

Public Document Pack

JOHN WARD
Director of Corporate Services

Contact: Democratic Services
Email: democraticservices@chichester.gov.uk

East Pallant House
1 East Pallant
Chichester
West Sussex
PO19 1TY
Tel: 01243 785166
www.chichester.gov.uk



Notice of Meeting

To All Members of Chichester District Council

You are hereby summoned to attend a meeting of **THE COUNCIL** which will be held in **Committee Rooms - East Pallant House** on **Tuesday 28 January 2020** at **2.00 pm** for the transaction of the business set out in the agenda below.

A handwritten signature in black ink, appearing to read 'Diane Shepherd'.

DIANE SHEPHERD
Chief Executive

17 January 2020

NOTES

11.15am – 11.45am	Member briefing on East Solent Coastal Partnership
11.45am – 12.30pm	Member briefing on Community Forums
12.30pm – 1.00pm	Lunch
1.00pm – 1.30pm	Questions to SLT
1.30pm – 2.00pm	Break

Members are asked to bring with them to the meeting their copy of the agenda for the meeting of the Cabinet held on 7 January 2020.

AGENDA

1 **Minutes** (Pages 1 - 16)

The Council is requested to approve as a correct record the minutes of the meeting held on 3 December 2019.

2 **Urgent Items**

The Chairman will announce any urgent items which due to special circumstances are to be dealt with under Late Items.

3 **Declarations of Interests**

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

4 **Chairman's Announcements**

Apologies for absence will be notified at this point.

The Chairman will make any specific announcements.

5 **Public Question Time**

In accordance with Chichester District Council's scheme for public question time as amended by Full Council on 24 September 2019 the Council will receive any questions which have been submitted by members of the public in writing by noon two working days before the meeting. Each questioner will be given up to three minutes to ask their question. The total time allocated for public question time is 15 minutes subject to the Chairman's discretion to extend that period.

RECOMMENDATION BY THE CABINET - 7 JANUARY 2020

To consider the following recommendation of the Cabinet requiring the approval of the Council.

The report giving rise to this recommendation can be found in the papers for the meeting of the Cabinet on 7 January 2020.

6 **Climate Emergency**

The material relevant to this item is the report on pages 17 – 33 of the Cabinet agenda for 7 January 2020.

The following recommendation was made to Council:

That a Climate Emergency officer post at a total cost of £120,000, plus an operational budget of £30,000, is funded from reserves for 2 years (full time) to support delivery of the Action Plan.

RECOMMENDATIONS BY THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE - 23 JANUARY 2020

To consider the following recommendations of the Corporate Governance and Audit Committee requiring the approval of the Council.

7 **Motions Procedure** (Pages 17 - 23)

1. That the Constitution be amended to replace the current Motions guidance with the revised Motions Procedure as set out in the Appendix to this report.
2. That the time permitted at Full Council for "Questions to the Executive" be reduced from 45 to 30 minutes.

Please note that at the time of going to print these are the recommendations being made to the Corporate Governance and Audit Committee. If the Committee makes any amendments Full Council will be informed at its meeting.

OTHER REPORTS

8 **Adoption of International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism (Pages 25 - 26)**

The report relating to this item is included in the agenda pack.

The Council is requested to make the following resolution:

That the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism be adopted.

9 **Review of Political Balance**

Report to follow.

10 **Review of Street Trading controls in Chichester City Centre (Pages 27 - 35)**

The report and appendices relating to this item are included in the agenda pack.

The Council is requested to make the following resolution:

That Council passes a resolution for the re-designation to further areas within Chichester city centre, outline in section 3.3, pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 from prohibited streets to consent streets.

11 **Retirement Costs**

The Council is requested to note the following:

A member of staff has had to be retired early on ill health grounds, having met the criteria for this as determined by an Independent Registered Medical Practitioner (IRMP) appointed by the Council, under the rules of the Local Government Pension Scheme. In such cases the Council has no practical discretion, and the retirement is an entitlement for the member of staff concerned under the pension scheme. The additional costs to access the pension early in such cases is met by the employer. In this particular case the cost is £131,970 which will need to be met from the Council's General Fund reserves.

MOTIONS PROPOSED IN ADVANCE BY MEMBERS

12 **Motion to the Council relating to divestment (Page 37)**

Having complied with the advance written notice requirement in Standing Order 18.1 and the subject requirement in Standing Order 18.2 of the Chichester District Council Constitution the attached motion will be proposed by Cllr Sharp and if duly seconded it will then be discussed at this meeting.

13 **Motion to the Council to support a national community energy campaign**
(Page 39)

Having complied with the advance written notice requirement in Standing Order 18.1 and the subject requirement in Standing Order 18.2 of the Chichester District Council Constitution the attached motion will be proposed by Cllr Sharp and if duly seconded it will then be discussed at this meeting.

14 **Questions to the Executive**

Members are invited to ask a question of a member of the Executive (maximum of 40 minutes duration).

15 **Late Items**

To consider any late items as follows:

- 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.

16 **Exclusion of the press and public**

There are no restricted items for consideration at this meeting.

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 open proceedings of this meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public enters the committee room or makes a representation to the meeting, they will be deemed to have consented to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting, please liaise with the contact for this meeting at the front of this agenda.
4. 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 intention 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.

MEMBERS

Mrs E Hamilton
Mrs C Apel
Mrs T Bangert
Mr G Barrett
Miss H Barrie
Mr M Bell
Rev J H Bowden
Mr R Briscoe
Mr J Brown
Mr A Dignum
Mrs J Duncton
Mr J Elliott
Mr G Evans
Mrs J Fowler
Mrs N Graves
Mr F Hobbs
Mr K Hughes
Mrs D Johnson

Mr T Johnson
Mrs E Lintill
Mrs S Lishman
Mr G McAra
Mr A Moss
Mr S Oakley
Dr K O'Kelly
Mr C Page
Mr D Palmer
Mrs P Plant
Mr R Plowman
Mr H Potter
Mrs C Purnell
Mr D Rodgers
Mrs S Sharp
Mr A Sutton
Mrs S Taylor
Mr P Wilding

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Public Document Pack Agenda Item 1



Minutes of the meeting of the **Council** held in The Assembly Room - The Council House (Chichester City Council), North Street, Chichester on Tuesday 3 December 2019 at 2.00 pm

Members

Present:

Mrs E Hamilton (Chairman), Mrs C Apel (Vice-Chairman), Mrs T Bangert, Mr G Barrett, Miss H Barrie, Mr M Bell, Rev J H Bowden, Mr R Briscoe, Mr J Brown, Mr A Dignum, Mr J Elliott, Mr G Evans, Mrs J Fowler, Mrs N Graves, Mr F Hobbs, Mr K Hughes, Mrs D Johnson, Mr T Johnson, Mrs E Lintill, Mrs S Lishman, Mr G McAra, Mr A Moss, Mr S Oakley, Dr K O'Kelly, Mr C Page, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

Members not present:

Officers present all items:

Mr N Bennett (Divisional Manager for Democratic Services), Mr A Frost (Director of Planning and Environment), Miss L Higenbottam (Democratic Services Manager), Mrs J Hotchkiss (Director of Growth and Place), Mr P E Over (Executive Director & Deputy Chief Executive), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

60 Minutes

The Chairman extended a warm welcome to all those present and read out the emergency evacuation procedure for Chichester City Council. The Chairman then welcomed Cllr Janet Dunton who had been elected to Loxwood ward at the recent by-election.

