



Minutes of the meeting of the **Cabinet** held in Committee Room 2 at East Pallant House East Pallant Chichester West Sussex on Tuesday 4 December 2018 at 09:30

Members Present Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr J Connor, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

Members Absent

Officers Present Mr M Allgrove (Divisional Manager for Planning Policy), Mr S Ballard (Senior Environmental Protection Officer), Mrs H Belenger (Divisional Manager for Financial Services), Mr A Frost (Director of Planning and Environment), Mrs L Grange (Divisional Manager for Housing), Mr A Gregory (Project Manager - Estates), Mrs J Hotchkiss (Director of Growth and Place), Mr P Jobson (Taxation Manager), Mr P Legood (Valuation and Estates Manager), Miss H Nicol (Housing Delivery Manager), Mr P E Over (Executive Director), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Ms A Stevens (Divisional Manager for Environmental Protection), Mr G Thrussell (Legal and Democratic Services Officer) and Mr J Ward (Director of Corporate Services)

614 **Chairman's Announcements**

Mr A Dignum greeted the members of the public and Chichester District Council (CDC) members and officers and the two press representatives who were present for this meeting.

There were no apologies for absence and all members of the Cabinet were present.

There were no late items for consideration.

Mr Dignum had no specific announcements to make but he intimated that at the end of agenda item 5 (Financial Strategy and Plan 2019-2020) details would be given of some notable recent awards made to CDC (minute 618 below refers).

[Note Hereinafter in these minutes CDC denotes Chichester District Council]

[**Note** Minute paras 615 to 628 below summarise the Cabinet's discussion of and decision on agenda items 2 to 15 inclusive but on this occasion there is for technical reasons no audio recording of the meeting]

615 Approval of Minutes

The Cabinet received the minutes of (a) its ordinary meeting on Tuesday 6 November 2018 and (b) its special meeting on Wednesday 14 November 2018.

A copy of each set of minutes had been circulated with the agenda but subsequent to publication minor clarifications to the text of each set of minutes had been made and it was those versions of the minutes (which are available to view online) which were approved by the Cabinet.

There were no changes to the minutes proposed at the meeting.

Decision

The Cabinet voted unanimously on a show of hands to approve the aforesaid two sets of minutes without making any amendments.

RESOLVED

That the minutes of (a) the Cabinet's ordinary meeting on Tuesday 6 November 2018 and (b) the Cabinet's special meeting on Wednesday 14 November 2018 be approved without amendment.

616 Declarations of Interests

There were no declarations of interests made at this meeting.

617 Public Question Time

There were no public questions submitted for this meeting.

618 Financial Strategy and Plan 2019-2020

The Cabinet received and considered the agenda report and its three appendices in the main agenda supplement.

This item was presented by Mr P Wilding (Cabinet Member for Corporate Services).

Mrs H Belenger (Divisional Manager Financial Services) was in attendance for this matter.

Mr Wilding explained that the report updated the Financial Strategy and Plan for 2019-2020 and created the framework within which the council tax base was set (agenda item 8) as well as setting the scene for approval of the budget in early 2019. The backdrop to the strategy was one of increasing political uncertainty and reducing central government funding for local government. CDC was in the fourth and final year of its agreed settlement with central government, so there was

certainty over its government funding stream in 2019-2020. Retained business rates would continue to provide an increased proportion of CDC's funding. However, much of its other income, for example car parks and planning fees, was dependent on the state of the wider economy and so was much less predictable.

He drew attention to the following:

