



Minutes of the meeting of the **Cabinet** held in Committee Room 1 - East Pallant House on Tuesday 7 July 2015 at 9.30 am

**Members Present:** Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr B Finch, Mrs P Hardwick, Mrs G Keegan and Mrs S Taylor

**Members not present:**

**In attendance by invitation:**

**Officers present all items:** Mrs D Shepherd (Chief Executive), Mr S Carvell (Executive Director), Mr P E Over (Executive Director) and Mr P Coleman (Member Services Manager)

## 12 **Minutes**

### **RESOLVED**

That the minutes of the meeting of the Cabinet held on 2 June 2015 be signed as a correct record.

The Chairman reminded the Cabinet that the Overview and Scrutiny Committee had considered a call in of minute 6(3), and its recommendations would be reported to the Cabinet on 8 September 2015.

## 13 **Urgent Items**

There were no urgent items for consideration at this meeting.

## 14 **Declarations of Interests**

Mrs Shepherd declared an interest, as Head of Paid Service, in agenda item 9 (Disciplinary action against statutory officers: The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015) and withdrew to the public seating area while that item was discussed.

Mr Over declared an interest, as a Director of Visit Chichester, in agenda item 12 (Developing a New Strategy for the Visitor Economy) and withdrew to the public seating area while that item was discussed.

Councillor John Connor declared a prejudicial interest as a member of the RNLI and volunteer for the Selsey Lifeboat in agenda item 14 (Disposal of land for new RNLI Station, Selsey) and took no part in its discussion.

15 **Public Question Time**

No public questions had been submitted.

16 **Making the Loxwood Neighbourhood Plan**

Further to minute 759 of 7 April 2015, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report, explaining that approval was being sought that the Loxwood Neighbourhood Plan be 'made' in line with the Neighbourhood Planning Regulations and so became part of the Development Plan for Chichester District excluding the National Park.

The local community and local members had been involved throughout the long process of preparation of the Plan, which had required significant commitment from the Parish Council. On 25 June 2015, the Plan had been subject to a referendum. The regulations required more than 50% of those who voted to be in favour of the Neighbourhood Plan. The turnout had been 38.5% and, of those who voted, 98% were in favour of the Plan.

Throughout the process there had been extensive consultation within the community, enabling residents to express their views as to where the much needed housing should be located and enabling them to express their vision for the future development of their community.

As previously reported to the Cabinet, Judicial Review proceedings had been lodged with the High Court by Crownhall Estates Limited challenging the neighbourhood plan on a number of legal grounds. This ongoing challenge did not preclude the Council from making the Neighbourhood Plan. If the legal challenge was successful the outcome might be to quash the plan, or part of it, and if this were the case a further report would be made to Cabinet.

Nevertheless, the Loxwood Neighbourhood Plan represented localism acting for the benefit of and with the support of the Community.

**RECOMMENDED TO COUNCIL**

That the Loxwood Neighbourhood Plan be made part of the Development Plan for Chichester District (excluding the area within the South Downs National Park).

17 **Adoption of the Chichester Local Plan: Key Policies**

Further to minute 643 of 9 September 2014, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report, explaining that she was delighted to be able to recommend adoption of the Local Plan. This was the final stage in a long and arduous process.

In June the Council had been notified that the planning inspector had found the Draft Local Plan, subject to the agreed modifications, to be sound. This was the fulfilment of four years hard work. Mrs Taylor thanked the officers for their dedication and hard work in bringing this about.

She commented that it had not been easy to reconcile the localism agenda against the national planning policy that required the Council to significantly boost housing supply. A substantial amount of work to achieve this had been put in by the previous administration under the leadership of Mrs Heather Caird, (who was in the public seating area) and she thanked them also for their endeavours in achieving this outcome.

Following extensive public consultation the plan had now gone through its examination process and, subject to modifications, had been found sound enabling the Council now to adopt it. This would provide an up to date local plan for the part of the district outside of the national park and the Council could now demonstrate a five year housing land supply, which enabled it to resist speculative proposals for development on unallocated greenfield sites.

The Local Plan showed that the Council accepted change but, more importantly, was in control of that change and able to balance growth with other important local interests.

The District would have an up to date Local Plan which would provide certainty for investment and development and enable the Neighbourhood Plans to progress. Further, it would allow the Council to progress with the Community Infrastructure Levy which would help provide the funds to finance the much needed supporting infrastructure.

However, the adoption of the plan was not the end of the journey. There was now a need to manage the development of the strategic locations and ensure that the infrastructure necessary to support the development in the plan was provided and put in place at the right time. Land needed to be allocated for employment, gypsies and travellers and some housing where it was not being allocated through neighbourhood plans. Finally, there was a requirement to complete a review of this plan within 5 years. So upon adoption of the plan, the Council needed to focus on the continuation of the journey to reconcile the need for development against the protection of the natural environment.

