

# Public Document Pack

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

MEMBERS: 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

## AGENDA

### PRELIMINARY MATTERS

#### 1 Chairman's Announcements

The chairman will:

- make any specific announcements for this meeting and
- advise of any late items for consideration under agenda item 13 (a) or (b)

Apologies for absence will be taken at this point.

#### 2 Approval of Minutes (pages 1 to 32)

The Cabinet is requested to approve as a correct record 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 of which is circulated with this agenda.

#### 3 Declarations of Interests

Members are requested to make any declarations of disclosable pecuniary, personal and/or prejudicial interests which they might have in respect of matters on the agenda for this meeting.

#### 4 Public Question Time

In accordance with Chichester District Council's scheme for public question time and with reference to standing order 6 in part 4 A and section 5.6 in Part 5 of the Chichester District Council *Constitution*, the Cabinet will receive any questions which have been submitted by members of the public in writing by 12:00 on the previous working day. The total time allocated for public question time is 15 minutes subject to the chairman's discretion to extend that period.

## RECOMMENDATIONS TO THE COUNCIL

### 5 **Financial Strategy and Plan 2019-2020** (pages 33 to 37)

The Cabinet is requested to consider the agenda report and its three appendices in the agenda supplement and to make the following recommendations to the Council:

#### 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 £6.3 m.
- (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.

### 6 **Increasing the Provision of the Councils Temporary Accommodation at Freeland Close Chichester** (pages 39 to 43)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the resolutions and also the recommendation to the Council which are set out below:

#### A – RESOLUTIONS BY THE CABINET

- (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.

## **B – 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.

### **KEY DECISIONS**

#### **7 Chichester Enterprise Centre (pages 45 to 48)**

The Cabinet is requested to consider the agenda report and its two appendices in the agenda supplement and to make the following resolution:

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

#### **8 Determination of the Council Tax Base for 2019-2020 (pages 49 to 58)**

The Cabinet is requested to consider the agenda report and its three appendices and to make the following resolutions:

In order to comply with section 35 of the Local Government Finance Act 1992, that the following resolutions are 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) This resolution shall remain in force for the 2019-2020 financial year.
- (3) The calculation of the Council's taxbase for the year 2019-2020 be approved.
- (4) The amounts calculated by the Council as its council taxbase 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.

#### **9 Selsey Neighbourhood Plan 2014-2029 (pages 59 to 61)**

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the following resolutions:

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

Decision Statement, be approved.

## OTHER DECISIONS

### 10 **Air Quality Modelling for Chichester District** (pages 63 to 67)

The Cabinet is requested to consider the agenda report and its confidential exempt\* appendix which has a restricted circulation to Chichester District Council members and relevant officers only (printed on salmon-coloured paper) and to make the following resolutions:

- (1) That the appointment of a consultant to carry out air quality modelling pursuant to the 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.

\*[**Note** The ground for excluding the public and press during this item is that it is likely that there would be a disclosure to them of 'exempt information' of the description specified in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A to the Local Government Act 1972]

### 11 **Custom and Self-Build Register New Burdens Grant** (pages 69 to 71)

The Cabinet is requested to consider the agenda report and make the following resolution:

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

### 12 **Litter and Fly Tip Action Plan** (pages 73 to 77)

The Cabinet is requested to consider the agenda report and its two appendices in the agenda supplement and to make the following resolutions:

- (1) That the revised Litter and Fly Tip Action Plan attached as appendix 1 to the agenda report 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 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.

## **FINAL MATTERS**

### **13 Late Items**

- (a) Items added to the agenda papers and made available for public inspection
- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

### **14 Exclusion of the Press and Public**

The Cabinet is asked in respect of agenda item 15 (Transfer of Service) to make a resolution that the public including the press should be excluded from the meeting on the following grounds of exemption in Part I of Schedule 12A to the Local Government Act 1972 namely Paragraphs 1 (information relating to any individual) and 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

If the Cabinet wishes to discuss the exempt appendix to agenda item 10 (Air Quality Modelling for Chichester District), it will need first of all to pass a resolution to exclude the press and the public from the meeting on the following ground of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

### **15 Development of Land at Barnfield Chichester (pages 79 to 81)**

The Cabinet is requested to consider the agenda report, which is confidential exempt\* material with a restricted circulation to Chichester District Council members and relevant officers only (printed on salmon-coloured paper), and to make the following resolution:

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.

## NOTES

- (1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
- (2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless they contain exempt information.
- (3) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's *Constitution*]
- (4) A key decision means an executive decision which is likely to:
  - result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or
  - be significant in terms of its effect on communities living or working in an area comprising one or more wards in the Council's area or
  - incur expenditure, generate income, or produce savings greater than £100,000

### **NON-CABINET MEMBER COUNCILLORS SPEAKING AT THE CABINET**

Standing Order 22.3 of Chichester District Council's *Constitution* provides that members of the Council may, with the chairman's consent, speak at a committee meeting of which they are not a member, or temporarily sit and speak at the Committee table on a particular item but shall then return to the public seating area.

The Leader of the Council intends to apply this standing order at Cabinet meetings by requesting that members should *normally* seek his consent in writing by email in advance of the meeting. They should do this by noon on the day before the meeting, outlining the substance of the matter that they wish to raise. The word normally is emphasised because there may be unforeseen circumstances where a member can assist the conduct of business by his or her contribution and where the chairman would therefore retain his discretion to allow the contribution without the aforesaid notice.



Minutes of the meeting of the **Cabinet** held in Committee Room 2 at East Pallant House East Pallant Chichester on Tuesday 6 November 2018 at 09:30

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

**Members Absent** Mr R Barrow

**Officers Present** Mr N Bennett (Divisional Manager for Democratic Services), Mrs J Dodsworth (Director of Residents' Services), Mr D Henly (Senior Engineer (Coast and Water Management)), Mr T Horne (Principal Environmental Health Officer), Mrs J Hotchkiss (Director of Growth and Place), Mr P Jobson (Taxation Manager), Mr T Radcliffe (Human Resources Manager), Mrs M Rogers (Benefits Manager), 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)

## 593 **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.

The emergency evacuation procedure was read out.

There was an apology for absence from Mr R Barrow (Cabinet Member for Residents Services).

All other members of the Cabinet were present.

There were no late items for consideration.

Mr Dignum had no specific announcements to make.

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

[**Note** Minute paras 594 to 605 below summarise the Cabinet's discussion of and decision on agenda items 2 to 13 inclusive but for full details of the items considered in public session please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=979&Ver=4>]

**594 Approval of Minutes**

The Cabinet received the minutes of its meeting on Tuesday 2 October 2018, which had been circulated with the agenda.

There were no proposed changes to the minutes.

*Decision*

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

**RESOLVED**

That the minutes of the Cabinet's meeting on Tuesday 2 October 2018 be approved.

**595 Declarations of Interests**

There were no declarations of interests made at this meeting.

**596 Public Question Time**

Five public questions had been submitted for this meeting, details of which appear below.

All five questions related to the same subject (which was not an agenda item for this meeting), namely the proposal for a temporary ice rink in the city of Chichester during the forthcoming Christmas season.

The text of the questions had been circulated to CDC members, the public and the press immediately prior to the start of this meeting. Mr A Dignum (Leader of the Council) invited each person in turn to come to the designated microphone in order to read out the question before he provided an oral response.

In view of the number of the questions, Mr Dignum first took the opportunity to explain how public question time was conducted at Cabinet meetings.

He said that members and officers were always pleased to receive public questions at Cabinet meetings as this was an important means whereby the residents or non-domestic ratepayers of Chichester District were able to engage in the democratic process. Although on this occasion there were five questions about a subject which, rather unusually, did not feature on the agenda, nevertheless this was the public's chance to attend and on due notice ask questions of their elected representatives

about matters of local concern. As with other CDC committees and the Council (the Planning Committee had a separate procedure) 15 minutes were set aside at the start of each meeting before the main published business for public questions. It was requested that questions be kept as concise as possible. Unfortunately in recent times there had been a growing trend for questions to take the form of long preambles or statements, which was to be discouraged. However, that was not the case with any of today's questions, which was appreciated. He summarised how each question (and any supplementary question) would be asked and answered.

The questions (with the date of submission shown within [ ] at the end of the text), any supplementary questions and the answers given by Mr Dignum were as follows.

*(1) Sophie Hull*

'Re: Planning application for a temporary change of use of part of Priory Park to a Christmas ice rink with ancillary food and drink uses, including installation and removal of ancillary temporary structures on land at Priory Park Priory Lane Chichester West Sussex [18/02538/FUL]

Are all the members of the Cabinet aware that a group of Regular Users of the Park and nearby Residents of Priory Park ('Users and Residents') have instructed a barrister of Lincoln's Inn London and Pallant Chambers concerning the above-mentioned planning application and have written to Diane Shepherd Chief Executive Chichester District Council a letter written in the spirit of pre-action judicial review protocol? A request has been made for a substantive reply by 4 pm on 14 November 2018 and confirmation that the Council will not issue a decision notice before the receipt of the substantive response.'

[Sunday 4 November 2018]

*Response*

Mr Dignum (Leader of the Council) said that Cabinet members were aware of the letter dated 31 October from a group of Users of the Park and nearby Residents of Priory Park. The letter was under consideration by the Council's Principal Solicitor and the Divisional Development Manager and a reply would be sent as soon as possible.

Notwithstanding that, elements of the proposals had been subject to further amendment by the applicant since the Planning Committee meeting on 17 October 2018. It was considered by officers that those changes amounted to new significant material considerations and so, in accordance with the Planning Committee resolution, the application was to be reported to the next meeting of the Planning Committee on 14 November 2018 for determination.

*Supplementary Question*

Mrs Hull did not wish to ask a supplementary question

*(2) Tom Bottrill*

'I refer to the event management plan provided by the organiser which clearly states that "all temporary structures are being sourced by industry leading experts and will be installed in accordance with the manufacturer's recommendations".

It is noted that English Heritage prohibit ground disturbance below a depth of 40cm.

The manufacturer says they do not have a specific ballast design available for these structures as "free standing" marquees. For the marquee to "comply" with their supplied structural calculations the structure would have to be staked into the ground with 100cm steel ground anchors.

If the organiser is planning on using ballast to anchor the large structure then the recommendation from the manufacturer and the institute of structural engineers would be for a site specific set of structural calculations to be produced by a certified structural engineer in order to ensure that it complies with British and European wind loading standards (BS 6399 Part 2 and DIN-EN 13782).

Questions of safety have been raised about the anchoring of the large temporary structure and justly so given the risk to the public and length of time it will be in situ at a time of year where strong winds and inclement weather are apparent. As hirers of the Park are you totally satisfied that the site management plan for this commercial enterprise is complete and there is robust evidence that the organiser has taken full care in complying with minimum safety standards?'

[Friday 2 November 2018]

*Response*

Mr Dignum (Leader of the Council) said that CDC had strict requirements for the hire of land for events. All events had to comply with recognised health and safety standards and a detailed events management plan with risk assessment was required. Hire of CDC land also required compliance with the Code of Practice for outdoor events, having adequate welfare facilities and safeguarding arrangements in place, as well as having appropriate insurance cover. Subject to planning permission and a premises licence being granted, final details of the event management plan would be considered by officers and would have to comply with any planning or licence conditions before a hire of land agreement was entered into by officers.'

*Supplementary Question*

Mr Bottrill referred to the fact that a new design had been proposed for the rink the previous day. The organiser had supplied calculations but those were generic and did not accord with the revised design. It was recommended that the design be checked by a chartered structural engineer and he asked if CDC would ensure that that happened.

*Response*

Mr Dignum (Leader of the Council) said that he was sure officers would look at all those factors if the revised planning application was permitted by CDC's Planning Committee.

*(3) Edward Milward-Oliver*

'My question relates to the proposal to install and operate a temporary ice rink in Priory Park.

The quantity of fuel consumed to run the 24-hour generator for an ice rink is very weather-dependent and a key factor in terms of a Christmas ice rink making or losing money. I am told an average size rink can burn upwards of £100,000 of fuel through that period. When it's warm, a generator burns more fuel, but there tend to be fewer paying visitors. A couple of degrees above zero can make a huge difference to running costs and margins, and this can't be accurately predicted. Over the past decade, the mean temperature for December in the South of England has ranged from 0C in 2010 to 10.1C in 2015.

According to the published information I have seen, the District Council's commercial partner or partners – and there is some confusion who that might be since Edward White as an individual is the applicant for planning permission, S3k Limited is the applicant for the premises licence, and Chice LLP in a letter to Sussex Police dated 2 November says it is the event promoter – none of these has direct experience running and operating a temporary ice rink. Assuming that the commercial partner or partners will be meeting the daily running costs of the proposed rink, is the District Council satisfied that they have the financial means to meet a significant rise in fuel costs in the event of higher than anticipated ambient temperatures during the two months the proposed ice rink is operational?'

[Friday 2 November 2018]

*Response*

Mr Dignum (Leader of the Council) clarified that CDC would be contracting with S3K, the planning applicant, and the licence applicant was not part of CDC's land-holding consideration; these were separate matters which are considered by the relevant committees.

Subject to planning permission and a premises licence being granted, final details of the event management plan would be considered by officers and would have to comply with any planning or licence conditions before entering into a hire of land agreement. The finances of the company had been assessed by officers. In line with all other hire of land for events, the risks associated with costs for staging the event would lie with the contractor and not with CDC.'

*First Supplementary Question*

Mr Milward-Oliver queried the range of fuel consumption assumed in the business plan submitted

*Response*

Mrs Shepherd (Chief Executive) said that it was for the contractor to assess its own financial risk and if it incurred a loss that was not a matter for CDC.

*Second Supplementary Question*

Mr Milward-Oliver said that his concern was that half-way through the ice rink event the organiser got into financial difficulties and CDC was left with a substantial loss.

*Response*

Mrs Shepherd (Chief Executive) said that she did not believe that would be the case. The applicant has been satisfactorily financially vetted by CDC's Financial Services officers. It was for the applicant to establish its business case by taking all relevant factors into account including how such events were organised elsewhere in the country.

*(4) Guy Knight*

'In Great Yarmouth in 2017, the Christmas Ice Rink achieved its goal of increasing town centre footfall but cost £200,000 and brought in £81,000 resulting in a loss of £119,000. Local traders are quoted as being doubtful the increased footfall translated into additional trade. Canterbury's city centre ice rink last year was cancelled by the operator when escalating costs rose from £80,000 to £120,000.

We would like clarification on whether the event is being run by Edward White, S3k Limited or by CHiCE LLP, the latter whom has answered the concerns raised by the police and appears to have been set up specifically for this event. CHiCE LLP would pose a greater risk as an LLP can walk away with no liabilities.

So our question is: what has the Council done to confirm that its commercial partner, be it Edward White, S3k Limited or CHiCE LLP, has the financial means to deliver the proposed ice rink in accordance with the attendant planning and licensing conditions, and are they in a position to meet any losses.'

[Friday 2 November 2018]

*Response*

Mr Dignum (Leader of the Council) said that to clarify situation, CDC would be contracting with S3K. The planning applicant and the licence applicant was not part of CDC's land-holding consideration; those were separate matters which were considered by the relevant committees. CDC had strict requirements for the hire of land for events. All events had to comply with recognised health and safety

standards and a detailed events management plan with risk assessment is required. Hire of CDC land also required compliance with the Code of Practice for outdoor events, having adequate welfare facilities and safeguarding arrangements in place, as well as having appropriate insurance cover. Subject to planning permission and a premises licence being granted, CDC would require the proposed contractor S3K Limited to finalise details of the event management plan which would be considered and would have to comply with any planning or licence conditions before a hire of land agreement was entered into. The hire of land agreement and insurance for the event would be in the name of the proposed contractor. A deposit for the event would also be obtained and used for reinstatement of the land if satisfactory reinstatement was not undertaken.

#### *First Supplementary Question*

Mr Knight asked what council services CDC would have to cut to make up the shortfall in the event that the applicant chose to walk away from the ice rink event for financial reasons.

#### *Response*

Mrs Shepherd (Chief Executive) said CDC did not expect a major loss to be incurred and she pointed out that if required CDC would use the deposit to reinstate the land.

#### *Second Supplementary Question*

Mr Knight asked what was the amount of the deposit taken by CDC.

#### *Response*

Mrs Shepherd (Chief Executive) said that she could not disclose that detail at this time as it was commercially sensitive information between CDC and the contractor.

#### *(5) Mike Sullivan – Friend of Priory Park*

‘Priory Park and the Ice Rink

I understand that a financial appraisal was done of the application for the ice rink in Priory Park. At what date was this done? Was this date before the event operator was accepted by CDC as its commercial partner or afterwards? What was the scope of this appraisal?

Given that the application process was very late in starting, were any assurances given by CDC to the event operator, as it would appear he had ordered equipment before the planning application process had begun?

What consideration was given to the hirers of the Guildhall and how and when were they notified that their bookings would be affected by the ice rink? I understand that most did not find out until the proposal was reported in the press.

Were the facts that Priory Park is also a war memorial and the significance of the Centenary of the Park's donation to the citizens of Chichester ever taken into account?

Also, what is the charge going to be for an ice skating session and for hiring skates and how does this compare with the Bognor Regis ice rink, which is just seven miles away with cheaper car parking? Was this competition for customers taken into consideration in the financial appraisal? (Bognor last year - incl skate hire: £7.50 adults, £6.50 under 14s and OAPs)

[Sunday 4 November 2018]

### *Response*

Mr Dignum (Leader of the Council) replied that no assurances had been given to the operator and it would be working at risk. No final decision had been made on the hire of land for an ice skating rink in Priory Park and therefore no agreements for hire of land had been entered into. The hire of land agreement was subject to the relevant permission for planning and licensing being obtained.

Subject to those permissions being granted, CDC would, in line with normal policies and procedures, finalise terms and conditions for the hire of the land before entering into a formal agreement with the contractor. A financial assessment of the organisation had been undertaken based on the risks to CDC. In line with other hire of land agreements a deposit to cover the cost of reinstatement of the ground would be obtained.

All bookings in the Guildhall were proceeding and should the ice skating rink be delivered, the contractor of the ice rink would make adaptations at these times to accommodate those bookings. In fact there was only one booking during that period.

Priory Park was gifted to the Corporation of Chichester in September 1918 by the Duke of Richmond for their leisure and as memorial to the fallen in the First World War. The Park was passed to CDC's ownership as successor authority to the former corporation of Chichester. There were no restrictions recorded on the title that would prevent the proposed event taking place.

The charges for ice skating and skate hire would be set by the contractor.

### *Supplementary Question*

Mr Sullivan asked if CDC had received any indication what the charges to users would be.

### *Response*

Mr Dignum (Leader of the Council) and Mrs Shepherd (Chief Executive) replied that they were wholly unaware of such details.

The immediately foregoing response concluded public question time.

Mr Dignum thanked all residents for their questions and contributions.

**597 Absence Management Policy**

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

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

Mr T Radcliffe (Human Resources Manager) was in attendance for this matter.

Mr Wilding summarised sections 3 and 5 of the report and referred to the trigger points in the table in section 4.0 of the draft Absence Management Policy in the appendix (page 3 of the agenda supplement). He was pleased to say that sickness absence was currently on a downward trend.

Mr Radcliffe echoed Mr Wilding's point about the reduced level of sickness absence, which was nearing the target of eight days per annum per member of staff. The revised policy was one of several steps being taken to address staff absence and welfare, which included stress risk awareness/assessment and manager training. Sickness absence rate levels were also falling at CDC's Chichester Contract Services. Whilst sickness absence had been unacceptably high, it was hoped that there would be further improvements in the currently decreasing levels.

Mrs Lintill said that the improved trend was to be welcomed but emphasised the need to have due regard to staff welfare at the informal as well as the formal stages of the absence management process.

*Decision*

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

**RECOMMENDATION TO THE COUNCIL**

That the revised Absence Management Policy be approved.

**598 Determination of the Council Tax Reduction Scheme for 2019-2020**

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

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

Mrs M Rogers (Business Support Manager Revenues and Performance) was in attendance for this matter.

Mr Wilding summarised sections 3 and 5 of the report, with particular reference to three of the amendments which were being proposed to simplify the scheme and reduce the administrative cost (section 5.1).

Mrs Rogers did not wish to add to Mr Wilding's introduction.

In reply to members' questions and comments, Mrs Rogers explained the steps taken by staff (which included notification letters) to explain the changes to housing benefit entitlement, the introduction of Universal Credit and the Council Tax Reduction Scheme to customers who would or might be unaware because they could not or did not access CDC's online facilities.

*Decision*

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

**RECOMMENDATION TO THE COUNCIL**

That the Council Tax Reduction Scheme for 2019-2020 be approved.

599 **Non-Domestic Rates Discretionary Scheme 2017-2021**

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

This item was presented by Mrs E Lintill (Cabinet Member for Community Services).

Mr P Jobson (Revenues Operations Manager Revenues and Performance) was in attendance for this matter.

Mrs Lintill summarised the report with particular reference to sections 3 and 5, including how it was proposed to distribute CDC's full allocation to eligible businesses as efficiently and effectively as possible for the next three years to 2020-2021 and in so doing utilise the underspend for 2018-2019 (in many cases businesses had been reticent to apply because of the state aid rules).

Mr Jobson provided an oral update (as intimated in para 8.4 of the report) on the recent consultation. West Sussex County Council had noted with approval the proposed changes. Sussex Police had no comments; it was a statutory consultee but the scheme had no financial implications for it. The underspend in the first year, due principally to the state aid rules, was disappointing but the proposed changes would address that issue.

*Decision*

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

**RECOMMENDATION TO THE COUNCIL**

That the amended Non-Domestic Rate Discretionary Scheme for 2017-2021 be approved.

## 600 **Funding of East Beach Outfall Replacement**

The Cabinet received and considered the agenda report.

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

Mr D Henly (Senior Engineer Environment) was in attendance for this matter.

Mr Connor explained that in 1948 the existing surface water drainage outfall located at East Beach Selsey was constructed by CDC's predecessor to replace an earlier and malfunctioning pipe. In recent years the need to maintain the outfall had increased appreciably. Accordingly the Cabinet had resolved on 4 September 2018 to award the contract to replace the outfall system and the funding for the project would in part be met by £100,000 from the community infrastructure levy (CIL). Since that decision (a) Southern Water had indicated that it would contribute £40,000 to the project and (b) the internal funding arrangements had been reviewed and it was agreed that it would not be appropriate to utilise CIL funding to rectify an existing failing asset rather than, as required under CIL, to fund growth and new development.

Mr Henly advised that Southern Water had stated in an e-mail that it would make the aforementioned £40,000 contribution; a formal confirmatory letter was awaited.

### *Decision*

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

### **RESOLVED**

That £100,000 from reserves be released to replace the approved funding from the Community Infrastructure Levy with the balance funded from revenue resources to the extent that it is not otherwise met from external grant from Southern Water to fund the replacement of the East Beach surface water outfall.

## 601 **Proposed Fees and Charges for the New Animal Welfare Licensing Regime**

The Cabinet received and considered the agenda report and its appendix.

The fourth agenda supplement substituted the correct hypertext link to the first background paper in para 12.1 of the report.

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

Mr T Horne (Principal Environmental Health Officer) and Mrs A Stevens (Divisional Manager Environmental Protection) were in attendance for this matter.

Mr Connor summarised the report as follows. Citing examples, he said that public interest in animal welfare remained high. The new regulations which came into force in October 2018 repealed legislation which in part dated back to the 1940s. They

introduced animal welfare standards and controls which would govern management, operation and training of those working in this sector and were fit for purpose in the twenty-first century. A number of animal-related activities were now covered under an animal activity licence, with associated new national licence conditions and guidance for operators and inspectors and the introduction of a risk-based inspection programme. The proposed fees and charges had been at long last been overhauled and were based on DEFRA guidance and in keeping with a county-wide fee-setting structure which had been devised. The details of the new fee structure were set out in the appendix to the report. It should be noted that whilst the new fees appeared to be higher than those for existing licences, most of the new licences would ordinarily (subject to compliance) continue for two to three years instead of the hitherto annual renewal. Drawing an analogy with regulation of the food industry, it was anticipated that this new regulatory system would create incentives for operators to attain the very highest standards in animal welfare.

Mrs Stevens informed the Cabinet of an amendment to the table of fees and charges in the appendix to the report: in the penultimate row the sum of £140 should not be listed in the existing licence fee column but instead in the proposed licence fee column.

Mr Horne and Mrs Stevens did not add to Mr Connor's introduction but they responded to questions and comments by the Cabinet on points of details with respect to (a) the increase in fees and charges; (b) enforcement of the new regulatory regime; and (c) in the case of, say, dog care services, the regulations and penalties for infringements would apply to businesses but not to the casual and occasional looking after a friend's or relative's dog.

With Mr Dignum's permission, Mrs C Apel (Chichester West), who was present as an observer, asked if the new regulations would apply to wildlife sanctuaries. Mrs Stevens undertook to provide a written response to all CDC members.

**[Note** All CDC members were e-mailed by Democratic Services on behalf of Mrs Stevens later on the day of this meeting advising that the regulations did not extend to wildlife sanctuaries]

### *Decision*

The Cabinet voted unanimously to make the recommendation set out below, which included the foregoing amendment to the table of fees and charges in the appendix.

### **RECOMMENDATION TO THE GENERAL LICENSING COMMITTEE**

That the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be agreed as set out in the appendix (as amended) to the agenda report.

**[Note** The amendment to the appendix related to the penultimate field (Rescore visit) in the table, where the figure of £140 should be moved from the Existing Licence Fee column to the Proposed Licence Fee column]

602 **Temporary Appointment to Bury Parish Council**

The Cabinet received and considered the draft decision of appointment circulated with the agenda, which was supplemented by an oral report by Mr N Bennett (Divisional Manager Legal and Democratic Services and the Monitoring Officer).

With reference to the summary set out on the agenda front sheet, Mr Bennett explained the statutory provision in section 91 (1) of the Local Government Act 1972 to create a temporary expedient to remedy an inqorate situation faced by a parish council, such as was currently affecting Bury Parish Council (BPC), and the proposal to appoint Mr H Potter, the CDC ward member for Boxgrove, to BPC until such time as its subsisting councillor vacancies had been filled.

*Decision*

The Cabinet voted on a show of hands unanimously to make the resolution set out below.

**RESOLVED**

That Henry Potter, the Chichester District Council member for the Boxgrove ward, be appointed pursuant to section 91 (1) of the Local Government Act 1972 as a parish councillor with the Bury Parish Council until such time as vacancies at the Bury Parish Council have been filled.

603 **Late Items**

As stated by Mr Dignum during agenda item 1 (minute 593) there were no late items for consideration at this meeting.

604 **Exclusion of the Press and Public**

In order to consider the confidential exempt matter listed as agenda item 13 (Transfer of Service) Mr Dignum first read out the resolution set out below, which was then duly proposed and seconded.

*Decision*

On a vote by a show of hands the Cabinet approved unanimously the following resolution.

**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 13 (Transfer of Service) 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 Paragraphs 1 (information relating to an individual) and 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.

#### 605 **Transfer of Service**

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

The report was presented by Mrs E Lintill (Deputy Leader of the Council and the Cabinet Member for Community Services) and Mrs J Dodsworth (Director of Residents Services).

Mrs Lintill additionally advised the Cabinet of a revised version of the recommendation in para 2.1 of the report, which was now in two paras (as set out in the recommendation to the Council).

The matter was discussed by the Cabinet.

Mrs Dodsworth and Mrs D Shepherd (Chief Executive) responded to members' questions and comments on points of detail.

#### *Decision*

The Cabinet voted unanimously to make the amended version of the recommendation in the report as set out below.

#### **RECOMMENDATION TO THE COUNCIL**

- (1) That the transfer of the service as outlined in section 5 of the report be approved.
- (2) That the Director of Residents Services be given delegated authority to conclude the final details of the transfer, including the capital receipt and the timing of the transfer, after consultation with the Cabinet Member for Community Services.

**[Note** The meeting ended at 10:44]

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CHAIRMAN

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DATE



Minutes of the special meeting of the **Cabinet** held in Committee Rooms at East Pallant House East Pallant Chichester West Sussex on Wednesday 14 November 2018 at 15:00

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

**Members Absent** Mr R Barrow

**Officers Present** Mr M Allgrove (Divisional Manager for Planning Policy), Ms H Chivers (Planning Policy Officer), Mrs V Dobson (Principal Planning Officer), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mrs T Flitcroft (Principal Planning Officer (Local Planning)), Mr A Frost (Director of Planning and Environment), Mr T Guymer (Principal Planning Officer), Mrs V Owen (Principal Planning Policy Officer), Mrs D Shepherd (Chief Executive) and Mr G Thrussell (Legal and Democratic Services Officer)

#### 606 **Chairman's Announcements**

Mr A Dignum (Leader of the Council) greeted the members of the public and Chichester District Council (CDC) members and officers and the two press representatives who were present for this special meeting of the Cabinet in order to consider two important aspects of CDC's current review of the Chichester Local Plan: (a) the Chichester Local Plan Review: Preferred Approach – Consultation (agenda item 5) and (b) the Revised Local Development Scheme 2018-2021 (agenda item 6), both of which would be the subject of recommendations to the forthcoming Council meeting on Tuesday 20 November 2018.

Mr Dignum summarised the emergency evacuation procedure.

There was an apology for absence from Mr R Barrow (Cabinet Member for Residents Services). All other members of the Cabinet were present.

There were no late items for consideration.

Mr Dignum had no specific announcements to make.

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

[**Note** Minute paras 607 to 613 below summarise the Cabinet's discussion of and decision on agenda items 2 to 8 inclusive but for full details of the items considered in public session please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=979&Ver=4>]

**607 Approval of Minutes**

As stated in the agenda, there were no minutes to consider at this meeting.

The minutes of the Cabinet's ordinary meeting on Tuesday 6 November 2018 (together with the minutes of this special meeting) would be presented for approval at the next ordinary meeting on Tuesday 4 December 2018.

**608 Declarations of Interests**

No declarations of interests were made at this meeting.

**609 Public Question Time**

Four public questions had been submitted for this meeting, details of which appear below.

The text of the questions had been circulated to CDC members, the public and the press immediately prior to the start of this meeting. Mr A Dignum (Leader of the Council) invited each person in turn to come to the designated microphone in order to read out the question before an oral response was provided.

The questions (with the date of submission shown within [ ] at the end of the text), any supplementary questions and the answers given by Mr Dignum or Mrs S Taylor (Cabinet Member for Planning Services) were as follows.

*(1) Mr Mike Dicker*

'Please find enclosed a statement and three associated questions for the CDC special Cabinet to be held at 15:00 on 14 November 2018.

On 21 September 2018 Councillor Potter at Boxgrove Village Hall announced that there is no point raising the A27 as councillors at CDC had been advised by officers that the RIS 2 money would not be forthcoming. I have been seeking this advice since then under FOI and the matter is currently the basis of a complaint to the Information Commissioner having exhausted CDC internal processes for relying on an exemption that the advice would be published at a later date. I now have three questions:

1. Why is CDC promoting a scheme which just 3% of respondents to the 2016 public consultation supported (option 3)? Should CDC not instead be working closely with the public, WSCC and our MP Gillian Keegan to get the RIS 2 funding to take the SYTRA work forward for a preferred mitigated

Northern option as voted for by CDC and then propose plans for the local feeder road with sustainable transport options as part of any local planning?

2. What value does the Cabinet attach to the Peter Brett traffic study when the costs shown are around half those calculated by HE for option 3?

3. When will I receive the disclosure of my FOI request as you could not then and certainly not now rely on the publication at a future date exemption and have not, as promised, published the advice to councillors or provided it to me?

[Monday 12 November 2018]

*(1) Response*

Mr Dignum provided the following response.

‘Thank you for your questions.

1. In answer to your first question, Chichester District Council (CDC), working closely with West Sussex County Council, remains focused on achieving improvements to the A27 Chichester Bypass that will provide long term benefits and also address concerns about matters such as poor air quality and journey reliability. As part of the BABA27 initiative, the concept schemes developed by consultants Systra were reported to a special meeting of the full Council in June 2018 where it was resolved that in promoting a scheme to Highways England for inclusion in RIS2, our preference is for the Mitigated Northern route with the alternative Full Southern route put forward as a reasonable alternative. Highways England agreed to develop the concepts further to check they are technically viable and to establish a base cost for each option and we anticipate its response in the coming weeks. However, despite this important on-going work, there is, at this stage, no certainty that a scheme for Chichester will be included in RIS2 and the draft RIS will not in any case, be published by the DfT until late 2019.

As a consequence, we have always been clear that in preparing the review of the adopted Local Plan (which we must do to ensure our plan remains up to date), we must identify a scheme of mitigation that can be relied upon for the A27 which is not dependent on RIS2 funding. This amounts to comparatively small scale, at-grade improvements to the Bypass to mitigate the traffic impact of development in the Local Plan to ensure that the junctions continue to operate effectively. Without such a scheme, we will not be able to demonstrate that the Local Plan review is sound and could lose control over new development as it comes forward. Once there is more certainty about RIS2, we will be able to review our position on the necessary highway improvements required to mitigate the projected traffic growth arising from the provisions of the emerging Local Plan accordingly.

2. In answer to your second question, this can of course only be answered once the Cabinet has considered the Local Plan Review item later on the agenda.

However, it should be noted that Peter Brett Associates are specialist consultants with extensive experience of designing major highway schemes and CDC has every confidence in their work and in the findings of the study. In terms of the relative cost of the schemes referred to, the consultants have advised that their estimate of the cost of the A27 mitigation scheme at about £25.2 m is based on the cost of construction only whereas Highways England (in relation to Option 3 of the public consultation in 2016) undertook a more detailed costs analysis to inform the 'Benefit to Cost Ratio' and so the identified cost is understandably higher. CDC is working with Highways England and the consultants to refine the cost estimate of the Local Plan mitigation scheme.

3. In answer to your third question, I can advise that CDC's Divisional Manager for Democratic Services has received your question under the Freedom of Information Act 2000 and will respond to it within the prescribed timescales.'

#### *Supplementary Question*

Mr Dicker did not ask a supplementary question.

*(2) Mrs Charlotte Pexton on behalf of Bosham Parish Council*

[**Note** This set of questions was, at the request of Mrs Pexton, taken as read and the response only was read out]

'Q1 – We note that in the preamble to SA10 - Chidham/Hambrook and SA9 - Fishbourne statements are made about **“protecting views to the South Downs National Park and Chichester Harbour Area of Outstanding Natural Beauty and their settings and creating opportunities for new views”**. Criteria 5 of SA10 also states **“Detailed consideration of the impact of development on the surrounding landscape, including the South Downs National Park and Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views to the South Downs National Park”**. Should not the same statement be included in SA7 as exactly the same issues arise?

Q2 – The preamble to SA9 – Fishbourne references the importance of **“the separate distinct identity of Fishbourne in relationship to surrounding settlements, including Chichester City”**. Given the proximity between Bosham and Fishbourne should not the preamble to SA7 include the same criteria?

Q3 – Policies SA9 and SA10 both state: “and securing necessary off-site improvements (including highways) to promote sustainable transport options”. SA7 only refers to **“provision of satisfactory means of access from the A259.”** SA7 should give consideration to a pedestrian crossing to allow the north and south of the village to be better integrated and so should not SA7 be updated?

Q4 – Policies SA9 and SA10 say: **“Demonstration that development would not have an adverse impact on the nature conservation interest of identified sites and habitats”** However, SA7 does not include the same criteria despite evidence of

slow worms being present and the use of the site as a landing area for Brent Geese and so should not SA7 should be updated?

Q5 – Both SA9 and SA10 include mitigation for water quality: “**...water quality issues relating to runoff into a designated site, and loss of functionally linked supporting habitat**”. Policy SA7 does not have the same criteria despite the run off from the site potentially being able to impact on the Chichester SPA/SAC and Ramsar site and so should not SA7 be updated?’

[Monday 12 November 2018]

*(2) Response*

Mrs Taylor provided the following response.

‘Thank you for your questions that relate to the policy proposing allocation of land at Bosham for development in comparison to the proposed policies for Chidham and Hambrook and Fishbourne. There is some variation in the policy wording which arises from the nature of the site specific policy for Bosham, which actually allocates land for development, whereas the policies for Fishbourne and Chidham and Hambrook facilitate the identification of land through the neighbourhood planning process. However, Chichester District Council is open to reviewing the wording of the policy that allocates land at Bosham and would suggest that the questions raised today are submitted in response to the consultation on the Chichester Local Plan: Preferred Approach, should it be agreed by the Council next week, where they can then be given detailed consideration by officers and members.’

*Supplementary Question*

Mrs Pexton did not ask a supplementary question.

*(3) Dr Linda Boize*

‘My question concerns PBA's traffic report [third agenda supplement, Chichester Local Plan Review: Preferred Approach - Consultation, para 4.4]:

One of the many failings of the Highways England consultation proposals was the inaccurate and inadequate analysis of rat-running through Chichester to avoid the A27.

The PBA report is similarly inadequate. Item 4.4 'Dealing with Congested Network' states that drivers will likely change mode of transport or not travel at all – but makes no mention of rat-running on residential roads with schools, buses, residential parking, 20 mph restrictions etc. This rat-running is what happens at the moment and WILL happen in the future but I could find no evidence in the PBA report that they have looked at this. I wonder how many of us have either walked, cycled or taken the bus to get here this morning, evidencing the 'to further encourage changes in travel behaviours proposed by PBA as their solution to dealing with congestion.

My question is: Does the report sufficiently embrace and analyse the consequences arising from their A27 scenarios proposed. Do you, like me, have no confidence that PBA's scenarios will not just clog up local residential roads?’

[Tuesday 13 November 2018]

*(3) Response*

Mr Dignum provided the following response.

‘Thank you for your question.

The PBA Transport Study uses a methodology that has been approved by Highways England and West Sussex County Council and which is widely used in similar studies across the country. In simple terms, the study utilises computer modelling to understand the impact that additional traffic growth has on the highway network. It takes account of the existing travel patterns of drivers ie which roads they typically take in travelling from origin to destination. When additional traffic is expected to be generated from proposed development, the modelling seeks to predict routes that drivers will choose, taking into account the increased levels of traffic likely to be experienced on each route, and with the assumption that drivers will choose a route that minimises the costs involved (time and financial). The intention of this modelling is to predict as accurately as possible, the effect of additional growth on all roads within the area, whilst acknowledging that such long term modelling of traffic is inherently difficult to predict and in turn to enable appropriate highway interventions to be identified.

The effect of the highway improvements identified in the PBA Transport Study will be to ensure that the level of traffic experienced in the plan area would be similar to that which would otherwise be expected to be experienced without such additional growth as now being planned for. Indeed, the proposed mitigation to the A27 junctions could have the effect of ensuring that as much traffic as possible utilises the A27 for through trips, rather than rat-running through the city centre.’

*Supplementary Question*

In the light of the response just delivered, Dr Boize remarked that her reading of the Peter Brett Associates (PBA) report was at variance with what seemed to be the officers’ understanding of it. She said that she would be very surprised if anyone could find in the report a full appraisal of the issue of current and future rat-running. She was concerned that A27 improvements works would cause drivers to use the city’s roads to avoid the inevitable congestion and disruption. This was not addressed by PBA in what was a very difficult document to read. She awaited the officers’ response with interest.

*Response*

Mr Dignum said that officers would look into this point.

Mr M Allgrove (Planning Policy Manager) said that he was not able instantaneously to identify the reference to this issue in what was a very large document. Neither the transport study nor the Chichester Local Plan Review; Preferred Approach said at any point that existing traffic congestion would be addressed; the emphasis was correctly that the Local Plan Review would mitigate the extra traffic caused by additional development.

*(4) Mrs Joan Foster – Chairman of Hunston Parish Council*

‘Hunston Parish Council would like to question the new proposals for development of 200 houses in Hunston contained in the Chichester Local Plan Review 2035 – Preferred Approach December 2018.

At a meeting on 23 July 2018 between CDC, Hunston and North Mundham Parish Councils, we were told that 250 houses would be allocated between the two parishes. The split was left to us. Both Hunston and North Mundham decided to produce their own Neighbourhood Plans, so that they could consult with residents as to how many houses should be built and where. This work has started.

Some 14 weeks later we were then advised that the Officers had decided to recommend individual allocations to the parishes of 200 to Hunston and 50 to North Mundham.

This conflicts with the Housing and Economic Land Availability Assessment (HELAA) published in August 2018, which demonstrates deliverability of 176 houses in Hunston and 375 in North Mundham. Planning Officers have been unable to justify to the Parish Council why, when clearly North Mundham parish could accommodate the entire allocation on its own, Hunston Parish Council is being told it will have to take the Lion’s share of the proposed housing.

Additionally, we are being warned that if our Neighbourhood Plans are not a draft stage by June 2019 then the District Council will allocate the designated land for development. This would render the work that the Parish Council is undertaking as irrelevant.

Hunston Parish Council’s question is as follows:

Will the Cabinet please agree to reject the officers’ recommendations and recommend to the Council meeting on Tuesday 20 November 2018 that a fairer housing split be allocated between the two parishes?’

[Tuesday 13 November 2018]

*(4) Response*

Mrs Taylor provided the following response.

‘Thank you for your question regarding the relative proposed allocations of development requirements for Hunston and North Mundham. Firstly, the Housing and Economic Land Availability Assessment needs to be updated with respect to

land at Hunston that is being promoted on behalf of the land owner, the Church Commissioners. It is the availability and, in the view of officers, suitability of this land that has informed the officers' recommendation with regard to the numbers of dwellings proposed for Hunston and North Mundham. I would emphasise however, that the HELAA is only part of the evidence base when considering land availability and its main purpose is to demonstrate that there is sufficient land available to meet the development needs of the plan area.

I note your concern about the timing of the neighbourhood plan. However, if Chichester District Council (CDC) is to be able to put forward a convincing case as to how development needs can be met and facilitate neighbourhood planning, then rapid progress on those plans will need to be made, or CDC may not be able to demonstrate a five-year housing land supply and development will take place in an unplanned way through the appeals system.

The Cabinet will consider the content of the Plan today, before it is considered by the full Council on 20 November 2018 and will determine whether the split of housing between the two parishes as proposed is appropriate. I would suggest that Hunston Parish Council makes formal representations on the plan if the recommendations are agreed so that this matter can be given further detailed consideration.'

#### *Supplementary Question*

Mrs Foster did not ask a supplementary question.

The immediately foregoing response concluded public question time.

#### **610 Chichester Local Plan Review: Preferred Approach - Consultation**

The Cabinet received and considered the agenda report and its four appendices in the main agenda supplement and the updates detailed in the sixth agenda supplement.

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

In attendance for this matter were Mr A Frost (Director of Planning and Environment), Mr M Allgrove (Planning Policy Manager) and the following members of the CDC Planning Policy team: Ms H Chivers, Mrs V Dobson, Mrs K Dower, Mrs T Flitcroft, Mr T Guymer and Mrs V Owen.

Mrs Taylor presented the report as follows. CDC currently had an adopted Local Plan but was committed to reviewing it by July 2020 to ensure that the development needs of the Local Plan area were addressed in accordance with national planning policy. The Local Plan Review would be for 2020 to 2035 and would cover the Chichester District area outside the South Downs National Park (SDNP). Work on the evidence base to inform the Local Plan Review had been ongoing for the past two years. Appendix 4 to the report set out the evidence base already published together with future dates of publication. The Local Plan area's housing need was based on the government's current proposed methodology and was capped at an

increase of 40% of the figure in the existing Chichester Local Plan (CLP), resulting in a housing need figure of 12,350 new dwellings over the plan period ie 609 dwellings plus 41 dwellings per annum to accommodate the unmet housing need of the SDNP within the CLP area, namely a total of 650 dwellings per annum. The Local Plan Review: Preferred Approach (LPRPA) had two parts. Part one set out some of the key planning issues and challenges together with the preferred spatial strategies to meet the needs of the District. It proposed *inter alia* specific sites for development. A majority of the planned growth would be in the east-west corridor including Chichester city, with more moderate development for the Manhood Peninsular and in the north of the District. In addition, provision for new employment floor-space was proposed equating to over 230,000 m<sup>2</sup> for the plan period. Part two of the LPRPA comprised development management policies, which provided greater detail with respect to, for example, design, heritage, housing mix/tenure and landscape considerations. If approved by the Cabinet and the Council, the LPRPA would be published for consultation for a period of eight weeks from 13 December 2018 to 7 February 2019. The Revised Local Development Scheme (the next agenda item at this special meeting) set out the timetable for taking the LPRPA through to adoption, which self-evidently was very tight. Failure to proceed to consultation on the LPRPA would be likely to result in the extant CLP becoming out-of-date with its serious consequences. The proposed consultation would afford an opportunity for the community to engage in a positive and constructive way to ensure that the development that took place was planned, and not speculative and unplanned with a lack of control over infrastructure, design and location, as was experienced prior to the adoption of the current CLP. The need for and commitment to new housing was recognised by all of the main political parties ie 300,000 new dwellings per annum. The best way to ensure that the unique qualities of this very beautiful part of the country were preserved was for CDC to ensure that it had an up-to-date Local Plan. She commended the two recommendations in section 3.1 of the report to the Cabinet's approval.

Mr Allgrove commented on a number of matters:

- (a) The very extensive process and considerable amount of hard work necessitated in a review of the Local Plan, which included the issues and options consultation, meetings of CDC's Development Plan and Infrastructure Panel, member briefings and discussions with parish councils and developers.
- (b) The work in progress on the transport study, the sustainability appraisal, the habitat regulations assessment, the strategic flood risk assessment and the landscape study.
- (c) The completion of the evidence base and consultations as expeditiously as possible was necessary in order to submit the Local Plan Review for examination in July 2019 and adoption in July 2020.
- (d) The sections in the sixth agenda supplement set out logically the sequential order of the various updates, which would be incorporated into the LPRPA consultation version if approved by the Cabinet and the Council – due to members having the Development Plan and Infrastructure Panel agenda

papers, it should be noted that the page references in the sixth supplement should have 44 subtracted from them in order to equate to the same pages of the LPRPA document in appendix 2 in the papers published for the public.

In its discussion the Cabinet acknowledged the amount of hard work which had already been undertaken, the work yet to be done in an acutely time-compressed period and the consensus was that the LPRPA document should now be subjected to consultation and the Council be recommended to approve that course of action.

Mr Allgrove and Mr Frost responded to the Cabinet's questions and comments on points of detail as follows:

- The justification for the proposed housing allocation for Loxwood: this was based on the limited availability of land and sites being offered in the north of the CLP area and having regard to Loxwood being identified as a service village.
- The relationship between the LPRPA and the existing and emerging neighbourhood development plans (NDP): in the extant CLP and the LPRPA the intention was to facilitate NDP wherever possible to enable local decisions about land/housing allocations to be made. Within the Local Plan Review process, parish councils now needed to undertake reviews of their NDP or prepare them. It was recognised that this was a time-consuming process and CDC would assist parishes as much as possible. It was important to realise the implications for an adopted Local Plan Review if the NDP were not up-to-date: this would result in the absence of a five-year housing land supply and the risk of planning by appeal. Accordingly it was incumbent on parish councils to make expeditious progress with the NDP if they wished to influence the identification of land for housing in their areas. It was open to parishes to comment on proposed housing allocations during the anticipated forthcoming consultation and at the eventual examination of the submission draft Local Plan.

With Mr Dignum's permission, three CDC non-Cabinet members addressed the meeting.

(1) Mr S Oakley (Tangmere)

Mr Oakley had previously submitted 12 questions for this special meeting, from which he selected the following seven questions with the corresponding answers being given by either Mr Dignum or Mrs Taylor:

*Question*

'What is your view on the impact of the actual costs of the proposed package of LPR mitigation measures for the A27 by-pass (using Highways England's methodologies) on the overall viability of the plan? There is no way new development, CIL and local authority contributions will be able to cover these costs, so is there a risk that this plan could be found unsound on viability grounds?'

*Response by Mr Dignum*

‘The actual costs of the proposed measures for the A27 Chichester Bypass are still being refined, and will continue to be refined as the scheme proceeds through the detailed design process. It is agreed that developer, CIL and local authority contributions are unlikely to be sufficient to cover the entire cost of the scheme and that other funding sources may be required. If no potential additional funding sources can be identified then there is a risk that the plan as a whole could be considered unviable and therefore unsound unless alternative mitigation can be identified. It would be extremely difficult or impossible to bid for funds from pots such as the Housing Infrastructure Fund if we do not have a plan in place setting out the proposed development and the infrastructure needed to support it. This position is not uncommon in other local authorities across the country.’

*Question*

‘There is also the issue of the longevity of effect of these mitigation measures. The transport study appears to accept that the A27 junctions with these works will require further works within a few years of the plan’s end. We are in a five-year plan review cycle and funding for all the proposed works will not have accumulated or been obtained until the late 2020s at best. Is there a risk that the further works required by the 2025 review will supercede these proposals so we get into a cycle that means either nothing gets delivered or if something is done it gets redone only a few years later?’

*Response by Mr Dignum*

‘Highways England (HE) has not provided certainty as to when there is a necessity to deliver highways improvements in relation to the phasing of development within the adopted Local Plan. Officers are continuing to work with HE to establish the need for mitigation measures in relation to the phasing of development in the emerging Local Plan Review as well as the adopted Local Plan. Unfortunately in the absence of a major scheme to deal with the existing capacity issues, we are faced with the prospect of incremental improvements that may need to be replaced or revised within short timescales. Should Highways England not provide any assistance on phasing of improvements in relation to the provision of development, and ideally this should be set out on the next iteration of the plan and the Infrastructure Delivery Plan, then the Council will be entirely reliant on Highways England to decide the timing of the implementation of the improvements through the Development Management process.’

*Question*

‘With regards sustainable transport infrastructure, there are many ambitious references to seeking additional provision, but little in the way of “shall” be provided in the policy wording. Would the Cabinet agree that wording on this aspect of infrastructure should be strengthened throughout?’

*Response by Mrs Taylor and Mr Allgrove*

'This is a detailed point and one that should be picked up when revisions to the plan are being considered following public consultation. Additional provision is often the responsibility of West Sussex County Council as Highway Authority and therefore strengthened wording may not achieve the provision but could prevent development from occurring, with obvious negative implications regarding five-year housing land supply etc.'

Mr Allgrove added that there was not a limited ambition in the LPRPA with regard to sustainable transport infrastructure but it ought to be appreciated that there were limits to what could be realistically expected of developers and as the Highways Authority West Sussex County Council was ultimately responsible for delivery and this was not necessarily within the gift of the developer.

*Question*

'Will the Cabinet make it clear that a countryside gaps policy will be in the LPR and clarify the consultation process on that policy given it only appears as a possibility in the present version? Could it also be clarified as to what national planning policy support is there for these proposed designations?'

*Response by Mrs Taylor*

'The LPR contains text that makes it clear the countryside gaps will be included in the Submission Plan, upon completion of the landscape study looking at this issue. Officers are of the view that this can be introduced at that stage, dependent on the findings of the landscape study, but will seek legal clarification that a further regulation 18 consultation is not required. There is little commentary in the NPPF but as long as the Council is meeting its development needs and not trying to claim that it cannot meet its needs due to a countryside gap policy, then it should be appropriate and defensible to introduce this locally specific policy. Arun has gap policies within its recently adopted plan.'

*Question*

'Given there is reference to starting work on a possible future large scale single development, should not investigations into green belt designations around Chichester accompany that work so that we avoid creating a continuous Southampton to Brighton conurbation and protect the city's and surrounding area's character for the long term?'

*Response by Mrs Taylor*

'DPIP considered a full report on this matter and concluded that there were significant risks to the plan to try to introduce such a policy within the Local Plan Review and that this matter should be addressed with other authorities in the West Sussex and Greater Brighton Strategic Planning Board.'

### Question

'I've submitted a number of comments on the revised open space standards which hopefully you will have considered. Could it be confirmed that, for housing developments over 200 dwellings, there will be an about 30% reduction in open space provision as compared with the current standards?'

*Response by Mrs Taylor*

'The reduction is 26%, but the new approach will deliver larger more usable spaces, rather than smaller areas of amenity space that are expensive to maintain. It should be borne in mind that our current standards are very generous compared to national benchmarks.'

### Question

'Should build rates reach the levels proposed, what guarantees are there that development quality will not suffer?'

*Response by Mrs Taylor*

'The best prospects for ensuring that the Council is able to positively influence the quality of development is through having an up to date plan so that the Planning Committee is able to apply the policies within the plan, rather than losing control of development through the appeal system if the Council cannot demonstrate a five-year housing land supply. This is the situation notwithstanding the proposed increase in the levels of development.'

(2) Mr A Moss (Fishbourne)

Mr Moss spoke in his capacity as the Leader of the Opposition and not as the CDC member for the Fishbourne ward and he was articulating views which had been presented to him from residents all over Chichester District.

He began, however, by thanking all officers for their diligent hard work in reaching this point in the Local Plan Review process.

He made the following points and received answers (denoted by the use of italics) from Mr Allgrove, Mrs D Shepherd (Chief Executive) and Mr Frost.

- The timing of the consultation period coincided with the Christmas/New Year holiday season and it would be helpful to extend the deadline notwithstanding the tight timetable: *the consultation period had in fact been extended from the normal six to eight weeks.*
- There were four Cabinet members sitting on CDC's Development Plan and Infrastructure Panel (DPIP) and the consistency of this arrangement with the important principles of transparency and democracy could be questioned: *the membership was in accordance with CDC's Constitution, which had been approved by the Council; any changes to the DPIP's composition and thereby to the Constitution would likewise have to be approved by the Council.*

- There was a feeling in Chichester District that the Local Plan Review process was being undertaken quickly and a consultation was due to be run when there was still work in progress, not all of the facts were yet known and perhaps the review should have been commenced sooner: *it was correct that the process was moving forward as expeditiously as possible in view of the current CLP not being up-to-date with the aforementioned risks of challenges by developers on appeal and the loss of the 40% government cap on housing numbers, which would then result in much higher targets being imposed; the evidence base was in the main now complete or as complete as it could be at this stage; CDC began the review as soon as was reasonably practicable within the very tight timetable constraints.*

(3) Mr J Brown (Southbourne)

Mr Brown asked two questions which he had previously submitted and received responses from Mr Dignum as follows:

*Question*

‘It is coming up to a year since a breach of condition relating to the provision of sewer upgrades in Southbourne was reported to the District Council. In that time, no enforcement action has been taken. Southern Water has recently completed a different set of works but to date no request to vary the original condition has been made. No evidence has been supplied that the work required by the original – and still current – condition is not necessary. There are studies in the public domain which show that the waste water network in Southbourne needs upgrading.

The Local Plan review recommends substantial new housing numbers for Southbourne. How can this council regain the confidence of residents that the necessary infrastructure works will be carried out? I am not asking you to comment on this application specifically but about the more general point about confidence in the planning and enforcement regime, especially with regards to the provision of infrastructure.’

*Response by Mr Dignum*

‘The general point here with respect to the Local Plan Review was whether there would be adequate enforcement resources to ensure the promised infrastructure was provided. Clearly resources were necessary to provide adequate enforcement and this was a matter for the Cabinet to address as part of the 2019-2020 budget process.’

*Question*

‘It is clear that all of the new housing proposed for the A259 corridor will substantially increase the burden on that road and the A27. While the Local Plan Review cannot assume that we will be successful in applying for funding under RIS2 for either a ‘Mitigated Northern Bypass’ or a ‘Full Southern Upgrade’, we cannot set aside the feedback that has been received during the consultations of the last few

years – especially with regards the environmental inappropriateness of a Fishbourne-Birdham link road.

Can the Local Plan Review incorporate a timetable that would enable the Council to hold off on making any decision to commit an unspecified but huge amount of money to a package of mitigation measures for the A27? At least until such a time that we at least know the outcome of our application for RIS2 funding?’

*Response by Mr Dignum*

‘The Local Plan review timetable as proposed within the Council’s Local Development Scheme will be considered by Cabinet under agenda Item 6. CDC remains focused on achieving improvements to the A27 Chichester Bypass that will provide long term benefits and also address other environmental concerns.

However, despite the recent joint work with WSCC and the BABA27 community group, there is, at this stage, no certainty that a scheme for Chichester will be included in RIS2. Furthermore the draft RIS will not in any case, be published by the DfT until late 2019. Until further stages of the RIS process have been completed, including the announcement by government of a ‘Preferred Route’ which will be several years from now, we will not have sufficient certainty of such funding being available.

Consequently, in preparing the new plan, we must identify a scheme of highway mitigation for the A27 that can be relied upon which is not dependant on RIS2 funding. And as I think members are aware, if we are to retain a local plan that is up to date so that we remain in control of the location and distribution of new development across the plan area, then it is vital that we do all we can to be in a position to adopt a revised Local Plan by 2020.

We should not therefore adjust the local plan timetable as you suggested and risk substantial uncontrolled development. Instead we should continue to work with HE and WSCC so that once there is more certainty about RIS2, we can then review what would then be the necessary highway improvements required to mitigate growth arising from the Local Plan.’

*Supplementary Question*

Mr Brown asked if it could be written into the Local Plan Review that there would be no commitment to mitigation measures until the outcome of the RIS2 funding bid was known.

*Response by Mr Frost*

CDC was dependent on Highways England as to when the phasing of A27 works would be triggered and it was not appropriate to write something so prescriptive into the Local Plan Review.

In concluding the debate Mr Dignum made the following remarks:

The government inspector in approving the CLP in 2015 laid down that a full review had to be completed by 2020, in particular a review of the housing numbers. The CLP laid down a figure of 435 houses per annum within the Local Plan area. The current government formula lays down a figure 40% higher than that, namely 609 houses per annum (hpa) for the Local Plan Review. In addition the South Downs National Park Authority had asked CDC to provide up to 41 hpa. Thus the Local Plan Review would have to identify deliverable sites providing in total up to 650 hpa. The choices of locations had to avoid the SDNP and the Chichester Harbour Area of Outstanding Beauty, the worst flood zones and take account of the poor access to and from the Manhood Peninsula. It had to be assumed that no major scheme on the A27 would be having an impact during the period up to the next Local Plan review due in 2025.

All of these constraints meant that the Manhood would be asked to take a far smaller proportion of new homes ie 16% than its share of population might suggest. If new housing over the new plan period had been allocated in proportion to population, the Manhood would receive twice as many homes, namely 33% of the Local Plan Review total. Housing allocations to specific towns and parishes were rarely received with acclamation but CDC members needed to agree a local plan which would deliver an annual number of homes fixed by the government. It had to be grasped that when a housing figure went down in one area, then somewhere else would need to accept a higher figure in order to balance the books and deliver the Local Plan total.

Another major issue was the Local Plan Review's relationship with the A27. In preparing the document officers had to assume that there would be no major scheme implemented by Highways England before another plan review was due in 2025. However, CDC was required to arrange plans to be prepared to offset the impact of new development on the A27 and local roads. In the absence of a major Highways England scheme, there was no alternative to making relatively minor at grade improvements to the existing A27. This did not mean that CDC was embracing any of the Highways England 2016 options for the existing A27 but it did mean that CDC had to calculate the impact of the new housing that was planned and devise proposals to offset its impact on the whole highways network.

In summary, CDC had to ensure it had a new adopted Local Plan by 2020 or confront the risk of uncontrolled development on any site not included in the current CLP and developers making only a minimal contribution to the necessary infrastructure. Accordingly, he commended the making to the Council of the two-fold recommendation.

### *Decision*

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

### **RECOMMENDATION TO THE COUNCIL**

- (1) That the Local Plan Review: Preferred Approach document (attached as appendix 2), as amended in the sixth agenda supplement, and the schedule of proposed changes to the policies map (attached as appendix 3) be

approved for an eight-week consultation from 13 December 2018 to 7 February 2019.

- (2) That the Director for Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to make minor amendments to the consultation documents prior to their publication.

#### 611 **Revised Local Development Scheme 2018-2021**

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

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

In attendance for this matter were Mr A Frost (Director of Planning and Environment), Mr M Allgrove (Planning Policy Manager) and the following members of the CDC Planning Policy team: Ms H Chivers, Mrs V Dobson, Mrs K Dower, Mrs T Flitcroft, Mr T Guymer and Mrs V Owen.

Mrs Taylor presented the report, saying that the Local Development Scheme (LDS) identified and timetabled the planning documents to be prepared by CDC for its plan area over a three-year period, and the version of the LDS appended to the report was for the period 2018 to 2021. She drew attention to the revised timetable for the Local Plan Review. As mentioned in the preceding agenda item, the timetable was now very tight and there was no room for slippage if CDC wished to attain its target date of July 2020. The Local Plan Review would require work to commence on development plan documents (DPD) such as Gypsy and Traveller Sites and the Site Allocation DPD. Dates had not yet been set but it was anticipated that work would start on them shortly. The LDS was constantly kept under review and updated. It was published on the CDC's website to enable the community and stakeholders to find out about the planning policies for their area and the timetable for the production of the documents.

Mrs E Lintill (Deputy leader of the Council, Cabinet Member for Community Services and one of the two CDC members for the Petworth ward) pointed out with reference to the final bullet point in section 4.1 in the revised LDS document (page 280 in the agenda supplement) that it should be made clear that only a small part of Petworth was in the Chichester Local Plan area.

Mr Allgrove noted the need to clarify that and added that the same applied to Lavant (the penultimate bullet point).

#### *Decision*

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

#### **RECOMMENDATION TO THE COUNCIL**

That the revised Local Development Scheme 2018-2021 be approved.

612 **Late Items**

As stated by Mr A Dignum (Leader of the Council) during agenda item 1 (minute 606) there were no late items for consideration at this special meeting.

613 **Exclusion of the Press and Public**

There were no exempt agenda items or matters for consideration at this special meeting and so there was no requirement to pass a resolution to exclude the press and public.

**[Note** The meeting ended at 16:18]

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CHAIRMAN

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DATE

**Chichester District Council**

**THE CABINET**

**4 December 2018**

**Financial Strategy and Plan 2019-20 to 2023-24**

**1. Contacts**

**Report Author:**

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**2. Executive Summary**

The purpose of this report is to update the Council's Financial Strategy and the 5 year Financial Model, to help guide the management of the Council's finances in anticipation of the major changes in future Government funding from 2020-21 and the expectation of diminishing resources, in preparation for 2019-20 annual budget. It builds upon the work already achieved under the 2016 deficit reduction plan, and sets out the key financial principles and actions to assist in the process of seeking to set a balanced budget each year, which is a legal requirement. This approach enables the identification of any funding gaps early to ensure that intervention is undertaken in a considered and measured way, thereby adhering to the Council's key financial objectives under its Corporate Plan and protecting services to its community.

**3. Recommendation**

**That the Cabinet considers and recommends to the Council:**

- 3.1 That the key financial principles and actions of the five year Financial Strategy set out in appendix 1 to the agenda report be approved.**
- 3.2 That the current five year Financial Model detailed in appendix 2 to the agenda report be noted.**
- 3.3 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.**
- 3.4 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.**

**3.5 That the current resources position as set out in appendix 3 to the agenda report be noted.**

**4. Background**

4.1 The Council's Financial Strategy and the 5 year Financial Model is underpinned by the approved key financial principles, which determines the approach by the Council in its aim to achieve a balanced budget over the medium term, without the use of reserves, except where this is necessary in the short term.

4.2 Council accepted a four year funding offer from Government to help provide some degree of certainty covering the period 2016-17 to 2019-20; the 2019-20 Budget will therefore be the final year of this agreement. The provisional financial settlement for 2019-20 is expected on 6 December 2018, along with the outcome of any pilot bids for the 75% Business Rates regime, for which a joint West Sussex County, District and Borough Councils bid has been made for this opportunity.

4.3 Associated with the funding agreement the Council also has an approved 2016 Deficit Reduction Plan, which is expected to achieve savings or additional income of £3.8m. The plan is monitored regularly by the appropriate Programme Board; either the Commercial Board or the Business Improvement Board, and as part of the Council's quarterly revenue and capital monitoring regime. Currently £3.38m has been achieved so far, and we currently anticipate exceeding the target.

**5. Outcomes to be Achieved**

5.1 The purpose of this report is to set out the current position of the Financial Strategy and the 5 year Financial Model, taking into account the corporate priorities, any impact of service changes and budget pressures expected in future financial years for 2019-20 and beyond, plus forecasts of future Government funding, and to consider the actions necessary to maintain a robust and balanced budget.

5.2 The application of the key financial principles that should be applied over the short to medium term will be used to underpin the annual spending report in February 2019 to set the 2019-20 budget and Council Tax requirement. This will help the Council to deliver its Corporate Plan objectives by having a sound financial position that is balanced over the medium term and enable investment in priority services.

5.3 The Director of Corporate Services is given delegated authority to accept the Government's offer to participate in the West Sussex Councils' pilot bid for the 75% localisation of business rates, when the provisional settlement is announced in early December.

**6. Proposal**

6.1 The Financial Strategy (Appendix 1) sets out the current financial position, the challenges and uncertainties faced by the Council. The guiding principles to be used to address the issues identified and the actions required, whilst adhering to the key financial principles.

- 6.2 The 5 year financial model (Appendix 2) has been updated to reflect current assumptions including Government funding, council tax projections, as well as projected costs and planned efficiencies. This includes provision for new cost pressures and bids for growth linked to the Council's corporate plan objectives. These bids will be firmed up during the budget process and reported as part of the budget report to Cabinet in February 2019.
- 6.3 The Council is currently witnessing deterioration in some income streams in the current year, especially in relation to car parking and planning fees. To de-risk the model going forward an adjustment of £300k has been built into the 5 year financial model. The Model demonstrates a balanced budget at the end of year 5, with a relatively small deficit in year 4 that will need to be considered along with the delivery of the outstanding items of the agreed 2016 deficit reduction plan, the assumptions used for the forecasts, and the impact of the other uncertainties which have been set out in the Financial Strategy. This underpins the approach to be used for the 2019-20 revenue budget.
- 6.4 The Corporate Governance & Audit Committee (CG&AC) have recommended to Cabinet that the Minimum Level of Reserves be maintained at the £6.3m level set during the 2018-19 budget cycle, as there remains uncertainty around future Government funding. The outcome of the consultation on the request for the statutory override to address the impact of the accounting standard International Financial Reporting Standard (IFRS) 9 on the Council's revenue budget has recently been announced, that an override will be given for 5 years. Lobbying for this override to be a permanent adjustment continues.
- 6.5 The outcome of the pilot bids for the 75% localisation of business rates for 2019-20 is expected to be announced on the 6 December. The Council will have a short window to accept any offer if the West Sussex Councils' bid is successful, therefore it is proposed that the Director of Corporate Services be given delegated authority to sign up to the offer, following consultation with the Cabinet member for Corporate Services. If this bid is not successful it is intended that the Council will remain within the coastal West Sussex pooling arrangement for 2019-20 i.e. the current pooling arrangement. The 75% business rates pilot bid gives the council an opportunity to further increase the rates pool gain from approximately £3m to £21m, and will also assist the Government in trialling the methodologies for 2020-21 when the new localisation regime is expected to come into force. There would be no impact on the Council's own budgets, only those of the West Sussex Pool.
- 6.6 Appendix 3 sets out the current level of reserves, the commitments against those reserves, and therefore the potential funds available for the council to invest in new schemes. The forecast includes future capital receipts amounting to £8.78m expected to be achieved over the next 5 years.

## **7. Alternatives Considered**

- 7.1 The Financial Strategy is a vital tool for ensuring the Council continues to set a balanced budget even with all of the uncertainty and pressure faced by the Council in the current economic climate.
- 7.2 Various alternatives exist within the strategy and the 5 year plan. The New Homes Bonus (NHB) could for example be used to support revenue budgets, but this would

be contrary to the financial principle of not using non-recurring income to fund recurring expenditure.

- 7.3 Although the financial model assumes certain levels of Council Tax increases, it will be for the Council to determine the appropriate level annually. For 2019-20 the Council Tax levels will be recommended by Cabinet at their February 2019 meeting for Council to consider at the March 2019 meeting.

## **8. Resource and Legal Implications**

- 8.1 The Financial 5 year Model assists with the Council's in its financial planning in order to set a balanced budget each year, which is it legally required to do; this modelling assists with identifying funding gaps early in order to plan ahead to address the issues in a measured way rather than reactive.

## **9. Consultation**

- 9.1 The CG&AC considered the key Financial Principles and the latest position statement against those principles and any further actions required. This information has been incorporated into the Financial Strategy in appendix 1. The Committee also considered the Minimum Level of Reserves to be held as part of the risk mitigation for financial resilience.
- 9.2 A Budget Task & Finish Group comprising of 3 members from both the Overview and Scrutiny Committee and CG&AC will take place in December to consider the major variances of the proposed budget for 2019-20, which will have been informed from the forecasts from within the 5 year Financial Model, and the Resources Statement.

## **10. Community Impact and Corporate Risks**

- 10.1 The Financial Strategy and five year Model helps the Council to manage the strategic risk of financial resilience; however, there remains a fair degree of unknowns in terms of local government funding, Brexit, and the state of the economy; so it is not possible to predict with absolute certainty, the Council's budget position over the next 5 years. This is partly due to the outcome of the 2019 Fair Funding Review, the localisation of Business Rates regime which will impact Government funding from 2020-21, hopefully the outlook will become clearer in the latter part of 2019, along with the impact of Brexit post 29 March 2019.
- 10.2 The Council's own reliance on income generating services can also be adversely affected by the current economic uncertainty as a result of Brexit and the impact on the community that uses council services. The quarterly revenue monitoring undertaken should identify services which are unable to achieve income targets and where necessary targets are revised as part of the budget process to ensure that these remain realistic and achievable. Whilst the Council has set its minimum level of reserves at £6.3m as part of the 2018-19 budget process, the level of reserves held, as at 31 March 2018, amounted to approximately £39m; £24.1m of which are earmarked reserves held for specific services or projects, and a general fund balance of £14.9m, which is adequate to address any shortfall in the short term if necessary.
- 10.3 There is also a risk in relation to service delivery and support to the community impacting the council due to the budget pressures being experienced by other local

authorities and voluntary organisations.

## 11. Other Implications

|   | Yes | No |
|---|-----|----|
| <b>Crime and Disorder</b>                         |     | ✓  |
| <b>Climate Change and Biodiversity</b>            |     | ✓  |
| <b>Human Rights and Equality Impact</b>           |     | ✓  |
| <b>Safeguarding and Early Help</b>                |     | ✓  |
| <b>General Data Protection Regulations (GDPR)</b> |     | ✓  |

## 12. Appendices

12.1 Appendix 1 – Financial Strategy and Medium Term Financial Plan for 2019-2020 to 2023-24

12.2 Appendix 2 – Five-Year Financial Model

12.3 Appendix 3 – Statement of Resources

## 13. Background Papers

13.1 None

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**Chichester District Council**

**THE CABINET**

**4 December 2018**

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

**1. Contacts**

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**2. Executive Summary**

Members are requested to consider the Project Initiation Document and consider approval of the preferred development option. Should this scheme proceed further funding will be required from the Housing Investment Reserve to cover additional consultancy costs to enable the scheme design to be finalised and submitted for planning permission. Delegated authority is sought for tenders to be invited for the building contract once planning permission has been achieved.

**3. Recommendations**

- 3.1 That the Project Initiation Document (PID) and timescales set out in the appendix to the report be approved.**
- 3.2 That the preferred option, option 3 set out in section 8 of the PID, be progressed to detailed design stage and a planning application is submitted and, following planning approval, the scheme design be finalised ready for invitation of tenders.**
- 3.3 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.**
- 3.4 That the contactor bids be presented to the Cabinet following the receipt and analysis of tenders, for award of contract.**
- 3.5 That the Council approves the allocation of £102,000 from the Housing Investment Reserve to enable the scheme design to be finalised and submitted for planning approval.**

## **4. Background**

- 4.1 In February 2017 Cabinet approved an Initial Project Proposal Document (IPPD) for the Council to invest in the purchase of 22 Freeland Close to provide additional temporary accommodation for homeless households. The initial options appraisal considered the most effective use of the existing single storey building in terms of costs and meeting the Council's need. This was reflected in the IPPD which anticipated an overall cost of £600k to provide 1 x 1 bedroom flat and 2 x 4 bedroom flats.
- 4.2 Council approved the purchase of this property in March 2017 and the property was acquired in December 2017. It also approved a supplementary budget of £15,000 to enable a full options appraisal to be undertaken and £10,000 to progress the preferred option to planning stage.
- 4.3 Since then the property has been bought back into use to provide four one bedroom flats as temporary accommodation, whilst a full options appraisal to evaluate the most effective use of the property was undertaken.
- 4.4 Five preliminary options were appraised in April 2018:
- Continue the use of the property in its current form
  - Utilise existing footprint over 2 floors (440m<sup>2</sup>)
  - Utilise existing footprint over 2.5 / 3 floors (660m<sup>2</sup>)
  - Utilise existing footprint over two floor plus a 2 storey extension
  - Utilise existing footprint over 2.5/3 floors plus a 2 storey extension

These were presented to the Councils Strategic Leadership Team (SLT), following which detailed costings for two options were worked up for further analysis.

- 4.4 Since the IPPD appraisal, it has become apparent that the development opportunity of the site is greater than originally anticipated. As a result, consultancy costs to bring a scheme to planning permission have increased to reflect the size and scope of the development. The cost to bring the preferred option to planning is now £40,000, rather than the original estimate of £10,000 in para 4.2 above.
- 4.5 Further background information relating the project can be found in section 3 of the attached PID (Appendix 1).

## **5. Outcomes to be Achieved**

- 5.1 The primary outcomes to be achieved include:
- Additional temporary accommodation to effectively meet the Council Statutory duty in respect of homeless families and vulnerable single people; and
  - A reduction in the use of bed and breakfast accommodation.
- 5.2 Additional outcomes are set out in section 4 of the attached PID.

## **6. Proposal**

- 6.1 It is proposed that Option 3, identified in section 8 of the attached PID, is progressed to the detailed design stage and a planning application submitted. Following planning approval it is proposed that the detailed scheme design is finalised and tenders invited for the build contract. An additional £30,000 is now required to progress the project to planning permission with £72,000 for consultant's fees required to finalise the scheme design. This will deliver a net increase of 17 additional one bedroom units, which can be used flexibly to provide a smaller number of larger family units.
- 6.2 The Council currently holds a Housing Investment Reserve of £765,000. It is proposed that £102,000 is allocated to cover the additional costs set out in 6.1 above.
- 6.3 It is proposed that the contractor bids will be presented to Cabinet following the receipt and analysis of tenders, for award of contract. Funds from the Council will also be sought to cover the costs of the redevelopment which are detailed in section 8 below.

## **7. Alternatives Considered**

- 7.1 The options considered are explained within section 8 of the attached PID.

## **8. Resource and legal implications**

- 8.1 The estimated total cost of the redevelopment is £2,100,000. This does not include the purchase costs of £208,815.
- 8.2 Following receipt of tenders a report will be taken to Cabinet and Council for selection of the contractor and requesting that Section 106 commuted sums of £510,000 (based on £30k per additional unit) are allocated to this project. An application for grant of £510,000 - £765,000 (based on £30 - £45k per additional unit) will be submitted to Homes England at the same time as planning is submitted. If these grants are secured they will be payable on completion.
- 8.3 The capital investment required by the Council to deliver this project is therefore expected to be between £825,000 and £1,080,000 (£25,000 of this is included within the sum already approved by Cabinet, see para 4.2 above).
- 8.4 The Council currently holds a Housing Investment Reserve of £765,000. This presents a fitting opportunity for the Council to invest these funds to meet key objectives of the Corporate Plan.
- 8.5 It is proposed that the remaining capital balance of up to £290,000 will be funded from the New Homes Bonus reserves.
- 8.6 Staffing costs of the Project Team are included within the Councils existing base budget. However, it is imperative sufficient capacity is timetabled within individual team member roles.
- 8.6 The consultancy services will be procured in line with the Councils standing orders.

## 9. Consultation

- 9.1 Pre-application planning advice has been received from Development Management in Planning Services. No major concerns regarding the redevelopment of the premise were raised.
- 9.2 Internal consultation with Housing and Building Services fed into the design brief for the appointment of the lead consultant.
- 9.3 Finance and Property Services has been consulted as part of the options appraisal.
- 9.4 Public consultation will be held at the planning application stage.
- 9.5 Homes England has been consulted on the project and advised the scheme could achieve grant funding of up to £45k per additional unit from the Shared Ownership and Affordable Homes Programme 2016 to 2020.
- 9.6 On 12 January 2016 the Overview and Scrutiny Committee considered the Housing Strategy Review. It recommended that Cabinet supports the options for the future housing delivery and capital investment.

## 10. Community Impact and Corporate Risks

- 10.1 There is a risk that once the development is completed the need for such accommodation declines. An increase in void levels would result in a loss of income. This could be mitigated by using the accommodation to meet wider statutory duties working with West Sussex County Council and neighbouring Local Authorities. Alternatively, the Council could dispose of the property to one of its Registered Provider Partners to enable the property to be let as affordable rented units, to meet local affordable housing needs of the District.
- 10.2 An equalities impact assessment has been undertaken and concludes that it will have a positive impact. The proposals will increase the supply of, and access to suitable temporary accommodation for homeless households.
- 10.3 Further risks and mitigation measures are identified in section 13 of the attached PID.

## 11. Other Implications

|   |
|---|
| <b>Crime and Disorder</b> None  |
| <b>Climate Change and Biodiversity</b> The proposed scheme will be developed in line with the Council's environmental and sustainability strategies for Climate Change and Carbon Management in order to promote environmental awareness, sustainability and corporate social responsibility. |
| <b>Human Rights and Equality Impact</b> An equalities impact assessment has been undertaken and concludes that it will have a positive impact. The proposal will increase the supply of, and access to, temporary accommodation to homeless households.                                       |
| <b>Safeguarding and Early Help</b> There will be a positive impact as all tenants will be managed and supported by the tenancy support team at Westwood House.  |

**12. Appendix**

12.1 Project Initiation Document

**13. Background Papers**

13.1 None

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**Chichester District Council**

**THE CABINET**

**4 December 2018**

**Chichester Enterprise Centre**

**1. Contact**

**Cabinet Member**

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**2. Recommendation**

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

**3. Background**

- 3.1. At meetings held on 6 October 2009 and 2 November 2010 the former Executive Board considered options for Plot 12 Terminus Road and determined it to be the most suitable site for an Enterprise Gateway to serve the District and reserved use of part of Plot 12 for this purpose. The Executive Board approved a Project Initiation Document (PID) for the project and agreed that Plot 12 Terminus Road be redeveloped for an Enterprise Gateway by granting a long lease to a specialist private sector developer with experience in developing and operating this type of development, subject to payment of a ground rent and a development agreement to construct and manage an Enterprise Gateway.
- 3.2. In accordance with that decision the Council sought to implement the project and to find a developer partner through a lengthy marketing process to meet the requirements of European procurement legislation. This achieved a limited response as the development and management of the type of facility proposed was specialised and outside of the activities of most property development companies. A development partner was, however, selected.
- 3.3. Unfortunately that partner subsequently withdrew advising that they were no longer prepared to fund the project. Following that withdrawal, at its meeting held on 3 September 2013 Cabinet considered the options available to the Council and resolved:
- (1) That the Enterprise Gateway Project be approved in principle.
  - (2) That expressions of interest be invited for project management and operator services for the project with an appointment being made following assessment of tenders.

- (3) That the residue of the budget previously allocated for the development of the Enterprise Gateway Project be retained and increased, using existing budgets, from £11,000 to £15,000 to fund further assessment and the initial stages of taking the project forward.
- 3.4. In May 2014 Full Council approved the allocation of £4,021,000 of capital reserves funding to the project estimated by CBRE consultants.
- 3.5. Officers subsequently appointed an Employer's Agent to ensure that the design of the Enterprise Gateway met both the requirement of a future operator and the Council's objectives for the project and to investigate the optimum location for the development on the site and thereafter to seek tenders from potential operators.
- 3.6. A feasibility study was commissioned and identified the best location on the site for the development of the Enterprise Gateway including a schematic design plan for the development
- 3.7. On 7 July 2015 Cabinet considered the options available for the Enterprise Gateway project and resolved:
- That the Enterprise Gateway Project be approved in principle.
  - That a total budget of £6,245,860 be allocated from capital reserves to fund the project.
  - That £88,500 of the allocated budget be released to appoint an architect and design team to the planning permission stage.
- 3.8. An EU compliant tender identified the preferred Gateway operator as Basepoint. This was reported to and approved by Cabinet on 7 July 2015.
- 3.9. A two stage Design and Build EU procurement process was concluded in January 2016 when the preferred main construction contract tenderer was interviewed by Council officers, the Employers Agent, the then Cabinet Member for Commercial Services and her special advisor.
- 3.10. At its meeting of 8 March 2016 the Cabinet resolved:
- That, having regard to the revised Return on Investment, £140,000 be released from the approved budget to allow the project to proceed to the next stage
  - That a pre-construction agreement be entered into with the preferred contractor to complete the design and provide a fixed price for construction.
  - Following the contractor providing the Council with a detailed fixed price, and subject to the total project costs being within the budget approved by Council, that the Head of Commercial Services be authorised, after consultation with the Cabinet Member for Commercial Services, to conclude a design & build contract with the contractor.
- 3.11. Planning permission for the scheme was obtained on 3 February 2016.

#### **4. Post Project Evaluation**

- 4.1 The Post Project Evaluation (PPE) appendix one provides a review of how the Enterprise Centre Project performed against the original intentions set out in the Project Initiation Document. It allows lessons learned to be passed on to other projects and ensures that provisions have been made to address all open issues and risks alongside follow on actions and recommendations where appropriate. It also provides the opportunity to assess any expected outcomes that have already been achieved and/or provide a review plan for those outcomes yet to be realised.
- 4.2 The original project objectives were fully achieved albeit to a timetable that was noticeably different from that contained in the original PID for the reasons set out in section 3 above.
- 4.3 A significant underspend of £234,000 of the capital budget has been achieved in the delivery of the project despite some challenging obstacles during construction, including major ground contamination issues. A copy of the PPE can be found at appendix 1.
- 4.4 Having considered the PPE at their meeting of 18<sup>th</sup> September 2018 the Overview and Scrutiny Committee endorsed that the project had been well managed overall and noted the content of the PPE report.

#### **5. Contract Monitoring and Performance**

- 5.1 Following Practical Completion on 23 January 2018, the “Premises Operational Date” for the purposes of the formal handover of the management of the centre and the contract year to the “Operational Management Agreement” (OMA) is 1 March 2018.
- 5.2 With the current approach to operational matters bedding in, a series of monthly review meetings are currently being held between the Council and the operator. The Estates Service manages the relationship with Basepoint and the ongoing operational issues. Going forward the OMA requires that quarterly management and financial reports be issued for the duration of the contract.
- 5.3 The OMA lists a series of service level specifications that must be met including financial management, income levels, centre operation and health and safety.

#### **6. Consultation**

- 6.1 A centre occupant’s satisfaction survey will be undertaken on annual bases by Basepoint as part of the required client feedback process set out in the OMA and the general performance reporting requirements.
- 6.2 A requirement of the Green Travel Plan for the centre is that whenever a unit is let a number of travel related questions are undertaken. This allows individual travel needs to be identified and ultimately help shape the centre’s travel plan to meet occupier requirements. It allows the Centre management to discuss individual needs in more detail with licensees and advise them of their options.

6.3 Further surveys of travel patterns associated with the centre and occupier travel requirements will be undertaken once the centre has been open for a year and when it has reached 90% occupancy or has been open for 2 years, whichever is sooner. After that they will be undertaken at two and five-year stages and as agreed with the Council.

## 7. Community Impact and Corporate Risks

7.1 For the first ten years of operation of the business the guaranteed minimum income returns required of the operator under the terms of the OMA reduce the risk in the financial return on the Council's investment during the term of the contract.

## 8. Other Implications

|   | Yes | No |
|---|-----|----|
| <b>Crime and Disorder</b> The additional employment opportunities created by the construction of the centre could help reduce incidents of crime and disorder | X   |    |
| <b>Climate Change</b>   |     | X  |
| <b>Human Rights and Equality Impact</b>   |     | X  |
| <b>Safeguarding</b>   |     | X  |
| <b>General Data Protection Regulations</b>  |     | X  |
|   |     |    |

## 9. Appendices

9.1 Appendix 1- Post Project Evaluation Document - Chichester Enterprise Centre

9.2 Appendix 2 – Guaranteed Income and Combined GI plus profit share

## 10. Background Papers

10.1 Enterprise Gateway Project - Cabinet Report: 3 September 2013

10.2 Enterprise Gateway Project - Cabinet Report: 1 April 2014

10.3 Enterprise Gateway Project - Cabinet Report: 7 July 2015

10.4 Enterprise Gateway Project - Cabinet Report: 8 March 2016

10.5 Minutes of the Overview and Scrutiny Committee: 18 September 2018

[**Note** Each of these background papers is available for viewing on the committee papers pages of Chichester District Council's website]

**Chichester District Council**

**THE CABINET**

**4 December 2018**

**Determination of the Council Tax Base for 2019-2020**

**1. Contacts**

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**2. Executive Summary**

The purpose of this report is to set the taxbase for the 2019-2020 financial year. The taxbase is effectively an estimate of the number of council tax dwellings in the district. This is adjusted for the effect of the discounts and exemptions, properties being in different valuation bands, expressed as the number of band D equivalent dwellings in the district. This figure is then adjusted for the assumed collection rate.

Appendices 1 and 2 to this report show details of the taxbase for the district and the taxbase relevant to each parish.

Grants to parish councils in relation to the Council Tax Reduction scheme will be made in accordance with the principles agreed by the Cabinet on 12 July 2016. The figures are shown in appendix 3 to this report.

**3. Recommendation**

**3.1. In order to comply with section 35 of the Local Government Finance Act 1992, that the following resolutions are made:**

- (i) No item of expenditure shall be treated as 'special expenses' for the purposes of section 35 of the Local Government Finance Act 1992;**
- (ii) This resolution shall remain in force for the 2019-2020 financial year;**
- (iii) The calculation of the Council's taxbase for the year 2019-2020 be approved;**
- (iv) The amounts calculated by the Council as its council taxbase 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 this report;**

- (v) **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 and described in paragraph 6.3 of this report.**

#### **4. Background**

- 4.1. The taxbase is a measure of the taxable capacity of the district and is set during the period 1 December to 31 January. Parish councils, West Sussex County Council and the Police Authority are then notified of the proposed taxbase for the area relevant to them. As the billing authority, the District Council is then responsible for the payment of precepts from the collection fund or general fund for levies and parish precepts.

#### **5. The Taxbase Calculation**

- 5.1. The Council taxbase represents the estimated full year number of chargeable dwellings in the area expressed as the equivalent number of band D dwellings. The taxbase calculations are based upon the numbers by council tax band in the Valuation List, plus the estimated new dwellings likely to enter the Valuation List during 2019/20. The result is adjusted for applicable discounts, exemption and reductions. The figure of chargeable dwellings is further adjusted by an estimated collection rate of 99% (see paragraph 6.1 below).
- 5.2. Since 1 April 2013 the taxbase calculation for the District also takes account of our Council Tax Reduction (CTR) scheme. Properties where the resident will be in receipt of 100% CTR are fully disregarded in this calculation and pro rata for those on lower amounts.
- 5.3. A summary of the taxbase of each parish is shown in appendix 2.

#### **6. Proposal**

- 6.1. **Collection Rate:** An assumed 'collection rate' is used when calculating the tax base. In determining the rate a number of factors are taken into consideration including losses in income through council tax banding reductions, absconds and backdated awards of discounts and exemptions. In view of the changes to both council tax discounts and exemptions, and the introduction of localised Council Tax Reduction schemes, the assumed collection rate since 2013/14 has been set at 99%. It is proposed to continue with a 99% collection rate for 2019/20 calculations.
- 6.2. **Special Items:** Special expense items are those that relate to a part only of the District Council's area. The determination of such special expenses would necessitate the creation of a special expense area, which could be the whole of a parish, within a parish or across parish boundaries. No such areas have been determined previously and it is recommended that the Cabinet resolve that any special expenses should be treated as general expenses for tax setting purposes.
- 6.3. **Allocation of grant to Parish Councils:** At its meeting on 12 July 2016 Cabinet resolved that the principle of making a grant to parish councils in relation to the Council Tax Reduction scheme be continued but that it would be tapered down to be withdrawn altogether by the end of 2019/20. The grant to

parishes was a specific amount for 2013/14 (£194,000). However, from 2014/15 the amount was subsumed into our overall Revenue Support Grant. Since then the payment of the grant to parishes has continued but is reduced each year by the same percentage as the reduction in general grant funding for the Council. The Revenue Support Grant to this Council ceased after 2017/18 and the parishes have been given notice that the grant will be tapered down each year and withdrawn altogether by the end of 2019/20. The figures for the 2019/20 financial year are shown in appendix 3.

## 7. Alternatives that have been considered

- 7.1. No alternatives have been considered for this report due to the legal requirement to set a taxbase.

## 8. Resource and legal implications

- 8.1 The Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) requires the billing authority to calculate the taxbase for its area and notify the figure to the precepting authorities in the period 1 December to 31 January in the preceding financial year. A delay in notifying the taxbase to precepting authorities could impact on their ability to set their budgets in time for setting council tax which must be set before 11 March in the financial year preceding that for which it is set.

## 9. Consultation

- 9.1. This report has not been subject to consultation.

## 10. Community impact and corporate risks

- 10.1. The corporate risk of an inaccurate tax base is that there is potential for the collection fund to be in deficit or surplus.
- 10.2. Since April 2013 we and the precepting authorities have seen a reduction in tax base resulting from the implementation of the council tax reduction scheme. The income generated from reducing locally defined discounts has helped to off-set this loss.

## 11. Other Implications

|   | Yes | No |
|---|-----|----|
| <b>Crime &amp; Disorder:</b>                      |     | X  |
| <b>Climate Change:</b>                            |     | X  |
| <b>Human Rights and Equality Impact:</b>          |     | X  |
| <b>Safeguarding and Early Help:</b>               |     | X  |
| <b>General Data Protection Regulations (GDPR)</b> |     | X  |
| <b>Other</b>                                      |     | X  |

## 12. Appendices

- Appendix 1 - Taxbase for the District of Chichester 2019/20  
 Appendix 2 - Taxbase for each Parish within the District 2019/20

**13. Background Papers**

13.1. None

Determination of Taxbase 2019-20  
Appendix 1

|  | Band@ | Band A  | Band B  | Band C   | Band D   | Band E  | Band F  | Band G  | Band H  | Total    |
|--|-------|---------|---------|----------|----------|---------|---------|---------|---------|----------|
| <b>Chargeable properties *</b>   | 2.7   | 2,327.5 | 5,030.3 | 12,798.5 | 10,962.5 | 7,825.0 | 5,412.0 | 5,280.0 | 1,133.3 | 50,771.8 |
| <b>Band D equivalents</b>  | 1.5   | 1,551.6 | 3,912.4 | 11,376.4 | 10,962.5 | 9,563.9 | 7,817.3 | 8,800.0 | 2,266.5 | 56,252.1 |
| <b>Additional 50% income for prescribed classes A &amp; B (Second Homes) as Band D equivalents**</b> |       |         |         |          |          |         |         |         |         | 1,729.6  |
| <b>Additional Income for Empty Homes Premium at 100%</b>   |       |         |         |          |          |         |         |         |         | 89.6     |
| <b>Taxbase deduction for Council Tax Reduction</b>   |       |         |         |          |          |         |         |         |         | -4,192.9 |
| <b>Total Taxbase for the Chichester District for 2019-20</b>   |       |         |         |          |          |         |         |         |         | 53,878.4 |
| <b>Adjusted for assumed collection rate of 99%</b>   |       |         |         |          |          |         |         |         |         | 53,339.6 |

Note;- All calculations are subject to roundings

**Notes**

\* Includes adjustments for Crown Property and property with restricted planning permission

\*\*For calculation purposes

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Determination of Taxbase 2019/20

Appendix 2

| Parish                    | Basic Taxbase<br>Second Homes<br>50% | Second Homes<br>additional 50% | Basic Taxbase for<br>2019-20 | Additional income<br>from Empty<br>Homes Premium | Taxbase<br>deduction for<br>Council Tax<br>Support | Total Taxbase | Adjusted for<br>assumed<br>collection rate of<br>99% |
|---------------------------|--------------------------------------|--------------------------------|------------------------------|--|--|---------------|--|
| Appledram                 | 94.2                                 | 3.5                            | 97.7                         | 0.0  | -4.5   | 93.2          | 92.3   |
| Barlavington              | 54.2                                 | 3.1                            | 57.3                         | 0.0  | -0.6   | 56.7          | 56.1   |
| Bepton                    | 148.6                                | 3.2                            | 151.8                        | 0.8  | -0.8   | 151.8         | 150.3  |
| Bignor                    | 65.7                                 | 8.3                            | 74.0                         | 0.0  | -0.9   | 73.1          | 72.4   |
| Birdham                   | 843.9                                | 35.2                           | 879.1                        | 0.0  | -46.3  | 832.8         | 824.5  |
| Bosham                    | 1,604.9                              | 119.6                          | 1,724.5                      | 1.7  | -86.5  | 1,639.7       | 1,623.3  |
| Boxgrove                  | 483.6                                | 6.9                            | 490.5                        | 0.0  | -48.6  | 441.9         | 437.5  |
| Bury                      | 376.9                                | 14.1                           | 391.0                        | 3.1  | -15.8  | 378.3         | 374.5  |
| Chichester City           | 12,122.0                             | 204.9                          | 12,326.9                     | 24.3   | -1,286.6   | 11,064.6      | 10,954.0   |
| Chidham & Hambrook        | 1,035.9                              | 9.8                            | 1,045.7                      | 0.0  | -72.3  | 973.4         | 963.7  |
| Cocking                   | 231.6                                | 4.8                            | 236.4                        | 0.0  | -14.3  | 222.1         | 219.9  |
| Compton                   | 221.8                                | 10.9                           | 232.7                        | 0.0  | -7.2   | 225.5         | 223.2  |
| Donnington                | 1,068.9                              | 8.0                            | 1,076.9                      | 0.0  | -43.3  | 1,033.6       | 1,023.3  |
| Duncton                   | 225.0                                | 10.3                           | 235.3                        | 0.0  | -7.4   | 227.9         | 225.6  |
| Earnley                   | 312.5                                | 75.1                           | 387.6                        | 0.0  | -12.0  | 375.6         | 371.8  |
| Eartham                   | 48.7                                 | 3.6                            | 52.3                         | 0.0  | -1.9   | 50.4          | 49.9   |
| Easebourne                | 1,078.6                              | 18.3                           | 1,096.9                      | 6.2  | -61.7  | 1,041.4       | 1,031.0  |
| East Dean                 | 116.4                                | 7.3                            | 123.7                        | 0.0  | -9.5   | 114.2         | 113.1  |
| East Lavington            | 117.9                                | 8.3                            | 126.2                        | 2.3  | -5.0   | 123.5         | 122.3  |
| E.Wittering & Bracklesham | 2,236.9                              | 138.6                          | 2,375.5                      | 4.5  | -229.5   | 2,150.5       | 2,129.0  |
| Ebernoe                   | 128.9                                | 6.2                            | 135.1                        | 0.0  | -0.7   | 134.4         | 133.1  |
| Elsted & Treyford         | 163.4                                | 11.1                           | 174.5                        | 0.9  | -4.6   | 170.8         | 169.1  |
| Fernhurst                 | 1,401.7                              | 25.4                           | 1,427.1                      | 2.6  | -75.4  | 1,354.3       | 1,340.8  |
| Fishbourne                | 1,144.0                              | 7.8                            | 1,151.8                      | 1.6  | -61.1  | 1,092.3       | 1,081.4  |
| Fittleworth               | 547.1                                | 13.9                           | 561.0                        | 0.0  | -20.0  | 541.0         | 535.6  |
| Funtington                | 829.6                                | 20.0                           | 849.6                        | 1.7  | -30.1  | 821.2         | 813.0  |
| Graffham                  | 322.7                                | 15.0                           | 337.7                        | 1.9  | -7.8   | 331.8         | 328.5  |
| Harting                   | 753.3                                | 23.2                           | 776.5                        | 0.0  | -40.4  | 736.1         | 728.7  |
| Heyshott                  | 160.3                                | 13.2                           | 173.5                        | 0.0  | -10.4  | 163.1         | 161.5  |
| Hunston                   | 490.4                                | 4.8                            | 495.2                        | 0.0  | -67.6  | 427.6         | 423.3  |
| Kirdford                  | 516.9                                | 15.2                           | 532.1                        | 1.4  | -27.6  | 505.9         | 500.8  |
| Lavant                    | 751.6                                | 14.4                           | 766.0                        | 0.0  | -71.7  | 694.3         | 687.4  |
| Linch                     | 41.6                                 | 3.1                            | 44.7                         | 0.0  | -0.3   | 44.4          | 44.0   |

Determination of Taxbase 2019/20

Appendix 2

| Parish                  | Basic Taxbase<br>Second Homes<br>50% | Second Homes<br>additional 50% | Basic Taxbase for<br>2019-20 | Additional income<br>from Empty<br>Homes Premium | Taxbase<br>deduction for<br>Council Tax<br>Support | Total Taxbase   | Adjusted for<br>assumed<br>collection rate of<br>99% |
|-------------------------|--------------------------------------|--------------------------------|------------------------------|--|--|-----------------|--|
| Linchmere               | 1,077.5                              | 9.7                            | 1,087.2                      | 0.0  | -34.7  | 1,052.5         | 1,042.0  |
| Lodsworth               | 382.0                                | 18.3                           | 400.3                        | 1.9  | -7.5   | 394.7           | 390.8  |
| Loxwood                 | 845.2                                | 10.3                           | 855.5                        | 0.0  | -29.6  | 825.9           | 817.6  |
| Lurgashall              | 334.0                                | 19.2                           | 353.2                        | 6.5  | -8.6   | 351.1           | 347.6  |
| Marden                  | 53.6                                 | 4.5                            | 58.1                         | 0.0  | -0.9   | 57.2            | 56.6   |
| Midhurst Town           | 2,491.6                              | 30.5                           | 2,522.1                      | 2.6  | -221.0   | 2,303.7         | 2,280.7  |
| Milland                 | 484.8                                | 21.8                           | 506.6                        | 0.0  | -8.4   | 498.2           | 493.2  |
| North Mundham           | 648.7                                | 13.0                           | 661.7                        | 0.0  | -47.4  | 614.3           | 608.2  |
| Northchapel             | 359.8                                | 3.3                            | 363.1                        | 0.0  | -31.8  | 331.3           | 328.0  |
| Oving                   | 557.3                                | 8.1                            | 565.4                        | 2.9  | -40.2  | 528.1           | 522.8  |
| Petworth                | 1,411.1                              | 32.3                           | 1,443.4                      | 8.0  | -125.4   | 1,326.0         | 1,312.7  |
| Plaistow & Ifold        | 1,142.5                              | 12.1                           | 1,154.6                      | 0.0  | -21.7  | 1,132.9         | 1,121.6  |
| Rogate                  | 810.1                                | 21.0                           | 831.1                        | 2.6  | -36.5  | 797.2           | 789.2  |
| Selsey Town             | 4,726.8                              | 185.6                          | 4,912.4                      | 1.7  | -517.8   | 4,396.3         | 4,352.3  |
| Sidlesham               | 621.6                                | 24.4                           | 646.0                        | 0.0  | -38.4  | 607.6           | 601.5  |
| Singleton               | 259.7                                | 10.8                           | 270.5                        | 0.0  | -16.4  | 254.1           | 251.6  |
| Southbourne             | 2,629.0                              | 37.8                           | 2,666.8                      | 3.0  | -191.0   | 2,478.8         | 2,454.0  |
| Stedham with Iping      | 438.5                                | 15.8                           | 454.3                        | 1.7  | -24.4  | 431.6           | 427.3  |
| Stopham                 | 50.3                                 | 0.5                            | 50.8                         | 0.0  | -3.0   | 47.8            | 47.3   |
| Stoughton               | 346.1                                | 12.0                           | 358.1                        | 0.0  | -13.0  | 345.1           | 341.6  |
| Sutton                  | 117.7                                | 12.9                           | 130.6                        | 0.0  | -2.7   | 127.9           | 126.6  |
| Tangmere                | 1,246.9                              | 5.7                            | 1,252.6                      | 0.0  | -126.5   | 1,126.1         | 1,114.8  |
| Tillington              | 304.7                                | 10.6                           | 315.3                        | 0.0  | -16.7  | 298.6           | 295.6  |
| Trotton with Chithurst  | 163.6                                | 3.2                            | 166.8                        | 0.0  | -9.7   | 157.1           | 155.5  |
| Upwaltham               | 14.8                                 | 1.7                            | 16.5                         | 0.0  | 0.0  | 16.5            | 16.3   |
| West Dean               | 220.0                                | 10.6                           | 230.6                        | 0.0  | -12.7  | 217.9           | 215.7  |
| West Itchenor           | 358.2                                | 57.4                           | 415.6                        | 2.0  | -1.9   | 415.7           | 411.5  |
| West Lavington          | 167.9                                | 1.8                            | 169.7                        | 0.0  | -2.5   | 167.2           | 165.5  |
| West Thorney            | 232.3                                | 0.0                            | 232.3                        | 0.0  | 0.0  | 232.3           | 230.0  |
| West Wittering          | 1,644.0                              | 230.7                          | 1,874.7                      | 1.7  | -78.5  | 1,797.9         | 1,779.9  |
| Westbourne              | 1,031.6                              | 13.7                           | 1,045.3                      | 0.0  | -88.3  | 957.0           | 947.4  |
| Westhampnett            | 458.0                                | 6.2                            | 464.2                        | 0.0  | -31.9  | 432.3           | 428.0  |
| Wisborough Green        | 788.0                                | 13.6                           | 801.6                        | 2.0  | -26.6  | 777.0           | 769.2  |
| Woolbeding with Redford | 94.4                                 | 3.4                            | 97.8                         | 0.0  | -4.8   | 93.0            | 92.1   |
| <b>Totals</b>           | <b>56,252.1</b>                      | <b>1,729.6</b>                 | <b>57,981.7</b>              | <b>89.6</b>                                      | <b>-4,192.9</b>                                    | <b>53,878.4</b> | <b>53,339.6</b>                                      |

## Determination of taxbase 2019/20

## Appendix 3

| Parish                    | 2016-17<br>Precept | 4%<br>of precept | Residual<br>Grant recipients | 2017-18<br>Grant | 2018-19<br>Grant | 2019-20<br>Grant | 2020-21<br>Grant |
|---------------------------|--------------------|------------------|------------------------------|------------------|------------------|------------------|------------------|
| Appledram                 | £1,800.00          | £72.00           | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Barlavington              | £2,183.96          | £87.36           | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Bepton                    | £3,700.00          | £148.00          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Bignor                    | £0.00              | £0.00            | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Birdham                   | £44,913.00         | £1,796.52        | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Bosham                    | £59,596.92         | £2,383.88        | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Boxgrove                  | £29,737.00         | £1,189.48        | £2,263.40                    | £2,172.86        | £1,455.82        | £0.00            | £0.00            |
| Bury                      | £20,932.00         | £837.28          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Chichester City           | £509,315.00        | £20,372.60       | £42,984.88                   | £41,265.48       | £27,647.87       | £13,617.61       | £0.00            |
| Chidham & Hambrook        | £32,619.06         | £1,304.76        | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Cocking                   | £13,000.00         | £520.00          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Compton                   | £12,000.00         | £480.00          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Donnington                | £23,270.46         | £930.82          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Duncton                   | £8,000.00          | £320.00          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Earnley                   | £14,810.00         | £592.40          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Eartham                   | £0.00              | £0.00            | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Easebourne                | £39,575.64         | £1,583.03        | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| East Dean                 | £1,170.48          | £46.82           | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| East Lavington            | £3,300.00          | £132.00          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| E.Wittering & Bracklesham | £137,800.00        | £5,512.00        | £9,638.78                    | £9,253.23        | £6,199.66        | £3,053.56        | £0.00            |
| Ebernoe                   | £1,788.00          | £71.52           | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Elsted & Treyford         | £2,883.00          | £115.32          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Fernhurst                 | £73,418.82         | £2,936.75        | £1,665.66                    | £1,599.03        | £1,071.35        | £0.00            | £0.00            |
| Fishbourne                | £37,788.00         | £1,511.52        | £1,226.53                    | £1,177.47        | £0.00            | £0.00            | £0.00            |
| Fittleworth               | £17,800.00         | £712.00          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Funtington                | £19,894.21         | £795.77          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Graffham                  | £12,000.00         | £480.00          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Harting                   | £42,239.00         | £1,689.56        | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Heyshott                  | £5,250.00          | £210.00          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Hunston                   | £40,000.00         | £1,600.00        | £4,266.90                    | £4,096.22        | £2,744.47        | £1,351.75        | £0.00            |
| Kirdford                  | £59,997.87         | £2,399.91        | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Lavant                    | £22,769.00         | £910.76          | £1,645.59                    | £1,579.77        | £1,058.45        | £0.00            | £0.00            |
| Linch                     | £0.00              | £0.00            | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Linchmere                 | £60,469.89         | £2,418.80        | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |
| Lodsworth                 | £16,081.00         | £643.24          | £0.00                        | £0.00            | £0.00            | £0.00            | £0.00            |

Determination of taxbase 2019/20

Appendix 3

| Parish                  | 2016-17<br>Precept   | 4%<br>of precept | Residual<br>Grant recipients | 2017-18<br>Grant   | 2018-19<br>Grant  | 2019-20<br>Grant  | 2020-21<br>Grant |
|-------------------------|----------------------|------------------|------------------------------|--------------------|-------------------|-------------------|------------------|
| Loxwood                 | £37,843.00           | £1,513.72        | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Lurgashall              | £14,500.00           | £580.00          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Marden                  | 0.00                 | £0.00            | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Midhurst Town           | £164,951.43          | £6,598.06        | £8,520.57                    | £8,179.74          | £5,480.43         | £2,699.32         | £0.00            |
| Milland                 | £30,017.00           | £1,200.68        | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| North Mundham           | £33,216.24           | £1,328.65        | £1,730.76                    | £1,661.53          | £1,113.23         | £0.00             | £0.00            |
| Northchapel             | £27,573.00           | £1,102.92        | £2,427.18                    | £2,330.09          | £1,561.16         | £0.00             | £0.00            |
| Oving                   | £35,429.00           | £1,417.16        | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Petworth                | £106,200.00          | £4,248.00        | £3,484.48                    | £3,345.10          | £2,241.22         | £1,103.88         | £0.00            |
| Plaistow & Ifold        | £40,850.00           | £1,634.00        | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Rogate                  | £30,337.05           | £1,213.48        | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Selsey Town             | £290,496.00          | £11,619.84       | £24,637.63                   | £23,652.13         | £15,846.93        | £7,805.20         | £0.00            |
| Sidlesham               | £25,072.96           | £1,002.92        | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Singleton               | 11,800.00            | £472.00          | £593.74                      | £569.99            | £0.00             | £0.00             | £0.00            |
| Southbourne             | £122,625.00          | £4,905.00        | £4,474.58                    | £4,295.60          | £2,878.05         | £1,417.55         | £0.00            |
| Stedham with Iping      | £16,950.00           | £678.00          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Stopham                 | £1,451.22            | £58.05           | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Stoughton               | £9,000.00            | £360.00          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Sutton                  | £5,196.04            | £207.84          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Tangmere                | £60,000.00           | £2,400.00        | £6,209.28                    | £5,960.91          | £3,993.81         | £1,967.10         | £0.00            |
| Tillington              | £15,902.35           | £636.09          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Trotton with Chithurst  | 3,000.00             | £120.00          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Upwaltham               | 0.00                 | £0.00            | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| West Dean               | £10,555.00           | £422.20          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| West Itchenor           | £21,300.00           | £852.00          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| West Lavington          | £1,200.00            | £48.00           | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| West Thorney            | 0.00                 | £0.00            | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| West Wittering          | £96,713.00           | £3,868.52        | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Westbourne              | £59,235.00           | £2,369.40        | £4,182.16                    | £4,014.87          | £2,689.96         | £1,324.91         | £0.00            |
| Westhampnett            | £20,500.00           | £820.00          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Wisborough Green        | £54,963.39           | £2,198.54        | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
| Woolbeding with Redford | £4,530.00            | £181.20          | £0.00                        | £0.00              | £0.00             | £0.00             | £0.00            |
|                         | <b>£2,721,508.99</b> |                  | <b>£119,952.12</b>           | <b>£115,154.04</b> | <b>£75,982.41</b> | <b>£34,340.88</b> | <b>£0.00</b>     |

Chichester District Council

THE CABINET

4 December 2018

Selsey Neighbourhood Plan 2014 - 2029

1. Contacts

**Report Author:**

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**Cabinet Member:**

Susan Taylor Cabinet Member for Planning Services  
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2. Recommendation

- 2.1. That the Decision Statement as set out in the appendix be published.
- 2.2. That the examiner's recommendation that the Neighbourhood Development Plan proceed to referendum, subject to modifications as set out in the Decision Statement, be approved.

3. Background

- 3.1. The examination into the Selsey Neighbourhood Plan has now been completed and the [examiner's report](#) published. The examiner's summary and conclusion at the beginning of the report is of particular note as it clearly sets out the examiner's general findings. A copy of the draft submission [neighbourhood plan](#) is also available on the website.
- 3.2. The examiner has carefully considered the contents of the Selsey Neighbourhood Plan in relation to the requirements of the Basic Conditions. In order to ensure the Neighbourhood Plan meets these requirements the Examiner recommends a number of modifications that should be made to the Plan. Subject to the inclusion of these modifications (which relate principally to revisions to the wording and content of policies), he finds that the Plan would meet the basic conditions.
- 3.3. On the basis that the Plan is amended to accommodate the identified modifications, the examiner then goes on to recommend that the draft Plan as modified should proceed to referendum.
- 3.4. The Decision Statement (attached as an appendix to this report) sets out the examiner's recommended modifications along with the justification for each of them. This Decision Statement has been produced jointly with Selsey Town Council.
- 3.5. It is also the examiner's role to consider the referendum area and whether or not it is appropriate if the Plan is to proceed to referendum. In this respect the examiner considers that the referendum area should extend to the Plan area,

comprising the parish boundary in accordance with the designated area as confirmed on 4 December 2012.

#### **4. Outcomes to be Achieved**

- 4.1. A referendum on a community based statutory plan that can be used to identify local features of importance and to guide future development in the neighbourhood plan area.

#### **5. Proposal**

- 5.1. In the light of the examiner's recommendation, it is proposed that the Decision Statement is agreed for publication. It is further proposed that the Selsey Neighbourhood Plan should be modified as set out in the Decision Statement and should then proceed to referendum.

#### **6. Alternatives Considered**

- 6.1. The Examiner has recommended amendments to the Neighbourhood Plan to meet the basic conditions. These amendments are acceptable and, therefore, with these in place the Neighbourhood Plan can move forward to referendum. The alternative is to make only some of the recommended changes or not to proceed to referendum. These alternatives could lead to legal challenge, reputational damage and damage to community relationships. The parish and community have invested considerable time and effort in producing the neighbourhood plan and therefore the plan should be supported and the alternative to not proceed to referendum is not recommended.

#### **7. Resource and Legal Implications**

- 7.1. The referendum will incur standard costs in line with the Council's duties and procedures. These costs will be met through existing budgets.

#### **8. Consultation**

- 8.1. Selsey Town Council and the local members have been involved in the completion of the Decision Statement and have agreed its contents.

#### **9. Community Impact and Corporate Risks**

- 9.1. The Selsey Neighbourhood Plan, subject to successful referendum, will, in all likelihood become a 'made' plan and form part of the development plan for the area. As a result it provides an important mechanism through which the community can influence the way in which the area is developed.

#### **10. Other Implications**

| <b>Are there any implications for the following?</b> |            |           |
|--|------------|-----------|
|  | <b>Yes</b> | <b>No</b> |
| <b>Crime and Disorder</b>                            |            | ✓         |

|  |  |   |
|--|--|---|
| <b>Climate Change</b>                      |  | ✓ |
| <b>Human Rights and Equality Impact</b>    |  | ✓ |
| <b>Safeguarding and Early Help</b>         |  | ✓ |
| <b>General Data Protection Regulations</b> |  | ✓ |
| <b>Other</b> (please specify)              |  | ✓ |

## **11. Appendix**

11.1 Selsey Neighbourhood Plan Decision Statement

## **12. Background Papers**

12.1. None

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**Chichester District Council**

**THE CABINET**

**4 December 2018**

**Air Quality Modelling for Chichester District**

**1. Contacts**

**Report Author:**

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**Cabinet Member:**

John Connor - Cabinet Member for Environment Services  
Telephone: 01243 604243 E-mail: [jconnor@chichester.gov.uk](mailto:jconnor@chichester.gov.uk)

**2. Recommendation**

- 2.1 **That the Cabinet approves the appointment of a consultant to carry out air quality modelling pursuant to the Council's statutory Local Air Quality Management duties under the Environment Act 1995.**
- 2.2 **That the Cabinet approves a budget of £13,280 from reserves to fund the air quality modelling work.**

**3. Background**

- 3.1 Under Part IV of the Environment Act 1995 all English local authorities have statutory air quality duties known as Local Air Quality Management (LAQM). Under LAQM the Council declared, by Order, three Air Quality Management Areas (AQMAs) where air quality failed a UK health based air quality Objective for Nitrogen Dioxide (NO<sub>2</sub>) related to vehicle emissions. The three AQMAs are at Orchard Street, St Pancras and Stockbridge A27 roundabout.
- 3.2 Air quality monitoring data for the pollutant NO<sub>2</sub> suggests that it is appropriate to declare a further AQMA at Rumbold's Hill, Midhurst. A further AQMA at The Hornet, Chichester is also under consideration subject to the output of the work referred to in this report.
- 3.3 Where AQMAs are declared then authorities are statutorily obliged to produce an Air Quality Action Plan (AQAP) detailing how it will tackle the air quality issues. The Council's current AQAP is due for renewal in 2019. DEFRA's statutory guidance details how an AQAP should be developed and suggests that air quality modelling should be undertaken and that 'the local authority should determine the nature of the local pollution problem as accurately as possible to enable an effective plan to be developed.'
- 3.4 The Council has a programme of air quality monitoring which focuses on Chichester and Midhurst. The monitoring data provides the Council with a spatial understanding of pollutants which is specific to the monitoring locations. Air quality modelling provides a geographically wider understanding of pollution concentrations than is

possible from monitoring alone. Modelling will also detail which part of the vehicle fleet are responsible for what fraction of local vehicle emissions.

#### **4. Outcomes to be achieved**

- 4.1 The proposed air quality modelling work will inform the shape of the new Rumbold's Hill, Midhurst AQMA and potentially The Hornet, Chichester AQMA. Air quality modelling, will facilitate a rewritten AQAP which is underpinned by a greater understanding of local air pollution issues and what needs to be done to tackle them.
- 4.2 The work will provide a robust understanding of local air pollution issues to inform the declaration of a further AQMA(s) and the rewrite of the AQAP in accordance with the statutory guidance. The greater understanding provided by air quality modelling will provide a stronger basis for working with West Sussex County Council as the Local Highway Authority and West Sussex Public Health, influencing related policy and bidding for grant monies.
- 4.3 The work proposed supports the Council's corporate priority to 'manage our built and natural environments to promote and maintain a positive sense of place'.

#### **5. Proposal**

- 5.1 It is proposed to use consultants to carry out air quality modelling of Chichester and Midhurst. A mini-tender exercise has been carried out to test the market which has resulted in the proposal to appoint Contractor B. The Tender Assessment is detailed in the Appendix.
- 5.2 The work proposed is beyond the capability of the Council's officers and so an external contractor is necessary to deliver the work.
- 5.3 The chosen consultant indicates that the delivery of the modelling work will be within five months of the contract initiation.
- 5.4 It is anticipated that there will be a further report to Cabinet in respect of potential new AQMA(s) in mid-2019.

#### **6. Alternatives that have been considered**

- 6.1 The Council could declare new AQMA(s) without air quality modelling; however it is best practice for the boundaries of AQMA(s) to be defined using a combination of monitoring and modelling data.
- 6.2 Other than not carrying out the modelling no other options have been considered.

#### **7. Resource and legal implications**

- 7.1 A budget of £13,280 is sought for the appointment of a consultant to carry out this specialist work.
- 7.2 The subsequent declaration of an AQMA(s) and rewrite and adoption of the AQAP can be accommodated within existing resources.

7.3 There are no IT or legal implications for this proposal.

## 8. Consultation

8.1 No consultation has been undertaken at this stage. However once the modelling has informed the shape of potential new AQMA(s) then it is anticipated that further reports will be brought to Cabinet in due course in respect of (a) consultation on the new AQMA Order(s) and (b) declaration of the new AQMA(s).

## 9. Community impact and corporate risks

9.1 The modelling will confirm the shape of a potential new AQMA at Rumbold's Hill, Midhurst and the necessity or otherwise of an AQMA at the Hornet, Chichester. Declarations of AQMAs place a duty on the authority to adopt AQAPs for those areas detailing prioritised measures to improve air quality.

## 10. Other Implications

|   | Yes | No |
|---|-----|----|
| <b>Crime &amp; Disorder:</b>  |     | ✓  |
| <b>Climate Change and Biodiversity:</b> The redesign of the AQAP and the prioritisation of actions and measures to tackle air pollution related to traffic should largely be positive in relation to tackling climate change and minimising the air pollution impact on biodiversity. | ✓   |    |
| <b>Human Rights and Equality Impact:</b>  |     | ✓  |
| <b>Safeguarding and Early Help:</b>   |     | ✓  |
| <b>General Data Protection Regulations (GDPR):</b>  |     | ✓  |
| <b>Health and Wellbeing:</b> Measures to tackle air pollution are likely to include active travel type interventions which have a positive impact in relation to wellbeing and public health.   | ✓   |    |

## 11. Appendices

11.1 Appendix: Tender Assessment

## 12. Background Papers

12.1 None

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Chichester District Council**

**THE CABINET**

**4 December 2018**

**Custom and Self Build Register New Burdens Grant**

**1. Contacts**

**Report Author:**

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**Cabinet Member:**

Jane Kilby - Cabinet Member for Housing Services

Telephone: 01243 773494 E-mail: [jkilby@chichester.gov.uk](mailto:jkilby@chichester.gov.uk)

**2. Recommendation**

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

**3. Background**

- 3.1. A one off payment of £5,850 of New Burdens funding was made to authorities in June 2016 towards the provision of additional resources required to set up and maintain a custom and self-build register of people who wanted to acquire serviced plots of land in their area. A further £90,000 of New Burdens funding has been allocated to authorities between 2016/17 and 2019/20 to take account of additional requirements to comply with the regulations. This involves ensuring there is sufficient permissioned and serviced land to satisfy demand. The funding is based on a FTE officer for 3 years and is not ring-fenced.
- 3.2. The custom and self-build register has been put in place using existing resources within the housing service. However, given current pressures on the service, there is an identified need for additional research and policy resources to support the housing management team over the next two years.

**4. Outcomes to be Achieved**

- 4.1. The New Burdens Grant is intended to cover the cost of additional resources required to carry out the Council's statutory duties.
- 4.2. Additional staffing resource to carry out research and policy work to support the housing management team.

## **5. Proposals**

- 5.1. It is proposed to use the New Burdens Grant to provide the staffing resources to help deal with the additional strategy and policy work as required over the next two years. This will include:
- Monitoring the custom and self-build register as well as developing policy on self-build including supplementary planning guidance.
  - Developing both a new comprehensive housing strategy and a revised Allocations Scheme.
  - Researching alternative means of delivering affordable housing.
  - Preparing government consultations and bids for funding.
- 5.2. It is proposed that delegated powers be given to the Director of Housing and Communities following consultation with the Cabinet Member for Housing Services, to use the funding in line with government guidance issued with the notification of the grants.

## **6. Resource and Legal Implications**

- 6.1. The Government realises that new regulations create extra work for councils and so has provided New Burdens funding to support them to:
- i) set up and maintain a register of people who want to acquire serviced plots of land in their area; and
  - ii) ensure there is sufficient permissioned and serviced land to satisfy demand on the self-build and custom housebuilding register.
- 6.2. The Council has already received £80,850 of New Burdens funding and a further £15,000 will be received in 2019/20.
- 6.3. The New Burdens Grant is expected to adequately cover the employment costs of any additional staff.

## **7. Consultation**

- 7.1. Discussions have been held with Divisional Managers of Planning Policy and Development Management and it has been proposed that:
- The £100k, allocated under delegated authority (approved by Cabinet on 7 February 2017), from the Community Led-housing Fund for additional planning resources is used to recruit an additional planning officer to deal with Community Land Trusts, rural affordable housing sites and self-build sites.
  - The Custom and Self-build New Burdens Grant be used to provide additional resources to deal with the register and policy work within the housing service.

## 8. Community Impact and Corporate Risks

- 8.1. The Government believes that self and custom build housing can play a crucial role in securing greater diversity in the housing market, and in helping to deliver the homes people want. Local authorities are expected to play a role in achieving these ambitions.
- 8.2. The impact of the proposal will benefit the residents of the district. Additional resources will enable the Council to develop housing policies and strategies and bid for funding which will help deliver an efficient service and meet the housing needs of the district.

## 9. Other Implications

|   |      |
|---|------|
| <b>Crime and Disorder</b>                             | None |
| <b>Climate Change</b>                                 | None |
| <b>Human Rights and Equality Impact</b> see para 8.2. | Yes  |
| <b>Safeguarding and Early Help</b>                    | None |
| <b>General Data Protection Regulations</b>            | None |

## 10. Appendices

10.1 None

## 11.0 Background Papers

11.1 None

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**Chichester District Council**

**THE CABINET**

**4 December 2018**

**Litter and Fly Tip Action Plan**

**1. Contacts**

**Report Author:**

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**Cabinet Member:**

John Connor - Cabinet Member for Environment Services  
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**2. Executive Summary**

This report outlines the outstanding projects in the Litter Strategy 2017-19 which require funding. Under the "Against Litter" brand a number of successful initiatives have been delivered. It is proposed that Year 2 builds on these and also introduces a comprehensive fly tipping and litter on roads publicity campaign and seeks continuation of litter enforcement with East Hampshire District Council.

The new action plan focuses on interventions where there is greatest cost to the Council and aims to make littering and fly tipping socially unacceptable, leading to fewer incidences and therefore reduced clearance costs.

There are financial costs of; an additional project officer, publicity materials and a risk that litter enforcement does not break even in the event that the level of fixed penalty notices issued reduces significantly.

**3. Recommendation**

- 3.1 That the Cabinet approves the revised Litter and Fly Tip Action Plan attached as appendix 1 to the agenda report.**
- 3.2 That the Cabinet approves expenditure of £13,300 funded from reserves to enable the appointment of one part time Project Officer for one year to undertake communication initiatives relating to fly tipping and litter.**
- 3.3 That the Cabinet approves expenditure of £7,500 funded from reserves to provide resources to support publicity campaigns related to fly tipping and litter.**
- 3.4 That the Cabinet approves £10,000 from reserves to enable litter enforcement in low littering areas.**

- 3.5 That the Cabinet approves 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, 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.**
- 3.6 That the Cabinet notes the intention of the Chief Executive to report to the Council her use of Article 10.02 constitutional delegation to discharge the enforcement functions detailed in para 6.2 of this report to East Hampshire District Council under powers granted to the authority under section 101 of the Local Government Act 1997.**

#### **4. Background**

- 4.1 The Litter and Fly Tip Action Plan 2017-19 arose from ever increasing costs to the Council’s Contract Services of clearing litter and fly tips. The action plan was approved by Cabinet in September 2017 and has been implemented over the course of the last 12 months.
- 4.2 Many projects in the action plan have been (or are being) implemented. The revised action plan, attached as Appendix 1 shows the outstanding projects. Only those that require further funding, namely projects 1, 2 and 14, are referred to specifically in this report.
- 4.3 Three publicity/education campaigns were launched under the new brand, “Against Litter”. In the first year, the Adopt an Area campaign resulted in 158 areas being adopted by local community groups and over 300 people signed up for the Green Dog Scheme. The Council’s existing bin infrastructure was also audited as part of the project for ensuring the right bins are in the right place. Enforcement action since July 2018 has resulted in 5 fixed penalty notices (FPNs) being issued for fly tipping and between Nov 2017 - Oct 2018, 1325 FPNs were issued leading to 47 prosecutions and 34 outstanding summonses for littering. The costs associated with the trial have been covered by litter fines and therefore the trial has broken even.

#### **5. Outcomes to be achieved**

- 5.1 Overall, the initiative and associated projects implemented during the first year are considered to have been highly successful in contributing to a reduction in litter and cleaner streets, particularly in the city and larger settlements in the District. The revised action plan continues to support the maintenance of clean streets and an environment free from rubbish, focussing on interventions where there is greatest cost to the Council.
- 5.2 The main outcome is to seek to support work to make littering and fly tipping socially unacceptable in Chichester District. Year 2 is intended to focus on achieving behaviour change, leading to fewer incidences of fly tipping and littering and therefore reduced clearance costs for the Council. Identifying successes of individual projects is challenging as the problems are multi-faceted, with different sources and causes and the strategy tackles them from three very different approaches (Sending a clear message/Cleaning up the District/Improving enforcement) as set out in the action plan.

## 6. Proposal

- 6.1 That the revised Litter and Fly Tip Action Plan is approved and funding is agreed for the following projects;

**Project 1** – To maintain the Green Dog Scheme which encourages people to pledge their support and become identifiable as green dog walkers who pick up after their own dog, encouraging others to pick up and providing dog bags to others.

**Project 2** – To secure a Project Officer to deliver a tradesman publicity project focusing on road litter and fly tipping. This project will encourage residents and businesses to support us in our fight against fly tipping, including reporting incidents and helping to promote our messages. To raise awareness that we will not tolerate fly tipping and the penalties that are involved if you are caught fly tipping. To work with local DIY stores to help raise awareness of the importance of waste carrier licences – both in terms of making sure tradespeople are aware when they require one if they are removing waste and making sure that residents are aware of the importance of checking the licence when companies take their waste away and to highlight the amount of litter on our roads and to target messages at drivers that this is not acceptable and the penalties that they will face if they are caught.

**Project 14** – Continue with litter enforcement. The proposed option is for the Council to enter into a 3 year agreement with East Hampshire District Council (EHDC) to provide a litter enforcement service by providing 2 officers, 3 days per week (Scenario 3 in Appendix 2) with the inclusion of a flexibility clause to reduce the level of service to 2 days per week if the no. of FPN's issued falls significantly. Also, to ensure the littering project is district wide, it is proposed to purchase additional patrols of low litter areas. The options and risks to the Council are set out in full in Appendix 2.

- 6.2 To enable the enforcement proposed in Project 14, the following enforcement functions will be delegated by the Chief Executive (as per the recommendation at paragraph 3.5 above) to East Hampshire District Council (EHDC); the offence of leaving litter (s87 of the Environmental Protection Act 1990), to issue FPNs for leaving litter (s88 of the Environmental Protection Act 1990) and breach of a PSPO (s67 & s68 of the Anti-social Behaviour, Crime and Policing Act 2014).

## 7. Alternatives that have been considered

- 7.1 Public Relations – to continue with ad hoc anti-litter and fly tip messages, however, it is considered that further dedicated resources are needed to be effective.
- 7.2 Enforcement – To provide in-house litter enforcement or use an alternative external provider. The In-house options considered included setting up a new dedicated unit or providing patrols using existing staff. Initial set up costs for these options were approximately £53,000 and £42,500 respectively. In addition, running costs would result in an estimated annual deficit of £75,500 for a new unit and for using existing staff, a deficit of £2,100 per year. The option of using existing staff could be given further consideration in the future in conjunction with the new litter from vehicles offence. The option of using a commercial operator has been discounted as a

commercial profit driven ethos is not considered appropriate. Full details of these options are set out in Appendix 2.

## 8. Resource and legal implications

8.1 The revised Litter and Fly Tip Action Plan identifies several requirements for funding:

- £13,300 for one fixed term PR Project Officer to deliver the promotional campaigns detailed in the action plan. £7,500 for providing suitable publicity and communication materials for the various awareness initiatives in the action plan.
- The intention of the litter enforcement scheme is that EHDC's patrol costs are covered by income from fines. Taking into account the additional costs for the Contact Centre support, based on the trial experience, 6 FPNs issued per officer/day would create an annual surplus to the Council of £7,500. The enforcement will be closely monitored as FPN numbers could reduce, resulting in a risk that there will be small cost to the Council of between £4,300 and £16,100 per year depending on the number of FPNs issued. This risk will be mitigated by the flexibility to reduce patrol days.
- Under the new agreement, EHDC will also process the associated litter prosecutions using the single justice procedure, recovering their costs from the court.
- Other than the budget identified above all projects in the action plan can be delivered from existing staff resources.

## 9 Consultation

9.1 The revised action plan has been developed following the recommendations of the Member/Officer working group.

## 10 Community impact and corporate risks

10.1 The action plan will enable the Council to tackle litter and fly tip related offences by either education and awareness or enforcement and improved bin infrastructure.

10.2 There is a risk that proceeding with enforcement action against individuals which the public considers is unfair or unreasonable could cause reputational harm. However, evidence shows the public do not like fly tipping and view littering as completely avoidable.

10.3 Due to the sources and causes of littering and fly tipping being influenced by many and varied factors, the initiatives may not result in significantly reduced clearance costs.

## 11 Other Implications

|  |  |     |
|--|--|-----|
| <b>Are there any implications for the following?</b> |  |     |
| <b>Crime and Disorder</b>                            | If supported, the enforcement work will directly | Yes |

|   |     |    |
|---|-----|----|
| address the offences of littering, dog fouling and dog exclusion, unauthorised disposal of waste and other waste associated offences, for example, duty of care in respect of waste and licences for carrying/transporting waste. The PR campaigns aim to tackle the growing problem of people illegally depositing waste and littering, in particular litter on roads. |     |    |
| <b>Climate Change and Biodiversity</b> There would be a positive effect from reducing fly tipping which damages habitats and harms biodiversity   | Yes |    |
| <b>Human Rights and Equality Impact</b> The impact of enforcement action on people who commit offences of littering, dog fouling, dog exclusion, unauthorised disposal of waste, failing in their duty of care in respect of waste and unauthorised carrying or transferring of waste   | Yes |    |
| <b>Safeguarding and Early Help</b>  |     | No |
| <b>General Data Protection Regulations (GDPR)</b> Personal data is not passed between EHDC as the service provider and CDC. All data is referenced with the Fixed Penalty Notice reference number and individuals cannot be identified by CDC. When taking payments for Fixed Penalty Notices, the Contact Centre do not record electronic bank details.                | Yes |    |
| <b>Other</b> (please specify): None   |     | No |

## 12 Appendices

12.1 Appendix 1 – Revised Litter and Fly Tip Action Plan 2018

12.2 Appendix 2 – Litter Enforcement Options

## 13 Background Papers

13.1 Equality Impact Assessment – Litter and Fly Tip Action Plan, September 2018

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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