2014/15 (copy attached to the official minutes).

Mr Thomas asked how much support the council would give these organisations after 2017. Mr Hansford clarified that the current funding agreement runs until 2018 so there is more time to consider future options and a task and finish group would be established in 2016.

Mrs Apel informed the committee that Chichester Festival Theatre and Pallant House Gallery would both be recommissioning economic impact assessment reports this year.

RESOLVED

- 1) That the final report from the Task and Finish Group be noted.
- 2) That the annual reports from Pallant House Gallery and Chichester Festival Theatre be endorsed.
- 3) That the 2014/15 Service Level Agreements with both organisations be endorsed.
- 4) That the approach set out in the report at paragraph 4.4 be agreed.

191 Late Items

At the Chairman's agreement a number of late items were discussed.

Joint Scrutiny Review of Flooding

Mr Potter would be reviewing the elements of the West Sussex flooding action plan before it is shared with the West Sussex Flood Risk Management Group at the end of April.

Overview and Scrutiny Committee Work Programme 2014/15

RESOLVED

That a short workshop would be arranged for the committee at the end of May to discuss and decide its work programme for 2014/15.

WSCC Health and Adult Services Select Committee (HASC) Committee

Mrs Dignum, the council's representative on the WSCC Health and Adult Social Care Select Committee, introduced a briefing from the meeting of this committee on 13 March 2014. A short summary had been circulated to the committee prior to the meeting. The committee discussed its concerns regarding stroke services, access to primary care and proactive care progress. Mr Hayes, the council's representative on the Western Sussex Hospitals NHS Foundation Trust, would be happy to relay to the Trust any concerns this committee has with regard to stroke services.

RESOLVED

That the concerns of this committee regarding stroke services be expressed to the WSCC HASC.

[**Note** The meeting ended at 12:45]

CHAIRMAN

Date _____

Chichester District Council

OVERVIEW & SCRUTINY COMMITTEE

3 July 2014

**Overview and Scrutiny Committee's 2013/14 Annual Report
and 2014/15 Work Programme**

1. Contacts

Clare Apel, Chairman of the Overview & Scrutiny Committee
Tel: 01243 783738 E-mail: capel@chichester.gov.uk

Bambi Jones, Principal Scrutiny Officer
Tel: 01243 534685 E-mail: bjones@chichester.gov.uk

2. Recommendation

The Committee is requested to consider and agree:

- 1. The committee's 2013/14 Annual Report and to recommend it to Full Council for noting.**
- 2. The committee's 2014/15 Work Programme.**

3. Background

3.1 The Council's Constitution states that the Overview & Scrutiny Committee must present an Annual Report of the committee's work to full Council. The Overview and Scrutiny Committee's Annual Report for 2013/14 is attached at Appendix 1.

3.2 The committee's work programme for 2014/15 has been developed taking into account the following:

- the newly developed Corporate Plan projects agreed by Cabinet on 7 January 2014
- projects identified for individual Service Plans
- the Forward Plan of Cabinet key decisions over the next few months
- issues which the Business Routeing Panel has suggested require member involvement
- items proposed by members or raised by the committee over the last year
- topics included in last year's programme which have been delayed

3.3 A workshop was held for members of this committee on 23 May 2014 when the draft annual report was discussed and a long list of topics for scrutiny involvement was considered and worked up into a more manageable list of topics, taking some issues offline for a more in depth review by way of task and finish groups. This final work programme is now attached at Appendix 2.

3.4 The committee is requested to recommend to Full Council that its annual report be noted as a correct record of the work of the committee in 2013/14.

The committee is also requested to consider and approve its 2014/15 Work Programme.

4. Consultation

- 4.1 The Council aims to carry out an effective overview and scrutiny function on behalf of local communities. Committee members were asked whether that had been achieved by way of a questionnaire circulated at the above workshop and how it could be improved, if at all. Members were asked to indicate their level of satisfaction (or not) with a number of statements and to expand upon their answers as appropriate.
- 4.2 From responses received it is clear that committee members consider that they are either satisfied or very satisfied that their role as community champions in reflecting the views and interests of the community is being achieved, that external partners and agencies are sufficiently engaged, that reviews are robust, that they fulfil their role is providing a challenge to the Cabinet and partners, that they have a good awareness of their role and have been offered sufficient training and development to support this role.
- 4.3 A number of very useful comments were made in relation to better ways of working which will all be followed up over the coming year. These relate to improving publicity for scrutiny, getting more local people involved, developing a tighter focus on review outcomes and understanding how we can better brief members before meetings.

5. Outcomes to be achieved

- 5.1 The council has a record of the work of the Overview & Scrutiny Committee for 2013/14.
- 5.2 Committee members are involved in deciding the direction and content of their work programme and the effective operation of the committee for the next year.

6. Community impact and corporate risks

- 6.1 One of the committee's roles is to act as a community champion in reflecting the views and interests of the community and to consider matters affecting the area or its inhabitants.

7. Other Implications

Are there any implications for the following?		
Crime & Disorder		No
Climate Change		No
Human Rights and Equality Impact		No
Safeguarding:		No
Other (Please specify): eg Biodiversity		No

8. Appendices

Appendix 1 – Overview & Scrutiny Committee Annual Report 2013/14

Appendix 2 – Overview & Scrutiny Committee Work Programme 2014/15

Chichester District Council

Overview and Scrutiny Committee - Annual Report 2013/14

Introduction by the Chairman

Yet again this year has been a very full one and a great deal has been achieved. This shows the dedication of the officers to fulfil the programme for scrutiny despite all the changes of personnel and office moves they have had to endure. The committee has done a great job in questioning and trying to get information on the issues involved. However, I think there is a feeling that we may be trying to do too much with the time constraints we have. This will be looked at in the future. I would like to have submitted one of the items to be judged in the annual scrutiny awards but with all the changes in the Council it was felt better to leave this till next year when there would be more quality time to put together the application. We have looked at various items externally as well as internally and on the whole this has been satisfactory. As with everything in life there were some issues that could have been looked at more efficiently but again this could have been due to time constraints.

I would like to thank all my committee members for their great help and support and also Bambi Jones, Steve Hansford and Lisa Higenbottam for the invaluable help they give to scrutiny.

Clare Apel
Chairman of the Overview & Scrutiny Committee

Scrutiny at Chichester District Council

Scrutiny is the way in which non-executive members of the council hold the Cabinet to account. They do this by reviewing existing council policy or decisions and by inputting into the development of new policies before the Cabinet approves these. In some cases they may ask for a decision (made by the Cabinet) to be re-considered before it is implemented to make sure all possible outcomes are thought through. These are called call-ins.

The committee also has the power to hold partner authorities and other public bodies to account by requiring information from them and requiring them to 'have regard' to the committee's report or recommendations.

The Overview & Scrutiny Committee met five times in 2013/14. The Chairman meets with the committee half an hour before each meeting to enable discussion about the agenda items and to agree a line of questioning for each topic.

Setting the OSC work programme for 2013/14

The 2013/14 OSC work programme was developed taking into account:

- the Corporate Plan projects agreed by Cabinet
- the Forward Plan of Cabinet key decisions over the next few months
- projects identified from individual Service Plans

- items proposed or raised by Members
- topics included in last year's work programme which were delayed
- topics requiring members' involvement suggested by the Business Routeing Panel

A number of Task and Finish Groups were suggested to be set up to carry out reviews in more depth over the coming year and to report back to the main committee. These task and finish group reviews are detailed in the report. Space was left in the work programme for topical issues that often arise during the year.