Cabinet members expressed their appreciation of the efforts of the previous Leader of the Council (Mrs Caird) and officers in reaching this successful outcome. The Chairman commented that the Local Plan was one of the most important documents for the District as it described how communities outside the National Park would develop over the next 15 years. Parishes within the South Downs National Park would have their own Local Plan.

The Government required the Council to produce a Local Plan, taking into account the official expected increase in the number of people living in the area. However, councillors and officers had turned this Government requirement into an opportunity. The Plan established a framework that would help to create jobs, homes, services

and facilities of the right type, in the right place and at the right time, to benefit both present and future generations.

Mr Dignum drew attention to the shortage of homes, both national and local, both to buy and to rent. Locally this meant high house prices and high rents. Many young people growing up here had to move elsewhere when they came to set up their own homes.

The Local Plan offered the opportunity to try and address these issues. This was a chance to work together to make sure that the District had a bright future, with a strong economy, and a thriving working age population.

Without this Plan the District would have been at risk of unwanted, unplanned development being permitted by a Government inspector.

On behalf of the Cabinet he thanked everyone for their support and input into this long and detailed process. Much of the credit went to the former Leader, Heather Caird, who had led the task of securing approval of a sound Plan; credit also went to the councillors who gave their support, and to the officers who did all the hard work. It was a huge achievement and it would help to shape the District for years to come.

#### RECOMMENDED TO COUNCIL

- (1) That the submitted Chichester Local Plan: Key Policies 2014 – 2029, amended to include all the main modifications recommended by the planning inspector to make the plan sound, together with other more minor modifications already agreed with the inspector, be adopted and published (including any consequential and other appropriate minor amendments) in accordance with Regulation 26 of the Town and Country Planning (Local Planning) Regulations 2012.
- (2) That the Chichester's Southern Gateway supplementary planning guidance remains as a material consideration where relevant to applications for planning permission.
- (3) That the Sites in Chichester City North Development Brief remain as a material consideration where relevant to applications for planning permission.
- (4) That the Provision of Service Infrastructure related to new development in Chichester District supplementary planning guidance remains as a material consideration until it is superseded by the Planning Obligations and Affordable Housing SPD, which will be adopted at the same time as the Community Infrastructure Levy Charging Schedule.
- (5) That it is noted that the Interim Statement on Planning for Affordable Housing is superseded by the adoption of the Local Plan.

#### 18 **Recommendation from the Development Plan and Infrastructure Panel - Revised Local Development Scheme 2015-2018**

Further to minute 583 of 6 May 2014, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report, explaining that the Local Development Scheme (LDS) was a document available to the public which set out the timetable for the preparation and publishing of various planning documents such as Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) over a rolling three year time frame from 2015 to 2018. In due course it would include the timetable of the five year review of the Local Plan.

The main changes contained in the draft revision were:-

- The inclusion of the Chichester Harbour Development Management SPD and the Water Resources and Water Management SPD
- The revision of timescales for preparation of the Site Allocations DPD and the Gypsy, Traveller and Travelling Showpeople Site allocation DPD to take account of work on the Local Plan, emerging neighbourhood development plans and resources.

The timetable set out in the Appendix was indicative only but would be constantly kept under review and updated.

The Local Plan Inspector had recommended that the Local Plan should be reviewed within the next 5 years. Whilst the Local Plan timetable was not part of this review of the LDS, the document would need to be revised again in due course to take account of the Local Plan review timetable once the process had been agreed by Cabinet.

Mr Frost (Head of Planning Services) also drew attention to references to the Community Infrastructure Levy (CIL). A hearing into the Council's Draft Charging Schedule had been held four weeks ago and the examination was ongoing.

Mrs Hardwick drew attention to an error in the date of the Loxwood Neighbourhood Plan, and suggested the addition of a reference to business continuity in the section on Risk Assessment.

#### **RECOMMENDED TO COUNCIL**

That the draft revised Local Development Scheme 2015-2018 be approved for publication on Chichester District Council's web site, subject to the following changes:

Paragraph 4.1, final bullet: change date of The Loxwood Parish Neighbourhood Plan from 2014 to 2015.

Paragraph 7.11: add bullet to refer to existing business continuity arrangements.

#### **19 Enterprise Gateway Project, Plot 12 Terminus Road, Chichester**

Further to minute 570 of 1 April 2014, the Cabinet considered the report circulated with the agenda (copy, excluding appendix of financial information, attached to the official minutes).

Mrs Keegan introduced the report. She reminded the Cabinet of the previous history of this project and drew attention to an increase in the total estimated cost of the project to £6,245,860 – an additional £2,224,860. This was largely due to inflation on building costs since the previous estimate was prepared. The proposal now was to proceed to appoint an architect and design team to deliver the Gateway by a single stage Design and Build Contract. To enable this appointment to proceed and take the project to planning permission and tendering of the construction the release of an estimated £88,500 was required. The tenders would be reported to the Cabinet for consideration.