- (1) CDC's key priorities set out in appendix 1, one of which was to manage CDC's finances prudently and effectively. The Finance Strategy was linked to this specific corporate priority, as were also the key financial principles which underpinned CDC's financial planning approach listed in annex A.
- (2) The updated five-year financial model in appendix 2, which reflected the consolidated budget from the service areas, central government funding and the most up-to-date estimates for wider CDC activities including the commercial boards, and other planned savings.
- (3) The risks and opportunities estimates in section 4 of appendix 1. The key assumptions were:
 - (a) An assumed £5 increase in council tax (for a band D property) for each year in the five-year financial model (equivalent to approximately 3% increase per annum). The Council would make the decision in March 2019 as to the council tax level for 2019-2020 following the local government settlement.
 - (b) Recent quarterly revenue monitoring had identified some deterioration in car park and planning income and in recognition of this an adjustment of £300,000 had been built into the model for each year of the five-year period.
 - (c) A number of costs during the past year which could not be met from the Asset Replacement Programme and so were financed from reserves. An extra provision of £200,000 for asset replacement had therefore been included in the model for each year over the five-year period. A detailed review was underway and the precise amount required would be built into the annual budget.
 - (d) The provisional finance settlement for 2019-2020 and the outcome of the bids for participating in the pilot 75% Business Rates Retention Scheme for 2019-2020 were expected to be announced by the Ministry of Housing, Communities and Local Government on 6 December 2018. CDC was assuming no further reduction in overall local government funding but a shift to upper-tier councils (West Sussex County Council (WSSCC)) to meet social care costs. It had, therefore, assumed a £500,000 reduction in government funding from 2020-2021 onwards.
 - (e) The New Homes Bonus (NHB) was being reduced but the shape of its future was uncertain. Significant reductions in the model beyond 2018-

2019 were assumed. CDC had never relied on this source of income to balance the budget given its attendant uncertainty and risk.

- (4) The five-year financial model contained many assumptions which would become more precise with time, so it would evolve and have changed by the time the Council considered it on 22 January 2019.
- (5) The anticipated resources position of CDC's reserves and assets in the medium term in appendix 3, demonstrating that CDC remained in a sound and sustainable financial state going forward.

Mr Wilding thanked Mrs Belenger and her team for their efforts in compiling the Financial Strategy and Plan.

Mrs Belenger did not add to Mr Wilding's presentation.

Mrs E Lintill (Deputy Leader of the Council and Cabinet Member for Community Services) commended the excellent report and emphasised the importance of maintaining during the next five years a position of non-dependency on reserves (third key financial principle in annex A to appendix 1).

Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) emphasised the conservative financial principles and prudent assumptions which would underlie the budget, making particular reference to taking account of an anticipated lower income from planning and car parks, an augmented asset management programme, the retention of the NHB for unforeseen contingencies and recurring expenditure being met only out of current revenue.

In reply to specific points raised by members:

- Mr Dignum informed Mr R Barrow (Cabinet Member for Residents Services) that CDC was currently in negotiations with WSCC about recycling credits.
- Mr J Ward (Director of Corporate Services) summarised for Mrs Lintill how CDC's membership of the West Sussex Business Rates Pool (WSBRP) worked and the benefits derived from it eg in applying some of the funds for local infrastructure projects. Mr Dignum pointed out that CDC had an equal voice in the WSBRP. Mrs D Shepherd (Chief Executive) cited some of the many examples of how WSBRP funding had been made available to and benefitted CDC: the Gigabit scheme, shop front grants and cycle-ways.

Decision

The Cabinet voted unanimously to make the recommendation set out below.

RECOMMENDATION TO THE COUNCIL

- (1) That the key financial principles and actions of the five year Financial Strategy set out in appendix 1 to the agenda report be approved.

- (2) That the current five year Financial Model detailed in appendix 2 to the agenda report be noted.
- (3) That, having considered the recommendations from the Corporate Governance and Audit Committee, the Minimum Level of the General Fund Reserves be set at £6.3m.
- (4) That the Director of Corporate Services be given delegated authority, following consultation with the Cabinet Member for Corporate Services, to accept the government's offer to participate in the 75% localisation business rate pilot for 2019-2020, if the West Sussex councils' bid is successful or if not to revert back to the Coastal West Sussex existing pooling arrangement for the coming financial year.
- (5) That the current resources position as set out in appendix 3 to the agenda report be noted.