All Members were consulted in the development of this work programme by placing the draft on the Members' Bulletin Board for comment.

The impact and influence of scrutiny

A total of 16 recommendations have been made by the committee to the Cabinet or to Council during the year. Fifteen recommendations were agreed, giving a 93.75% achievement.

There was one call-in this year - in relation to a decision by the Cabinet to appoint a member to the Chichester Ship Canal Restoration Project Board. The committee recommended to Council in June 2013 that the decision be reconsidered. Council referred the decision back to Cabinet for a full exploration of the facts and the background to this request. Cabinet resolved to confirm and implement their decision to make the appointment.

Cabinet Members have shown strong support for the scrutiny process by attending relevant OSC and task and finish group meetings. Of the 48 members on the council, 15 are on the OSC and another eight have taken part on task and finish groups this year. With Cabinet Members and other interested members attending meetings this relates to 68.75% of all members being involved in scrutiny in some form or other during the year.

Members' training and development

- There was one newly appointed member to the committee this year, Mr M Woolley, who received induction training in June 2013.
- Mrs C Apel attended the Centre for Public Scrutiny annual conference on 11 June 2013.
- Mrs Apel also attended the South East Employers Local Democracy and Accountability Network in November 2013.
- Mrs N Graves attended the Westminster City Council seminar 'Maximising the Impact of Overview & Scrutiny' on 28 February 2014.
- Mr N Thomas attended the LGA Culture, Tourism and Sport Annual Conference 2014 in Portsmouth on 4 March 2014.

Main areas of work for overview and scrutiny this year and outcomes/achievements

Areas of focus	Outcomes/achievements
The Grange, Midhurst	The committee reviewed the progress of the proposed new leisure centre in Midhurst in June 2013.
Visit Chichester	Dr Andrew Clegg, Chairman of Visit Chichester and Mr P Over, the Council's representative on the Visit Chichester Board, gave a presentation to the September 2013 meeting of the OSC detailing the organisation's available resources, how they had developed the website and the online booking system, plans for the future, membership, finances and funding and publicity. The committee agreed to set up a

	task and finish group to review the delivery model that Visit Chichester is working to as to whether the structure is right and fit for purpose, to assess how the council could assist Visit Chichester in becoming self-sustaining and to review the provision of current tourist information services in the district. See later in this report for the work of this group.
Sunday Car Parking Charges Review	The committee was consulted on the review of Sunday car parking charges in advance of the final report being presented to the Chichester District Parking Forum. Footfall figures, deflection of parking onto neighbouring residential streets, pay and display income, enforcement needs, etc. were reviewed and comments and issues raised with officers for further consideration.
Review of Internal Lettings Agency (Homefinder)	The operation of the internal letting agency was considered against the project plan as well as the take-up and projected income and funding arrangements. The committee acknowledged the agency's progress and recommended the project be continued for three years to 2016, requesting to review it again in late 2015.
Review of the Community Safety Partnership (CSP)	This is the committee's statutory annual review of the district's CSP. A number of partners attended the November 2013 meeting to give evidence and to answer members' queries. Ms E King, WSCC Strategic Community Safety Partnership Coordinator talked about the strategic context and changes at WSCC; Mrs E Lintill, the Cabinet portfolio holder and community safety officers talked about the strategic assessment, plan and budget and the consultation on priorities 2014/15; Mr L Jackson of Hyde Plus (a local housing association) talked about how they work with partners on community safety issues; and CI Tanya Jones answered questions posed to her in advance of the meeting on operational challenges and priorities from a police point view, public perceptions and customer satisfaction. Members were satisfied that the CSP was achieving its priorities and performance targets.
Council Tax Reduction Scheme	The committee reviewed the implementation of the 2013/14 Council Tax Support Scheme, the effects of the current scheme on local residents and changes made to the 2014/15 scheme as a result. A few changes were suggested to be incorporated into the Scheme before its consideration by Cabinet in December 2013 when this scheme was approved.
Impact of Welfare Reforms	The committee heard evidence from the council's Benefits Manager, from representatives of Arun and Chichester Citizens Advice Bureau and the Thrussell Trust (the local foodbank). Members acknowledged the work done by the council to prepare for welfare reforms and to mitigate the impacts on local residents. They also acknowledged the wider implications and impacts of welfare reform on other agencies.
Review of Healthier Chichester Partnership (HCP)	Following consultation with all parties to the HCP a review had taken place to identify the options for future joint working. It was proposed to move the HCP under the umbrella of Chichester in Partnership (CIP) and to develop an action plan for future delivery of priorities and to move the current budget, ring fenced for health matters, to the CIP. The committee agreed with this proposal and requested a further report on progress against the CIP health action plan in one year's time.
Targeted support for communities/Think	A full update on the work being carried out under these projects was provided to the committee, which acknowledged that some very good

Family Expansion Projects	initiatives demonstrating excellent partnership working across a number of agencies were being trialed. An update on progress was requested in one year's time.
Chichester Business Improvement District (BID) – progress review against Business Plan	Mr A Finnamore and Mrs K Long, representatives from the Chichester City Centre Partnership, which manages the BID, gave a full account of the work which had been undertaken over the last year and detailed how the priorities in the Business Plan had been met. The committee noted the broad range of activities affecting city centre businesses and asked to see a performance update report in six months' time.
Getting People into Work Strategy – progress update against action plan	It was noted that much positive partnership working was being achieved to deliver the actions in this three year strategy ending May 2015. Members commended this work and requested a final progress report in one year's time, which would be the full picture of delivery against the three year strategy.
Housing Allocations Scheme – amendments	The committee considered amendments to this scheme and endorsed the changes made.

The work of the Task & Finish Groups

The committee set up a number of task and finish groups this year and their work is described below along with the outcomes achieved.

<p>Housing Panel Mr M Woolley (Chairman), Mr G Barrett, Mrs N Graves, Mrs E Hamilton, Mr R Marshall and Mr S Oakley.</p>
<p>Areas of focus – The Council's revised draft Housing Strategy and Allocations Scheme were reviewed by the Panel, focusing on housing priorities over the next five years, affordable housing targets, the development of a questionnaire for the consultation process and the capital investment programme. The Housing Allocations Scheme was revised to encourage local connection and to exclude applicants with significant earnings. This all contributed to the delivery of a housing seminar session to involve all members.</p> <p>Outcomes – A significantly revised strategy and allocations scheme was developed with a great deal of member involvement. This was subsequently agreed by Cabinet and then Council, along with a capital investment plan to deliver against the strategy. This panel has now been deleted.</p>

<p>Economic Development Task & Finish Group Mr N Thomas (Chairman), Mrs E Hamilton, Mr G Hicks and Mr S Lloyd-Williams</p>
<p>Areas of focus – The group considered the action plan to deliver the strategic objectives in the Economic Development Strategy and prioritized actions taking into account available resources.</p> <p>Outcomes – The action plan was significantly revised to focus on high priority areas and to ensure the plan was not over-ambitious. The group requested that the Chairman of Visit Chichester, the district's destination organisation, be invited to present to a future committee meeting. This took place in September 2013 and has led to the setup of a further task and finish group to review tourism delivery in the district and assistance which could be provided to Visit Chichester.</p>

Corporate Plan Task & Finish Group

Mrs P Dignum (Chairman), Mr J Cherry, Mr S Lloyd-Williams and Mr G McAra.