Tenders had also been received for the operational management of the Gateway once built. Details were set out in the exempt Appendix. Contractor A was recommended for appointment and offered a guaranteed income for the first ten years of operation. This took out much of the risk (apart from the design costs) from the investment.

Mrs Keegan explained that she had asked Councillor Josef Ransley to act as special adviser to her on this project because of his particular expertise.

At the Chairman's invitation, Mr Ransley explained that he had been a strong and consistent supporter of the project. He was, however, concerned at the increase in estimated costs and felt that the report did not contain all the information required for an informed decision. He suggested that a report should be made to Cabinet at design stage, before the construction was put to tender, in order that consideration could be given at that stage to the proposed design and its affordability. He estimated that this would result in a maximum of four weeks delay in the project.

Officers advised against this. It was intended to run the planning process in line with the design and tender process. The project programme was being kept as short as possible against a background of a rapid rise in building costs. Rather than require a further formal report to Cabinet, it was suggested that liaison with the Cabinet Member and her special adviser should establish whether the proposed design was an acceptable and affordable basis for tender, or whether modifications were required. If the Cabinet Member felt that the risks were disproportionate at that stage, she would be able to refer the project back to Cabinet.

## **RESOLVED**

- (1) Having noted the updated information relating to the capital cost of the project, the operating income and the return on the investment referred to in section 5.3 which is outlined in the Appendix, that the continuation of the project be approved, subject to consultation with the Cabinet Member for Commercial Services and her special adviser.
- (2) That £88,500 of the allocated budget be released to appoint an architect and design team consultants to proceed to planning stage and to tender for the construction of the Centre; and that a further report is to be presented to Cabinet on the outcome of the construction tender process.
- (3) Following the completed tender process for the operational management that contractor A in the appendix section three (exempt information) be approved as the operational management company, subject to the eventual delivery of the project.

## **RECOMMENDED TO COUNCIL**

Having noted that the total estimated cost of the project is £6,245,860 (details in appendix section 1.0 (exempt information)), that the additional budget of £2,224,860 be allocated from capital reserves.

### **20 Disciplinary action against statutory officers: The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mr Finch introduced the report. He explained that new Government Regulations required the Council to make a technical amendment to its Standing Orders at its July meeting. Under previous regulations there had been a requirement that, if disciplinary action was contemplated against a statutory officer, a Designated Independent Person (DIP) was to be appointed by agreement with the protected officer to investigate the matter. The Council could only take action recommended by the DIP. Under the new regulations the DIP would be replaced by a Panel comprising the Council's existing Independent Persons (IPs), appointed under the Localism Act 2011. The Panel would be called upon to investigate any potential dismissal issues and could recommend to the Council what action to take. However, under the new regulations the Council would not have to follow any recommendations given.

Mr Finch further explained that the new procedure had not yet been agreed by the national bodies representing local authority chief executives. Pending the outcome of national negotiations the two procedures would operate in parallel. Once national negotiations had been resolved, a further report would be made to Cabinet recommending a revised disciplinary procedure for the officers involved.

## **RECOMMENDED TO COUNCIL**

- (1) That the provisions, extracted from 'The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015', as set out in Appendix 1 to the Cabinet report, be substituted for the current Procedural Standing Order 28.
- (2) That consideration of an updated Disciplinary Procedure for the Chief Executive, Section 151 Officer and Monitoring Officer be deferred pending the outcome of national negotiations.
- (3) That the terms of reference of the Appeals Committee be expanded, as set out in Appendix 3 to the Cabinet report, to incorporate the terms of reference of the Executive Directors and Heads of Service Disciplinary Appeal Panel and the Redundancy Appeal Panel, and that these two Panels be abolished.
- (4) That members be appointed to the Investigation and Disciplinary Committee and the Appeals Committee on the nominations of the political groups on the basis that one minority group member is appointed as a substantive member of each committee.

### **21 HR Policies Report Statement**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mr Finch introduced the report, explaining that it proposed amendments to the Disciplinary & Contract Termination Procedure to shorten and simplify the procedure and to provide a sanction in cases where staff who work with children or vulnerable adults fail to complete a criminal record disclosure form. The report also proposed amendments to bring the Flexible Working Policy into line with current legislation. The proposed amendments had been discussed by the Joint Employee Consultative Committee and were supported by the employees' representatives.

Mrs Lintill welcomed the proposed amendment of the Disciplinary & Contract Termination Procedure, in view of the importance of proper safeguarding arrangements.

**RECOMMENDED TO COUNCIL**

That the revised Disciplinary and Contract Termination Procedure and Flexible Working Policy be approved.