ANNOUNCEMENTS OF RECENT AWARDS MADE TO CHICHESTER DISTRICT COUNCIL

As foreshadowed in his chairman's announcements (minute 614 above refers), at the end of this item Mr Dignum invited Mrs J Hotchkiss (Director of Growth and Place) and Mr R Barrow (Cabinet Member for Residents Services) to give details of recent awards made to CDC as follows:

- (1) Mrs Hotchkiss said that CDC had received a Platinum Loo of the Year award for three of its public conveniences: Little London, Florence Road and Avenue de Chartres. The assessments were made with regard to 101 criteria and the award was recognised and supported by national tourist bodies. Such awards were not only very pleasing but very important since the quality of public conveniences was one of first and most obvious ways in which visitors formed an impression of a city or town. Mr J Connor (Cabinet Member for Environment Services) endorsed Mrs Hotchkiss's remarks.
- (2) Mr Barrow said that CDC's Litter Strategy launched in 2016 was a fine example of service areas working together: Residents Services, which he led and Environment Services, led by Mr Connor. He paid a special tribute to CDC's Public Relations team which had done a fantastic job in promoting the anti-litter campaign and securing widespread acceptance of its aims and local participation by Chichester District's communities in its implementation. As a result CDC's Against Litter campaign had been recognised by the Chartered Institute of Public Relations as the best community relations campaign of the year at the South of England and Channel Islands Pride awards, securing the gold award. The judges praised the strong community involvement in the campaign, as well as the reduction in litter. They also were impressed by the campaign's clear message – that littering is a crime and will be treated as one. He congratulated everyone who had played a part in the campaign and winning the award.

619 **Increasing the Provision of the Council's Temporary Accommodation at Freeland Close Chichester**

The Cabinet received and considered the agenda report and its appendix, the Project Initiation Document (PID), in the main agenda supplement.

This item was presented by Mrs J Kilby (Cabinet Member for Housing Services).

Miss H Nicol (Housing Delivery Manager) and Mrs L Grange (Divisional Manager Housing) were in attendance for this matter.

Mrs Kilby said that during the preceding six months there had been an increase of more than 13% in the number of people who were homeless contacting CDC, which included many families. The existing emergency accommodation had been operating at full capacity for the past year and there had been problems trying to find suitable accommodation for larger families, with the consequent unfortunate result that it had been necessary to resort to bed and breakfast accommodation, often outside Chichester District. This was far from ideal for those involved, especially for families with young children. In December 2017 CDC had purchased a property adjacent to its existing temporary accommodation, since when it had been bought back into use to provide four one-bedroom flats as temporary accommodation while a full options appraisal to evaluate the most effective use of the property was undertaken. A budget of £15,000 had been approved for the full options appraisal and also a further £10,000 to progress the preferred option to the planning application stage. Since the Cabinet's approval of the initial PID in February 2017, it had become apparent that there were greater development opportunities on the site than originally anticipated. Following a full options appraisal it was proposed to demolish and rebuild the existing building and to provide a flexible property asset which could provide up to 21 units of additional short-term accommodation for homeless families and single vulnerable people. As a result, consultancy costs to bring a scheme to planning permission had risen to reflect the size and scope of the development: now £40,000 rather than the original estimate of £10,000. The cost to finalise the design after a grant of planning permission was estimated at £72,000. Accordingly it was proposed that the Council should be asked to approve the allocation of £102,000 from the Housing Investment Reserve, which would enable the scheme design to be fully developed to conduct the procurement and take all steps including seeking tenders up to the award of contract stage. Contractors' bids would be presented to the Cabinet following their receipt and analysis for an award of contract to be agreed. At that stage approval would be sought from the Council for funds to cover the costs of the redevelopment. The preferred option set out in the PID would give CDC an opportunity to provide many more units of flexible temporary accommodation, making it easier to house larger families. This project would make a real long-term difference to homeless families in Chichester District.

Miss Nicol and Mrs Grange did not add to Mrs Kilby's presentation.

Members expressed their full support for this initiative to alleviate homelessness, including the provision of flexible units for families of different sizes.

Mrs Grange, Miss Nicol and Mrs Kilby responded to members' questions and comments on points of detail with regard to:

- The situation if the grant application to Homes England (HE) (para 8.2 of the report) was not awarded: HE had indicated that the application had a very good prospect of success but if not the scheme was nonetheless financially viable.
- The contract with the developer would contain appropriate terms such as penalty and compensation clauses to ensure delivery of the redevelopment project in accordance with the timescale and to protect CDC's interests.
- The property would not be available to accommodate homeless individuals and families during the reconstruction period of November 2019 to October 2020 (stage 4 in section 10 of the PID). The timescale had been set as realistically as possible; it might be possible to advance the scheduled start date of November 2019 but not by very much.
- The risk of future increases in homelessness and how to extend homelessness provision would continue to be addressed as now via the close working relationship between CDC, its registered housing partners and Stonepillow. CDC did a lot more than many local authorities to provide for homeless people and it ensured wherever possible that families were not separated.

Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) allowed Mrs L C Purnell (Selsey North), who was present as an observer, to address the Cabinet briefly. She commended the project and emphasised CDC's very good track record in preventing homelessness as much as accommodating those who were homeless. Mr Dignum endorsed the importance of that point.

Decision

The Cabinet voted unanimously to make the resolutions and the recommendation set out below.

RESOLVED

- (1) That the Project Initiation Document (PID) and timescales set out in the appendix to the agenda report be approved.
- (2) That the preferred option, option 3 set out in section 8 of the PID, be progressed to detailed design stage and a planning application being submitted and, following planning approval, the scheme design be finalised ready for invitation of tenders.
- (3) That the Director of Housing and Communities be authorised to conduct the procurement, invite tenders and take all steps up to, but not including, award of contract.

- (4) That the contactor bids be presented to the Cabinet following the receipt and analysis of tenders for award of contract.

RECOMMENDATION TO THE COUNCIL

That the allocation of £102,000 from the Housing Investment Reserve be approved to enable the scheme design to be finalised and submitted for planning approval.

620 Chichester Enterprise Centre

The Cabinet received and considered the agenda report and its two appendices in the main agenda supplement.

This item was presented by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place).

Mr A Gregory (Project Manager Estates) and Mrs J Hotchkiss (Director of Growth and Place) were in attendance for this matter.

Mr Dignum said that the report via the appended post project evaluation reviewed how the Chichester Enterprise Centre (CEC) project had performed against the project initiation document. A brownfield site had now become one brought into active economic use to assist fledgling businesses and was an important revenue source for CDC. Despite challenging issues in construction, a significant underspend in construction costs was achieved (para 4.3 of the report). Of the CEC's 82 available units, 36 (44%) were currently occupied and nine were in use as workshops. The CEC's performance to date was very encouraging.

Mrs Hotchkiss commented that as a result of the £234,000 underspend of the capital budget the originally envisaged return on investment of 4.9% was now 5.15%.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

That the Post Project Evaluation (PPE) report in appendix one to the agenda report for the Chichester Enterprise Centre development be approved.

621 Determination of the Council Tax Base for 2019-2020

The Cabinet received and considered the agenda report and its three appendices.

This item was presented by Mr R Barrow (Cabinet Member for Residents Services).

Mr P Jobson (Revenue Operations Manager) was in attendance for this matter.

Mr Barrow introduced the report by summarising the nature and purpose of, and the process (section 6 of the report) for, setting the tax-base for 2019-2020. He made particular reference to the parish grant allocation position (para 6.3 of the report).

Mr Jobson commented that the tax-base calculation for 2019-2020 had proved to be slightly more complex because some developers had found it more difficult to say when their developments would be completed and this was reflected in the calculation.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

That in order to comply with section 35 of the Local Government Finance Act 1992 the following resolutions be made:

- (1) No item of expenditure shall be treated as 'special expenses' for the purposes of section 35 of the Local Government Finance Act 1992.
- (2) The resolution in (1) shall remain in force for the 2019-2020 financial year.
- (3) The calculation of Chichester District Council's tax-base for the year 2019-2020 be approved.
- (4) The amounts calculated by Chichester District Council as its council tax-base for the year 2019-2020 for its area and each part of its area shall be those set out in appendices 1 and 2 to the agenda report.
- (5) In order to offset some or all of the costs of council tax reduction to local precepting authorities (parish councils), a grant be distributed as outlined in appendix 3 to and described in para 6.3 of the agenda report.

622 Selsey Neighbourhood Plan 2014-2029

The Cabinet received and considered the agenda report and its appendix in the main agenda supplement.

This item was presented by Mrs S Taylor (Cabinet Member for Planning Services).

Mr M Allgrove (Planning Policy Manager) was in attendance for this matter.

Mrs Taylor summarised the examination process and outcome. She advised that since the end of the examination and the release of the decision statement officers had needed to seek advice on technical legal points which had arisen.