Areas of focus – To consider mid-year progress on actions and targets in the Corporate Plan and to identify any further action that needs to be taken to challenge poor performance and to reduce any risk to an acceptable level.

Outcomes – The council's key projects were monitored for successful delivery. Action was taken to address any risks to the Council as a result of poor or delayed performance.

Voluntary & Community Services Task & Finish Group

Mrs B Tinson (Chairman), Mrs C Apel, Mr N Thomas and Mrs J Tassell.

Areas of focus – to examine the specification and methodology for commissioning infrastructure support services for Chichester. The national performance standards for local support and development organisations were considered alongside Voluntary Action Arun & Chichester's (VAAC) performance against the current funding agreement. Evidence was given by two public sector organisations on the services provided to them by VAAC. A presentation was given to the group by Mrs C de Bathe, a representative of the consultant, Chichester Community Development Trust (CCDT), regarding the consultation undertaken with service users and explaining how the new specification had been developed. Procurement options were considered and the Council's Constitution reviewed with regard to standing orders for contracts. Advice was received from procurement officers. The group recommended the re-commissioning of infrastructure support services for the voluntary and community sector in Chichester by providing a grant to VAAC for a period of two years from 1 April 2014 and agreeing the revised specification. VAAC was requested to provide specific monitoring reports against the grant award conditions to the Council on a quarterly basis and to carry out the recommendations within the evaluation document.

Outcomes – A sustainable and effective support service to the voluntary service in Chichester. A showcase event for members to be provided to allow them to meet with and view the work of the voluntary service providers.

Budget TFG

Mrs P Tull (Chairman (CGAC)), Mr R Hayes, Mr S Lloyd-Williams and Mrs B Tinson (OSC) and Mr T French and Mr R Marshall (CGAC)

Areas of focus – This group has representatives from both the Overview & Scrutiny and Corporate Governance & Audit Committees. The group considered the projected Revenue Budget variations (showing estimated outturns for 2013/14 and variances for the 2014/15 budget), the Summarised Comprehensive Income and Expenditure sheets, Budget reconciliation and ICT budgets. The group noted the potential underspends and variances and were pleased with the clarity of the information and noted the budget information.

Outcomes – Members' involvement in budget scrutiny prior to presentation of the draft Budget to Cabinet in February 2014.

Theatre/Gallery Task & Finish Group

Mrs C Apel (Chairman), Mr A French, Mr R Hayes, Mr G Hicks and Mr N Thomas.

Areas of focus – The council has a funding agreement in place with both Chichester Festival Theatre and Pallant House Gallery until 2018. The theatre and gallery report annually to the Overview & Scrutiny Committee with regard to their performance and progress. The council negotiates a service level agreement with both organisations annually and reviews progress against expected outcomes for local people. The task and

finish group met in April/May 2013 to assess progress against the 2012/13 service level agreements with both organisations and met again in March/April 2014 to review progress for the 2013/14 year. Representatives from the gallery and theatre were involved in meetings with the task and finish group to present their work and to answer members' questions. In 2014 it was agreed with both organisations that they would attend the OSC every third year to present their annual reports, the next time being in 2016.

Outcomes – The group was satisfied that the Council was achieving value for money in respect of the grants provided to both organisations, particularly in the community work which meets the authority's priorities in its Corporate Plan of supporting vulnerable people and communities and in contributing to the economic impact of the area. The gallery's work with dementia sufferers and their carers was of particular note and the Council will work with both organisations to develop joint working projects on priority areas.

Tourism/Visit Chichester Task & Finish Group

Chairman – Mr G McAra

Members – Mrs C Apel, Mrs N Graves, Mr N Thomas and Mrs B Tinson.

Areas of focus – Review of the delivery model which Visit Chichester is working to and consideration as to whether the structure is right and fit for purpose. A strong destination management organisation (DMO) for the district, raising the profile of the district as a visitor destination, and increasing tourism business to the district. Consideration of the in-kind support which the Council can provide to Visit Chichester.

Outcomes – This review is part way through its deliberations and will report back to the OSC in the Autumn 2014.

Contribution to WSCC Select Committees

The following members have attended WSCC Select Committees and reported back to the committee on issues of interest to the Chichester district and local residents.

- Mrs C Apel - Children & Young People's Services Select Committee
- Mrs P Dignum – is the council's representative on the Health & Adults Social Care Select Committee
- Mr S Oakley - Environmental and Community Services Select Committee

In March 2014 the committee agreed that in future these representatives should forward a briefing on the issues considered at each committee they attend by email to all members. If sufficient concern is raised by members in response to this briefing, then the issue could be discussed at the next available meeting.

West Sussex Joint Scrutiny

Mrs C Apel is on the West Sussex Joint Scrutiny Steering Group, a group of scrutiny members from the seven districts and boroughs of West Sussex who get together to suggest joint scrutiny reviews on issues of common interest to all authorities.

This year a review of the 2012 flooding events was carried out. Mr H Potter was nominated as the committee's representative on this review. The group's final report with recommendations was circulated to OSC members for comment prior to its presentation to Cabinet in February 2014, whereupon the Council's response was forwarded to WSCC. Mr Potter has subsequently been involved in reviewing the action plan arising from the West Sussex Local Flood Risk Management Strategy before its consideration and agreement more widely.

OVERVIEW & SCRUTINY WORK PROGRAMME 2014/15

Topic and background	Objectives/Background	Key contacts
3 JULY 2014		
Tourism Task & Finish Group – progress report	➤ Report on progress with review with some proposed options for OSC to consider as to the way forward	J Hotchkiss S Oates
Enforcement Strategy	➤ Consultation with OSC 3 July, Planning Committee 23 July, then on to Cabinet September 2014 for approval	A Frost/ Shona Archer
The Novium – progress review	➤ OSC April 2013 received progress report and requested further report in one year's time. ➤ Monitoring role	J Hotchkiss C Hakes
Chichester Wellbeing Programme	➤ Review outcomes against targets of WSCC Wellbeing contract which CDC commissions with district health providers ➤ Upload to Members' Bulletin Board for comment and circulate to OSC members to raise any concerns; for endorsement at OSC	E Thomas
Overview & Scrutiny Committee annual report and 2014/15 work programme	➤ OSC workshop 23 May 2014 considered and reviewed the annual report and the proposed work programme 2014/15. ➤ For endorsement and recommendation to Council 22 July	B Jones
11 SEPTEMBER 2014		
Tourism Task & Finish Group – final report	➤ Following consideration of the options at the previous meeting, these will be worked up into proposals for recommendation on to the Cabinet on 7 October 2014.	J Hotchkiss S Oates
Housing Strategy Delivery Plan 2013-18	➤ OSC request to review Housing Strategy delivery plan one year after approval in Sep 13. ➤ Consideration to be given as to how OSC can be involved in reviewing different elements of the action plan.	L Grange
Development of equity share model	➤ Part of Housing Strategy action plan – separate report.	L Grange
Development Management service performance review	➤ Cabinet Apr 2013 requested that performance be monitored and reviewed by OSC after a year. ➤ Monitoring role – current performance and how new structure has influenced this	A Frost