**22 Boundary Review of West Sussex County Council**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick introduced the report. She reminded the Cabinet that the Local Government Boundary Commission was carrying out a review of West Sussex County Council in order to rectify electoral imbalance. On 3 July 2015, the County Council had published proposals for boundary changes to some county electoral divisions in the District. Members had been consulted and asked to send any comments to the Head of Finance and Governance Services. If the recommendation was agreed, a meeting of the Boundary Review Panel in early August would be convened to respond to the County Council.

**RECOMMENDED TO COUNCIL**

That the Boundary Review Panel be authorised to respond to West Sussex County Council's proposed scheme of county electoral divisions for Chichester District, to West Sussex County Council and/or to the Local Government Boundary Commission for England by the end of August 2015.

**23 Developing a New Strategy for the Visitor Economy**

The Cabinet considered the report circulated with the agenda, together with a third appendix in the form of a letter from Dr Andrew Clegg, Chairman of Visit Chichester, circulated with the supplement to the agenda (copies attached to the official minutes).

Mrs Keegan introduced the report, explaining that the proposals derived from the work of a Task and Finish Group set up by the Overview and Scrutiny Committee. Following their report, a detailed Project Initiation Document (PID) had been

prepared which set out the research required to develop a strategy. This required funding amounting to £19,000 from the District Council and £46,000 for partnership research from the Pooled Business Rates Fund governed by the West Sussex Chief Executives and Leaders Groups.

Mr Oates (Economic Development Manager) explained that the Task and Finish Group had carried out a lot of background work. There was a need now, following the strong advice of the Chief Executive of Visit Durham, to carry out research to develop an objective understanding of visitor behaviour and to provide a baseline. He believed that there was a huge opportunity for the area to become a leading destination for tourism, and that working with both the private and public sectors was needed to develop this potential.

At the Chairman's invitation, Mrs Apel (Chairman of the Overview and Scrutiny Committee) reported that the Committee had set up the Task and Finish Group because the huge potential of the district as a visitor destination was not being exploited properly. The Group had studied the issues and potential in detail and believed there were great possibilities to bring economic growth and new jobs to the area.

Mrs Hardwick asked whether infrastructure constraints would be taken into account in the research. Mr Oates replied that the infrastructure of the area was a given, but if the visitor economy was driven more seriously it would provide a strong influence towards improving transport and other infrastructure, and it could attract inward investment, particularly in terms of visitor accommodation. However, other members drew attention to the possibility that access problems could inhibit visitors.

Mrs Lintill asked what the proposed research would add to work that was already being undertaken by the Coastal West Sussex Partnership. Mr Oates replied that that there was a need to understand areas to the north and east of the district and that the Task and Finish Group had wanted to move faster than other authorities in the Coastal West Sussex area. The Chief Executive added that she was about to meet the Chief Executives of Arun, Adur and Worthing Councils. She believed that there was a need for a piece of focussed research over a six month period and she hoped to secure agreement to this being jointly commissioned.

Mr Finch drew attention to the need for the Council to focus on where it could add value and not get in the way. Mrs Keegan agreed and explained that the proposed research was supported by Visit Chichester, who would be a key partner. It would evaluate who came to the area and what attracted them, with the aim of extending stays.

Mr Thomas (Chairman of the Council) added that he had served on the Task and Finish Group. The major tourism businesses had their own objectives and strategies and it was important to work with them. It was noteworthy that other cities in southern England had highly visible tourist information points and there was a need to improve information and signposting for tourists. Mr Barrow commented that Visit Chichester had an attractive website but was very short of real information on tourist accommodation.

The Chairman drew attention to the existing importance of tourism in the local economy and the need to develop this further.

**RESOLVED**

- (1) On the recommendation of the Overview and Scrutiny Committee, that Option 4 as set out in section 9.1 of the Report of the Tourism Task and Finish Group be agreed:- 'That the Council sets out a brief but clear vision which sets the aspiration, establishes the baseline information and leads the initiative required to bring partners together to develop the visitor economy under one robust and coherent strategy and five-year plan.'
- (2) That the Project Initiation Document for 'Developing a New Strategy for the Visitor Economy' be approved and that, noting the detail of funding required totalling £65,000, funding of £46,000 be requested from the Pooled Business Rate Fund and £19,000 from CDC reserves be approved to cover this expenditure.

(Mrs Lintill left the meeting)

**24 Combined Heat and Power (CHP) plant replacement at Westgate Leisure Centre, Via Ravenna, Chichester**

Further to minute 469 of 3 September 2013, the Cabinet considered the report circulated with the agenda (copy, except appendix Consultant Engineer's Tender Report, attached to the official minutes).