Mr Brown requested an amendment to minute 56, paragraph 3 to refer to Karen Alan, Customer Engagement.

In a show of hands the Council voted to approve the minutes of the Council meeting held on 24 September 2019 subject to the above amendment.

RESOLVED

That the minutes of the Council meeting held on 24 September 2019 be approved and signed by the Chairman as a correct record of the meeting subject to the above amendment.

61 **Urgent Items**

The Chairman confirmed that there were no urgent items.

62 **Declarations of Interests**

Mr Hobbs declared a personal interest in respect of agenda item 15 as Chairman of Visit Chichester.

Mr Plowman declared a personal interest in respect of agenda item 15 due to an informal association with a local pressure group.

Mrs Duncton, Dr O'Kelly, Mr Oakley and Mrs Purnell all declared personal interests in respect of agenda item 15 as members of West Sussex County Council which is a partner in the Southern Gateway project.

63 **Chairman's Announcements**

There were no apologies for absence.

The Chairman gave a speech on behalf of all members wishing Mr Over, Deputy Chief Executive, a long, happy and healthy retirement after 33 years service at the District Council.

Mr Over then responded thanking the Chairman and members for their kind words.

64 **Public Question Time**

The following public questions were received. The responses are indicated in italics below.

Mr Dicker asked the following questions:

1. Cabinet met this morning and may have made changes to the fundamental recommendations to this council this afternoon without time for public scrutiny due to the 2 day submission of public questions rule. The public therefore request that in support of transparency any fundamental changes from this morning's decisions should allow questions to this council on the agenda? The question/s cannot of course be prepared in advance.
2. Under issues raised no comment is made about the quality of the consultation document and in particular the different standards for assessing land suitability for the development including proximity to SDNP and Harbour boundaries. How many comments were made and what are the council doing to address these valid concerns.
3. In light of the changes to national planning policy how will the changes be reflected in the plan prior to the next round of consultation and specifically: "This guidance, along with other Government initiatives such as the emerging National Flood and Coastal Erosion Risk Management Strategy for England will need to be reflected as appropriate in the ongoing technical work for the Local Plan Review."

4. Can the council please explain why the housing numbers have increased in line with this comment: The first new option (Option 1B) was developed from the Preferred Approach Option 1A, but sought to maximise numbers at the locations East of Chichester and South West of Chichester. With a small increase in the Parish numbers, this leads to an increase in housing provision from 4,900 to 5,625 (c.700 dpa).
5. Why is there no identifiable option that looks at land around Goodwood for both employment and residential space. Yet later in the document it states that further investigation is required around employment space near Goodwood.
6. When will this council make a decision on the unmet housing need from the SDNP
7. The Peter Brett Report is very detailed. From a scanned reading prior to the submission of questions I can see no mention of the modelling and policy excluding the link road that Councillor Taylor stated would be undertaken. Where is this in the PB report or when will it be conducted if it is not in the report. (This question is likely to change in light of the response from the cabinet)

Mrs Taylor provided the following responses:

Thank you for your questions. Answering each in turn –

1. *The list in section 8 of the report, of significant issues is not intended to be exhaustive and members are asked to consider the full range of responses. Section 5 of the report outlines the consultation process, and section 6 of the report reflects on the consultation process and how it may be improved. With regards to the assessment of the suitability of land for development, the covering report highlights that further consideration will be given to landscape capacity and proximity to the sensitive environment of the AONB and confirms that the availability of suitable sites will be reviewed in an update of the Housing and Economic Land Availability Assessment.*
2. *Any changes in government policy will be reflected upon and where necessary the plan updated. The government has stated that the National Flood and Coastal Erosion Risk Management Strategy for England will be published in 2020 and members will be updated accordingly.*
3. *In line with national planning policy, the plan should be informed by the consideration of options and alternatives through the sustainability appraisal process. The outcomes of that testing is set out in Appendix 4 to the Local Plan way forward report. However the total number of dwellings referred to is the sum of all the potential locations for development which are included in that option – it does not represent the target for development in the emerging plan. Ultimately the next iteration of the plan will set out a new housing target justified with reference to the evidence of need, infrastructure and environmental constraints and ensuring the certainty of delivery.*
4. *The refresh of the Housing and Economic Land Availability Assessment, which is referred to in sections 11 and 12 of the report will be considering all available land including that around Goodwood.*

5. *The unmet need from the South Downs National Park will be considered next year as this council finalises its proposed submission draft plan. That consideration will need to be based on factors including - confirmation of the position of the national park authority; the availability of sites within the Chichester Plan area; environmental and infrastructure constraints; and sustainability and habitats regulations assessment.*
6. *Further work to consider the transport implications of a mitigation strategy which excludes the Stockbridge Link Road is underway and the initial results are being discussed with West Sussex County Council as Highway Authority and Highways England. The outcomes of this work will inform the Plan and the results reported back to Members and interested parties in due course.*

With regard to question 1 Mr Bennett replied as follows:

I do understand the concern. Whilst it is never the Councils preference to hold several meetings on the same day, it is sometimes forced upon us by other statutory procedural timelines and that is the issue here to achieve the requirements of the consultation. There is no legal restriction upon doing this but we will continue to try to avoid doing so wherever we can.

The Chairman then permitted Mr Dicker to ask a supplementary question as follows:

How many comments were made on the Preferred Approach Plan and what is the council doing to address these valid concerns?

Mr Frost replied as follows:

A further written response will be provided.

Ms Boize asked the following question:

At a time of commitment to tree retention and planting, my question relates to the Southern Gateway development.

For context, the Southern Gateway's Chichester Gate piazza shows us what can go wrong. It has not become 'an important meeting and circulation space, carefully detailed with good quality materials and furniture'. It is grey and bleak. The couple of planted trees has long gone. There is no shade. The piazza is scorching hot in summer sun.

The Managing Agent CBRE said that all expenditure proposed to the tenant businesses is scrutinised. It appears to me with no acknowledgement of the piazza's contribution to visitors' well-being, enjoyment and to the environment. The County Council sold the former Girls' High School playing fields to a private company and as Chichester Gate is privately owned (nowadays by the GE empire) none of our councils has any influence, authority or enforcement over the piazza. Have I understood the situation correctly? Does this Council agree with this? Can this Council get the two trees replanted?

My question is this – At a time of commitment to tree retention, planting and landscaping, my question relates to the Southern Gateway development.

As the development process gets underway, will this Council's policy be to retain for future decades enforceable influence and authority over landscaping, including parcels of land

that have been or might be sold now and in the future to private companies or bodies which may wish to have independent control?

Mrs Taylor responded as follows:

Thank you for your question. Your question appears to be in two parts. The first asks whether the District Council has any influence, authority or enforcement over the Chichester Gate piazza and specifically the trees planted therein. The District Council has no land ownership powers it can influence over the Chichester Gate development. As you correctly identify this was WSCC land and you should contact them direct to see if they retained any control when they sold the land. The District Council's powers in this instance would therefore relate to the use of the Council's planning powers as the Local Planning Authority as part of the determination of planning applications for the development. In this respect, I would expect the Council to consider the use of both suitable planning conditions and/or section 106 planning obligations to secure the provision and retention of new trees and other vegetation as part of an agreed landscape scheme(s). The Council's planning enforcement powers can be used to secure replacement planting where necessary and expedient to do so. Unfortunately, it is not reasonable for the LPA to require trees that die or become diseased to be replaced indefinitely but I will ask relevant officers to investigate the position regarding the two trees at Chichester Gate that you refer to.