Topic and background	Objectives/Background	Key contacts
Community Advice Services review	<ul style="list-style-type: none"> ➤ June to Aug 2014 – West Sussex Joint Scrutiny Task and Finish Group - OSC representative Mrs C Apel ➤ To consider options to contribute to a new West Sussex contract to commence 1 April 2015 ➤ CA to place draft report on Members' Bulletin Board for comment and send out to OSC members for any concerns to be raised ➤ TFG final report to OSC September for endorsement and recommendation on to Cabinet 7 October for approval. 	S Hansford
18 NOVEMBER 2014		
Education review	<ul style="list-style-type: none"> ➤ Task and Finish Group review October/November 2014 to report back to OSC 18 Nov. ➤ Terms of Reference to be agreed by OSC Sep 2014 ➤ Review baseline information Nov 2012 on schools performance, number of academies in operation etc. Assess the change and consider - What is the County's role as corporate parent? What are the effects of the youth service cuts Oct 2013 with of loss of after school youth clubs. 	S Hansford
Homelessness Strategy	<ul style="list-style-type: none"> ➤ Existing Strategy expires 2014. As part of Housing Strategy action plan ➤ Recommendation to Cabinet Dec 2014 	M Grele/R Dunmall
Corporate Plan mid-year progress review	<ul style="list-style-type: none"> ➤ Task and Finish Group review October/November 2014 to report back to OSC 18 Nov. ➤ Terms of reference to be agreed by OSC Sep 2014 (existing ToR may be sufficient) ➤ Monitoring role 	A Huggett
Midhurst Community Leisure Facilities	<ul style="list-style-type: none"> ➤ Progress report – business related. ➤ Monitoring role 	J Hotchkiss/ Sarah Peyman
Careline Business Plan – progress against Business Plan	<ul style="list-style-type: none"> ➤ Cabinet Apr 2013 agreed Business Plan. OSC requested to review progress against the business plan in one year's time. ➤ Was scheduled for Jul OSC, but delayed to Autumn 2014 pending WSCC decision re commissioning of telecare services in the county. ➤ Monitoring role 	S Hansford

Topic and background	Objectives/Background	Key contacts
13 JANUARY 2015		
Community Safety Partnership review	<ul style="list-style-type: none"> ➤ Task and Finish Group review Nov/Dec 2014 to report back to OSC 13 Jan. ➤ Terms of reference to be agreed by OSC Nov 2014 ➤ Statutory responsibility to review Community Safety Partnership. Carry out small scale review this year. 	S Hansford
Business Improvement District – progress against Business Plan	<ul style="list-style-type: none"> ➤ Review by OSC April 2014. OSC requested further update in 6 months' time. ➤ Monitoring role 	S Oates
Budget TFG	<ul style="list-style-type: none"> ➤ Task and Finish Group to review Dec 2014 to report back to OSC 13 Jan. ➤ Terms of reference to be agreed by OSC Nov 2014 (if required) 	J Ward
Electronic Consultation with CDC parishes	<ul style="list-style-type: none"> ➤ Business Routeing Panel March 2014 suggested OSC involvement. ➤ Due to go live June/July 2014. Review progress of implementation in 6 months' time. ➤ Monitoring role 	A Frost/ Sam Carter
17 MARCH 2015		
Chichester in Partnership – health action plan progress review	<ul style="list-style-type: none"> ➤ OSC Mar 2014 considered review of Healthier Chichester Partnership and move to Chichester in Partnership ➤ Requested to review progress against health action plan in one year's time. ➤ Monitoring role 	E Thomas/A Loaring
Targeted support and Think Family projects	<ul style="list-style-type: none"> ➤ OSC Mar 14 requested to review in one year's time ➤ Monitoring role 	S Hansford

To be scheduled in when timescales known

Topic and background	Objectives/Background	Key contacts
Asset Realisation and Development	<ul style="list-style-type: none"> ➤ BRP March 2014 advised this may need OSC or CGAC input when projects identified. 	P Over/ Peter Legood
Private Sector Renewal Policy	<ul style="list-style-type: none"> ➤ Was scheduled in 2013/14 work programme but work delayed due to Housing Stock Modelling results (linked to 2011 Census). ➤ Milestone on Housing Strategy Delivery Plan. ➤ No date set as yet. 	R Dunmall

Chichester District Council

OVERVIEW & SCRUTINY COMMITTEE

3 July 2014

Review of Planning Enforcement Strategy

1. Contacts

Report Author:

Shona Archer, Enforcement Manager,

Tel: 01243 534547 E-mail: sarcher@chichester.gov.uk

2. Recommendation

- 2.1 That the committee notes the draft revised Planning Enforcement Strategy.
- 2.2 Recommends that the Planning Committee endorses the proposed changes.
- 2.3 Recommends the revised Planning Enforcement Strategy to Cabinet.

3. Background

- 3.1. Chichester District Council (CDC) as the Local Planning Authority has powers under the Town and Country Planning Acts to control unauthorised development. The Council adopted a formal Planning Enforcement Strategy in December 2009 that explains the approach the council will use to investigate and remedy breaches of planning control.
- 3.2. CDC has a dedicated team within the Planning Service to carry out investigations, resolve breaches of planning control, take formal action and offer advice where appropriate. The team consists of a manager, assistant manager, three planning officers plus a technical support officer. The Team Support Officer role now sits centrally to provide administrative support to Planning Services as a whole with enforcement administrative support being provided by the administrative service. It is recognised that the team has over the years struggled to maintain a full complement of officers and this continues to be an issue that impacts upon performance. A planning officer vacancy in the team has recently been filled but due to a lack of suitably qualified applicants there remains a further vacancy.
- 3.3. In April 2011 the Development Management Service entered into an agreement with the South Downs National Park Authority (SDNPA) to act as their agent in the provision of Development Management services within the park. This includes planning enforcement work which is the subject of a protocol between the SDNPA and CDC. The SDNPA has however adopted its own enforcement strategy.

3.4. In 2012 the CDC Internal Audit Team undertook an audit of Planning Enforcement. It concluded that it was satisfied with the function of the Planning Enforcement service and made 2 medium rated recommendations:

1. The Planning Enforcement Strategy is subject to a review. Consulting with the SDNPA as part of the review; and
2. Review of extent of Delegated authority to enable the Enforcement Team Manager to close cases where there is a breach of control but no further action will be taken by the council. This recommendation has been implemented.

3.5 The service has now been operating under the guidance of the Enforcement Strategy for four years and has implemented the recommendations of the 2009 and 2013 internal audit with the exception of 1 above. This report and review address that recommendation and the opportunity has also been taken to review the Strategy to reflect the NPPF.

4. Outcomes to be achieved

- 4.1. To ensure that the Enforcement Strategy is up to date to enable the expectations of those engaged in the planning enforcement process to be managed through a clear statement of service objectives and goals.
- 4.2. An Enforcement Strategy that reflects the simplified statements of Government policy and refers to relevant legislation will instil confidence in users of the service; provide a document that is both easy to use and informative to help fulfil the aims and objectives of the Development Management Corporate Improvement Project and Service Plan.
- 4.3. Performance against the revised Enforcement Strategy will, as at present, be monitored by officers on a monthly basis and on a quarterly basis reported to the Planning Committee. Weekly updates of Inspections and Actions will also be made available via the Members Desktop.