Mr Finch introduced the report, by reminding the Cabinet of the history of this matter and the previous supplier's decision to terminate its contract with the Council for the maintenance of the Combined Heat and Power (CHP) plant at the Westgate Leisure Centre, following the failure of the plant to operate properly. At present gas boilers were in place at the Westgate Centre and provided effective and fail-safe heating, but the Council needed a system that would provide the fuel efficiencies that the CHP was intended to achieve. There had been no market interest in installing new gas engines into the existing engine set, and so a second invitation for a full replacement CHP had been offered. The exempt appendix evaluated the tenders that had been received. The essential choice was between a capital purchase (CAPEX) or discounted energy purchase (DEP) scheme. The evaluation recommended the CAPEX option, because its operating cycle would be aligned to the operating cycle of the Westgate Leisure Centre, whereas the DEP option carried a greater risk of downtime and required the Council to share the energy savings with the supplier.

**RESOLVED**

- (1) Having considered the tender report (Exempt Appendix) prepared by Pope Consulting Limited, that the existing three Combined Heat and Power units be replaced with a single unit under a capital purchase (CAPEX) scheme.
- (2) That Tenderer 2 be approved as the preferred bidder, subject to the application of sensitivity analysis to the bid.
- (3) That the balance of the existing budget (amounting to circa £115,000) be released for the replacement of the three existing gas engines and that an

additional £80,000 be released from capital reserves to fund the new CHP and associated costs and fees.

## 25 **Disposal of Land for New RNLI Station, Selsey**

The Cabinet considered the report circulated with the agenda (copy, except Appendix 2 additional financial information, attached to the official minutes).

Mrs Keegan introduced the report. She explained that the report proposed the sale to the RNLI, for the construction of a new lifeboat station, of Council-owned land currently leased to the RNLI for boat storage. The new lifeboat station would include toilet facilities that would be open to all members of the public, enabling the closure of the Council's adjacent public conveniences at Kingsway, which could then be marketed for an alternative use.

Mr Riley (Contracts Manager) reported that there would be two toilets in the new lifeboat station, as compared with seven in the public conveniences, but he was confident these would be adequate except for special events, when additional temporary toilets could be provided.

Local members had asked that independent access be available for the toilets in the new lifeboat station, in order to guarantee availability at all times when the existing public conveniences were open. Mr Legood (Valuation and Estates Manager) warned that this would require further negotiations with the RNLI to require a change of design at a late stage.

The Cabinet agreed to ask officers to seek this independent access and to report back before sale if it was not forthcoming.

### **RESOLVED**

- (1) That the disposal of the land at Kingsway, Selsey, be approved on the terms as set out in the recommendation under paragraphs 5.1 to 5.3 of the report and subject to independent access to the toilet facilities.
- (2) That, in the event that any further terms require further negotiation, the Head of Commercial Services be authorised to agree the final terms of sale.

## 26 **Chichester Contract Service: Procurement of new refuse collection vehicles**

The Cabinet considered the report circulated with the agenda (copy, except appendix evaluation matrix, attached to the official minutes).

Mr Barrow introduced the report, explaining that refuse collection was the Council's most visible front-line service. Three of the refuse collection vehicles were 11 years old and would soon be beyond economical repair. Two were scheduled for replacement now, and one next year, but there was a cost benefit of £3,000 per vehicle to purchase them together. The replacement vehicles would reduce operating costs, through reduced servicing and maintenance costs, reduced fuel consumption, and greater manoeuvrability, and would also be quieter and produce lower emissions.

Mr Finch asked whether leasing had been considered as opposed to outright purchase.

Mr Hoole (Transport Manager) replied that contract hire and leasing had been considered but it was financially advantageous to purchase the vehicles and have them as an asset to sell.

**RESOLVED**

- (1) That three 26 tonne (Gross Vehicle Weight) refuse collection vehicles (paragraph 5.1) be purchased from tenderer D at a total cost of £505,600 excluding VAT.
- (2) That the required funds, totalling £505,600 as explained in paragraph 7.1, be released from the Asset Replacement Fund

**27 Carry Forward Requests**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick introduced the report, which had been considered by the Corporate Governance and Audit Committee on 30 June 2015. The Committee had unanimously recommended the Cabinet to approve the carry forward requests totalling £215,000.

At the invitation of the Chairman, Mrs Tull (Chairman of the Corporate Governance and Audit Committee) added that all requests to carry forward budget underspendings were scrutinised by the Chief Executive and Head of Finance and Governance Services. Only requests they supported were submitted to the Committee; all other underspends were returned to reserves.

Mr Finch added that the temporary Web Assistant post might be made permanent.

**RESOLVED**

That, as recommended by the Corporate Governance and Audit Committee, the requests set out in the Appendix, totalling £215,000, for budgets to be carried forward to 2015/16 be approved.

**28 Future Provision of the Pest Control Service**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mr Barrow introduced the report. He explained that the pest control service had two aspects, namely a discretionary service to the public and businesses for which a charge was made, and a statutory element which obliged the Council to survey its district and keep it free from rats. So far, the service had been provided in-house,

although running at a loss, but staffing reductions, even supplemented by an external contractor, now made it unsustainable.