Mr Allgrove advised that the judgment of the Court of Justice of the European Union in the *Sweetman* case (*People Over Wind, Peter Sweetman v Coillte Teoranta* [2018] ECR 1-244) with regard to the Habitats Directive assessment had given rise to a complex, technical legal point for which there was no case law precedent and which had implications for the need for a strategic environmental assessment (SEA) of neighbourhood development plans (NDP). Previously the need for an SEA of the Selsey NDP had been screened out. Initial legal advice received by officers was that as a result of the *Sweetman* decision the need for an SEA now appeared to have

been triggered. In order to avoid any potential legal challenges to making the Selsey NDP it was proposed that the publication of the decision statement and the ensuing referendum should be delayed pending a definitive legal opinion that an SEA was not required or, if it was, an SEA had been undertaken. Accordingly the recommendation in paras 2.1 and 2.2 of the report had been amended by the introduction of a preamble as follows:

‘That subject to the completion of a satisfactory Strategic Environment Assessment or legal advice that states that this is not required:

- (1) The Decision Statement as set out in the appendix to the agenda report be published.
- (2) The examiner’s recommendation that the Neighbourhood Development Plan proceed to referendum, subject to modifications as set out in the Decision Statement, be approved.’

Mr Allgrove responded to questions on points of detail from respectively Mrs E Lintill (Deputy Leader of the Council and Cabinet Member for Community Services) and Mr R Barrow (Cabinet Member for Residents Services) as follows:

- It was not immediately apparent why the impact of the *Sweetman* judgment on the need for an SEA had not been raised by the examiner and officers would be contacting him to explain the decision to defer publication of the decision statement and a referendum until definitive legal advice had been received.
- The chairman of Selsey Town Council (STC) had been briefed by Mr Allgrove at a meeting the previous evening on the position. STC had also indicated that it did not wish to review its NDP to allocate further land, the need for which was identified in the Local Plan Review.

Decision

The Cabinet voted unanimously to make the resolution set out below as amended on the advice of Mr Allgrove.

RESOLVED

That subject to the completion of a satisfactory Strategic Environment Assessment or legal advice that states that this is not required:

- (1) The Decision Statement as set out in the appendix to the agenda report be published.
- (2) The examiner’s recommendation that the Neighbourhood Development Plan proceed to referendum, subject to modifications as set out in the Decision Statement, be approved.

623 **Air Quality Modelling for Chichester District**

The Cabinet received and considered the agenda report and (for members and officers only) its confidential exempt appendix.

This item was presented by Mr J Connor (Cabinet Member for Environment Services).

Mr S Ballard (Environmental Protection Manager) was in attendance for this matter.

Mr Connor made the following points in favour of the recommendation in paras 2.1 and 2.2:

- In common with all other district, borough, and unitary authorities, CDC had a specific duty regarding air quality, namely Local Air Quality Management.
- CDC had already declared three Air Quality Management Areas (AQMA) ie areas which did not comply with the UK's health based air quality objectives for nitrogen dioxide. The local emissions which contributed to these AQMA's were vehicle emission related.
- Air quality monitoring at Rumbolds Hill in Midhurst showed robust evidence for the need to declare an AQMA at that site. Monitoring in the Hornet in Chichester indicated that a further AQMA might be required.
- CDC's monitoring data was specific to the monitoring locations but air quality modelling was needed to understand the wider pollutant concentrations in the vicinity.
- Complex computer software was used to produce pollution contours ie in this case nitrogen dioxide, which helped to identify the precise area in which air quality did not comply with statutory standards, enabling CDC to set the shape and boundaries of the AQMA.
- Having declared an AQMA CDC was required to adopt an Air Quality Action Plan detailing its approach to tackling air pollution. The current AQAP was due to be rewritten and re-adopted in 2019.
- Air quality modelling also helped to establish the percentage pollution contribution from the different types of vehicles, which would help CDC to draw up the revised AQAP.

Mr Ballard did not add to Mr Connor's presentation.

Mr Ballard responded to questions on points of detail from respectively Mrs E Lintill (Deputy Leader of the Council and Cabinet Member for Community Services), Mr R Barrow (Cabinet Member for Residents Services) and Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) as follows:

- Only one of the three anticipated tenderers in fact submitted a bid, contractor B. Contractors A and C had intimated their interest in providing bids but in the event chose not to do so; in the case of contractor A, the reason given related to its decision to direct its resources to a national clean air project.
- Notwithstanding that (a) data had been acquired from the monitoring which had been undertaken for some time at Rumbolds Hill in Midhurst and The Hornet in Chichester and (b) air quality modelling using the services of a consultant was not mandatory, nonetheless the statutory guidance laid down that it was best practice for the boundaries of AQMAs to be defined by local authorities using a combination of monitoring and modelling data (para 6.1 of the report). This was the approach other councils followed in order to be best informed. Whereas the monitoring data at Rumbolds Hill was irrefutable, modelling would enable CDC to define clearly the extent of the AQMA.
- Whilst CDC had the power to undertake modelling for and to declare the establishment of an AQMA, it could not control or prevent vehicles which emitted diesel fumes from entering and driving through an AQMA. There were certain actions which CDC could take, including using the data it had collected to persuade West Sussex County Council and Highways England, which had the ultimate responsibility, to take appropriate and urgent action. CDC was also working on a potential supplementary planning document on air quality issues which could be used in conjunction with the emerging Chichester Local Plan Review: Preferred Approach.

With Mr Dignum's permission, Mr A Moss (Fishbourne and Leader of the Opposition), who was present as an observer, addressed the Cabinet. He endorsed the report very strongly. CDC had a duty to do whatever it could, for example to carry out even more monitoring and to be as assertive, proactive and robust as possible in improving air quality.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

- (1) That the appointment of consultant B to carry out air quality modelling pursuant to Chichester District Council's statutory Local Air Quality Management duties under the Environment Act 1995 be approved.
- (2) That a budget of £13,280 from reserves to fund the air quality modelling work be approved.

624 Custom and Self-Build Register New Burdens Grant

The Cabinet received and considered the agenda report.

This item was presented by Mrs J Kilby (Cabinet Member for Housing Services).

Mrs L Grange (Divisional Manager Housing) was in attendance for this matter.

Mrs Kilby made the following points in presenting the report:

- New Burdens funding totalling £95,850 would have been received from the government by 2020 to cover the costs of additional resources required to set up and maintain a custom and self-build register and to ensure sufficient permissioned and serviced land was made available to satisfy demand.
- The Housing Delivery team set up the register two years ago and in 2018 a two-part register was introduced: part 1 was restricted to those with a local connection and those in part 2 did not count towards the assessment of local demand.
- The demand for custom and self-build needed to be carefully monitored and policy developed to ensure that CDC met its statutory duties.
- There were a number of pressures being faced by the Housing Service for which resources were required: the introduction of the Homeless Reduction Act 2018; the implementation of a new IT system; the extension of the Disabled Facilities Grant scheme; the potential development of Freeland Close (agenda item 6); research and policy work associated with a new Housing Strategy, a full review of the Allocations Scheme and alternative means of delivering affordable homes; preparing responses to the many government consultations; and preparing bids for funding from government.
- It was proposed, therefore, that the new burdens grant should be used to provide additional staffing resources to deal with this extra work.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

That delegated authority be given to the Director of Housing and Communities, following consultation with the Cabinet Member for Housing Services, to spend the Custom and Self-Build New Burdens Grant set out in para 3.1 of the agenda report.

625 Litter and Fly Tip Action Plan

The Cabinet received and considered the agenda report, its two appendices in the main agenda supplement and the amendments to appendix 2 reported in the third agenda supplement.

This item was presented by Mr J Connor (Cabinet Member for Environment Services) and Mr R Barrow (Cabinet Member for Residents Services).

Mrs A Stevens (Divisional Manager Environmental Protection) was in attendance for this matter.