5. Proposal

- 5.1. The proposal is to undertake a light touch review of the Enforcement Strategy and to add a proactive element.
- 5.2. The NPPF states that Local Planning Authorities should “set out how they will monitor the implementation of planning permissions” and so it is proposed that proactive conditions compliance is included in the Enforcement Strategy. Officers will check if conditions have been discharged on all major development schemes and inspect a selection of other development types, identified from Building Control Commencement Notices, to ensure development is carried out in compliance with the permission granted.
- 5.3. The Planning Enforcement Strategy sets out the goals and objectives of the Enforcement service; and provides milestones for driving the enforcement process to ensure good customer care. It is considered that this overarching aim has, in the main, been achieved in that most cases are investigated in compliance with the Strategy. For this reason, the review of the strategy has in other respects focused on amending its presentation and legislative content.

- 5.4. A fundamental difficulty for the enforcement service is the recruitment of suitably qualified and experienced planning officers. Hence at times there are insufficient resources available to progress significant investigations. This can result in reduced levels of customer care and service delivery. Efforts are currently being made to fill the remaining vacancy in the team.
- 5.5. A revised Enforcement Strategy will provide the Council with an up to date statement of its objectives and priorities for enforcement that customers can use to answer questions that may arise and to learn more about the service they expect to be provided.
- 5.6. The revised Strategy will be reported to Planning Committee on 23 July 2014 and will become operational on approval by Cabinet on 9 September 2014.

6. Alternatives that have been considered

- 6.1. To operate without an Enforcement Strategy. This approach would be contrary to guidance in the NPPF in relation to the importance of effective enforcement.

7. Resource and legal implications

- 7.1. There are no direct financial or budgetary implications arising from this matter. The Strategy will be accessible via the Council's website. It is anticipated that the continuation of the Strategy will result in fewer complaints about unsatisfactory service which in turn will enable greater focus on the core function of enforcement investigation and complaint resolution.

- 7.2. Paragraph 207 of The National Planning Policy Framework (NPPF) states:

"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. **Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.** This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so".
Emphasis added.

The Enforcement Strategy meets the objectives of the NPPF and the Corporate Plan in meeting the needs of customers.

- 7.3. The introduction of the revised Enforcement Strategy will have a positive impact upon the enforcement team in its contact with members of the public as it states how enforcement will be managed in the district, how planning permissions will be monitored and how alleged cases of unauthorised development will be investigated and when action will be taken.

8. Consultation

- 8.1. Members were consulted in February 2014 via the Knowledge Hub about a revision to the Enforcement Strategy. No adverse comment was received.

9. Community impact and corporate risks

- 9.1. The Enforcement Strategy has not been significantly revised but the updated text in relation to policy and procedures makes it easier to use and the introduction of a proactive approach in relation to conditions compliance will have a positive impact on the quality of development in the district. Within the enforcement process there is a risk that an aggrieved party may make a formal complaint or seek financial compensation for any harm arising from a failure to enforce. These risks can be managed through the regular monitoring of cases by both officers and members as set out above.

Other Implications

Are there any implications for the following?	Yes	No
Crime & Disorder:		No
Climate Change:		No
Human Rights and Equality Impact:		No
Safeguarding:		No

10. Appendices

Appendix 1 – Revised Planning Enforcement Strategy.

11. Background Papers

- 11.1 National Planning Policy Framework

PLANNING ENFORCEMENT STRATEGY 2013

Introduction

The Town & Country Planning Acts give discretion to the Local Planning Authority in the exercise of its powers for controlling unauthorised development.

The Council is firmly committed to the effective enforcement of planning control. The Council views breaches of planning control very seriously and has a dedicated enforcement team within Development Management.

The National Planning Policy Framework (March 2013) states, at paragraph 207, that “Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.” This document sets out the strategy and the approach the Council will take in investigating and remedying breaches of planning control. This Strategy was formally adopted by the Council following approval on

Planning Enforcement

Planning Enforcement plays an important role in monitoring development and investigating potential breaches of planning control. The integrity of the development management process depends upon the planning authority's readiness to take effective enforcement action.

The Council, as the local planning authority, has powers to investigate unauthorised developments and take appropriate remedial action where necessary. Breaches of planning control can take a number of forms, including unauthorised changes of use of land or buildings, work being carried out without the benefit of planning permission and breaches of conditions attached to planning permissions.

When the Council investigates a breach, an assessment is made to determine what action, if any, is necessary. In many cases where a breach has taken place, there is no adverse effect on the character of the surrounding area, or on residential amenity. In these circumstances the Council will normally avoid taking enforcement action simply to regularise a development.

Our Objectives

The Council has established the following objectives:-

- To remedy the undesirable effects of unauthorised development
- To strike a balance between protecting amenity/ environment and other interests of acknowledged importance, and enabling acceptable development to take place
- To ensure that the credibility of the planning system is not undermined

- To carry out all duties in accordance with the principles of the Enforcement Concordat¹, particularly with respect to openness, helpfulness, proportionality and consistency
- To be pro-active in regard to the monitoring of development to ensure compliance with conditions imposed on Planning Permissions and to be reactive in the investigation of complaints
- To work with other agencies and organisations, both internally and externally to deliver acceptable outcomes

Principles

1. All written complaints, from a named person(s) regarding breaches of planning control will be acknowledged and investigated; and complainants notified of the action taken.
2. Complaints will be prioritised, depending on their urgency and potential environmental/amenity harm.
3. The identity of complainants will be kept confidential, unless subsequent Court action warrants their evidence being made public. Complainants will be kept informed of the progress of investigations and of the eventual outcomes.
4. Action is discretionary and will only be taken where it is both expedient to remedy harm and in the public interest.
5. Action will be proportionate to the breach and may be held in abeyance whilst planning applications or appeals are determined provided there is a reasonable prospect that planning permission will be granted.

Priorities

The Council receives approximately 600 complaints each year regarding alleged breaches of planning control and will give priority to those cases where greatest harm is caused. However, even if low priority, cases will be given attention and brought to a conclusion.

Complaints will be investigated in accordance with the following:

1. High Priority

These will normally be subject to a site inspection within 2 working days:

- a) Unauthorised demolition, partial demolition or significant alteration of a building, which it is essential to retain (e.g. a listed building or building within a Conservation Area)
- b) Unauthorised works to trees covered by a tree preservation order (TPO) or in a Conservation area

¹ In March 1998 the Local Government Association published the central and local government Enforcement Concordat on Good Enforcement that sets out the best practice to achieve higher levels of voluntary compliance.

- c) Any unauthorised development/activity which causes clear, immediate and continuous harm or danger to the locality including the living conditions of adjoining residents

2. Medium Priority

These will normally be subject to a site inspection within 10 working days:

- a) Unauthorised development that will be immune from enforcement action within 6 months²
- b) Operational development/changes of use and non-compliance with conditions likely to cause neighbourhood distress or adverse harm to a Conservation Area or the appearance of nationally statutorily protected landscapes

3. Low Priority

The lowest priority will be given to cases resulting in little or no harm and will normally be subject to a site inspection within 20 days:

- a) Means of enclosure; advertisements, flag poles and satellite dishes
- b) Householder development
- c) Works likely to be permitted development

Making a complaint

Complaints about alleged breaches of control will be accepted by letter, e-mail or on-line. Telephone calls are only accepted for Priority 1 cases. Anonymous complaints will not be entertained except in exceptional circumstances. Contact:

Chichester District Council
East Pallant House
1 East Pallant
Chichester
West Sussex PO19 1TY
TEL: 01243 534734
Email: planningenforcement@chichester.gov.uk
<http://www.chichester.gov.uk/>

² The Planning and Compensation Act 1991 introduced time limits within which a LPA can take planning enforcement action against breaches of planning control.