Mr Brightmore (Health Protection Manager) emphasised the importance of environmental health staff having access to expertise and a relationship with a reliable provider. In answer to a question, he confirmed that he believed an out-sourced service could be provided to the public within the existing pricing structure, and a subsidy would be provided for people on benefits.

#### **RESOLVED**

- (1) That expressions of interest be sought from suitably qualified and experienced contractors to operate the council's Pest Control service.
- (2) That the Head of Housing and Environment Services be authorised to award the contract and determine the period in accordance with financial standing orders.

#### **29 Review of the Internal Lettings Agency (Homefinder)**

Further to minute 482 of 8 October 2013, the Cabinet considered the report circulated with the agenda and the replacement appendix circulated with the supplement to the agenda (copies attached to the official minutes).

Mrs Taylor introduced the report, explaining that the problems of finding suitable rented accommodation in the private rented sector were well documented. In addition to high rents, there was the added complication that landlords were reluctant to take on Housing Benefit tenants.

Homefinder had been set up to assist the Council to meet the challenges that arose from the Localism Act 2011 and other welfare reforms and to discharge its homelessness duty.

Homefinder had two main objectives :-

- (1) To set up a letting agency by offering a three tiered service to landlords as set out in the report. In all three tiers, the Landlord received rent at the Local Housing Allowance Rate. This, admittedly, was less than the market rent but landlords participating at the Gold Level had the advantage of knowing that the rent was guaranteed, which mitigated the lower rent. Also, the tenant had the benefit of private accommodation that had been inspected by Environmental Health and had the necessary safety requirements.
- (2) Homefinder also provided a tenancy sustainment service to help prevent tenants from becoming homeless. To date 40 tenancies had been successfully sustained. These were families that could otherwise have ended up homeless with the Council having to provide them with temporary accommodation.

The unit cost of preventing homelessness via Homefinder was £850 compared to the cost of up to £3,150 for placing a homeless household in bed and breakfast for 10 weeks. This was apart from the social costs of such placement which could result in social and medical problems as well as criminal activity and anti social behaviour.

The figures in the Report showed the success of the scheme. It was disappointing that more landlords had not taken up the Gold Homefinder and solutions were being looked at to make the Gold scheme more attractive.

At the invitation of the Chairman, Mrs Apel (Chairman of the Overview and Scrutiny Committee) explained that the Committee had considered a similar report on 2 June 2015 and supported the continuation of the Homefinder scheme.

The Chairman asked about the reference at the end of the Appendix to consideration whether it might be advantageous to offer a full management service at no charge to the landlord in order to entice landlords to provide accommodation at an affordable rent.

Mr Dunmall (Housing Operations Manager) replied that the lost income would depend on the number of properties managed by the Housing Operations Team. If the Team provided a free full management service on 100 properties, after say 4½ years, then the income forgone would be £56,000 per year.

At the Chairman's invitation, Mr Oakley asked whether the Council required higher standards of accommodation, fixtures and fittings and whether this might inhibit landlords from participating. Mr Dunmall replied that an inspection was carried out before properties were admitted to the scheme. However, the Council also offered a full accreditation scheme for higher quality properties, which became eligible for a grant of up to £4,000 to bring them up to the higher standard.

#### **RESOLVED**

That the internal lettings agency (Homefinder) be continued.

### **30 Draft Homelessness Strategy 2015-2020**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report. She explained that the past five years had seen profound changes to the welfare and benefits system as a result of the Welfare Reform Act 2012 and the Localism Act 2011 which had created substantial challenges to a sector which in turn had had to confront a substantial reduction in resources. In addition to adjusting to the demands that were already being made, the housing sector had to plan for the social and economic effects of full implementation of Universal Credit and further proposed welfare reforms, such as the proposed capping of benefits to £23,000 per household.

The Homelessness Review 2015 which had recently been completed was a comprehensive review of the nature and extent of homelessness within the district and formed the basis for the Homelessness Strategy for the next five years.

The Strategy had five objectives as set out in the draft document. There was a strong emphasis on the prevention of homelessness, as prevention was not only financially more efficient but, more importantly, decreased the likelihood of social

and medical problems as well as the occurrence of criminal activity and anti social behaviour.

To achieve the objectives of the strategy there was a strong emphasis on co-operation with partners, both public bodies and private organisations, to work for the benefit of the community.

Imaginative solutions and a pro-active approach were required to meet the future challenges. Information must be made available and communicated to all sectors of society and residents who do not normally seek help must be engaged.

The Homelessness Strategy would be reviewed on an annual basis.

At the invitation of the Chairman, Mrs Apel (Chairman of the Overview and Scrutiny Committee) explained that the Committee had considered a similar report on 2 June 2015 and supported the recommendations. She expressed concern about an apparent increase in rough sleepers in the last year.

Ms Grele (Housing Options Manager) replied that the Council chaired the county rough sleepers panel. The Council had clear information on who was sleeping rough and a plan for each individual. There were two outreach workers, who covered Chichester, Arun and Worthing, but it took a long time to build trust and confidence, especially with entrenched rough sleepers.