Mr Connor made the following points:

- In response to the increasing cost to Chichester Contract Services of clearing litter and fly tips, the Cabinet approved CDC's Litter Strategy action Plan in September 2017.
- The delivery of the Action Plan was on target, with some very successful initiatives to date. The report outlined proposals for outstanding projects. The main outcome of the strategy continued to be making litter and fly-tipping socially unacceptable in Chichester District.
- This was a corporate project, driven by three departments: Environmental Protection, Chichester Contract Services and Public Relations (PR). The strategy had three themes: cleaning up Chichester District, better enforcement against offenders and sending a clear message that CDC was doing so.
- As year one was ending, the work had been very well received. The reputational value of the work to CDC was high. The public not only expected CDC to do this work but it placed great value on CDC having been so proactive in this respect.
- Throughout the first year various PR campaigns were regrouped and delivered under the new brand 'Against Litter', which theme ran through various campaigns, the main ones being: litter enforcement; 'adopt an area' (158 areas had been adopted by local communities); and the 'Green Dog Walker' scheme (300 plus had signed up).
- Enforcement action had been taken against fly-tippers and those who dropped litter and CDC continued to use these successes in publicity messages.
- The litter enforcement trial undertaken with East Hampshire District Council (EHDC) could be regarded as a success, as it had covered its costs and reduced the level of litter in the city centre.
- The second year would continue to focus on achieving behavioural change leading to fewer incidents of fly-tipping and littering, the two main areas of significant cost to CDC.
- A key part of the project was the continuation of litter enforcement. The report proposed continuing to work with EHDC for three years on the basis of two officers patrolling on three days of the week but allowing some flexibility in the number of patrols should littering drop significantly.

- It was also proposed to show a presence in areas where there was little litter by purchasing additional patrols on occasion as a precautionary measure at a cost of £10,000 over the three years, as shown in para 3.4 of the report, although that sum could possibly be reduced by income from penalty charges if any were incurred in those areas.
- The other key area was ensuring that the public and businesses received the right messages and it was proposed to put a new campaign together to tackle fly-tipping and litter on the roads. In order to develop this, a new part-time PR project officer was required at a cost of £13,300, with an additional funding requirement of £7,500 for materials.

At Mr Connor's invitation, Mr Barrow also commented on this item. He recalled his role in introducing the first stage of the action plan and chairing the member/officer working group. There was no doubt that the action plan had been a great success and the enforcement patrols had helped to convey the joint message that (a) littering was wholly unacceptable and (b) the community had an important part to play in not only reporting incidents of littering and fly-tipping but also securing behavioural change to eradicate this social scourge. He emphasised also the great importance of the reputational value to CDC of the action plan. He strongly supported the ongoing work and the proposed agreement with EHDC on the basis of scenario 3 in the second appendix. He enquired about enforcement in towns and villages, low littering areas compared with the city centre.

Mrs Stevens formally reported the amendments to the figures in scenario 3 in appendix 2 (page 70 of the main agenda supplement) which were circulated in the third agenda supplement. As a result there were consequential amendments to the second bullet point in para 8.1 of the report namely:

- In the fourth line, the figure of '£7,500' should be '£12,600'.
- In the fifth line, a full stop should be inserted after 'reduce'.
- In the fifth, sixth and seventh lines the words 'resulting in a risk that there will be a small cost to the Council of between £4,300 and £16,000 per year depending on the number of FPNs issued.' should be deleted.
- The aforementioned deleted words should be replaced with the following words as a new sentence after the sentence in the fifth line which now ended with 'as FPN numbers could reduce' and the final sentence which read 'This risk will be mitigated by the flexibility to reduce patrol days.', namely: 'If it reduces to five, there is a surplus of £800; if it reduces to four, there will be a small cost to Chichester District Council of £11,000.'

In reply to Mr Barrow's question about towns and villages, Mrs Stevens said that these areas had yet to be discussed but a proactive approach would be considered.

Mrs Stevens said with regard to the text changes to the report (fourth bullet point above) CDC's aim was to be cost neutral.

Members commended the action plan's evident success in securing improvements in the first year and expressed optimism about the ongoing work in the second and third years.