- four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed

- four years for the change of use of a building, or part of a building, to use as a single dwelling house.

Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken

- 10 years for all other development. The 10 year period runs from the date the breach of planning control was committed

Once these time limits have passed, the development becomes lawful, in terms of planning.

To assist the Council in providing an early resolution to the issues raised it is important that the complainant provides as much information as possible about the alleged breach of control. For example a description of the problem identified, dates and times of the activities carried out and the names and address of those involved. Once a breach of control is confirmed, a complainant may be asked to keep a record of any relevant activities. All complaints will be dealt with confidentially and there is no public right to access information about complainants.

A complaint will be acknowledged within 5 working days.

What is a breach of planning control?

Most building, engineering work and changes in the use of land and buildings needs planning permission from the Council. Sometimes development is carried out without planning permission or does not properly follow the detailed plans/and or planning conditions which have been approved by the Council. Such actions are referred to as a 'breach of planning control' and can include the following:

- Building work
- Changes of use of land or buildings, e.g. mobile homes or new business uses
- Non-compliance with planning conditions
- Display of advertisements
- Work to protected trees, listed buildings and demolition in a Conservation Area

Once the alleged breach has been investigated and it has been established that harm is being caused, action may then be taken. However, assessment of complaints would not include:

- Loss of value to a neighbouring property
- Competition to another business
- Loss of an individual's view or trespass onto someone else's land
- It may be possible to address issues such as these by way of civil action although this is a matter for the individual to pursue and is not an area where the Council would be involved

Enforcement Action

The Council will usually attempt to remedy unauthorised breaches through negotiation, rather than immediate statutory action. This may involve the submission of a retrospective application or a requirement to take steps to ameliorate specific problems with a development. In cases where the breach is serious and has a detrimental impact on the character or amenity of an area or building, the Council can serve an Enforcement Notice. Where the breach is particularly severe a Stop Notice may be served in conjunction with the Enforcement Notice, requiring immediate cessation of the unauthorised activities. Failure to comply with these Notices constitutes a criminal offence, and the Council can take direct action to secure compliance.

In deciding whether to take action the Council will have regard to the development plan and other material considerations including national policy and Government Circulars. Any action taken will be proportionate with the breach of planning control and will pursue the minimum remedy necessary to mitigate the harm caused by the development.

If unauthorised development complies with Development Plan policies, is not harmful or any harm can be controlled by condition, the Council will allow a period of 28 days for the submission of a retrospective planning application to try to regularise the position. In other circumstances, the Council will proceed to issue an enforcement notice. When applications are being considered the developer may be advised to stop work. Enforcement action will not normally be taken whilst applications are under consideration.

Deciding when to take action

In considering whether to take action the Council will not give weight to the fact that development has commenced. Where an application is submitted retrospectively a decision on whether to proceed with enforcement prior to the determination of the application will be made. Unauthorised developments are treated on their merits in the same way as proposed developments.

Decisions not to take action will be made by a 'designated officer' as agreed through the Council's scheme of delegation. Reasons for not taking action will be recorded in writing. In accordance with the adopted delegation arrangements any recommendation to commence prosecution proceedings must be referred to the Head of Service. In exceptional cases where significant expenditure could be incurred or a decision overturns a previous decision of the Council the matter will be reported to the Planning Committee.

In considering whether to take action, the Council will not give weight to non-planning considerations. Local opposition or support for an unauthorised development will not be given weight unless that opposition or support is founded upon valid planning reasons.

In using the regulatory powers provided by the planning system the Council will have regard to the Council's obligations and powers under other legislation and also the statutory powers carried by other organisations.

Types of Action

The main forms of enforcement action taken by the Council are as follows:

- Enforcement Notice
- Breach of Condition Notice
- Stop Notice
- Temporary Stop Notice

The Council will ensure that any enforcement action taken is proportionate to the impact of the breach of planning control.

Where the condition of a building or land seriously detracts from or affects the character of an area and remedial works are not undertaken within a specified period a notice may be served under the provisions of S215 of the Act.

Not all breaches of planning control will result in significant harm being identified. In these cases officers may decide that no further action should be taken. If, at any stage, it becomes clear that there has been no breach of planning control, or the development has been altered to no longer require permission, the process will be discontinued and interested parties informed of the situation.

Appeals against the issue of an Enforcement Notice

There is a right of appeal to the Secretary of State against an enforcement notice and appeals are processed in accordance with procedures administered by the Planning Inspectorate. The actions required by an enforcement notice, along with the compliance period, are held in abeyance pending the determination of an appeal. If the appeal is allowed, the Enforcement Notice is quashed and the investigation closed. If the appeal is dismissed and the Enforcement Notice is upheld, the compliance period on the Notice commences on the date of the appeal decision letter. The Council will then use all appropriate means to secure compliance with the Notice.

Other forms of action that the Council can take are:

Prosecutions

An offence occurs where a developer fails to comply with the requirements of a notice or carries out work to a protected tree or listed building without consent. It is also an offence to display an advertisement without consent. Where these matters cannot be resolved by any other means, the Council will take prosecution action in the local courts. The Council will also seek to prosecute any failure to return formal legal documents where required by law to do so or deliberately providing any false information, where such a prosecution would be in the public interest.

Injunctions

In exceptional cases, the Council may seek an injunction through the Courts. An injunction may be sought at any stage of the planning enforcement process, either as the Council's preferred remedy or in addition to some other formal enforcement action. Unlike an enforcement notice or a stop notice, injunctive proceedings are "personal" in that the Council seeks to obtain an order from the Court to restrain a person, or a number of people from carrying on the breach. The Council will therefore have to weigh the public interest against the private interest of the person or people whom the Council seek to restrain.

The Court has the discretion to commit a person to prison who refuses or neglects to do something required by a Court Order.

Direct Action

The Council can decide to take direct action to secure compliance with the requirements of an outstanding enforcement notice where the person responsible fails to do so. Such action will only be taken after consideration of the 'public interest' in pursuing the matter and contact with the owner/occupier of the land. The Council will seek to recover its costs for example, by placing a charge on the land.

Proactive Enforcement

Conditions compliance

Conditions are often imposed to regulate certain aspects of an approved scheme and are an essential element in the process. Were it not for the conditions, it is probable that planning permission would have been refused.

The Council will carry out compliance checks on major application sites and selected developments both in terms of imposed planning conditions and the physical features of the development itself (i.e. siting). Priorities will be determined by the Enforcement Manager or their assistant. This approach will be based on a risk assessment, where sensitive developments and sites will be judged to be a higher risk.

A developer is at risk of the Council issuing a Breach of Condition Notice for failure to adhere to approved details. However, some minor changes are acceptable and can be dealt with through a further planning application.

The Council will seek to develop close contacts with major developers to facilitate mutually beneficial checking of conditions and other aspects of individual developments to resolve matters as quickly as possible.

Targeted pro-active projects

The Council will undertake pro-active projects where resources allow. Such projects could include illegal advertisements in a specific area, untidy sites or checking occupancy conditions (agricultural/holiday).

Review of conditions

The practical issues involved in enforcing conditions and agreements and the issues that can arise from unclear information on approved plans will be shared with Planning Services to ensure that robust and sound controls are applied to new development.

Publicity

The Council will take a proactive stance in publicising successful action as part of its strategy for improving public awareness of the importance of managing development.

Performance

The Council will maintain accurate records of enforcement investigations and report performance figures to the Planning Committee on a quarterly basis to ensure that standards of customer care are adhered to and that enforcement meets the standards of service delivery set out in this document.

Chichester District Council

OVERVIEW AND SCRUTINY COMMITTEE

3 July 2014

Tourism Task and Finish Group Progress Report

1. Contacts

Gordon McAra – Chairman of the Task and Finish Group
Tel: 01730 815569 Email: gmcara@chichester.gov.uk

Stephen Oates, Economic Development Manager
Tel: 01243 534600 Email: soates@chichester.gov.uk

2. Recommendation

- 2.1 The committee is requested to review progress of the Task and Finish Group and to consider the options set out in section 8 as to the way forward and to make any recommendations to the Task and Finish Group**

3. Background

- 3.1 In 2009 the Council entered into a Destination Management Partnership with the tourism industry's pre-existing organisation Visit Chichester (VC). Initially, this included provision of a modest annual grant each year from April 2009 to March 2012, after which point the Council ceased further funding.
- 3.2 During this time it was anticipated that VC would develop a new approach to serving and developing the tourism sector, and would secure alternative and new methods of funding to achieve this. However, VC has struggled to make significant strides forward and its funding is now generally well below the levels obtained 5 years ago.
- 3.3 In 2012, the Council also reviewed its provision of Tourist Information Services. The TICs in Midhurst and Petworth closed with some aspects of the services relocating to alternative outlets. In Chichester the TIC was relocated to the Novium museum.
- 3.4 In September 2013 the Overview and Scrutiny Committee received a presentation from representatives of Visit Chichester at which the issues facing the organisation and delivery of its business plan were set out to members. Following this a Task and Finish Group was convened in January 2014 to:
- assess the opportunities to develop inbound tourism to the District and to expand the visitor economy
 - establish how the Council could assist VC to become more effective and, in so doing, to assess the VC model against other Destination Management Organisation (DMO) models and test its effectiveness
 - understand the purpose of tourism information services and how this is delivered

- 3.5 The group consists of Mr G McAra (Chair), Mrs C Apel, Mr N Thomas, Mrs B Tinson and Mrs N Graves.

4. The Economic Impact of Tourism

- 4.1 It is reasonable to ask why Tourism should be a 'special case' and why, in the past, it received the seemingly high levels of support and backing from the public sector. The value of tourism is both direct and indirect. There is much that a community or district such as Chichester has in terms of infrastructure, amenities, community assets and environmental assets that the indigenous population enjoy and benefit from, that simply wouldn't exist (or would at least be in a poorer form) if 'Tourism' didn't exist.
- 4.2 In a wider context, tourism is essential to England's economy. This 'visitor economy' which covers leisure tourism, business trips and visiting friends and relatives, generates £106billion each year, employs 2.6million people and supports thousands of businesses, both directly and indirectly. It also has a strong and vital interdependent relationship with farming, transport, retailing, cultural assets, coastal and maritime activities, sport, museums and the arts, hospitality and other sectors.
- 4.3 For the first time, Government has a tourism strategy that reaches across Whitehall, looking at policies from a tourism perspective. Funding through the Regional Growth Fund has been allocated to Visit England who is tasked to work with the tourism industry to deliver a 10-year strategic framework for tourism. This sets out ways the industry can work together to deliver a 5% growth in value, year-on-year, over the next decade. This would result in an additional £50billion in expenditure and the creation of 225,000 jobs.
- 4.4 There are substantial opportunities to increase the value of tourism to the district. In particular, the growth in short-breaks in England provides a growing market, and there is a tremendous opportunity to exploit the potential for exponential increases in spend by turning day visitors into staying visitors

Tourism in Chichester District

- 4.5 The South East attracts the highest tourism spend for any region outside London. In Chichester District, tourism and leisure generates significant direct expenditure and is the largest private sector employer. According to Visit England data, tourism produces the following in Chichester District:
- 5.2 million day trips each year generating a spend of £144million
 - 405,000 'staying' trips each year, equating to 1.3 million 'bed nights', and generating a spend of £75million
 - c. 7,500 jobs in tourism and leisure, plus numerous 'support' jobs

(Please note: Data produced by Visit Chichester shows higher figures than these, but we have been unable to reconcile them to the Visit England figures)

5. Outcomes to be achieved

- 5.1 To support tourism and the development of the visitor economy. This is a key priority in the Council's Economic Development Strategy, which was adopted by Chichester District Council in February 2013.
- 5.2 The Task and Finish Group want to understand our existing and potential tourist market by identifying the area's different assets and why people visit.
- 5.3 To establish whether the current DMO is fit for purpose and to consider any in-kind support which the Council can provide to VC or to consider what options are available to us going forward to assist in facilitating a strong DMO. In order to:
 - raise the profile of the District as a visitor destination
 - manage the visitor economy
 - exploit the economic potential to create jobs
 - develop a successful year-round tourism offer
 - exploit the potential for inward investment to the District
- 5.4 To consider what 'destinations' Chichester is made up of and to consider whether 'Chichester District' is a recognisable destination, or whether it should be part of a wider destination; and whether there is an opportunity to work with other authorities for a wider tourism offer
- 5.5 To consider how people access tourism information and the delivery of TIC services.

6. Progress so far

- 6.1 The T&F Group has received a number of presentations and considered various pieces of evidence. These have included:
 - A discussion paper on the present position and the opportunities available to develop the district's tourism offering
 - A presentation on the tourism marketplace, the wider visitor economy and the potential for tourism to grow the local economy
 - A presentation from Visit England on the role of destination management organisations and the various models that can be applied
 - A presentation from SDNPA
 - Visit England insights on future trends in tourism
 - A presentation from Visit Chichester
 - A discussion with the Council's Front of House Officer who services the Tourist Information functions at the Novium museum.

Consultation

- 6.2 Individual members and officers from the Group have also:
 - Met with representatives from businesses and organisations in the District's tourism sector including Bunn Leisure, Chichester City Centre Partnership, Chichester Festival Theatre, Fishbourne Roman Palace, Goodwood and the Weald and Downland Open Air Museum
 - Met with Visit England's Head of Destination Management

- Undertaken a walk-about tour of Chichester to consider the city from a visitor's viewpoint
- Attended the LGA Conference on Culture, Sport and Tourism to obtain insights on successful local authority-led tourism
- Met with officers from Arun District Council and Horsham District Council

7. Key Findings

Visit Chichester

- 7.1 Visit Chichester was set-up as a public-private membership organisation headed by a non-executive Board of directors with the aim that directors should be from local accommodation providers, visitor attractions, Chichester Chamber of Commerce & Industry (CCCI) and CDC. The board is currently weighted in favour of the public sector. There is one director representing the visitor attraction/events sector and one representing accommodation providers. All directors are volunteers. There is one part time member of staff working on social media and some paid consultancy. Resources are extremely limited with a budget of c. £70,000 per annum
- 7.2 While welcoming any work undertaken to promote tourism, tourism businesses consulted do not regard the DMO, in its current form, to be vital to their business and several have drifted away from close involvement with the DMO.
- 7.3 The organisation has limited visibility and profile, and some accommodation providers in the District are not clear about the roles it performs.
- 7.4 VC places a lot of importance in developing its website and social media feeds. Despite this, the website does not provide a sufficiently good or responsive service for today's customers. However they have advised that this is being reviewed and updated.
- 7.5 Following the presentation from VC, members concluded that:
- VC appears to be an operational organisation with no defined strategic vision or direction. (However, the Group is aware that a destination management plan dating from 2010 exists)
 - It has a fragmented approach and is a fragile structure - It needs robustness
 - It has insufficient money to effectively market, manage and build the destination
 - It carries out limited consultation with users or providers
 - The presentation gave no indication of any move or aspiration to restructure or consider alternative ways to serve and develop the visitor economy

The members also felt that the name 'Visit Chichester' is a barrier to engendering a united approach to driving the visitor economy across the district.

The Destination

- 7.6 When considering a destination to visit, visitors do not concern themselves with administrative boundaries when making their choices. However, VC's focus is purely on Chichester District. There is no evidence that VC has considered whether this is the optimum 'destination' to serve, or whether there is naturally a narrower or wider destination that would best attract and serve visitors

- 7.7 Visit England define a destination as follows: *A destination is an area of visitor appeal which includes attractions, accommodation and support services. It may be defined by physical, thematic or administrative boundaries and it embraces a set of distinctive images and qualities that give it a brand identity recognisable by potential visitors. Destinations should be places with which tourism stakeholders have a natural affinity and within which it is practicable for them to work together.*
- 7.8 A key consideration of whether an area can and should be managed as a destination in its own right is whether it has a clear and distinctive identity by which it can be promoted and described to visitors and recognised by them. However, as implied by the above definition, destinations can only work effectively if they are meaningful to the tourism businesses, visitors and other players, including the local authorities and communities, who need to work together to manage them.
- 7.9 Initial discussions with the tourism officer at Arun District Council and with the economic development service at Horsham District Council have indicated a willingness to consider whether some or all of our three districts might comprise an attractive visitor proposition to market and manage.

Creating a Viable and Successful Destination

- 7.10 It is important to consider what activities are required in an area to maximise the impact on the local economy from visitors. These can be broken down into six inter-related sub groups:
- 7.10.1 **Destination Management or A ‘Joined-Up’ Approach** – This is the process of leading, influencing and coordinating the management of all the aspects of a destination that contribute to a visitor’s experience, taking account of the needs of visitors, local residents, businesses and the environment.
- 7.10.2 **Attracting Visitors** - Is primarily about marketing the destination in a variety of forms, including online, social media, PR, and advertising campaigns, as well as generating activities, events and reasons for visitors to choose the destination, and linking in to national initiatives, many of which provide match funding
- 7.10.3 **Inward Investment and Improving the Infrastructure** – Engendering a culture across all stakeholders to consider the visitor economy at every level – Ensuring the planning process is sympathetic and responsive to the visitor economy; developing and providing sufficient accommodation stock of the right kind; sufficient access to parking, public conveniences, public transport and other facilities; cleanliness of the environment; and seeking ways to support new attractions, events and activities to broaden the destination’s appeal.
- 7.10.4 **Welcome and Ease of Movement** – Ensuring that, whichever way visitors enter the destination, they feel welcome and comfortable in the local environment, and they are able to move around in the most efficient way. This makes a big difference to a visitor’s experience. This

includes full customer orientation within the destination, placing the needs of visitors as a key consideration in all decision making

7.10.5 **Extending Stay** – Making good links and joint packages between attractions, accommodation providers, shops and restaurants to encourage longer visits; and generating activities and events to encourage longer stays. We know that the longer visitors stay the more they spend into the local economy

7.10.6 **Return Visits** - Getting the previous five right has a big impact on this, but can be enhanced through loyalty schemes, offers and specialist events

Destination Management Organisation Models

7.11 There is a difference between destination management organisations (which coordinate, manage and market a destination) and simply a destination organisation (which is principally involved in marketing). Crucially, destination management includes the **planning, development and marketing** of a destination as well as how it is managed physically, financially, operationally and in other ways.

7.12 The size, form, functions and governance of destination management organisations vary across the country. They may be a single organisation, such as a local authority, or can be an informal partnership or a legal entity, such as a community interest company, that includes representation from both the private and public sectors:

7.13 A successful DMO will demonstrate strong private sector involvement, and many DMOs, but by no means all, are private-sector lead. To be successful a DMO needs drive and appropriate experience within its personnel and, above all, strong leadership.

7.14 Visit England cite This is Durham, Visit Manchester, Shakespeare's England, Visit Kent, Visit Isle of Wight, Visit York and Visit Winchester as examples of DMOs working well.

Tourist information Services

7.15 With the move to mobile technology, traditional TIC services are now no longer required but we still need a Tourist Information Centre for signposting and leaflets. The Group considers that the future of tourist information services should be integral to the wider discussions on destination management.

8. Next Steps

8.1 The Task and Finish Group are concerned that, in its current form, VC does not substantially raise the profile of the district as a visitor destination, or strategically manage the visitor economy to fully exploit the economic potential to create jobs. The Group is aware that some additional research is necessary and that it would be helpful for members to hear further evidence on successful destination management.

8.2 The Group would therefore welcome the committee's feedback on the work undertaken so far and seeks the committee's support to:

- consider whether the Council could be the catalyst for bringing together the businesses and organisations in the tourism sector and wider visitor economy to create a stronger partnership. In so doing, to examine the feasibility of establishing a well-resourced new model as well as the challenges involved in refreshing the current model and making it work
- consider what sources of Council or other public funding might be available, which could be used to leverage significant additional sums from the private sector

8.3 The Group would also like to advise the committee that a separate meeting of the Overview and Scrutiny Committee will be held on 22 July 2014, to which all CDC members are invited, to hear from Ms Melanie Sensicle, Chief Executive of This is Durham.

8.4 A further report on the findings of the research by the Task and Finish group will be brought back to the September meeting of this committee.

9. Resource and legal implications

9.1 The Task and Finish Group is currently resourced with officer input from the Economic Development Service and by the Principal Scrutiny Officer. At this stage there are no further resource or legal implications.

10. Consultation

10.1 Organisations consulted to date are as detailed in section 6 above.

11. Community impact and corporate risks

11.1 The aim of the review is to have a positive impact on the visitor economy and, in turn, the wider economy in our district.

11.2 The main risk to this Council is a loss of economic and community benefits if Visit Chichester fails and no action is taken to replace or improve it.

12. Other Implications

	Yes	No
Crime & Disorder:		✓
Climate Change:		✓
Human Rights and Equality Impact:		✓
Safeguarding:		✓
Other (Please specify): eg Biodiversity		✓

13. Appendices

None

14. Background Papers

None