The Chairman asked about section 4 of the Action Plan that formed part of the Strategy, and about voids in the Council's temporary accommodation at Westward House.

Ms Grele replied that there had been many voids at one time, and the Council had closed its temporary accommodation at Tatchells, Midhurst. Where there was vacant accommodation at Westward House it could be used for temporary accommodation for people for whom the Council did not have a duty to provide accommodation, but who nevertheless were in need of support.

#### **RESOLVED**

- (1) That the draft Homelessness Strategy 2015-2020 for Chichester District be approved for consultation.
- (2) That the Head of Housing and Environment Services be authorised (following consultation with the Cabinet Member for Housing and Planning) to consider the representations arising from the consultation exercise and, provided the representations do not request significant amendments, to approve adoption (with minor amendments if considered appropriate) of the Strategy.

### **31 Development of Amenity Sites owned by Hyde**

The Cabinet considered the report circulated with the agenda, and the revised set of recommendations and Appendix circulated with Supplement 2 to the agenda (copies attached to the official minutes).

Mrs Taylor introduced the report. She explained that one of the major constraints encountered by Registered Providers in providing affordable housing was the lack of available land at an affordable price in a very competitive market dominated by private developers. Therefore, the potential of any suitable land already owned by a registered provider should be maximised.

This would be in accordance with Priority two of the Housing Strategy which focused on making the most effective use of existing stock

The Large Scale Voluntary Transfer (LSVT) of the Council's housing stock in 2001 to what was then Martlet Homes included "Amenity Land". Under the terms of the Transfer the Amenity Land could not be developed without the Council's consent, such consent not to be unreasonably withheld if social housing was to be built.

Possible appropriate sites had been identified by Hyde in addition to approximately five sites that had been identified by parish councillors and ward representatives. In order to facilitate the speedy release of appropriate sites for development, adoption of a protocol was being recommended, to delegate the formal legal requirements required under the LSVT to the Head of Housing and Environment Services in consultation with the Cabinet Member rather than go through Cabinet in respect of each individual case which would delay matters.

Further, it was proposed that the sites be developed to meet affordable housing needs within that community, which, if appropriate, could include bungalows which were not favoured by developers, thus enabling older residents to downsize within their existing community whilst at the same time allowing families to move into the larger properties.

A protocol for reviewing the suitability of Hyde garage sites for redevelopment had been adopted in 2003. In the last year, three garage sites had been successfully developed to provide 24 affordable homes and since 2003 at least 130 affordable homes had been developed on over 15 garage sites.

The attached protocol was initially based on the 2003 protocol but, following concerns raised by councillors as to the degree of consultation, the protocol had been revised and strengthened to give ward members and parish councillors access to the parking reports and consultation statement setting out the views of residents. If there were significant objections then the matter would go before Cabinet.

The sites in question would still be subject to the planning process.

At the Chairman's invitation, Mr Oakley thanked Mrs Taylor for accepting some of the points he had raised. However, in relation to amended paragraph 6.4 of the report, he asked what would happen if Hyde obtained planning permission for a different scheme after the covenant had been released, and how recommendation 2.2 would apply to such a situation. He further asked that the word 'significant' be removed from revised recommendation 2.1 in order to remove the element of subjectivity.

Mrs Taylor replied that she was not willing to accept removal of the word 'significant' because objections could be trivial. She believed that the Council could rely on the professionalism of officers and the obligation to consult the Cabinet Member to ensure that objections were properly considered.

In relation to changes to a proposal after a deed of release had been granted, a new deed of release would be required if the change was significant enough to require a fresh planning permission. A note could be added to the protocol to govern what would happen if there was a significant amendment to a scheme which did not require a change of planning permission.

Mrs Keegan and Mr Ransley drew attention to concerns expressed by parish councils about developments on garage sites. It was pointed out that a separate protocol relating to garage sites had been approved in 2003, and such sites were excluded from the protocol under current consideration.

#### **RESOLVED**

- (1) That the proposed protocol at the revised appendix be approved and that the Head of Housing and Environment Services be authorised, following consultation with the Cabinet Member for Housing and Planning, to give the Council's consent to the development of amenity sites, excluding garage sites, as she considers satisfies the criteria in the protocol, unless there are significant objections from the ward member or parish council.
- (2) That authorisation for the Council to enter into a Deed of Release for each site and any other related documents is delegated to the Head of Housing and Environment Services without referral back to Cabinet, following the grant of planning permission for the consented proposal.
- (3) That the Council forgoes making a charge for the release of the covenant, where warranted by the circumstances of the individual case and where the land is to be developed for affordable rented housing.