Mr Connor, Mrs Stevens and Mr Barrow responded to questions on points of detail from respectively Mrs S Taylor (Cabinet Member for Planning Services) and Mrs E Lintill (Deputy Leader of the Council and Cabinet Member for Community Services) as to:

- Project 2 in para 6.1 of the report. It was important to ensure that both tradespeople and householders were fully informed of their responsibilities in the proper disposal of trade waste. Where waste had been fly-tipped, all the circumstances of the case would be considered before deciding who should face penalties. CDC would choose to pursue where possible the offending tradespeople rather than householders.
- The education of children about tackling litter issues was vitally important. Item 6 in the action plan's first section (Sending a clear message), namely running the Waste Buster programme in five local schools each year, was marked as being delayed and dependent on a launch initiative by West Sussex County Council in 2019. If this could not be achieved, an alternative means of realising this objective would be considered by the member/officer working group. One option might be to use the part-time project officer post being recommended in para 3.2 of the report to undertake work with school children. Mr Barrow pointed out that the Waste Buster programme had been launched by the Inter Authority Waste Group (IAWG), of which he was a member, and its current focus was recycling and not waste. He had, however, requested the IAWG to consider extending the remit of Waste Buster. At the IAWG's next meeting he would pursue this and also the reported delay to Waste Buster schools programme, the fact of which he had been unaware.

With Mr Dignum's permission, Mr A Moss (Fishbourne and Leader of the Opposition), who was present as an observer, addressed the Cabinet. He highly commended the report and described the achievements and objectives as fantastic. This was a very important priority for CDC and it was important to ensure that future budget-setting meant that the programme paid for itself without the need (as had recently happened with some minor corporate plan projects) to call on reserves. He mentioned that during a recent weekend four large bags of litter had been collected from the Chichester College campus and this illustrated how necessary it was for CDC and other organisations to promote the anti-litter message.

Mr Connor replied that the action plan was now underway and the intention was certainly to finance the programme from the budget and not to have to resort to reserves. Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) added that in future years the litter and air quality (agenda item 10) schemes must be financed out of the base budget.

Decision

The Cabinet voted unanimously to make the resolutions set out below, which incorporated the amendments made by the third agenda supplement.

RESOLVED

- (1) That the revised Litter and Fly Tip Action Plan attached as appendix 1 to the agenda report, as amended by the revisions in the third agenda supplement to the figures in appendix 2, be approved.
- (2) That expenditure of £13,300 funded from reserves be approved to enable the appointment of one part time Project Officer for one year to undertake communication initiatives relating to fly tipping and litter.
- (3) That expenditure of £7,500 funded from reserves be approved to provide resources to support publicity campaigns related to fly tipping and litter.
- (4) That £10,000 from reserves be approved to enable litter enforcement in low littering areas.
- (5) That the entering into an agreement with East Hampshire District Council on the basis of 'Scenario 3' as set out in appendix 2 to the agenda report, as amended by the revised figures in the third agenda supplement, be approved to provide litter enforcement for a period of three years, with the detail of the scheme delegated to the Director of Planning and the Environment and the Cabinet Member for Environment Services to finalise.
- (6) That the intention of the Chief Executive be noted to report to the Council her use of Article 10.02 constitutional delegation to discharge the enforcement functions detailed in paragraph 6.2 of the agenda report to East Hampshire District Council under powers granted to the authority under section 101 of the Local Government Act 1997.

626 Late Items

As stated during agenda item 1 (minute 614) there were no late items for consideration at this meeting.

627 Exclusion of the Press and Public

In order to consider the confidential exempt matter at agenda item 15 (Development of Land at Barnfield Drive Chichester), Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) first read out the resolution set out below, which was then duly proposed and seconded.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

That in accordance with section 100A of the Local Government Act 1972 (the Act) the public and the press be excluded from the meeting during the consideration of agenda item 15 (Development of Land at Barnfield Drive) for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of 'exempt information' being information of the nature described in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) in Part I of Schedule 12A to the Act and because in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

628 Development of Land at Barnfield Chichester

The Cabinet received and considered the confidential exempt agenda report circulated to members and officers only.

The report was introduced by Mr A Dignum (Leader of the Council and the Cabinet Member for Growth and Place) and Mr P Legood (Valuation and Estates Manager).

Mrs J Kilby (Cabinet Member for Housing Services) welcomed the positive outcome.

Mr P Over (Executive Director and Deputy Chief Executive) responded to a comment by Mr S Oakley (Tangmere), who was present as an observer and had with Mr Dignum's consent briefly addressed the Cabinet on a point of detail.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

That it be noted that no action is to be taken in respect of the delegated powers granted at the Cabinet's meeting on 2 October 2018.

[Note The meeting ended at 11:01]

CHAIRMAN

DATE