Mr Bell then responded as follows:

The second part of your question relates to Southern Gateway. Specifically it asks whether the District Council will retain influence and authority over landscaping. In this instance the District Council will retain its enforcement control described in my response to your first question above. However, as scheme promotor (and part land owner) it will also enter into a development agreement with a development partner and through that agreement we will exercise influence over the nature of the development to ensure that it conforms to the requirements of the adopted masterplan and approved development brief. However, as the development progresses the developer will draw down ownership of the land (to enable the development to be funded) and future control will revert to those contained within the planning acts."

The Chairman then permitted Ms Boize to ask a supplementary question as follows:

Having already consulted WSCC would you agree that passing over responsibility of the piazza was a mistake and assuming there is no enforcement authority available what can be done next to ensure the two trees that were destroyed are reinstated?

Mrs Taylor deferred to officers and Mr Frost replied as follows:

As this Council was the local planning authority, we will arrange for the planning permission, including any relevant Section 106 agreement and planning conditions to be checked to see whether there is any scope to require replacement trees to be planted.

Ms Gaskin asked the following question:

Why has CDC failed to implement the revised Planning Policy Guidance on climate change with a resultant (estimated) 40,000 additional tonnes of carbon being released from new housing in the district.

Colin Medland's letter to Diane Shepherd relates to this issue 'New homes in climate emergency'.

Mrs Taylor provided the following response:

We last consulted on the Local Plan Preferred Approach in December 2018 – Feb 2019 - although this predated the latest changes to the Planning Practice Guidance in March 2019, the preferred approach already proposed challenging targets for the sustainable design of new development, in draft Policy DM16, as one example. As we continue work on reviewing the plan we will of course have full regard to the content of both the Planning Practice Guidance and the National Planning Policy Framework, and any new relevant evidence in relation to climate change. Development Management also have regard to these when considering planning applications.

The Chairman then permitted Ms Gaskin to make a supplementary comment as follows:

Since May 2019 there have been a number of new district councillors and it is important that they consider the Climate Emergency in making decisions particularly those who sit on Planning Committee.

The Chairman then concluded public question time.

65 Increasing the provision of the Council's Temporary Accommodation at Freeland Close, Chichester

The Chairman explained that the Council is requested to note the urgent decision taken relating to increasing the provision of the Council's Temporary Accommodation at Freeland Close, Chichester which could be found on page 29 of the agenda pack.

On behalf of the Council the Chairman formally noted the decision.

66 Determination of Council Tax Reduction Scheme for 2020 - 2021

The Chairman invited Mr Wilding to introduce the report and referred members to pages 13 to 15 of the Cabinet agenda for 5 November 2019 and pages 1 to 32 of the supplement to the Cabinet agenda for 5 November 2019.

Mr Wilding explained that the Welfare Reform Act and Local Government Finance Acts of 2012 abolished the national Council Tax Benefit (CTB) scheme and a framework for local authorities to create their own local Council Tax Reduction (CTR) schemes was put in place from 1 April 2013. The council has been operating a CTR scheme for the last seven years and it is proposed to keep the scheme unchanged for the eighth year with the exception of alterations that bring the scheme in line with changes to legislation which have already occurred within the Housing Benefit scheme. These changes include the uprating of premiums, personal allowances and deductions. Mr Wilding confirmed that the council's main aim remains to maintain levels of support to the least well off in its communities by maintaining levels of support which existed prior to April 2013 when localised CTR commenced. He explained that the council is one of a small number of councils that continues to provide a CTR scheme with up to a maximum award of 100%.

Mr Wilding proposed the recommendation which was seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

That the proposed Council Tax Reduction Scheme for 2020-2021 be approved.

67 Financial Strategy and Plan 2020-21 to 2024-25

The Chairman invited Mr Wilding to introduce the report and referred members to pages 17 to 22 of the Cabinet agenda for 5 November 2019 and pages 33 to 51 of the supplement to the Cabinet agenda for 5 November 2019.

Mr Wilding explained that the report updates the Financial Strategy and Plan for 2020/21 and creates the framework for how the council's budget and council tax is set which will be considered by the Cabinet in February 2020. The 2020/21 financial strategy is set in the context of current political uncertainty and the continuing expectation of reduced central government funding for local government. The major changes that were expected to come in from the 2020-21 settlement have been delayed by a year, so now the 2020-21 settlement will be for one year only. Due to the delay the council will retain the business rates growth achieved so far for one year longer than anticipated. Much of the council's other income remains dependent on the local economy and is therefore less predictable.

Mr Wilding outlined Appendix 1 which describes the council's key priorities, one of which is to manage its finances prudently and effectively. He explained that the financial strategy is linked to this specific priority along with the council's key financial principles that underpin the Council's financial planning approach. Appendix 2 outlines the updated 5 Year Financial Model, reflecting the consolidated budget from the service areas, central government funding and the most up-to-date estimates for the wider council activities. There are a number of estimates contained within the Model including the assumption of a 2% increase in council tax each year. However, Mr Wilding explained that low taxing local authorities like Chichester District Council may be allowed to set a £5 increase in council tax. The final decision on the council tax rates will be made by Full Council in March 2020.

Mr Wilding then referred to the assumptions relating to pensions, West Sussex County Council cuts and the New Homes Bonus scheme and how it is likely that the Financial Model will continue to evolve. He then outlined Appendix 3 which sets out the anticipated resources position of reserves and assets in the medium term and confirmed that the capital programme remains affordable without the need to borrow.

Mr Hughes commented that a number of grammatical errors within the document. He gave examples relating to *Outside Bodies and Investment Strategy*. He also drew attention to the Brexit deadline which required updating. He explained that he was unhappy to support the document given the amendments required. Mr Ward clarified the reference to Outside Bodies referring to the number of examples across the council where Outside Bodies are used and the extensive shared services exercise across a number of services. With regard to investment strategy he confirmed that members had been invited to Treasury Management training on 16 December 2019 and the Treasury Management Strategy would come to Full Council for sign off next year. With regard to the general wording of the document he explained that often financial jargon is used. He then drew attention to the fact that the document had already been through Corporate Governance and Audit Committee and the Cabinet.

Mr Brown then requested that members consider the intention of the Policy and suggested that it should not be refused on the grounds of grammatical error. He added that officers could be asked to clarify the sentences where necessary.

Mr Hughes responded that it would be difficult to sign off on a document which contained a number of errors.

Mr Hobbs commented that the errors are textual and did not affect the main focus of the document.

Mr Wilding proposed the recommendations which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour. Four members chose to abstain from the vote.

RESOLVED

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 and the Resources Statement in appendix 3 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 is set at £6.3 million.

68 Extending Ultrafast Public Connectivity

The Chairman invited Mr Wilding to introduce the report and referred members to pages 11 to 14 of the Cabinet agenda for 3 December 2019.

Mr Wilding explained that in 2017 the council signed up to a countywide Gigabit project. Part of the project was an award to West Sussex County Council (WSSCC) of a government grant funded contract to create a fibre network connection for public sector sites across the county. Cityfibre won the contract and the project is now in the final stages. He explained that the council now has an opportunity to use the cool off arrangement to connect a further 50 council assets in Chichester city such as Westward House, Westgate centre and offices. The project requires new fibre infrastructure installation across the city but in turn will provide ultrafast connectivity to the council's assets and increase fibre and digital infrastructure across the city, benefitting the local community and the local economy. The cost of the project is estimated at £743,000 over seven years and is likely to be met from the WSSCC Business Rates Retention Pool. Mr Wilding confirmed that there is also a project relating to better connectivity in the rural areas.

Mr Barrett requested clarification on whether the council's servers would be updated to cope with the demand. Mr Mildred confirmed that the servers are in the process of being rebuilt to utilise the new connection including it linking to the disaster recovery system at the Depot.

Dr O'Kelly noted that it was positive that other more rural areas in the district would be considered for future projects.

Mr Plowman requested clarification on the projects funding. Mr Ward confirmed that it is fully anticipated that the project would be paid for by the Business Rates Retention Pool.

Mrs Lintill drew attention to section 6.3 of the Cabinet report which explained that the project would connect Chichester considerably quicker than the government scheme which anticipated adoption in 2033.

Mr Wilding proposed the recommendation which was seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

That the Council underwrites the cost of the contract and that any costs not met by the Business Rates Pool for 2019/20 up to a maximum of £743,000 over a seven year period starting no earlier than 2021.

69 Local Plan Review Way Forward

The Chairman invited Mrs Taylor to introduce the report and referred members to pages 15 to 28 of the Cabinet agenda for 3 December 2019 and the appendices in the supplementary appendices pack.

Mrs Taylor explained that a consultation on the Local Plan Review took place over an eight week period from 30 December 2018 until 2 February 2019. A total of 3200 representations were received from 729 respondents. The report sets out a summary of the representations received for Part I of the Local Plan Review Preferred Approach which relates to Strategic Policies and Allocations. A separate report to Cabinet and Council will address representations on Part II of the Plan relating to Development Management Policies. Mrs Taylor drew attention to appendix 1 to the report which contains the initial council response and paragraph 8 of the report. She explained that paragraph 9 sets out a number of new issues which require consideration including the declaration of a Climate Emergency and the discharge of nitrates into Solent and the impact this has on future development. Mrs Taylor confirmed that A27 discussions remain ongoing with Highways England and WSCC regarding the nature and finance of improvement works and this uncertainty will need to be addressed within the Local Plan. She then drew attention to the Schedule as set out in appendix 3 to the report and the Sustainability Appraisal detailed in paragraph 4 of the report. She confirmed that further technical work is required.

Mrs Lintill then reminded members that in responding to the report they should consider that the council is currently in Purdah.

Mr Brown commented on the high number of noted responses and raised concerns about how this could give the public a negative perception of the council. With reference to the ongoing Road Transport Study he then referred to what he viewed as the critical Southbourne road bridge. Mrs Taylor responded to Mr Brown's comments. She explained that officers had put a lot of time and work into the Plan to date and that they were dealing with a number of complex issues.

Mr Barrett noted that a number of responses were similar to the 2013 Local Plan Review. He requested clarification on why the Peter Brett Study had not included the northern bypass option. He also asked why a number of aspects of the current Local Plan had not

been implemented. He then asked why there is no reference to Southern Gateway. He also asked when the southern option would start and how long it would take. Mrs Taylor responded to Mr Barrett's questions. She explained that it was likely that the 2019 responses would be similar to the 2013 responses as people largely comment on the same main factors. With regard to the current Local Plan she explained that as it runs until 2029 there is ample time for more project implementation. She also explained that there was no Government funded road scheme in either RIS 1 or RIS 2 (Road Investment Strategy) for the A27 and therefore the draft Local Plan scheme is only required to mitigate against the impact of new development and would not deal with the current capacity issues on the A27.

Mr Moss commented that the training of new members should not be an excuse for the level of progress and raised concerns that members would not have enough time to fully scrutinise the final decisions as the right level of public consultation would also be required. Mrs Taylor responded to Mr Moss. She explained that the training of new members is the reason why officers had to take a step back. Mr Frost then confirmed that as and when the evidence base is completed it will be published online so not all documents will be given to members in one go.

Mr Johnson referred to page 237 of agenda pack which explains that more distribution strategies would be coming forward. He requested clarification on how members could agree to endorse today if there are more strategies yet to be considered. Mr Frost responded to Mr Johnson and explained that members are being asked to note the overall progress to date and endorse the programme of work.

Mr Johnson then proposed that recommendation three be amended to state that members *note* rather than *endorse*. This was seconded by Mrs Johnson.

Mr Evans requested clarification on how many homes would be included in the north of the Plan area and where would they be located. Mr Frost responded to Mr Evans. He referred Mr Evans to paragraph 12.12 of the report on page 24 of the agenda pack. He added that the revised Housing and Employment Land Availability Assessment would be brought to members in the new year.

In relation to the Peter Brett report Mr Page raised concerns regarding the disruption and inconvenience that would be caused to the south and east of the A27.

Mrs Sharp then reminded members that at some stage a decision would have to be made and members should be mindful of that. She requested further discussion regarding the Peter Brett report and sustainability routes. She then requested clarification on whether members would be able to vote on sections of the Local Plan document or whether the vote would be to agree the Local Plan as a whole document. Mrs Taylor responded to Mrs Sharp. She clarified that the Local Plan is due to be submitted for examination by July 2020. She explained that the Peter Brett report remains ongoing and that the next stage of the Local Plan review would be reported to Council in its entirety. Mr Ayling added with regard to sustainability routes the Plan must satisfy Highways England and therefore although ambitions should not be limited they must be measured and clear.

Rev Bowden requested an officer's report to the next Development Plan and Infrastructure Panel regarding the risks associated with the Local Plan and the A27. Officers agreed to do so.

Mr Oakley commented on the amount of work that would be required to complete the Local Plan. He then requested information relating to the cost to date to facilitate the Local Plan Review and the anticipated future spend to complete the project. With regards to the A27 he raised concerns about the impact on the Local Plan if a viable option could not be demonstrated. He also commented on the need to demonstrate a reasonable funded delivery plan. He then requested clarification on whether section 11.1f of the report includes Pagham Harbour. He then highlighted the importance of the waste water works at Tangmere to support the volume of new houses. With regard to 11.1c line 3 of the report he requested confirmation on whether the cumulative impact assessment would include the transport impact on the number of houses proposed to the east of Chichester and the Portfield roundabout. He also requested reassurance that the Peter Brett work would fully consider the implications of the closure on the A27. Mr Ayling responded to Mr Oakley. He explained that 11.1f of the report relating to the nitrates work did consider Pagham Harbour. The reason Pagham Harbour is highlighted is due to its different classification with Natural England. He also confirmed that the transport assessment would consider all development. Mr Frost then confirmed that a written response would be provided to Mr Oakley regarding the cost of the Local Plan.

Mrs Apel commented on the number of trees lost to committee papers. Mrs Shepherd responded and reminded members that they could opt for a paperless option which could be discussed further outside of the meeting.

Mr Moss then requested it be made clear that all respondents should receive a reply to their comments on the Local Plan Review other than a response to say that their comments have been noted.

Mr Hughes raised concerns regarding the provision of new houses without the provision of new schools given that a number of local schools are already oversubscribed. Mrs Taylor responded to Mr Hughes. She explained that West Sussex County Council (WSCC) is consulted on the Infrastructure demands arising from new development and it is the county who decide whether there is a need for additional school places. Mrs Lintill added that the decision is linked to anticipated birth rates. As a WSCC member Mr Oakley gave an example of the Graylingwell site where the ultimate demographics of the site did not justify the planned spend on a school.

Mrs Johnson then commented on the difficulty in ensuring public support for the Local Plan when there are minimum numbers of houses but no maximums. Mrs Taylor responded to Mrs Johnson. She explained that it is not possible to give a maximum number but confirmed that if the council has no Local Plan there would be no control over the maximum numbers. Mrs Johnson responded that the wording of the consultation documents needs to be open, honest and transparent. Mr Frost added that not having an up to date Local Plan would lead to speculative applications and a greater number of applications succeeding on appeal.

The Chairman read out the proposed amendments to the recommendations as follows:

- The addition ofand supplementary material prior to its publication to the end of recommendation 1c
- Replacing *endorsed* with *noted with recognition that they are....* to recommendation 4

Mrs Taylor proposed the recommendations including the first amendment which were seconded by Mrs Lintill. The seconded amendment had been proposed by Mr Johnson and seconded by Mrs Johnson.

In a show of hands the Council voted in favour.

RESOLVED

1. That:
 - a. the Summary of Representations included as Appendix 1 to this report is noted.
 - b. the proposed Council responses to the representations set out in that document are agreed, and
 - c. the Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to make minor amendments to the Summary of Representations and Responses and supplementary material prior to its publication.
2. That the issues raised in the Summary of Representations document and the other relevant issues summarised in section 9 of the report are noted as key considerations for the on-going production of the Local Plan.
3. That the programme of further technical work set out in section 11 of this report is endorsed.
4. That the implications for the distribution of development set out in section 12 of this report are noted with recognition that they are subject to further technical work and testing through Sustainability Appraisal and Habitats Regulations Assessment being completed.

Members took a short break.

70 Resurfacing and Improved Drainage at Westhampnett Depot

The Chairman invited Mrs Plant to introduce the report and referred members to pages 29 to 37 of the Cabinet agenda for 3 December 2019. The Chairman reminded members that the appendix to the report is a restricted document.

Mrs Plant introduced the item. She drew attention to the details of the proposal as set out on pages 29 to 37 of the report. The project seeks to overhaul the foul drainage system at the Depot and will create a pumped connection to Stane Street. The project will also overhaul the storm water drainage storage system creating new gullies, soakaways and a fuel interceptor. The HGV parking area will be levelled and fully resurfaced and a new enclosed vehicle washdown facility installed. Mrs Plant explained that the addition of several environmental and operational improvements would result in significant additional costs if carried out separate to the main project. She outlined the additional enhancements which include:

- A new one way system for vehicles entering and exiting the site
- LED Flood lighting
- Electric vehicle charging including installation of cable stays under the surface
- A rainwater storage system
- Increased CCTV cameras
- Number plate recognition at the entrance gate

Mrs Plant confirmed that the additional enhancements total £195,000 resulting in an overall total cost of £850,000. In addition WSCC have agreed in principle to connect the gypsy and traveller transit site to the main sewer system, funded by WSCC.

Mrs Plant advised that officers had secured a window of 14 weeks to store vehicles offsite during the works. Mr Ward added that due to the critical timescale outlined in section 4.9 of the report the Chairman of the Council had agreed to take the decision as urgent and as such the decision was not subject to call-in (please see urgent notice attached to the final minutes).

Mr Carter outlined a minor amendment to page 33 of the report which should refer to an existing budget of £592,000 rather than £595,000.

Mr Barrett requested clarification on whether the public amenity tip would remain open throughout the works. Mrs Plant explained that the works would take place at the Depot only.

Mrs Plant proposed the recommendation which was seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

That Council agrees to increase the budget from £592,000 to £850,000 of which £600,000 funded from reserves and £200,000 from the Asset Replacement Programme to enable the inclusion of additional works as set out in Section 5 of the report.

71 Questions to the Executive

The Chairman advised that there would be no *Questions to the Executive* during Purdah. Members should submit questions relating to the operational day to day running of the Council in writing to SLT who will respond in consultation with the relevant Cabinet member.

72 Late Items

There were no late items.

73 Exclusion of the press and public

The Chairman explained that the one exempt item for consideration is a recommendation made by the Cabinet at its meeting on 3 December 2019.

The Chairman read the resolution to exclude the press and public as detailed below.

Mrs Lintill proposed the recommendation to exclude the press and public which was seconded by Mrs Taylor.

In a show of hands the Council voted in favour.

RESOLVED

That in accordance with section 100A of the Local Government Act 1972 (the Act) the public and the press be excluded from the meeting during the consideration of agenda item 15 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 any individual) and 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 Act 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.

74 **Southern Gateway**

The Chairman invited Mr Bell to introduce the report and referred members to the restricted supplement to the Cabinet agenda for 3 December 2019. Mr Over introduced two consultants who had been advising the council on the project who explained further detail regarding the recommendation contained within the report.

Mr Over and the consultants then responded to member's questions and comments.

During the debate Mr Plowman put forward a proposal to defer the item until the new year to address member's comments regarding the need for additional time to consider the documents associated with the report. Mr Plowman later withdrew his proposal.

The Chairman temporarily left the room and the Vice-Chairman took the Chair during that time.

Mrs Lishman left the meeting prior to the vote.

Mr Moss requested a recorded vote which was agreed by the wider membership.

The results of the vote were as follows:

Clare Apel - Against
Tracie Bangert – Against
Graeme Barrett - For
Heather Barrie – Abstained
Martyn Bell - For
John-Henry Bowden - Against
Roy Briscoe - For
Jonathan Brown - Against
Tony Dignum - For
Janet Duncton - For
John W Elliott - For
Gareth Evans - Abstained
Judy Fowler - For
Norma Graves - For
Elizabeth Hamilton – For
Francis Hobbs – For
Kevin Hughes - Abstained

Donna Johnson - Against
Tim Johnson - Against
Eileen Lintill - For
Sarah Lishman – left before the vote so no vote
Gordon McAra - For
Adrian Moss - Abstained
Simon Oakley - For
Kate O’Kelly - Against
David Palmer - For
Chris Page - For
Penny Plant – For
Richard Plowman – Against
Henry Potter - For
Carol Purnell – For
David Rodgers - Against
Sarah Sharp – For
Alan Sutton – For
Susan Taylor – For
Peter Wilding – For

Totals of 22 for, 9 against, 4 abstained and 1 no vote.

RESOLVED

Following “standstill” and dealing with any issues arising, and confirmation that WSCC have cleared their own governance processes, including call-in, that the Council select Developer A on Heads of Terms shown in Appendix 1 to deliver the Southern Gateway Masterplan regeneration project pursuant to the outcome of the Evaluation Report at Appendix 2 once matters of detail are finalised with the bidder.

The Chairman then formally closed the meeting and wished everyone a good Christmas.

The meeting ended at 6.20 pm

CHAIRMAN

Date:

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Chichester District Council

Corporate Governance and Audit Committee

23 January 2020

Full Council

28 January 2020

Motions Procedure

1. Contact

Report Author

Nicholas Bennett – Monitoring Officer and Divisional Manager for Democratic Services

Telephone: 01243 534657 email: nbennett@chichester.gov.uk

Lisa Higenbottam – Democratic Services Manager

Telephone: 01243 534684 email: lhigenbottam@chichester.gov.uk

2. Recommendation to Council:

- 2.1. **That the Constitution be amended to replace the current Motions guidance with the revised Motions Procedure as set out in the Appendix to this report.**
- 2.2. **That the time permitted at Full Council for “Questions to the Executive” be reduced from 45 to 30 minutes.**

3. Background

- 3.1. Since the May 2019 elections the ability for members to submit motions to Full Council has been utilised much more than in previous years. Whilst this is to be welcomed as it demonstrates greater member engagement, it has also highlighted the need to revise and expand on the guidance for submitting motions as detailed in the Constitution. This has not been updated for a very long period of time and following some challenges in managing the process this report suggests some changes to ensure that the council has a clear motions procedure in order to operate effectively into the future.
- 3.2. The Constitutions of West Sussex County Council, Horsham District Council and Arun District Council have all been considered.

4. Amendments to the procedure

- 4.1. The current guidance as detailed in part 4, section 18, page 97 of the Constitution offers limited instruction to members.
- 4.2. To overcome this issue the new procedure recommends a series of steps to submit a motion.
- 4.3. The new procedure also outlines alternative delegations in the event of member or officer absence.

4.4. Recent Council meetings have been much longer, due largely to Councillor motions. In order to mitigate this the new proposal includes two specific measures to enable the Chairman to manage the length of Council meetings:

4.4.1. The time permitted for motions to be restricted to 30 minutes in total, and

4.4.2. Questions to the Executive to be reduced from the current 45 minutes to 30 minutes in total.

5. Alternatives Considered

5.1. Consideration was given to leaving the guidance as it is however it currently offers minimal information and clarity to members and officers. By making the changes it is felt that the guidance provides a basis for good decision making in line with the Wednesbury principles.

5.2. It would not be against the law to leave our process unchanged but the benefits of clarity are thought to make the existing procedure inferior to the recommendation set out in the appendix.

6. Resource and Legal Implications

6.1. None other than those set out in the body of this report.

7. Consultation

7.1. The proposals have been shared with the political group leaders and the council's senior leadership team.

8. Community Impact and Corporate Risks

8.1. None.

9. Other Implications

Are there any implications for the following?		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		✓
Climate Change and Biodiversity Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		✓
Human Rights and Equality Impact You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		✓
Safeguarding and Early Help The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these		✓

proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		
<p>General Data Protection Regulations (GDPR) Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms eg based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		✓
<p>Health and Wellbeing The Council has made a commitment to ‘help our communities be healthy and active’. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.</p>		✓
Other (please specify)		✓

10. Appendices

10.1. Motions Procedure

11. Background Papers

11.1. [Chichester District Council Constitution](#)

11.2. [West Sussex County Council Constitution](#)

11.3. [Horsham District Council Constitution](#)

11.4. [Arun District Council Constitution](#)

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Motions Procedure

1. Submitting a motion

- 1.1. A member may submit a motion to a Council meeting by giving written notice to the Director of Corporate Services at least 10 clear working days before the date of the Council meeting.
- 1.2. The motion must relate to one of the Council's functions or affect the wider district.
- 1.3. Motions shall be limited to one motion per member per council meeting.
- 1.4. Motions shall be no longer than one side of A4.
- 1.5. The Director of Corporate Services shall decide whether the motion will be:
 - a) Included within the agenda to be moved and debated at the next Council meeting
 - b) Deferred to a later Council meeting either for further information to be gathered or in order to manage the number of agenda items
 - c) Referred to the Cabinet or relevant Committee/Panel where the motion has legal, financial or other regulatory implications, in order that those implications can be fully considered and understood in the most appropriate forum.
 - d) Reworded to enable the motion to be debated at Full Council. This may be necessary for example, where the matter being debated is an Executive function, and cannot therefore be resolved at Full Council, the motion would in this case need to be a recommendation from Council to Cabinet or other committee to consider, taking into account the views of Council.
 - e) Rejected as it does not relate to a function of the Council or affect the wider district, or where the motion, in the view of the Director of Corporate Services, contains more than one, unrelated motion or is unreasonably lengthy.
- 1.6. The Director of Corporate Services will inform the member who submitted the proposed motion, and the Chairman of the Council of his decision.
- 1.7. If more than one motion is accepted for any given Council meeting the motions will be taken in order of receipt.

2. Motions without notice

The following motions may be proposed and seconded without prior notice:

- a) To appoint a Chairman of the meeting where the Chairman is absent.
- b) To amend the minutes of the previous meeting.
- c) To adjourn a debate.
- d) To adjourn a meeting.
- e) To propose a closure motion.
- f) To exclude the press and public in accordance with legislation.
- g) To propose an amendment/s to a motion or recommendation (see counter motions below).
- h) Minor amendments which do not change the meaning (see counter motions).

3. Counter motions

- 3.1. During the meeting, a member may propose a counter motion or an amendment to a motion without prior notice. Where an amendment is minor in nature and does not significantly change the meaning of the original motion such amendments will be dealt with orally during the meeting. Where a member proposes a more significant change, either in length or in altering the nature of the motion, the proposer will be asked to read out the amendment, and if seconded pass a written copy of the amendment to the Democratic Services Officer who will share this with the Chairman.
- 3.2. The counter motion must relate directly to a motion that has been tabled in the agenda pack and must not be a new motion which would require 10 clear working day's notice.
- 3.3. Members are encouraged to share their counter motions with the leaders of all political parties in advance of the meeting in order to avoid duplication, and with the Director of Corporate Services in order to assist the effective running of the meeting.
- 3.4. The Director of Corporate Services will share all notified counter motions with the Council Chairman and relevant officers in order to ensure the smooth running of the meeting.
- 3.5. All counter motions received in advance will be circulated to members in hard copy at the meeting.

4. Debating a motion

- 4.1. The time allowed for motions to be debated shall be restricted to 30 minutes in total. After which the Chairman may:
 - 4.1.1. Allow the current motion being debated to conclude in the normal manner, or
 - 4.1.2. Close the debate and put the matter to the vote.
- 4.2. Any motion not yet debated will be deferred to a subsequent meeting of the Council.
- 4.3. At the Council meeting each motion must be proposed and seconded before it is debated.
- 4.4. The Chairman will invite the member who proposed the motion to speak first before inviting other members to speak in turn.
- 4.5. The Chairman will then invite any member who proposed a counter motion in advance to propose and second their counter motion.
- 4.6. The Chairman will then invite the relevant Cabinet member or committee Chair to speak before inviting other members to speak in turn.
- 4.7. Following the debate the Chairman will first take a vote on the counter motion, the result of which will be noted in the minutes of the meeting.
- 4.8. If there is no counter motion or the counter motion vote is lost then the Chairman will take a vote on the original motion the result of which will be noted in the minutes.

4.9. If there are multiple counter motions the counter motion submitted last will be voted on first.

4.10. If a motion is referred to the Cabinet or relevant Committee/Panel the member who proposed the motion will be invited to address the Cabinet or Committee/Panel.

5. Delegations

For the avoidance of doubt in the absence of the relevant person/s the following substitutes are authorised to carry out the above:

- a) For the Chairman, the Vice-Chairman
- b) For the Director of Corporate Services, the Divisional Manager for Democratic Services (or in the absence of both the Democratic Services Manager, or any Director of the Council)

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Chichester District Council

Council

28 January 2020

**Adoption of the International Holocaust Remembrance Alliance (IHRA)
Working Definition of Anti-Semitism**

1. Contacts

Report Author

Diane Shepherd, Chief Executive

Telephone: 01243 785166 E-mail: dshepherd@chichester.gov.uk

Cabinet Member

Eileen Lintill, Leader of the Council

Telephone: 01243 534666 Email: elintill@chichester.gov.uk

2. Recommendation

2.1 That the Council adopts the International Holocaust Remembrance Alliance (IHRA) working Definition of Anti-Semitism.

3. Background

3.1 The Secretary of State for Housing, Communities and Local Government has written to the Council asking it to adopt the International Holocaust Remembrance Alliance (IHRA) working definition of anti-Semitism.

3.2 The definition is not designed to be legally binding, but it is a tool for public bodies to understand how Anti-Semitism manifests itself in the 21st century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face. In 2016 the UK became one of the first countries to adopt the definition.

4. Outcomes to be Achieved

4.1 To help combat and eradicate anti-Semitism.

5. Proposal

5.1 That the Council adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Anti-Semitism, which states “Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

6. Alternatives Considered

6.1 Not to adopt the definition.

7. Resource and Legal Implications

7.1 The definition is not designed to be legally binding.

8. Consultation

8.1 None required.

9. Community Impact and Corporate Risks

9.1 None identified

10. Other Implications

Are there any implications for the following? If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder		x
Climate Change and Biodiversity		x
Human Rights and Equality Impact - adopting the definition will help the Council combat Anti-Semitism.	x	
Safeguarding and Early Help		x
General Data Protection Regulations (GDPR)		x
Health and Wellbeing		x
Other (please specify)		

11. Appendices

11.1 None

12. Background Papers

12.1 None

Chichester District Council

Full Council

28 January 2020

Review of Street Trading controls in Chichester City Centre

1. Contacts

Report Author

Laurence Foord, Divisional Manager Communications, Licensing & Events
Tel: (01243) 534742 email: lfoord@chichester.gov.uk

Amy Sykes, Events & Promotions Officer
Tel: 01243 534730 email: asykes@chichester.gov.uk

Cabinet Member

Norma Graves Cabinet Member for Housing, Communications, Licensing and Events
Tel: 017988 342881 email: ngraves@chichester.gov.uk

2. Recommendation

- 2.1 That Council passes a resolution for the re-designation to further areas within Chichester city centre, outline in section 3.3, pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 from prohibited streets to consent streets.**

3. Background

- 3.1 At its meeting on 1 October 2019 Cabinet considered and agreed a request for officers to undertake a consultation to review the existing street trading restrictions in place for Chichester city centre.
- 3.2 'Street Trading' is currently prohibited within the city centre, other than the pedestrianised areas of East Street, North Street and Crane Street and the part of St Martin's Street from its junction with East Street northwards to adjacent 4 St Martin's Street. These four areas are designated 'consent streets' under the Act and it is therefore only these areas which are currently able to host a consented bona fide market or an event involving the sale of goods under the authority of a Street Trading Consent overseen by the Licensing Team.
- 3.3 It was agreed that officers undertake the necessary steps to vary the existing designations to include the areas below, and it was recommended that Council pass a subsequent resolution.
- From the end of the pedestrianised area at 65 North Street to the junction with the A286 Northgate gyratory
 - Guildhall Street, from North Street to Priory Lane
 - From the end of the pedestrianised area of East Street to the junction with East Walls

- From 4 St Martin's Square to 14 St Martin's Square
- Jays Walk
- Little London, from East Street to 39 Little London
- West Street from The Cross until the junction with Tower Street.
- Tower Street up until The Woolstaplers
- Chapel Street up until The Woolstaplers
- South Street from The Cross until the junction with Theatre Lane
- West Pallant to the corner to 14 West Pallant
- Cooper Street from, 63 South Street to 3 Cooper Street

A map of the new proposed areas is shown in Appendix 1.

3.4 A Stakeholder consultation took place between 28 October 2019 and 22 November 2019. Stakeholders included Chichester BID, West Sussex County Council Highways, Chichester Cathedral and Chichester City Council.

3.5 On 19 November 2019 a supportive comment was received from Chichester City Council which amongst other things stated "*....the notion of 'reaching the parts other trading activity could not reach' was readily and warmly supported*". The full comment can be seen in Appendix 2.

3.6 On the 22 November 2019 a supportive comment was received from Chichester Cathedral stating "*The Cathedral would be strongly supportive of the majority of the proposals, including West Street and the area around it. This would offer excellent potential to make greater use of this central space next to the Cathedral in ways that benefit the city and its residents, as well as drawing footfall from elsewhere. The Cathedral would be delighted to further explore possibilities in this space and applauds the ambition*".

Chichester Cathedral expressed their concern regarding the inclusion of Canon Lane as a consented street, given that it was mainly residential. Canon Lane has therefore been removed as a proposed area. The full comment can be seen in Appendix 3.

3.7 A 'Notice of Intention' was duly published in the Observer newspaper series on 5 December 2019 setting out the Council's intention to pass such a resolution. Comments were invited by 1 January 2020. No comments have been received.

4. Outcomes to be achieved.

4.1 In order to achieve the desired outcome i.e. diversity in the shopping facilities and an enhanced visitor experience when in Chichester city centre Council are now being asked to approve the proposed resolution which is hoped will increase trade and vibrancy into some of the side streets of the city.

5. Proposal.

5.1 That Council make the resolution for officers to proceed with the necessary actions in accordance with the Act to change the designated streets in Chichester city centre to include those shown as described in paragraph 3.3 above and for this to take effect from 1 April 2020.

6. Alternatives that have been considered.

6.1 Do nothing – retain the current consented areas only, however, this would not allow the outcomes described in 4.1 above.

7. Resource and Legal Implications

7.1 If a resolution is passed the statutory process will be progressed including the placing of two further public notices. Increasing the area of the consent streets could result in additional trading applications. The service is to be provided from existing resource with minimal legal implications.

8. Consultation

8.1 The consultation undertaken is described in sections 3.4, 3.5, 3.6 and 3.7 above along with two further public notices to be published if a resolution is passed. However the decision to make the resolution or otherwise is not subject to further consultation.

9. Community impact and corporate risks

9.1 No corporate risks have been identified and there is minimal impact on the community by re-designating the described areas as consent streets.

10. Other Implications

Crime and Disorder	None
Climate Change	None
Human Rights and Equality Impact	None
Safeguarding	None

11. Background Papers

None



12. Appendices

Appendix 1 – Map of proposed areas to be designated as ‘Consented Streets’

Appendix 2 – Full comment from Chichester City Council

Appendix 3 – Full comment from Chichester Cathedral

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-  Prohibition area
-  Proposed consent area

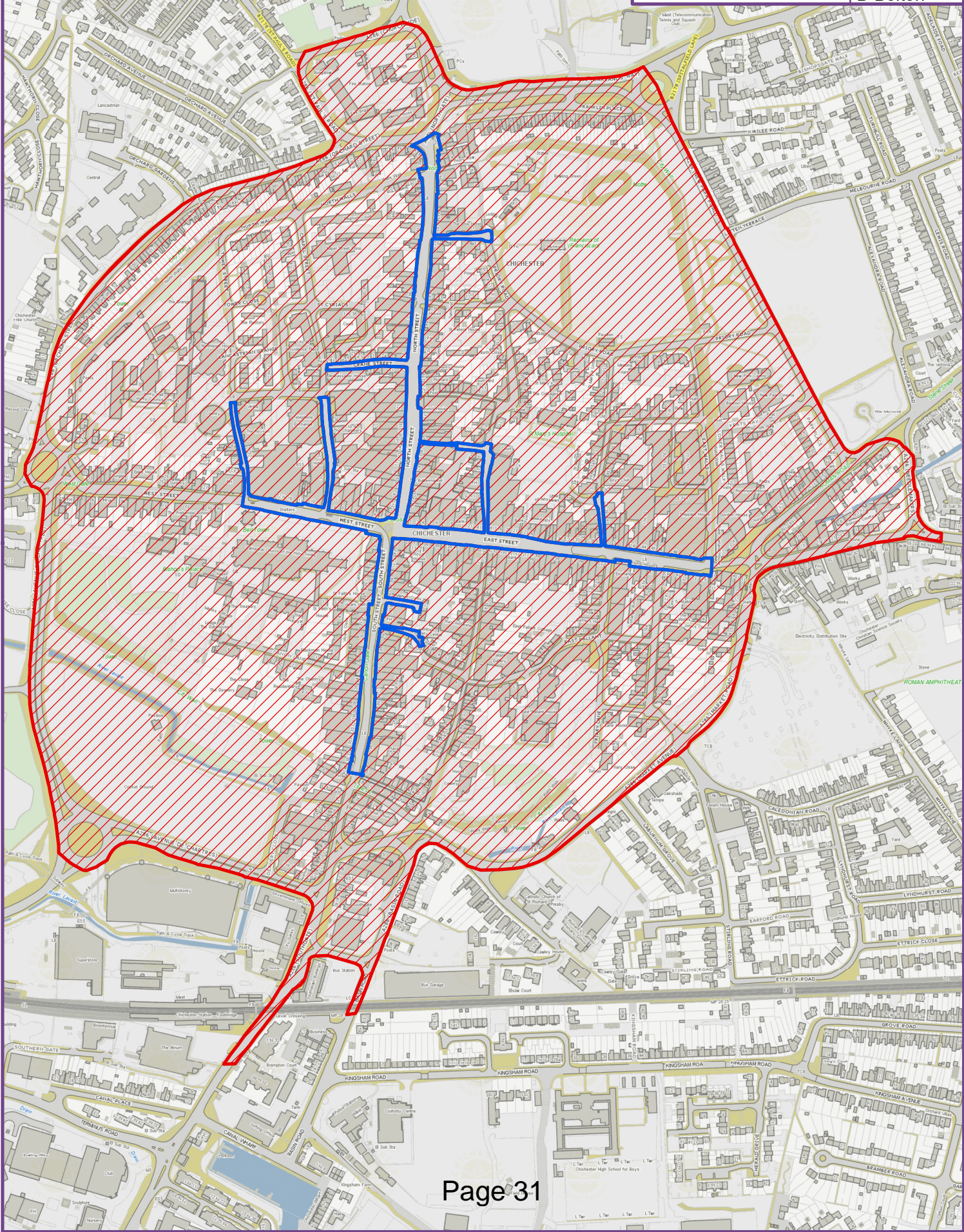


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 2019. Ordnance Survey. 100018803.
 Chichester District Council,
 East Pallant House, 1 East Pallant,
 Chichester, West Sussex, PO19 1TY.



Proposed Street Trading

1:5,250
 03/12/2019
 D Bolton



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Appendix 2 – Full comment from Chichester City Council

From: Rodney Duggua [<mailto:clerk@chichestercity.gov.uk>]
Sent: 19 November 2019 09:02
To: Aime Robertson
Cc: Laurence Foord; Kim Martin; Gareth Bowen
Subject: Review of Street Trading

Dear Aime,

We have now considered the Review of Street Trading controls in the City Centre – your email of 10th October refers.

Councillors were pleased to note that there was no automatic approval to the proposed new areas (on the basis that CDC approve them) and that consultations would occur if an application for street trading was submitted and that such application would be considered on a case by case basis.

I reminded the Council about our partnership role as a member of the Chichester Vision; whilst there was a slight concern about the effect on traders, the overall opinion was that the notion of 'reaching the parts other trading activity could not reach' was readily and warmly supported for the reasons you put forward in the third paragraph of your email.

The variety and quality of markets was also aired in general terms and we can talk about that separately and informally.

Best wishes,

Rodney Duggua

Rodney Duggua RD BA(Hons)

Town Clerk
Chichester City Council
The Council House
North Street
Chichester
PO19 1TY

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Appendix 3 – Full comment from Chichester Cathedral

From: Communar

Sent: 22 November 2019 16:58

To: arobertson@chichester.gov.uk

Cc: asykes@chichester.gov.uk

Subject: FW: Review of Street Trading controls in Chichester City Centre

Dear Aime

The Cathedral would be strongly supportive of the majority of the proposals, including West Street and the area around it. This would offer excellent potential to make greater use of this central space next to the Cathedral in ways that benefit the city and its residents, as well as drawing footfall from elsewhere. The Cathedral would be delighted to further explore possibilities in this space and applauds the ambition.

However, I cannot follow the reasoning of the extension of the consent area to Canon Lane. This is a residential street with fairly tight access. I suppose there might be scenarios where we might want to seek a licence for this street but I'm finding it difficult to envisage what they might be. I think the nature of this street is quite different to the others in the proposed extended area.

I'm a little unclear as to the future application process. Would it be on a street by street basis, so each street would have an application of its own? I think the most likely outcome if that were the case would be that Canon Lane would never be applied for.

Best regards

David

David Coulthard

Communar and Executive Director
The Royal Chantry, Cathedral Cloisters
Chichester, West Sussex, PO19 1PX

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Motion for Full Council re Divestment (from Sarah Sharp)

Chichester District Council declared a Climate Emergency in July 2019 and will need to place climate change at the heart of our forward plans in order to meet our target of becoming carbon neutral by 2050.

Chichester District Council employees are members of the West Sussex County Council Local Authority Pension Fund, which has funds invested in the fossil fuel industry. Mark Carney is one of many leading advisers signalling that investments in fossil fuels are not safe in the long-term. There is a growing movement across the UK for councils and organisations to divest from their fossil fuel investments, as a first step in their move towards carbon neutrality.

The following motion was passed by Worthing Borough Council and Adur District Council before Christmas and Arun District Council in January. I hope that this council will agree with, and support this request.

'This Council calls upon the Trustees of the West Sussex County Council Local Authority Pension Fund (of which the Council's employees are members) to divest that fund of all investments in fossil fuel stocks, equities and funds and it instructs the Council's Chief Executive to write to the Trustees of the fund with a copy of this Motion and ask them to take action.'

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Motion to the Council to support a national community energy campaign (from Sarah Sharp)

That Chichester District Council:

(i) acknowledges the efforts that this council has made to reduce greenhouse gas emissions and promote renewable energy;

(ii) recognises that councils can play a central role in creating sustainable communities, particularly through the provision of locally generated renewable electricity;

(iii) further recognises

- that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
- that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations, and
- that revenues received by councils that became local renewable electricity providers could be used to help fund local greenhouse gas emissions reduction measures and to help improve local services and facilities;

(iv) accordingly resolves to support the Local Electricity Bill, (supported by a cross-party group of 115 MPs in the previous Parliament) and which, if made law, would make the setup and running costs of selling renewable electricity to local customers proportionate by establishing a Right to Local Supply; and

(v) further resolves to

- inform the local media of this decision,
- write to Gillian Keegan, our local MP, asking her to support the Bill, and
- write to the organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London NW1 7NN or info@powerforpeople.org.uk) expressing its support

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