## **32 Council Tax Reduction Scheme for 2016/17**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick introduced the report. She reminded the Cabinet that legislative changes in 2012 had abolished the national council tax benefit scheme, and required local authorities to create their own schemes. The Government had provided a ring-fenced grant of £194,000 in the first year, which the Council had distributed to parish councils to ensure that they were no worse off as a result of changes in their tax base. Thereafter the grant had been part of the Council's general grant and the amount passed on to parish councils had declined in line with the reduction in Government grant.

Mrs Christie (Revenues Manager) added that the Council's approved Council Tax Reduction Scheme had broadly followed the rules of the previous national scheme and had remained unchanged since 2013, apart from the annual uprating of applicable amounts and state benefits. The Council was required each year to consult on its proposals before setting the scheme. This year it was widely expected

that there would be changes to benefits for working age claimants in the Chancellor's summer budget on 8 July. The Cabinet was, therefore, asked to authorise officers to design and consult on a scheme for 2016/17, in the light of the budget, and to report back to Cabinet in December.

**RESOLVED**

- (1) That the Head of Finance and Governance Services be authorised, following consultation with the Cabinet Member for Finance and Governance, to prepare and consult upon a draft 2016/17 Council Tax reduction scheme, to be brought back to Cabinet for recommendation to Council in December.
- (2) That the principle of making a grant to Parish Councils in relation to the Council Tax reduction scheme be continued in 2016/17 but the amount be reduced in line with the reduction in government grant to the Council.

**33 Licensing Act 2003 - The Council's proposed Draft Statement of Licensing Policy 2016 - 2021**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mr Barrow introduced the report, explaining that the Council was required to publish a Statement of Licensing Policy every five years, in order to set out the principles by which it would exercise its licensing functions against four objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

A review was now due, and the report described the changes proposed to the Council's current Statement, and the consultation process that would be followed before the new Statement was approved.

The draft Statement appended to the report took account of the views of the Alcohol and Entertainment Licensing Committee, which had considered it at its meeting on 17 June 2015.

In answer to a question by the Chairman, Mr Foord (Licensing Manager) commented that the Licensing Act 2003 had a big impact on the Council and on businesses and the public. The Government had carried out a significant review of the legislation during the last 18 months and introduced a lot of exemptions to reduce the burdens on businesses.

**RESOLVED**

- (1) That the draft revised Statement of Licensing Policy for the period 2016 – 2021 for Chichester District be approved for public consultation.
- (2) That the Head of Housing and Environment Services be authorised to consider any representations arising from the consultation exercise and, provided the representations do not require significant amendments to the draft Policy, to recommend adoption to Full Council on 15 December 2015

(with minor amendments if considered appropriate) following consultation with the Cabinet Member for Environment.

- (3) That the Head of Housing and Environment Services report back on adoption to the Alcohol and Entertainment Licensing Committee and Cabinet in circumstances where significant amendments to the Policy are required in her opinion following consultation with the Cabinet Member for Environment.

#### 34 **Post Project Evaluation - The Grange Community and Leisure Centre**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Keegan introduced the report on the post project evaluation of The Grange Community and Leisure Centre, Midhurst. She commented that, just over a year after the opening of the Centre, it had met its main objectives and had been well-received by the local community. She thanked the staff who had managed the project and those who operated the Centre.

At the invitation of the Chairman, Mrs Apel (Chairman of the Overview and Scrutiny Committee) reported that the evaluation report had been considered by the Overview and Scrutiny Committee on 2 July. The Committee had been pleased that The Grange had been a tremendous success. The Committee had asked officers a range of questions, particularly about the project and operational budgets of the Centre.

Mrs Hotchkiss (Head of Commercial Services) explained the main points of the post project evaluation report, drawing attention to the achievements against the original objectives. She pointed out that there had been a c£25,000 overspend on capital costs against the approved budget, which was offset by partnership funding.

On the revenue budget, there had been some small overspends, due mainly to the national non domestic rates valuation being higher than expected. Income was below prediction and a detailed explanation was given in the report. She was pleased that the 800 direct debit memberships on which the scheme had been modelled had now been exceeded and were still rising.

Mr Finch noted that, although the target for direct debit membership had been achieved, casual membership had reduced and enquired whether the Centre was at capacity for its catchment area. He also expressed surprise that no sponsorship had been achieved.

Mrs Hotchkiss replied that the Centre had sought one main sponsor; two potential sponsors had expressed interest but did not materialise. This year advertising space was being sold for sections of the Centre.

#### **RESOLVED**

That the post project evaluation (PPE) report (Appendix 1) for the Grange Community and Leisure Centre be noted, and that the actions and review plan in sections 7 and 8 of the PPE report be agreed.

35 **Appointment to External Organisations**

**RESOLVED**

That Mrs Susan Taylor be appointed to the Coastal West Sussex and Greater Brighton Strategic Planning Board in place of Mr Tony Dignum.

36 **Exclusion of the Press and Public**

The press and public were not excluded for any part of the meeting.

The meeting ended at 1.38 pm

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CHAIRMAN

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Date: