

# Public Document Pack

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## Notice of Meeting

### To All Members of Chichester District Council

You are hereby summoned to attend a meeting of **THE COUNCIL** in the Council Chamber, East Pallant House East Pallant Chichester West Sussex PO19 1TY on **Tuesday 19 July 2016 at 11.00 am** 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

**Tuesday 12 July 2016**

### NOTES

- (1) ***Please note that this Council meeting takes place in the morning. Officers from WSCC will be attending at 9.30 am to brief members and answer questions on the County Council's future spending of the Community Infrastructure Levy (CIL).***
- (2) ***Members are asked to bring with them to the meeting their copy of the agenda and the accompanying papers for the meetings of the Cabinet held on 7 June and 12 July 2016.***

### AGENDA

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

#### PART 1

- 1 **Minutes** (Pages 1 - 14)  
To approve as a correct record the minutes of the annual meeting of the Council held on Tuesday 17 May 2016
- 2 **Urgent Items**  
Chairman to announce any urgent items which due to special circumstances are to be dealt with under agenda item 16(b)
- 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**

5 **Public Question Time**

Questions submitted by members of the public in writing by noon on the previous working day (for a period up to 15 minutes).

**DECISIONS TO BE MADE BY THE COUNCIL**

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

*The reports giving rise to these recommendations are in the papers for the meetings of the Cabinet on 7 June and 12 July 2016. These are available in the committee papers section of the Council's website and in the Members Room.*

**Note: The meeting of the Cabinet on 12 July takes place after this Agenda is published. The draft recommendations below may be subject to amendment, which will be reported orally at the Council meeting.**

6 **Making the Birdham, Tangmere and Wisborough Green Neighbourhood Plans**

*(See report at Agenda Item 5 (pages 9-11) of the Cabinet papers of 7 June 2016)*

**RECOMMENDED BY THE CABINET**

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

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

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

7 **Chichester Site Allocation: Draft Development Plan Document (DPD): further consultation (Pages 15 - 28)**

*(See report at Agenda Item 6 (pages 12-16) of the Cabinet papers of 7 June 2016. Appendix attached herewith)*

**RECOMMENDED BY THE CABINET**

(1) That further public consultation be approved on the Site Allocation: Preferred Approach Development Plan Document, as set out in the Appendix to the report, for eight weeks from 28 July until 22 September 2016.

(2) That authority be delegated to the Head of Planning Services to enable minor editorial and typographical amendments to be made to the document prior to its publication.

- 8 **Chichester District Council Annual Report 2015-16**  
*(See report at Agenda Item 5 (pages 9 - 47) of the Cabinet papers of 12 July 2016.)*

**DRAFT RECOMMENDATION**

That the Annual Report 2015-16 be approved.

- 9 **Chichester in Partnership - Community Strategy 2016-2021**  
*(See report at Agenda Item 6 (pages 48 - 66) of the Cabinet papers of 12 July 2016.)*

**DRAFT RECOMMENDATION**

That the Community Strategy 2016-2021 be adopted.

- 10 **A27 Contributions - Adoption of amendment to the Planning Obligations and Affordable Housing Supplementary Planning Document**  
*(See report at Agenda Item 7 (pages 67 - 89) of the Cabinet papers of 12 July 2016.)*

**DRAFT RECOMMENDATIONS**

(1) That, because there are no adverse comments from the Statutory Bodies and for the reasons set out in the Criteria and screening opinion set out in Appendix 2 to the Cabinet report, it be determined that a Strategic Environmental Assessment is not required in respect of the proposed amendment to the Planning Obligations and Affordable Housing Supplementary Planning Document (SPD); and

(2) That the approach for securing A27 contributions proposed in the consultation be agreed, and that the amendments to the Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) be formally adopted by including the additional wording set out in Appendix 3 to the Cabinet report.

- 11 **Chichester City Centre Management - Renewal of Chichester BID**  
*(See report at Agenda Item 8 (pages 90 - 95) of the Cabinet papers of 12 July 2016.)*

**DRAFT RECOMMENDATION**

That the Leader of the Council be authorised to vote in accordance with Cabinet's decision in relation to the ballot to renew the BID.

- 12 **Treasury Management Policy 2016-2017 Update**  
*(See report at Agenda Item 9 (pages 96 - 111) of the Cabinet papers of 12 July 2016.)*

**DRAFT RECOMMENDATION**

That the revised Treasury Management Strategy 2016-17 be approved.

- 13 **Review of the Constitution** (Pages 29 - 68)  
*(See report at Agenda Item 10 (pages 112 - 120) of the Cabinet papers of 12 July*

2016: Cabinet report and appendices attached.)

## **DRAFT RECOMMENDATION**

That the revised Constitution, as set out in the background paper to the Cabinet report, including the significant alterations described in section 6 of the Cabinet report, be approved.

- 14 **Overview & Scrutiny Committee Annual Report 2015/16 and Work Programme 2016/17** (Pages 69 - 78)  
(copies attached)

## **RECOMMENDED**

That the Overview and Scrutiny Committee's Annual Report 2015/16 and Work Programme 2016/17 be noted.

- 15 **Questions to the Executive**  
(maximum of 40 minutes duration)

- 16 **Consideration of 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.

- 17 **Exclusion of the press and public**  
The Council is asked to consider in respect of the following item whether the public, including the press, should be excluded from the meeting on the grounds that it is likely that there would be a disclosure to the public of 'exempt information' of the description specified in Paragraph 3 (information relating to the business affairs of any person including this authority) of Part I of Schedule 12A of the Local Government Act 1972, as indicated against the item 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.

- 18 **Plot 21, Terminus Road, Chichester**  
(See exempt report at Agenda Item 18 (pages 148 - 152) of the Cabinet papers of 12 July 2016.)

## **DRAFT RECOMMENDATION**

- (1) That funding of the amount set out in recommendation 2.1(i) of the Cabinet report is released from Capital Reserves to enable the detailed design, planning matters and pre-construction tender process to be progressed for a five unit scheme.
- (2) That the balance of the estimated total project costs set out in section 5.3 of the Cabinet report be released subject to the tender costs remaining within the estimated cost plan total.

## 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 held for one year by the town council. A copy of the recording will also be retained in accordance with the council's information and data policies. If members of the public make a representation to the meeting, they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting, please contact the contact for this meeting at the front of this agenda.
3. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. (Standing Order 11.3)

## **MEMBERS**

|                 |                     |
|-----------------|---------------------|
| Mrs E Hamilton  | Mr P Jarvis         |
| Mrs C Apel      | Mrs G Keegan        |
| Mr G Barrett    | Mrs J Kilby         |
| Mr R Barrow     | Mrs D Knightley     |
| Mr P Budge      | Mrs E Lintill       |
| Mr J Connor     | Mr S Lloyd-Williams |
| Mr M Cullen     | Mr L Macey          |
| Mr I Curbishley | Mr G McAra          |
| Mr T Dempster   | Mr S Morley         |
| Mr A Dignum     | Caroline Neville    |
| Mrs P Dignum    | Mr S Oakley         |
| Mrs J Duncton   | Mrs P Plant         |
| Mr M Dunn       | Mr R Plowman        |
| Mr J F Elliott  | Mr H Potter         |
| Mr J W Elliott  | Mrs C Purnell       |
| Mr B Finch      | Mr J Ransley        |
| Mr N Galloway   | Mr J Ridd           |
| Mrs N Graves    | Mr A Shaxson        |
| Mr M Hall       | Mrs J Tassell       |
| Mrs P Hardwick  | Mrs S Taylor        |
| Mr R Hayes      | Mr N Thomas         |
| Mr G Hicks      | Mrs P Tull          |
| Mr L Hixson     | Mr D Wakeham        |
| Mr F Hobbs      | Mrs S Westacott     |



Minutes of the meeting of the **Council** held in Committee Rooms, East Pallant House on Tuesday 17 May 2016 at 2.00 pm

|                                    |   |
|------------------------------------|---|
| <b>Members Present:</b>            | Mr N Thomas (Chairman), Mrs C Apel, Mr G Barrett, Mr P Budge, Mr J Connor, Mr M Cullen, Mr I Curbishley, Mr T Dempster, Mr A Dignum, Mrs P Dignum, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr J W Elliott, Mr N Galloway, Mrs N Graves, Mr M Hall, Mrs E Hamilton (Vice-Chairman), Mrs P Hardwick, Mr R Hayes, Mr G Hicks, Mr L Hixson, Mr F Hobbs, Mr P Jarvis, Mrs G Keegan, Mrs J Kilby, Mrs E Lintill, Mr S Lloyd-Williams, Mr G McAra, Mr S Morley, Caroline Neville, Mr S Oakley, Mrs P Plant, Mr H Potter, Mrs C Purnell, Mr J Ransley, Mr J Ridd, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mrs P Tull and Mrs S Westacott |
| <b>Members not present:</b>        | Mr R Barrow, Mr B Finch, Mrs D Knightley, Mr L Macey, Mr R Plowman and Mr D Wakeham   |
| <b>Officers present all items:</b> | Mrs D Shepherd (Chief Executive), Mr P E Over (Executive Director), Mr S Carvell (Executive Director), Mr J Ward (Head of Finance and Governance Services) and Mr P Coleman (Member Services Manager)   |

## 107 **Election of Chairman of the Council**

The Chairman invited nominations for election as Chairman of the Council for the ensuing year.

Mr Dignum, seconded by Mrs Lintill, proposed that Mrs Hamilton be elected Chairman of the Council. No other nominations were received and it was

### **RESOLVED**

That Mrs Elizabeth Hamilton be elected Chairman of the Council for the ensuing year.

*Mrs Hamilton took the Chair and read and signed her declaration of acceptance of office in the prescribed form.*

Mrs Hamilton thanked Mr Thomas for his hard work and dedication as Chairman during the past year and as Vice-Chairman for the two previous years. She thanked the Council for electing her, commenting that she felt very privileged and looked forward to doing her best for the Council and the District in the year ahead.

Mr Thomas thanked Katherine Jeram, Philip Coleman and the other staff of the Member Services team for their support during his year as Chairman. He also thanked all the members and officers of the Council. He remarked on how many favourable comments

about the Council he had received during his official duties. He drew attention to the fact that Mrs Hamilton was only the second lady chairman of the Council, and that after a forty year interval. He intended to continue to be an active member of the Council.

#### 108 **Appointment of Vice-Chairman of the Council**

The Chairman invited nominations for appointment as Vice-Chairman of the Council for the ensuing year.

Mr Dignum, seconded by Mrs Lintill, proposed that Mrs Graves be appointed Vice-Chairman of the Council. No other nominations were received and it was

#### **RESOLVED**

That Mrs Norma Graves be appointed Vice-Chairman of the Council for the ensuing year.

*Mrs Graves read and signed her declaration of acceptance of office in the prescribed form.*

Mrs Graves thanked the Council for appointing her, which she considered an honour, and undertook to work hard for the Council.

#### 109 **Minutes**

#### **RESOLVED**

That the minutes of the special meeting of the Council held on 31 March 2016 be signed as a correct record.

#### 110 **Urgent Items**

There were no urgent items for consideration at this meeting.

#### 111 **Declarations of Interests**

No interests were declared at this point in the meeting. Subsequently, Mrs Tull and Mr Ransley, as the Council's representatives on respectively the Chichester Festival Theatre Board and the Pallant House Gallery Trust, declared prejudicial interests in a discussion on the future of cultural grants. They moved to the public seating area and took no part in that discussion. See minute 119.

#### 112 **Chairman's announcements**

The Chairman reminded members of the Council that the All Parishes Meeting was to take place on Thursday evening 19 May, and that the next full Council meeting on Tuesday 19 July would, exceptionally, start at 11.00 am, in order to allow time for the caretakers to re-arrange the committee rooms for the meeting of the Planning Committee on 20 July.

#### 113 **Public Question Time**

No public questions had been submitted.

## 114 Revisions to New Homes Bonus (Parish Allocations) Policy

The Council considered the draft revised New Homes Bonus (Parish Allocations) Policy circulated with the agenda (copy attached to the official minutes).

Mrs Lintill (Cabinet Member for Community Services), seconded by Mrs Hardwick, moved the recommendation of the Cabinet. She reminded the Council that the New Homes Bonus (NHB) was paid to reward communities that had accepted additional housing. Although some councils had used NHB to supplement their revenue budgets, the Council had decided, as an experiment in 2013/14, to allocate £450,000 to parish councils for locally supported projects. The experiment was successful, and further allocations of about £280,000 and £270,000 were made in 2014 and 2015 respectively.

In 2015, a Task and Finish Group (TFG) had looked at the sustainability of the Council's general grants scheme and the NHB (Parish Allocations) scheme. The TFG had concluded that the total annual allocations should be reduced in order to extend the life of the schemes. Accordingly a revised NHB (Parish Allocations) Policy was proposed, with three main changes:

- A reduced allocation of £250,000 per annum for the NHB (Parish Allocations) scheme.
  - Parishes which have had less than five new homes built in the last three years no longer being eligible for the NHB (Parish Allocations) scheme, but still able to apply to the general grants scheme.
  - A ceiling of £100,000 per annum on grants to Chichester City Council under the NHB (Parish Allocations) scheme.
- All parish councils and members had been consulted on the proposal and there had been no negative feedback.

Mr Ransley enquired about the total NHB received by the Council to date. He suggested that the ineligibility of parishes with less than five new homes reduced the incentives to deliver new homes. He enquired whether some of the NHB could be used to encourage the delivery of new homes, perhaps through the purchase of land for a Community Land Trust.

Mr Dignum replied that total NHB received up to and including 2016/17 was £11.143m (of which £3.665m was in 2016/17 alone). About £1.4m had been spent through the Parish Allocations scheme or on other projects of community benefit. The Council had decided not to mainstream the NHB but reserve it for community benefit projects of a capital nature. The unspent sum was being held in reserves, in view of the facts that there was a large infrastructure deficit in the district, that there was no other significant source of reserves until the Community Infrastructure Levy receipts built up, and that the Government had announced its intention of reducing NHB by two thirds.

Mrs Lintill added that the five homes rule had been debated at length by the TFG. The indicative amounts of NHB available to parishes with less than five homes were not great - in the range £384 to £1,400. She would prefer to wait for clarification of the future of NHB before considering further policy changes.

Mr Dignum and Mrs Taylor further pointed out that there was a separate fund of £2.5m specifically to support rural housing delivery throughout the district, including via community land trusts. Members who wished to seek support for such schemes should contact the Cabinet Member for Housing and Planning.

Mr Oakley asked what weight was given to projects that were in the Infrastructure Business Plan and for an assurance that there was no intention to use NHB for revenue support for cultural institutions.

Mrs Lintill explained that there was a shorter application form for projects that were identified in the Infrastructure Business Plan and confirmed that there was no intention of using NHB to support revenue spending.

#### **RESOLVED**

That the revisions to the New Homes Bonus (Parish Allocations) Policy as appended be approved.

#### **115 Revised Local Development Scheme 2016-2019**

The Council considered the draft Revised Local Development Scheme 2016-2019 circulated with the agenda, and the update sheet circulated at the meeting (copies attached to the official minutes).

Mrs Taylor (Cabinet Member for Housing and Planning), seconded by Mrs Keegan, moved the recommendations of the Cabinet.

She explained that the Local Development Scheme (LDS) contained information about the current Development Plan for Chichester District and the timetable for the future production of planning policy documents. It was an important document for keeping the community informed and as such was published on the Council's website.

The LDS had last been updated and approved by the Council in July 2015. It had to be subject to constant review to take account of new documents, not least the review of the Local Plan. It covered a rolling three year time frame from 2016 – 2019.

The LDS enabled residents and interested parties to know the timetables of the documents and when they could participate in the planning process. The LDS gave the profile of each document, setting out its scope and the proposed timetable. The timings were indicative and would be kept under review.

Mrs Taylor drew attention to the update sheet and explained that the content of the Bosham and the East Wittering and Bracklesham Neighbourhood Development Plans was expected to change and a site in the parish of Lynchmere, which was previously discounted, was now considered to be deliverable. Further consultations on these issues delayed the key milestones for the Site Allocation Development Plan Document by about six months.

The timetable for the Chichester Harbour Supplementary Planning Document had also been revised and extended by six months to take account of the continued joint working and collaboration with the Chichester Harbour Conservancy and Havant Borough Council.

Mr Shaxson referred to the cessation of work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document, because of a change by the Government to the planning definition of "travellers". He asked whether new age travellers were included in the new definition, and what impact the change would have.

Mrs Taylor replied that the change in the planning definition now excluded those who had permanently ceased travelling. The Chief Executive pointed out that different legislation gave different definitions of “travellers”, and suggested that a written answer be given to Mr Shaxson’s question.

#### **RESOLVED**

- (1) That the revised Local Development Scheme, as updated, be approved.
- (2) That the Head of Planning Services be authorised to make typographical and other minor amendments to the Scheme before it is published.

#### **116 Local Plan Review - Project Initiation Document (PID)**

Mrs Taylor (Cabinet Member for Housing and Planning), seconded by Mr Dignum, moved the recommendation of the Cabinet.

She pointed out that the Local Plan was the foundation for the determination of planning applications. The current Local Plan had been adopted in 2015, but the Planning Inspector who conducted the examination into the soundness of that plan indicated that it could only be found sound and therefore be adopted if it was subject to an early review to be completed within five years.

She appreciated that a review raised anxieties and expectations in the community and, therefore, it was important to have a transparent programme, with a clear timetable, costs and resources.

The review would require a range of background evidence. As far as possible the evidence base for the current plan would be used, as well as other studies in progress such as the A27 and tourism. The Coastal West Sussex and Greater Brighton Strategic Planning Board would be undertaking a review of the Local Strategic Statement. However, a number of other studies would need to be carried out by outside consultants.

The total estimated budget for the review was £800,000. From 2017/18, the annual draft revenue budget would contain a base budget contribution to reserves of £160,000 to fund future reviews of the Plan.

If the review was not undertaken, the Council would have to spend resources to handle speculative planning applications and appeals instead of retaining a plan led process.

Mr Ransley acknowledged the importance of an up-to-date Local Plan. He asked whether guidance would be issued to parish councils on whether neighbourhood plans would require revision if housing numbers in the Local Plan were to increase, and whether the costs of revising neighbourhood plans was included in the budget.

Mrs Taylor replied that neighbourhood plans had to be in conformity with the Local Plan, and if changes in housing numbers affected their areas they would need to be revised. The Chief Executive added that the Council’s Neighbourhood Planning Officer was funded in the base budget, and if further provision for neighbourhood plans was required this could be considered.

## **RESOLVED**

That a total budget of £800,000 be allocated from reserves to fund the Local Plan Review.

### **117 Review of Street Trading controls in Chichester city centre**

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

In the absence of Mr Barrow (Cabinet Member for Environment), Mr Dignum (Leader of the Council), seconded by Mr Ridd, moved the recommendation of the Cabinet.

He explained that the Chichester City Partnership, representing the City's Business Improvement District, wanted to bring more vibrancy and increased trade in some of the City Centre side streets. The partnership had, therefore, requested the Council to review the trading restrictions in place for Crane Street and part of St Martins Street.

Following consideration of the request by officers and Cabinet at the end of last year, agreement had been given to follow the relevant statutory procedure to allow the restrictions to be eased. The easing would involve converting both streets from Prohibited Streets to Consent Streets with effect from 1 August 2016.

Following publication of a statutory notice in the Observer Series newspapers in March, the public had had the opportunity to submit comments on the Council's intention to pass a resolution making the changes.

No adverse comments had been received. Therefore, the Council was now requested to agree to the changes, following which two further statutory notices would be published informing the public of the commencement date later this year.

He pointed out the intention of the re-designation was not an extension of 'general traders' markets into these side streets but to generate increased vibrancy and an enhanced shopping experience. It was hoped to attract boutique and specialist markets into these areas. Any subsequent Street Trading Consent applications for either location would be vetted by the licensing team and follow their standard consultation process.

Members expressed concern about the activities of peddlers and illegal street traders. Their attention was drawn to the current consultation by the Council on a potential Public Spaces Protection Order, as discussed by the Cabinet on 12 April 2016.

## **RESOLVED**

That Crane Street and the part of St Martin's Street that runs in a northerly direction from its junction with East Street to adjacent number 4 St Martin's Street, Chichester be re-designated from 'prohibited streets' to 'consent streets' to take effect from 1 August 2016.

### **118 Proposed Sexual Entertainment Venues Policy and Statement of Licensing Policy under the Gambling Act 2005**

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

In the absence of Mr Barrow (Cabinet Member for Environment), Mr Dignum (Leader of the Council), seconded by Mr Ridd, moved the recommendation.

He explained that, in order to minimize corporate risks and community impact, it was very important that the Council adopted clear and transparent licensing policies relating to gambling activities and sexual entertainment venues. The existing Sexual Entertainment Venues Policy expired in April and the Gambling Act Policy was due to expire in June.

Both policies provided a useful platform to potential applicants and business operators across the district in relation to each regime. They also provided the Council with a suitable framework to achieve the outcomes set out at paragraphs 5.2 and 5.3 of the report.

The draft policies had been presented to the Licensing Committees in March who had approved them for public consultation with a recommendation to seek subsequent approval from the Council.

No significant changes were proposed to the policies. The required consultations had been undertaken, and neither attracted any adverse comments.

In response to a question, it was confirmed that the policies applied to the whole district.

#### **RESOLVED**

That the Sexual Entertainment Venues Policy and Statement of Licensing Policy under the Gambling Act 2005 be approved.

#### **119 Questions to the Executive**

Questions to members of the Cabinet and responses given were as follows:

##### *(a) Question: Chairman's Casting Vote*

Mrs Apel referred to discussion of a controversial matter at a recent meeting of the Planning Committee that had been determined by the Chairman's casting vote after a tied vote. The Chairman had voted in favour of the officers' recommendation to grant permission. She asked whether it was, in fact, the case that the Chairman ought to exercise the use his casting vote in favour of no change. Mr Hixson added that there had been 11 tied decisions on planning, and in each case the officers' recommendation had been supported on the casting vote. He asked that guidance should be issued.

##### *Response:*

The Chief Executive replied that the Constitution was clear that the Chairman had a second or casting vote and there was no restriction on how it should be exercised. The presumption that a casting vote should be exercised in favour of the status quo was an outdated convention and not binding. Mr Hayes (Chairman of the Planning Committee) explained that he would not pre-determine how he voted. His practice was to make up his mind on the merits of a proposal and vote accordingly. If, in the event of a tied vote, he exercised his casting vote, he would vote the same way.

*(b) Question: Chairman of the Council*

Mr Shaxson drew attention to the fact that Mr Thomas had served for only one year as Chairman of the Council and asked whether this set a precedent for the future.

*Response:*

Mr Dignum (Leader of the Council) pointed out that the Constitution was clear that the Chairman and Vice-Chairman of the Council were elected annually for a 12 month term. The Conservative Party Group had amended its procedures whereby its nominees for these appointments were selected by secret ballot. The nominations were not determined by the Leader.

*(c) Question: Development at the former Portfield Football Ground, Church Road, Chichester*

Mr Potter asked how an additional roundabout at the junction of Church Road and Westhampnett Road would work, given the volume of traffic through the eastern gateway to Chichester.

*Response:*

At the request of Mrs Keegan (Cabinet Member for Commercial Services), Mr Over replied that the proposed roundabout had planning permission, which had been granted after a full and detailed traffic impact assessment. A detailed planning application would now need to be made, which would need to be supported by an updated traffic impact assessment by the prospective developer.

*(d) Question: Proposals for changes to West Sussex County Council Household Waste Recycling Sites*

Mr McAra drew attention to West Sussex County Council's (WSSCC) current consultation on proposals for changes to its Household Waste Recycling Sites. He asked whether this matter would be considered by the Cabinet, and whether the consequences for the Council of potentially having to deal with more incidences of fly-tipping would be taken into account.

*Response:*

In the absence of Mr Barrow (Cabinet Member for Environment), Mr Dignum replied that WSSCC's consultation expired on 12 June, and all members had been invited to send their comments to Mr Barrow, who would co-ordinate a response on behalf of the Council. Parish councils would also be encouraged to make representations.

Mr Connor added that he had attended a meeting of the inter-authority waste group, where WSSCC had explained its proposals and advised that benchmark testing elsewhere had suggested that an increase in fly-tipping would not be a consequence.

Mr Dunn suggested that a calculation should be made of the financial consequences to the District Council of an increase in fly-tipping and whether this would outweigh savings to WSSCC in reducing the availability of Household Waste Recycling Sites.

Mr Connor added that he was sure that WSCC had no intention of reducing recycling. Some of the household material deposited at these sites could be recycled through the Council's red bins, and this should be encouraged.

*(e) Question: Cultural Grants*

Mr Oakley asked about a meeting with Arts Council England about the timing of decision-making on its future funding of the Chichester Festival Theatre and the Pallant House Gallery and the implications for the Council's own decision-making on cultural grants, given current uncertainties about the financial situation.

Mrs Tull and Mr Ransley, as the Council's representatives on respectively the Chichester Festival Theatre Board and the Pallant House Gallery Trust, declared prejudicial interests. They moved to the public seating area and took no part in this discussion.

*Response:*

Mr Dignum (Leader of the Council) replied that he, and the Cabinet Member for Community Services, the Chief Executive and the Executive Director were involved in a series of negotiations with the gallery and theatre. These negotiations were concerned with the level of grants that the Council should make when the present arrangement for the grants ran out in March 2018.

There were four main sets of considerations to bear in mind in framing recommendations to the Council for the next four years from 2018:

First, the cultural benefit of the high quality productions at the Theatre and of the temporary and permanent exhibitions at the Gallery. No one making a study of their respective outputs could doubt their quality, which had given both bodies national renown.

Secondly, the economic impact of both institutions to the District, not just in terms of employment but also associated visitor spending. Both bodies had been asked to provide updated economic impact studies.

Thirdly, the social impact. The reports the Gallery and Theatre had made to the meeting of the Overview & Scrutiny Committee on 10 May 2016 showed the extensive scope of their work for the community, like the Youth Theatre and the Outside In programme supporting disadvantaged artists. Not given such prominence was the charging policy of the Theatre, set deliberately below a level that would maximise revenue in order to avoid being socially exclusive, and of the Gallery's concessions, including the free Thursday evenings and three free weekends per year.

Fourthly, the effect of any grant by the Council on the amounts Arts Council England would be willing to contribute by way of its own grant. Arts Council England had made it clear that they require a local financial commitment to underpin their next 4 year grant settlement.

Both organisations would be requested to submit their 'bids' based on those four principles. The negotiating team would review the bids and set some parameters for the following negotiations, the outcome of which would be reported, with recommendations, to the Cabinet and Council.

Mr Oakley asked whether, given uncertainties about the Council's future finances, the need for judgement about the priority of these grants in comparison with the full range of service demands on the Council would be taken into account.

Mr Dignum replied that local authorities had been promised a four-year funding settlement by the Government, so that there should be reasonable certainty about the Council's finances for the first two years of the cultural grants agreements, which would be in the base budget. There might need to be scope for reconsideration in the second two years, if the Council's financial situation worsened.

*(f) Question: Pay on Foot in public car parks*

Mr Jarvis asked whether the introduction of 'pay on foot' in the Avenue de Chartres car park had been successful and whether there were plans to extend it to other car parks.

*Response:*

Mrs Keegan (Cabinet Member for Commercial Services) replied that the introduction of pay on foot had required considerable investment. It had been expected from experience elsewhere that income would increase because people would stay longer. However, there had been no significant increase in income. Other car parks had been studied to see what engineering works would be required to introduce pay on foot and what the traffic impacts would be. Consideration had also been given to other payment options, such as the use of credit/debit cards, especially contactless, and telephone payment. It was now intended to focus on widening availability of these options, rather than extend pay on foot.

## 120 **Review of Political Balance**

The Council considered the report circulated with the Agenda (copy attached to the official Minutes). The Chairman pointed out that the position was unchanged from the previous year.

### **RESOLVED**

That the review of political balance arrangements set out in the report be approved and Tables 1, 2 and 3 be applied in making appointments to committees.

## 121 **Appointment and Membership of Committees and their Chairmen and Vice-Chairmen**

The Council considered the report circulated with the agenda (copy attached to the official minutes). It was noted that the only change proposed was that Mr Barrett replace Mr Hicks as Vice-Chairman of the Corporate Governance and Audit Committee.

Mr Dignum pointed out that, under the Constitution, the Chairman of the Council could not be a member of the Overview and Scrutiny Committee. He proposed that Mr Thomas replace Mrs Hamilton as a member of that Committee.

## **RESOLVED**

That appointments to Committees for 2016/17, including their chairmen and vice-chairmen, be made as shown in the appended report, subject to Mr Thomas replacing Mrs Hamilton as a member of the Overview and Scrutiny Committee.

### **122 Appointments to External Organisations**

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

Members of the Council noted the absence of a nomination for appointment to the West Sussex Pensions Panel. They were informed that there was only one representative on the Panel from all the borough and district councils in West Sussex, and that there was no vacancy this year. It was agreed that written information be sent to members about who currently represented the borough and district councils and the appointment process.

## **RESOLVED**

That appointments to external organisations be made as shown in the appended report.

### **123 Exclusion of the press and public**

## **RESOLVED**

That the public, including the press, be excluded from the meeting for the following items on the grounds that it is likely that there would be a disclosure to the public of 'exempt information' of the description specified in Paragraph 1 (information relating to an individual) of Part I of Schedule 12A to the Local Government Act 1972 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.

### **124 Appointment of Monitoring Officer**

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

The Chief Executive reported that, as a consequence of the impending retirement of the Member Services Manager, a new managerial post had been created of Legal and Democratic Services Manager, reporting to the Head of Finance and Governance Services, to oversee the Legal Service, Member Services and Electoral Services teams. Mr Nicholas Bennett had been appointed to that post.

It was her view that Mr Bennett, as the holder of this post, should also be designated the statutory role of Monitoring Officer. No objection had been made to this proposal by any member of the Cabinet.

## **RESOLVED**

That Nicholas Bennett, the current Legal and Democratic Services Manager, be appointed as the Council's Monitoring Officer with immediate effect.

The meeting ended at 3.51 pm

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CHAIRMAN

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Date:

## WRITTEN ANSWERS TO QUESTIONS

**Minute 115 Revised Local Development Scheme 2016-2019**

Mr Shaxson referred to the cessation of work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document, because of a change by the Government to the planning definition of “travellers”. He asked whether new age travellers were included in the new definition, and what impact the change would have.

**Answer:** The change in definition derives from the DCLG publication “Planning Policy for Traveller Sites”, issued in August 2015, and accessible by the following link:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457420/Final\\_planning\\_and\\_travellers\\_policy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf)

Annexe 1 at the back of the document provides the definition and it is worth noting refers simply to persons of a nomadic habit of life including those that have temporarily ceased travelling. It is therefore a matter for the council as local planning authority to determine in the particular circumstances of each case whether an individual(s) falls within the definition. The term ‘New Age Traveller’ is not necessarily therefore all that helpful. The decision would essentially rest on the evidence to support a claim of a nomadic habit of life.

**Minute 122 Appointments to External Organisations**

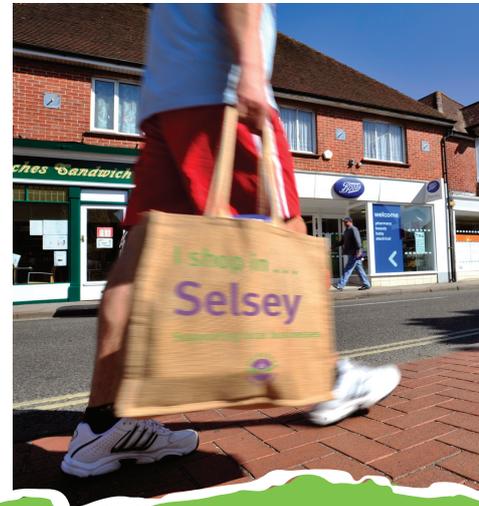
Members of the Council noted the absence of a nomination for appointment to the West Sussex Pensions Panel. They were informed that there was only one representative on the Panel from all the borough and district councils in West Sussex, and that there was no vacancy this year. It was agreed that written information be sent to members about who currently represented the borough and district councils and the appointment process.

**Answer:** The Districts and Boroughs are represented on the West Sussex Pensions Panel by Cllr Brian Donnelly, Horsham DC ( Pulborough & Coldwaltham). His appointment is for a term of 4 years from 2015 and expires in November 2019.

Further details regarding the panel can be found here:

<https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/statutory-committees/pensions-panel/#what-the-panel-does> tab

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**Further consultation Site Allocation:  
Preferred Approach  
Development Plan Document  
2015-2030**



|   |    |
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# 1 . Introduction

## Introduction

**1.1** The Council consulted on the Site Allocation: Preferred Approach Development Plan Document (DPD) between 7 January to the 18 February 2016. The document sought views on sites that the Council considered to have potential to deliver employment and residential allocations which flowed from the adopted Chichester Local Plan: Key Policies 2014-2029 (Chichester Local Plan).

**1.2** The Site Allocation: Preferred Approach DPD and the methodology used for the site identification and assessment process can be seen on the [Council's](#) website.

**1.3** Following consultation on the Site Allocation: Preferred Approach DPD, 96 responses were received from 60 respondents. The Council has considered these comments and some changes will be made to the Site Allocation: Preferred Approach DPD before the document moves forward to the next stage. However, to ensure that there has been consultation on all sites put forward in the next stage of the document, the Council has to carry out a further focused consultation on some additional sites that it considers appropriate to allocate.

**1.4** This focused consultation is on these additional sites. Comments are not sought on sites included in the previous consultation. The purpose of this consultation is therefore to obtain views on the suitability of the proposed housing sites identified within the parishes of Bosham and Lynchmere and the proposed identification of the local centre boundary at East Wittering.

**1.5** The results of this consultation and those received through the previous Site Allocation: Preferred Approach DPD consultation will be used to prepare the Proposed Submission version of the Site Allocation DPD which will be then formally submitted for Examination. Further details of the timetable are set out in the Local Development Scheme on our website.

## Proposed Allocations

**1.6** The preferred sites are identified in detail in sections 2 - 4 of this document, however, the reasons the sites have been selected are summarised below.

### Bosham – New Site

**1.7** Policy 5 of the Chichester Local Plan: Key Policies 2014-2029 provides an indicative housing number of 50. Following the outcome of the Bosham Neighbourhood Plan Examination, the Parish Council has agreed to continue to progress its Neighbourhood Plan although this will not include sites to meet the parish number in Policy 5 of the adopted Chichester Local Plan.

**1.8** It is therefore proposed that the housing is identified in the Site Allocation DPD. The Council has undertaken an assessment of all the sites considered by the neighbourhood plan, and any further that were promoted to the Council, in line with the methodology for site selection (refer to the associated document Methodology and Assessment Site Allocation Preferred Approach DPD). The sites considered and their assessments are included as Appendix 1 to this document.

**1.9** Following assessment the identified site is located at Highgrove Farm (Section 2 of this document)

## **Lynchmere – New Site**

**1.10** As part of the Site Allocation: Preferred Approach DPD consultation it was proposed to remove the parish numbers (10 units) from the parish of Lynchmere as a suitable site could not be found. However, through the consultation process additional information was provided which demonstrated the site proposed is deliverable.

**1.11** It is proposed that the site to the rear of Sturt Avenue, Camelsdale is identified as a preferred site for the development of 10 homes. (Section 4 of this document). The site has been assessed in line with the associated document Methodology and Assessment Site Allocation Preferred Approach DPD.

## **East Wittering and Bracklesham – Identification of Local Centre**

**1.12** Although East Wittering and Bracklesham Parish Council is currently preparing a Neighbourhood Plan, it has recently informed the Council that it is not proposing to define the local centre within it.

**1.13** Paragraphs 16.18 - 16.22 of the Chichester Local Plan: Key Policies 2014-2029 explains that the local centre for East Wittering will be defined either through a neighbourhood plan or the Site Allocation DPD. Policy 29 Settlement Hubs and Village Centres of the Chichester Local Plan sets out the policy framework.

**1.14** The proposed boundary of the local centre is set out in Section 3 of this document.

## **Background Information**

**1.15** The Further Consultation: Site Allocation DPD has been subject to a Sustainability Appraisal and Habitats Regulations Assessment which considered the anticipated effects of the proposals on the area's environmental, economic and social conditions. The results have informed decisions made in the document.

**1.16** The background information on the Sustainability Appraisal and Habitats Regulations Assessment is available to download from the [Council's](#) website.

# 1 . Introduction

## How do I respond to this consultation document?

**1.17** The Council needs to know whether you agree with the proposals in the consultation document. If you disagree with the Council's proposals, you need to state why and to provide realistic alternative proposals. However, the consultation process will not reopen the debate on parish numbers and locations which were discussed at the Chichester Local Plan examination.

**1.18** Due to the holiday period, the formal consultation will run for an eight week period starting on **28 July 2016**. The deadline for responses is 5pm on **22 September 2016**.

**1.19** In order to respond to this document, please send your response to us in the following ways:

- Email: [planningpolicy@chichester.gov.uk](mailto:planningpolicy@chichester.gov.uk)
- Post : Planning Policy, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY

## What happens next?

**1.20** Once this consultation period has ended, the Council will consider all representations received to produce the Proposed Submission document which it is anticipated will be published for an eight week consultation in December 2016.

**1.21** Representations will be accepted at Proposed Submission stage where parties have reason to challenge the soundness of the development plan document. The Site Allocation DPD will be examined by an independent Planning Inspector to consider the soundness of the document, in the light of any such challenges.

## Any further queries

**1.22** If you have any further queries regarding any of the issues raised in this document, please contact the Planning Policy Team on 01243 785166 or email [planningpolicy@chichester.gov.uk](mailto:planningpolicy@chichester.gov.uk)

## Data Protection

**1.23** All documents will be held at Chichester District Council, and representations will be published online. They will be handled in accordance with Data Protection Act 1998 and kept for three years following adoption of the Site Allocation DPD. Personal contact details will be removed from copies of representations published electronically.

**1.24** Please be aware that representations made about this document (including your name and address) cannot be treated as confidential.

### **Bosham Parish**

**2.1** Policy 5 of the Chichester Local Plan: Key Policies 2014-2029 provides an indicative housing number of 50.

**2.2** Following the outcome of the Bosham Neighbourhood Plan Examination, the Parish Council has agreed to continue to progress its Neighbourhood Plan. This will not, however, include sites to meet the housing number set out in Policy 5 of the adopted Chichester Local Plan.

**2.3** The proposed site to be allocated is identified below. The number of dwellings shown for the site is indicative and based on known site characteristics and density considerations.

## 2 . Bosham Parish

### Policy BO1

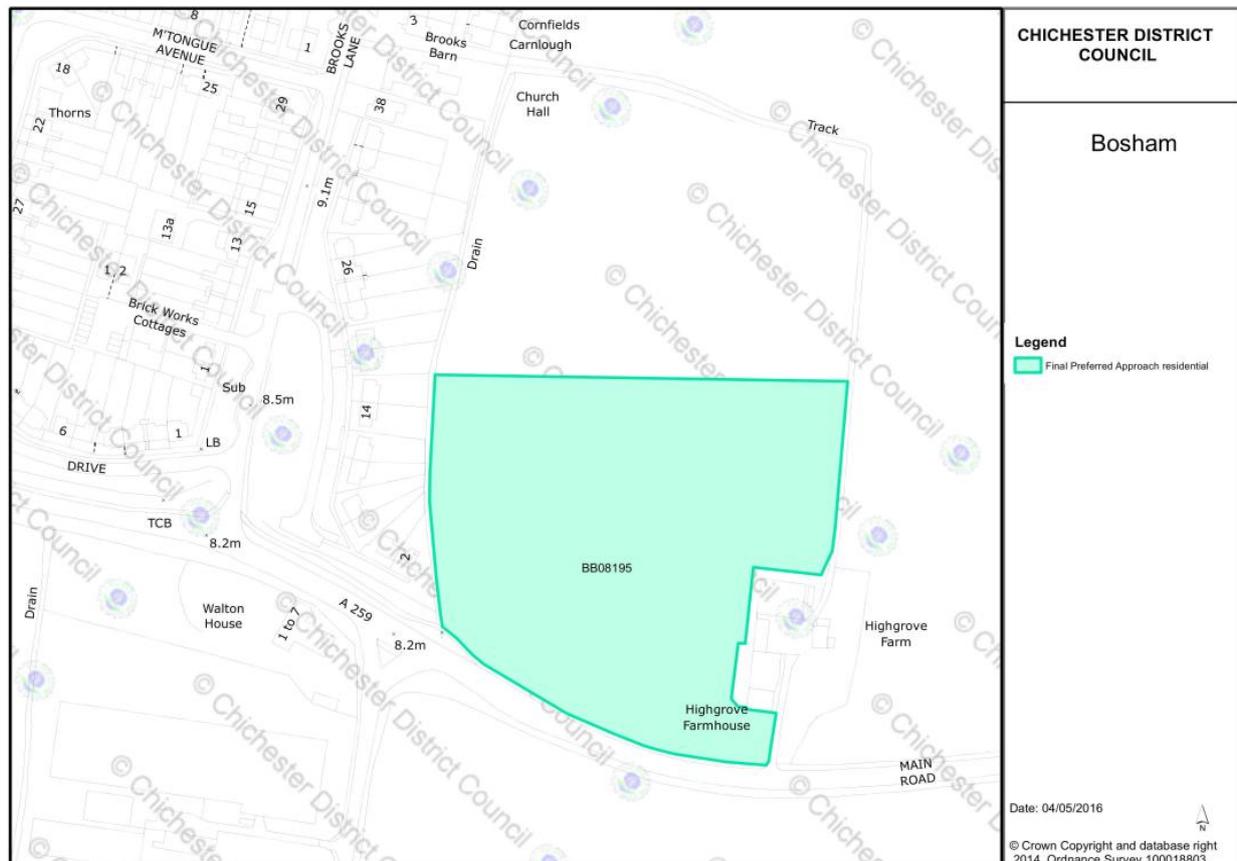
#### Land at Highgrove Farm

Land at Highgrove Farm, east of Broadbridge, Bosham is allocated for 50 dwellings on 2ha of land.

#### Site Requirements:

Development shall:

- Provide a scheme of high quality design given its prominent location in the landscape;
- Provide appropriate landscaping and screening to minimise the impact of development on Broadbridge and the setting of the Chichester Harbour Area of Outstanding Natural Beauty and South Downs National Park including views to and from the wider and the surrounding area;
- Provide a satisfactory means of access from the A259; and
- Provide open space or green buffer landscaping to the north and east of the new development.

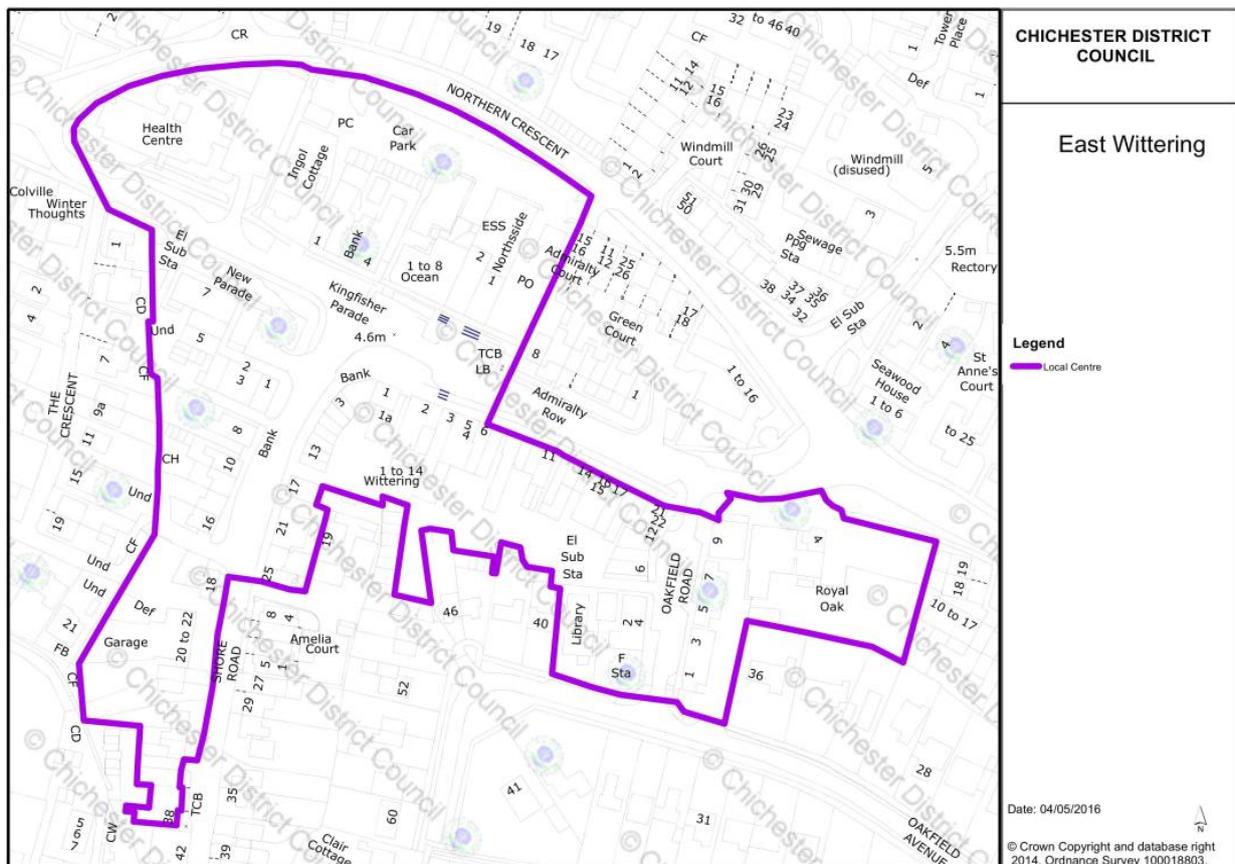


## 3 . East Wittering and Bracklesham Parish

### East Wittering and Bracklesham Parish

**3.1** Town, district and local centres lie at the heart of local communities and it is therefore important to promote and protect their vitality and viability. In this context the retention of East Wittering's good mix of smaller retailers will be key. Paragraphs 16.18 - 16.22 of the Chichester Local Plan: Key Policies 2014-2029 explain that a local centre for East Wittering will be defined either through a neighbourhood plan or the Site Allocation DPD. Policy 29 Settlement Hubs and Village Centres of the Chichester Local Plan sets out the policy framework.

**3.2** Although East Wittering and Bracklesham Parish Council is currently preparing its Neighbourhood Plan, it is not proposing to define the local centre within it. A local centre for East Wittering has therefore been identified below and upon adoption of the Site Allocation DPD will be shown on the Council's adopted Chichester Local Plan Policies Map.



## 4 . Lynchmere Parish

### Lynchmere Parish

**4.1** Policy 5 of the Chichester Local Plan: Key Policies 2014-2029 identifies an indicative housing number of 10 for Lynchmere Parish

**4.2** The Site Allocation: Preferred Approach DPD concluded that, despite an assessment of a number of sites, there were no suitable sites with the potential to deliver the indicative housing number identified for the parish of Lynchmere. However, during the recent consultation on the Site Allocations: Preferred Approach DPD further information was submitted regarding a site which was previously assessed and discounted using the Site Assessment Methodology. The suitability and deliverability of the site was therefore reconsidered and it is now proposed to identify the site for allocation in the Site Allocations DPD.

**4.3** The number of dwellings shown for the site is indicative and based on known site characteristics such as flooding and protected trees.

#### Policy LY1

##### Land to the rear of Sturt Avenue

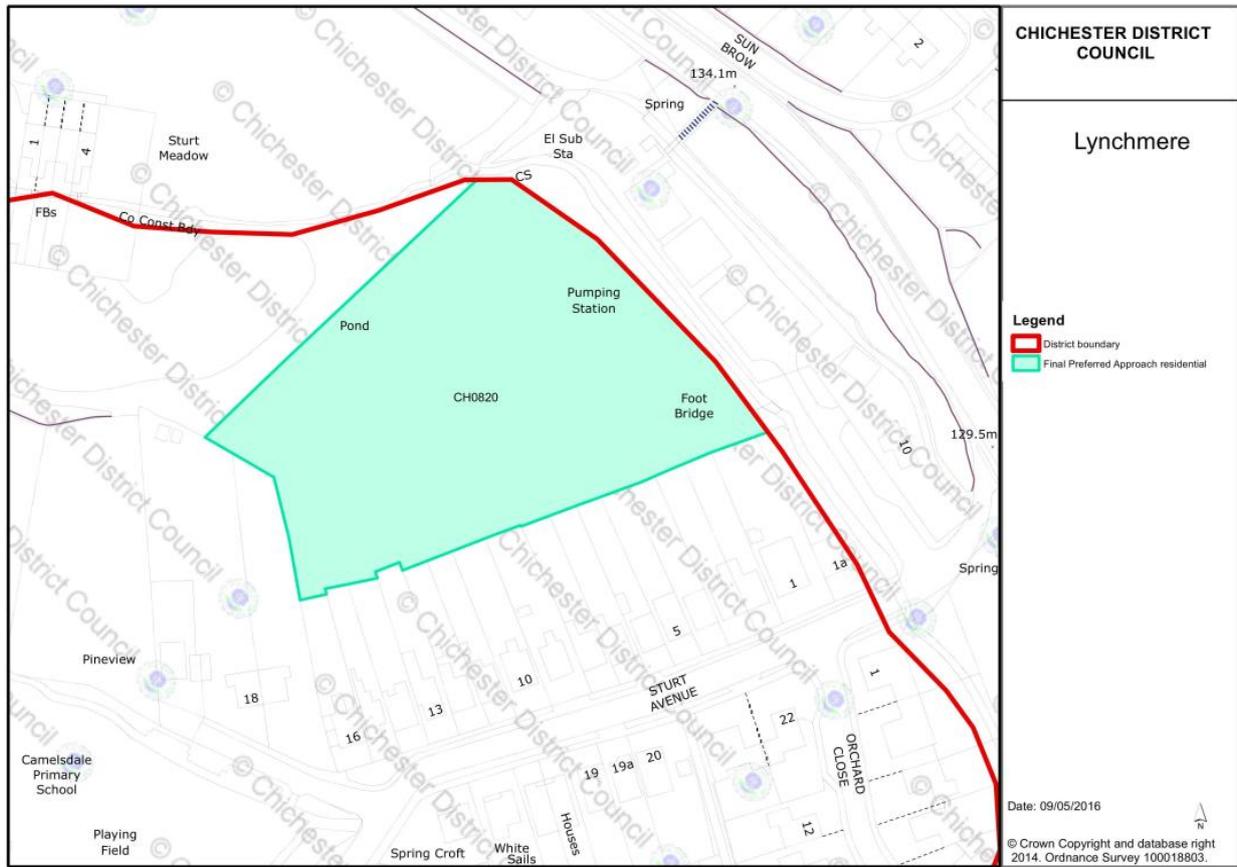
Land to the rear of Sturt Avenue, Camelsdale is allocated for 10 dwellings on 0.66ha of land.

##### Site Requirements:

Development shall:

- Provide a satisfactory means of vehicular and pedestrian access to the site via Sturt Avenue;
- Be supported by a Biodiversity Enhancement and Mitigation Scheme and include measures to protect key species and habitats on site and measures to improve habitat connectivity between the adjacent Hammer Moor Site of Nature Conservation Importance
- Provide mitigation to address the impacts of recreational disturbance, through in-combination effects of additional dwellings, on the Wealden Heaths Phase II Special Protection Area, and adequate measures to avoid or mitigate any adverse effects on the Bramshott and Ludshott Commons Sites of Special Scientific Interest; and
- Provide a design and layout of high quality which respects the characteristics of the site and is supported by a tree survey that includes measures to safeguard and minimise the impact of development on protected trees.

# 4 . Lynchmere Parish



## 5 . Appendix 1 Residential sites

**Table 5.1 Long list of candidate residential sites**

| Parish | SHLAA id | Site address                 | Excluded/assessed   |
|--------|----------|------------------------------|---|
| Bosham | BB08194  | Land south of Walton House   | Site has planning permission.   |
| Bosham | BB08195  | Highgrove Farm               | Assessed and allocated as preferred site as it delivers all the numbers on one site.  |
| Bosham | BB08196  | The French Gardens           | Assessed and discounted. The site does not relate well to the existing settlement.  |
| Bosham | BB08197  | Swan Field                   | Assessed and discounted. The site is open in the AONB and additional planting would appear out of character in the landscape.   |
| Bosham | BB08198  | Bullock Barn                 | Assessed and discounted. The site is in the AONB.   |
| Bosham | BB08199  | Former Cricket Ground        | Assessed and discounted. The site is in the AONB.   |
| Bosham | BB08200  | Land south of the Old Bridge | Assessed and discounted. The site is in the AONB.   |
| Bosham | BB08204  | Railway Arch                 | Assessed and discounted as the developable area cannot deliver the parish number; it can only deliver in combination with another site.   |
| Bosham | BB1407   | Land at Ham Farm (east)      | Contrary to adopted Chichester Local Plan: Key Policies 2014-2029 Policy 26 Existing Employment Sites. This policy seeks to protect existing employment sites where these continue to remain suitable for business and related employment uses. |
| Bosham | BB1408   | Land at Ham Farm (west)      | Contrary to adopted Chichester Local Plan: Key Policies 2014-2029 Policy 26 Existing Employment Sites. This policy seeks to protect existing employment sites where these   |

## 5 . Appendix 1 Residential sites

| Parish | SHLAA id | Site address                        | Excluded/assessed   |
|--------|----------|-------------------------------------|---|
|        |          |                                     | continue to remain suitable for business and related employment uses.   |
| Bosham | BO08185  | Land at Dolphin House, Delling Lane | Site is too small.  |
| Bosham | BO08186  | Southfield, Delling Lane            | Contrary to adopted Chichester Local Plan: Key Policies 2014-2029 Policy 26 Existing Employment Sites. This policy seeks to protect existing employment sites where these continue to remain suitable for business and related employment uses. |
| Bosham | BO08188  | Land east of Taylor's Field         | Assessed and discounted. The site is open in the AONB with key long distance views and additional planting would appear out of character in the landscape.  |
| Bosham | BO08189  | Land at Crede Farm                  | Assessed and discounted. The site is in the AONB.   |
| Bosham | BO08190  | Burnes Shipyard                     | The majority of the site is in Flood Zones 2 and 3 with the remainder being too small.  |
| Bosham | BO08193  | Land adjacent Southwater            | Site is too small.  |
| Bosham | BO08402  | Land at Green Acre                  | Site is too small.  |
| Bosham | BO1405A  | Land at Walton Farm                 | Contrary to adopted Chichester Local Plan: Key Policies 2014-2029 Policy 26 Existing Employment Sites. This policy seeks to protect existing employment sites where these continue to remain suitable for business and related employment uses. |
| Bosham | BO1405B  | Land at Walton Farm                 | Contrary to adopted Chichester Local Plan: Key Policies 2014-2029 Policy 26 Existing  |

## 5 . Appendix 1 Residential sites

| Parish | SHLAA id | Site address              | Excluded/assessed  |
|--------|----------|---------------------------|--|
|        |          |                           | Employment Sites. This policy seeks to protect existing employment sites where these continue to remain suitable for business and related employment uses. |
| Bosham | BO1406   | Land west of Delling Lane | Assessed and discounted. The site is open in the AONB and additional planting would appear out of character in the landscape.                              |

**Produced by**

Planning Policy - Chichester District Council,  
East Pallant House, 1 East Pallant,  
Chichester, West Sussex PO19 1TY

**Chichester District Council**

**CABINET**

**12 July 2016**

**Review of the Constitution**

**1. Contacts**

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**2. Executive Summary**

This report proposes revisions to the Constitution. Changes of significance or principle have been considered by and are recommended by the Task and Finish Group set up by the Council in March. These are reported in this report and its appendices. Other changes are shown in a track changed version of the whole Constitution, which is published but not printed as a Background Paper. This is the version the Council is to be invited to approve.

**3. Recommendation**

**3.1. That the Council be recommended that the revised Constitution, as set out in the background paper, including the significant alterations described in section 6 below, be approved.**

**4. Background**

4.1. The Constitution is a large document and not an easy read. It is, largely, a work of reference. It consists of 7 parts as follows:

Part 1 – Summary and Explanation

Part 2 – Articles of the Constitution (an overview of the way the Council conducts its business)

Part 3 – Responsibility for Functions (essentially the scheme of delegation to committees and officers)

Part 4 – Rules of Procedure (including Procedural Standing Orders, Rules on Access to information, the roles of the Executive (Cabinet) and Overview and Scrutiny, Complaints Scheme, Financial Regulations, and Contracts Standing Orders)

Part 5 – Codes and Protocols (including Members Code of Conduct and arrangements for handling complaints against members, Code of Conduct, Petition Scheme, Public Question Time, and Protocol on Task & Finish Groups)

Part 6 – Members Allowance Scheme

## Part 7 – Management Structure

- 4.2. At their meeting on 31 March 2016, the Council made a number of decisions about the timing of Council meetings and, among other things set up a Task and Finish Group (TFG), comprising Mrs Hardwick, Mrs Apel, Mrs Lintill, Mr Ridd and Mrs Tull, with the following terms of reference:

“To review the Council’s Constitution and advise Cabinet and Council on any changes. In particular:

- How decisions are made
- The effective operation of the Council’s business.”

- 4.3. In addition, the Constitution is periodically reviewed by officers and such a review was already in progress.
- 4.4. The TFG did not support a fundamental re-structuring of the Constitution to improve readability and eliminate duplication. This would risk sacrificing precision and introducing ambiguity. It would also make it more difficult to compare the Council’s Constitution with those of other authorities who have retained the standard format.
- 4.5. The TFG also decided that they should not replicate a line-by-line review of the Constitution, as officers would do this. However, officers would seek the TFG’s views on any matters of significance or principle arising from their review.
- 4.6. This report follows similar principles. It reports the TFG’s views on matters of significance or principle, for Cabinet’s recommendation and Council’s decision. Matters which are not of significance or principle are not recorded in this report, but a marked up copy of the whole Constitution in track changes is available electronically as a background paper.

## 5. Outcomes to be achieved

- 5.1. The outcomes will be to improve and set out clear rules for the effective operation of the Council’s business.

## 6. Proposal

- 6.1. The remainder of this report draws attention to proposed changes of significance or principle.

## Part 1 – Summary and Explanation

- 6.2. No changes are proposed to this three page introduction to the Constitution.

## Part 2 – Articles of the Constitution

- 6.3. Article 1 - The Constitution: In Article 1.03, the out-dated first two sentences of the following paragraph should be deleted and the third sentence incorporated into the next paragraph:

“The Constitution recognises the Council’s role as a Community Leader and its strategic responsibility for community planning and for the efficient and effective delivery of services. Its overall objective is, therefore, to organise all of its activities in such a way as to ensure that they demonstrably contribute to agreed community outcomes as identified through the community planning process. The Council believes in the importance of partnership working in order to effectively discharge its community role, achieve value for money and to seek continuous improvement in all its endeavours.”

- 6.4. The TFG noted that the Constitution was generally written in the masculine, although attempts have been made in places to update the gender slant. Rather than undertake the substantial task of going through the whole constitution to eliminate gender bias, they agreed that wording similar to that of the Interpretation Act should be incorporated in Article 1.04:

“In this Constitution, unless the contrary intention appears,

(a) words importing the masculine gender include the feminine;

(b) words importing the feminine gender include the masculine;

(c) words in the singular include the plural and words in the plural include the singular.”

- 6.5. Article 4 – The Full Council: (see Appendix 1). This Article, which sets out the role of the full Council, was considered in detail by the TFG and a marked up copy is attached. Some significant points considered by the TFG were:

(a) In recognition of the new and untried Community Infrastructure Levy (CIL), the Infrastructure Business Plan, incorporating the CIL Spending Plan, should be added to the list of Policy Framework documents that require approval by the full Council.

(b) The wording of 4.03 (b) and (c). The latter clause in particular was considered imprecise as worded and revised wording taken from elsewhere in the Constitution is recommended.

(c) Paragraph 4.03 (l), and a corresponding provision in the Cabinet’s terms of reference, require the Council to be given the opportunity to express its views before the Cabinet resolves to make a Compulsory Purchase Order (CPO). Making a CPO is, by law, an executive decision to be made by the Cabinet, not the Council. However, the TFG considered the Council should continue to have the right to express its views before the Cabinet resolves to make a CPO.

(d) Paragraph 4.03 (q) requires the Council to approve documents associated with the Local Plan before public consultation on them, as well of course as finally approving them. This means that the Council frequently considers the same document twice, before and after public consultation, which lengthens the preparation time. The suggested revised wording follows the requirements of Government Regulations in clarifying which documents need this double consideration.

- 6.6. Article 5 – Chairing the Council: The current Constitution contains the following clause, which the TFG recommend should be deleted:

“The Chairman may promote a Chairman’s Charity appeal for the charity or charities of his choice during his term of office.”

This has not been used and could cause contention over the Chairman’s choice of charity.

- 6.7. Article 7 – the Cabinet (see Appendix 2): The TFG recommends:
- (a) Delete paragraph 7.03 relating to Panels and Forums.
  - (b) Amend paragraph 7.05(d), and corresponding provision in Part 3 of the Constitution, so that the Leader is required to consult Cabinet Members before appointing Special Advisers to assist them
  - (c) Remove Table 2 listing the names and portfolios of Cabinet Members.
- 6.8. Article 8 – Regulatory and other Committees; Article 9 – The Standards Committee; Article 10 – Area Committees (see Appendix 2): The list in Article 8.01 includes all the main committees. There are other Panels and Forums, but rather than list them in the Constitution, which implies a degree of permanence and formality, the TFG recommends that a reference is made to the Council’s power to appoint other Committees. The list in paragraph 8.01 includes the Standards Committee, and Article 9, therefore seems redundant as it largely duplicates the terms of reference of that Committee set out in Part 3. Since the abolition of the North Area Development Management Committee, this Council has no Area Committees (as legally defined). Article 10 is no longer required. A reference to the power to appoint such committees is included in Article 8, as amended.

### **Part 3 – Responsibility for Functions**

- 6.9. The TFG considered the terms of reference of the Cabinet and suggested some minor changes. Other issues are set out in the following paragraphs.
- 6.10. The Boundary Review Panel: The Boundary Review Panel consists of six members. It is appointed by the Cabinet and its broad objectives are stated to be:

“To consider and advise the Cabinet on matters relating to electoral areas as and when the need arises.”

The functions dealt with by this Panel are matters to be determined by the full Council, and the TFG supported the view that the Cabinet, as a single-party committee, should have no part to play in considering these matters. The TFG recommends that the Panel should report directly to the full Council, and its membership should be appointed by the Council.

- 6.11. The Joint Employee Consultative Panel: The staff side membership of this Panel currently makes provision for representation from Westgate Leisure Centre. Since the out-sourcing of Leisure Services such staff are no longer employees of the Council. The JECP was, therefore, asked to review its constitution.

- 6.12. The JECP recommended the following:

- Remove the Westgate Leisure Staff Side Representative
  - Reduce the CCS membership from two members to one with the flexibility that this member is not named and discretion is used as to whether a representative is sent dependent on item relevance
  - Staff Side Membership therefore made up of five East Pallant House representatives, one Careline representative and one CCS representative
  - Reduce the quorum requirement for Staff Side to three
  - Keep the quorum requirement for members at two
- 6.13. The TFG had reservations about JECF bullet points 2 and 3. They agreed that the employee side should be reduced to seven, by removing the Westgate Leisure representative and the change to the quorum. Given the proportion of total staff at the Depot, they felt the existing wording: “where possible to be two from Chichester Contract Services” should be retained (accepting the caveat in bullet point 2). Bullet point 3 was not clear whether it was deliberately intended to increase the number of EPH representatives from four to five. The TFG did not support this. Since the TFG meeting, the Senior Leadership Team has suggested that the Council’s other outpost (The Novium Museum) should be mentioned, and the recommended wording is:

*“Employees - Seven, where possible to be two from Chichester Contract Services, and five from East Pallant House, including Careline and The Novium Museum. The staff representatives must be serving employees but not necessarily accredited representatives appointed by the recognised trade unions.”*

- 6.14. Other Panels and Forums etc. A number of Panels and other bodies are not explicitly referred to in the Constitution. These include: The Business Routeing Panel; Waste and Recycling Panel; Chichester District Parking Forum; Infrastructure Joint Member Liaison Group; the three Programme Boards, which consist of officers but include the relevant Cabinet Member. The TFG felt that Inclusion in the Constitution implies a degree of formality and permanence. They did not therefore consider it appropriate to include these other panels, forums and bodies.

- 6.15. Delegated Powers of Staff: This part lists powers delegated to officers by previous decisions of the Council or Cabinet. The TFG supported a number of recommendations for change:-

(a) Head of Commercial Services: This officer has powers delegated relating to property, some of which are subject to financial limits. It is recommended these should be revised to take account of inflation as follows:

- To approve leases, licences, wayleaves and easements of land up to an annual income level or consideration of £50,000 in value in each case. Suggest increase to £60,000.
- To approve sales and easements of land which has been declared surplus by the Cabinet up to a consideration or market valuation of £200,000 in each case. Suggest increase to £250,000.
- To agree rent reviews and re-gearing up to a maximum annual rental of £50,000. Suggest increase to £60,000.

- To negotiate terms on behalf of the Cabinet to take a lease, licence or to acquire the freehold of land or premises where a service need has been identified and budgetary provision made up to a maximum annual expenditure or consideration of £50,000. Suggest increase to £60,000.
  - To authorise the service of notice of the Council's intention to determine leases, with a view to their renewal on fresh terms if the premises are not required for use by the Council (terms to be approved by the Cabinet if exceeding an annual value of £50,000). Suggest increase to £60,000.
  - To take appropriate action including expenditure up to £10,000 to deal with land owned by the Council which is contaminated within the meaning of the Environmental Protection Act 1990 or in respect of other pollution and the management of air quality – such action to be taken following consultation with the Head of Housing & Environment Services. Suggest increase to £15,000.
- (b) Head of Housing & Environment Services: The TFG noted that the environmental health and other delegations to the Head of Housing & Environment Services require significant legal research to ensure that they are all entirely consistent with the current law. The legal team is actively investigating the alternatives to ensure that delegations do not need to be constantly reviewed when legislation changes.
- (c) Head of Planning Services: Some minor changes are proposed to this officer's delegated powers to:
- delegate operational powers relating to the Community Infrastructure Levy
  - enable inflationary increases to be made to S106 obligations proposed by the Solent Recreation Mitigation Partnership
  - remove the requirement for ward member consultation where it is proposed to object to HGV operators licenses
  - make a minor addition to neighbourhood planning to cover Publicity Statements
  - delegate new requirements associated with Supplementary Planning Documents
  - Respond to consultations by other local authorities on minor and/or urgent policy documents, following consultation with the Leader and Cabinet Member.

#### **Part 4 – Rules of Procedure**

6.16. The TFG considered the Procedural Standing Orders and suggested some minor changes, which are shown in Appendix 3. These include:

- (a) In order to give the Chairman of a meeting a degree of flexibility in how the meeting is conducted (and to protect the Council from the risk that a Court may consider it has not complied with its own procedures), it is suggested that SO 3.2 should be amended to read:

“3.2 The chairman of the meeting shall be entitled to give a final ruling on the interpretation of these procedural Standing Orders *or to vary processes*

*for particular meetings or circumstances within the general framework of these Standing Orders.”*

- (b) Senior staff salaries are now discussed in public, which conflicts with SO 8.9. The TFG agreed that SO 8.9 should be deleted and reliance placed on the Access to Information Rules in Part 4.2 of the Constitution.
- (c) The TFG felt that the special entitlement of the Chairman of the Council to sit and speak at the Committee table of all meetings of committees of which he is not a member should be withdrawn, and SO 13.4 deleted accordingly.
- (d) SO 22 entitles all members to attend meetings of committees of which they are not members, and to speak with the chairman’s consent. The TFG suggest that it should be clarified that such participation must be related to items on the agenda. They also agreed that a note of the way the current Leader applies this to Cabinet meetings should be included.

6.17. Part 4.5 Overview and Scrutiny Procedure Rules - Call-In Procedure (see Appendix 4)

A review of the call-in procedure was requested following the last call-in received and heard by the Overview and Scrutiny Committee in July 2015. Amendments are suggested around the requirement for the member calling in the decision to prove any breach of the criteria for call-in and not to delay the provision of evidence to demonstrate the alleged breach.

6.18. Part 4.9 Contract Standing Orders: Contracts Standing Order 6 relates to exceptions to the necessity for obtaining tenders. As currently worded it is confusing because there are exceptions that relate both to particular circumstances and to financial thresholds. It is suggested that some simplification would be helpful and re-wording is proposed in Appendix 5.

## **Part 5 – Codes and Protocols**

- 6.19. It is suggested that the recently issued “Guidance to members on the offer, acceptance and declaration of receipts of gifts and hospitality” should be added to this part of the Constitution immediately after the Members Code of Conduct.
- 6.20. Part 5.3 – Code of Conduct for Employees and Part 5.4 – Protocol on Member/Staff Relations are both overdue for review. These have been referred to the JECF for consideration, but any changes will need to be considered outside the timetable for the current review. In any event, it is suggested that the recently issued “Protocol on members’ contacts with staff” should be added to Part 5.4

## **Part 6 – Members’ Allowance Scheme**

- 6.21. This has been updated following the recent review of the Scheme.

## Part 7 – Management Structure

6.22. Heads of Service have been asked to update their sections of these three pages.

### 7. Alternatives that have been considered

- 7.1. Some of the changes shown in the revised Constitution have already been approved by the Council. The Constitution could continue to be updated piecemeal as the Council approves changes or as the Monitoring Officer uses delegated powers to make necessary changes to comply with the law, to reflect decisions of full Council, or to correct errors or clarify ambiguities. However, this seems an appropriate time to review the Constitution and obtain the Council's approval for a revised version.
- 7.2. Many of the individual changes proposed could be expressed differently, or indeed be left unchanged. The recommendations in this report reflect the TFG's opinion and officers' assessment of most appropriate practice.

### 8. Resource and legal implications

- 8.1. There are no resource implications, except for the cost of re-formatting for display on the website and printing a few copies of the revised Constitution.
- 8.2. The Council by law has to comply with relevant regulations and guidance from the Secretary of State about local authority constitutions. The Monitoring Officer confirms that this is the case.

### 9. Consultation

- 9.1. This review has been carried out by the Head of Finance and Governance Services, the Monitoring Officer and the Member Services Manager, and the TFG appointed by the Council for this purpose. There has been no external consultation. Staff teams and Heads of Service have been invited to suggest changes and improvements. The Joint Employee Consultative Panel has been consulted about membership changes.
- 9.2. Members of the Council who have queries are encouraged to raise them with the Monitoring Officer or Member Services Manager before the Council meeting on 19 July.

### 10. Community impact and corporate risks

- 10.1. The changes should make the Council's practices clearer and more streamlined, but generally do not in themselves impact on the community.

### 11. Other Implications

|   |      |
|---|------|
| <b>Crime &amp; Disorder</b>             | None |
| <b>Climate Change</b>                   | None |
| <b>Human Rights and Equality Impact</b> | None |
| <b>Safeguarding and Early Help</b>      | None |

## **12. Appendices**

(printed in black and white; available in colour on the Council's website)

Appendix 1 – Part 2 Article 4 The Full Council

Appendix 2 – Part 2 Articles 7 to 10

Appendix 3 – Part 4.1 Procedural Standing Orders

Appendix 4 – Part 4.5 Overview & Scrutiny Committee Call-in Procedure

Appendix 5 – Part 4.9 Contract Standing Orders; Exceptions to the necessity for obtaining tenders

## **13. Background Papers**

Parts 1 to 7 of the Constitution with changes marked up

## Article 4 – The Full Council

### 4.01 The Role of Council

Council is the policy making body from which the ~~policy~~Policy framework Framework will be established and the Budget set. Council has responsibility for ensuring that the correct structures are in place for the effective implementation and delivery of its services. This includes the exercise of overall responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972. Once the structures are agreed and appointments made, the Cabinet will be delegated the responsibility of policy implementation and effective service delivery. The election of the Leader and appointment of Committees (except the Cabinet), will be the responsibility of Council.

Each year the Council will elect a Chairman who shall not then be a member of the Cabinet or the Overview and Scrutiny Committee. The Council shall normally meet six times per year unless a need is identified for any additional meeting.

### 4.02 Meanings

(a) Policy Framework:

~~(ia) The ~~policy~~Policy framework–~~Framework~~ means the plans, policies and strategies which must be approved or adopted by the full Council and are, for the time being, the following:~~listed below.~~~~

~~(b) The Council may add further significant plans, policies and strategies to the Policy Framework as it sees fit from time to time.~~

Sustainable Community Strategy

Corporate Plan

Local Plan and plans and strategies which together comprise the Local Development Plan Documents

associated Local development documents

Infrastructure Business Plan, incorporating the Community Infrastructure Levy (CIL) Spending Plan

Medium Term Financial Strategy

Crime and Disorder Reduction Strategy

Treasury Management Strategy

Licensing Authority Policy Statement(s)

Senior Pay Policy Statement

~~(ii) The Council may add further significant plans, policies and strategies to the Policy Framework as it sees fit from time to time.~~

(b) Budget: The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

#### 4.03 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution, with the exception of matters allocated to the Cabinet, and related Standing Orders and Procedure Rules and subject to the provisions of Article 15 in relation to minor and consequential amendments and to the powers of the Cabinet and certain Committees to agree protocols;
- (b) ~~deciding the major policies or objectives of the Council, and specifically to approve the budget and financial strategies, and the plans and strategies listed in Article 4.02 under Policy Framework, approving or adopting the policy framework and the budget;~~
- (c) ~~the discontinuance of, or major alterations to, existing services Council makes all decisions relating to policy, strategy and overall resource allocation including the discontinuance of, or major alterations to, existing services. In doing so they will have regard to the results of any community consultation.~~
- (d) subject to the **urgency procedure** contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (e) electing the Leader and removing him or her from office; appointing Committees (except the Cabinet) and their Chairmen and Vice Chairmen; ~~dissolving a Committee or altering its membership or terms of reference, except for any Panel or Forum appointed by the Cabinet.~~
- (f) appointing representatives to outside organisations unless the appointment is made by the Cabinet or has been delegated by the Council;
- (g) adopting an allowances scheme for Councillors under Article 2.05;
- (h) ~~changing the name of the area or a parish;~~
- (i) confirming the appointment of the Chief Officers and Deputy Chief Officers (Heads of Service) and determining the terms and conditions on which they hold office (including procedures for their dismissal);
- (j) designating officers as Head of Paid Service, Monitoring Officer and Section 151 Officer ~~and (appointing officers as proper officers for particular purposes);~~
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l) ~~expressing its views to the Cabinet before the Cabinet resolve to make a compulsory purchase order;~~

Comment [PC1]: link

Comment [PC2]: Covered by (p)

Comment [PC3]: Paul queries whether this is (or should be) reserved to full Council

Comment [PC4]: Steve Carvell queries whether this is a legal requirement. It is not, but TFG believes it should be retained.

- (m) all local choice functions which the Council decides should be undertaken by itself rather than the executive, and not listed in Part 3 of this Constitution;
- (n) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
- (o) functions relating to elections which are not carried out by the Chief Executive;
- (p) functions relating to name and status of areas and individuals as set out in Schedule 1 to the Functions Regulations; major decisions relating to district, county, parish or other boundaries.
- (q) approval of all development plan documents associated with the Local Plan prior to public consultation on them (but not, for the avoidance of doubt, local development documents, such as supplementary planning documents, that are not development plan documents);
- (r) Adopting, revising or replacing a-the Members' code of conduct -expected-of Members-of-the-Council-when-they-are-acting-in-that-capacity; approving arrangements under which allegations that a Member has failed to comply with the code of conduct can be investigated and decided upon; appointing an independent person or persons as required by Section 28 of the Localism Act 2011; and
- (s) all other matters which, by law, must be reserved to Council.

**Comment [PC5]:** Paul asks whether it's a legal requirement that this should be full Council No It may be but need not be the responsibility of the Cabinet.

#### 4.04 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) special meetings.

They will be conducted in accordance with the Procedural Standing Orders in Part 4 of this Constitution.

**Comment [PC6]:** Link

#### 4.05 Responsibility for functions

The Council will determine the responsibilities for the Council's functions which are not the responsibility of the executive.

#### 4.06 References

Local Authorities (Functions and Responsibilities) (England) Regulations 2000  
Chapters 2, 5 and 9 – DETR Guidance

## Article 7 – the Cabinet

### 7.01 Role

The Cabinet will carry out all of the local authority's functions which are not the specific responsibility of any other part of the local authority, whether by law or under this Constitution.

### 7.02 Form and composition

The Leader will determine the size of the Cabinet within statutory limits. The Leader will appoint between 2 and 9 other councillors (referred to as Cabinet Members) to the Cabinet and allocate areas of responsibility (portfolios) to them. The Leader and Cabinet Members collectively form the Cabinet. None of the members of the Cabinet will be members of the Overview and Scrutiny Committee.

### ~~7.03 The role and operation of Panels and Forums~~

~~Panels and forums may be either permanent or ad hoc groups set up to assist and advise the Cabinet. They are subject to the same scrutiny by the Overview and Scrutiny Committee as the Cabinet itself.~~

~~*Panels* — These are defined as groups of councillors and/or staff set up by the Cabinet to develop, for example, a particular policy or project. Their life span is likely to be that of the duration of the task they have been set, but they might have a role in monitoring and review. They will be chaired by an elected councillor. They have no direct executive responsibility beyond that delegated to them by the Cabinet.~~

~~*Forums* — These include representatives of outside interests facilitated by the Council discussing specific areas of activity. Forums may have a permanent role to ensure that specific policies are properly considered, co-ordinated and delivered. They will be an important vehicle for ensuring the involvement of the community in policy development and review.~~

~~They will be set up by the Cabinet who will define their terms of reference and responsibilities and they may sit in public. They will not have any direct executive role. Forums will be chaired by an elected councillor.~~

### 7.04 Leader

The Leader will be a councillor elected to the position of Leader by a majority vote of the Council. The Leader will hold office until:

- (a) he/she resigns from the office; or

- (b) he/she is suspended from being a councillor under relevant statutory provisions (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by resolution of the Council provided that notice of any motion which would have the effect of removing him/her from office is delivered in writing to the office of the Chief Executive 10 clear days before the relevant Council meeting, signed by at least 10 councillors who reflect the proportion of seats of the political groups on the Council; or
- (e) the election of another Leader at the next post-election Annual Council meeting;

#### 7.05 **The Leader and the Cabinet**

##### The Leader

- (a) determines the scheme of delegation for the discharge of the executive functions of the Council
- (b) has responsibility for the smooth running of the Cabinet
- (c) chairs all meetings of the Cabinet
- (d) may appoint Special Advisers to assist Cabinet Members in consultation with Cabinet Members, and
- (e) has responsibility for the allocation of portfolios to the Cabinet members and may vary them at his/her discretion.

#### 7.06 **The Deputy Leader**

The Leader shall appoint one of the Cabinet Members to be the Deputy Leader. The Deputy Leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under relevant statutory provisions (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by the Leader

The Deputy Leader will carry out the functions of the Leader when he/she is absent.

#### 7.07 **The Cabinet Members**

Cabinet Members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under relevant statutory provisions (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office, either individually or collectively, by the Leader

During their period as a Cabinet Member each councillor will be expected to work closely with designated staff. This will require an effective system of relevant information provision to those councillors. Responsibility for the identification of such information lies with the designated staff who will also be expected to brief the appropriate councillor on important operational items which may be happening as part of delegated Council business. Councillors expected to speak at Cabinet meetings, or called in to speak at the Overview and Scrutiny Committee meetings, must also be briefed by appropriate staff who will be entitled to accompany them at such meetings and able to speak there in their own right.

The generic role of a Cabinet Member will include:

- (i) Collective responsibility for policy implementation as a Cabinet Member
- (ii) Specific responsibility for introducing reports and speaking at the Cabinet on issues within allocated portfolios
- (iii) Occasional responsibility for speaking on behalf of the Council at outside meetings where councillor attendance is required
- (iv) An acceptance of the need to be well informed, and where appropriate to undergo training about relevant current issues
- (v) Responding to media requests as appropriate in relation to topical issues. In this respect each councillor should attend media training sessions
- (vi) Speaking at Council meetings and answering questions on issues relevant to the allocated portfolio
- (vii) Chairing forums or panels as designated by the Cabinet
- (viii) Attendance at the Overview and Scrutiny Committee when requested to speak on particular performance issues

~~The allocation of portfolios is set out in Table 2.~~

#### 7.08 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

Comment [PC1]: Link

## 7.09 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

## 7.10 References

Section 11, 15 and Schedule 1 (paragraph 2) Local Government Act 2000  
Chapters 4, 14 and 15 DETR Guidance.

**Table 2: Cabinet Portfolios for 2016/2017**

| <b>Name</b>              | <b>Role and Portfolio</b>   |
|--------------------------|---|
| <b>Tony Dignum</b>       | <b>Leader of the Council</b>  |
| <b>Eileen Lintill</b>    | <b>Deputy Leader of the Council<br/>Cabinet Member<br/>Community Services</b> |
| <b>Bruce Finch</b>       | <b>Cabinet Member<br/>Business Improvement Services</b>                       |
| <b>Gillian Keegan</b>    | <b>Cabinet Member<br/>Commercial Services</b>                                 |
| <b>Roger Barrow</b>      | <b>Cabinet Member<br/>Environment</b>   |
| <b>Philippa Hardwick</b> | <b>Cabinet Member<br/>Finance and Governance</b>                              |
| <b>Susan Taylor</b>      | <b>Cabinet Member<br/>Housing and Planning</b>                                |

## Article 8 – Regulatory and other Committees

### 8.01 Regulatory and other committees

The Council will appoint the following committees

- Overview and Scrutiny Committee
- Planning Committee
- Alcohol & Entertainment Licensing Committee
- General Licensing Committee
- Standards Committee
- Corporate Governance and Audit Committee
- Investigation and Disciplinary Committee
- Appeals Committee
- Independent Remuneration Panel
- Parish Remuneration Panel

The Council may appoint other Committees, including Area Committees, and Panels and Forums.

Their terms of reference and delegated powers are set out in Part 3 of this Constitution.

### 8.02 References

Sections 101 and 102 Local Government Act 1972.  
Section 6 Licensing Act 2003  
Section 53 Local Government Act 2000  
Section 18 Local Government & Housing Act 1989

## ~~Article 9 – The Standards Committee~~

**Comment [PC2]:** This has a lot in common with, but is subtly different from the ToR of the Standards Committee in Part 3 of the Constitution. Since the Standards Committee is listed in Article 8, it seems unnecessary to set out this detail here. I suggest that this is consolidated in Part 3 of the Constitution.

### ~~9.01 Standards Committee~~

~~The Council meeting will establish a Standards Committee.~~

### ~~9.02 Composition~~

~~Membership: The Standards Committee will be composed of a total of:~~

~~seven members of Chichester District Council, excluding the Leader;~~

~~Three parish councillors nominated by the three Sub Districts of the Chichester District Association of Local Councils shall be co-opted in a non-voting capacity~~

~~The Independent Persons appointed by the Council in accordance with section 28(7) of the Localism Act 2011 are invited to attend meetings of the Committee in an advisory capacity~~

~~(b) Chairman of the Committee: The Chairman will be appointed by the Council from the district council members of the Committee.~~

~~(c) Vice Chairman of the Committee: The Vice Chairman will be appointed by the Council from the district council members of the Committee.~~

### ~~9.03 Role and Function~~

~~The Standards Committee will have the following roles and functions in relation to members of Chichester District Council and all parish councils within the District:-:~~

~~(a) promoting and maintaining high standards of conduct by councillors and co-opted members;~~

~~(b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;~~

~~(c) advising the Council on the adoption, revision or replacement of the Members' Code of Conduct and its interpretation;~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ reviewing the operation of the Members' Code of Conduct;~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ advising parish councils in the Chichester District as to their obligations in respect of Members' conduct;~~

~~\_\_\_\_\_ (f) \_\_\_\_\_ advising, training or arranging to train councillors and co-opted members of the district and parish councils on matters relating to the Members' Code of Conduct;~~

~~\_\_\_\_\_ (g) \_\_\_\_\_ investigating and making decisions on certain complaints of misconduct by Members through its Assessment and Hearing Sub-Committees;~~

~~\_\_\_\_\_ (h) \_\_\_\_\_ such other functions as Chichester District Council decides.~~

~~9.04 \_\_\_\_\_ Quorum of Meetings: There must be at least 3 voting members present.~~

~~\_\_\_\_\_ Where parish council matters are being discussed – there must be at least one parish councillor present who is not also a district councillor.~~

~~9.05 \_\_\_\_\_ Voting Rights: Only members of the Committee who are elected members of Chichester District Council are entitled to vote at the meetings.~~

~~9.06 \_\_\_\_\_ Agenda, Reports and Minutes of the Standards Committee: These must be circulated to all members of Chichester District Council, and to all parish councils in the District.~~

~~9.07 \_\_\_\_\_ Further information about the Standards Committee is set out in Part 3 of this Constitution.~~

~~9.08 \_\_\_\_\_ References~~

~~\_\_\_\_\_ Sections 101, 102 Local Government Act 1972~~

~~\_\_\_\_\_ Sections 53-55 and Section 81(5) Local Government Act 2000.~~

~~\_\_\_\_\_ Chapter 7 Localism Act 2011.~~

## **Article 10 – Area Committees**

### **10.01 – Area committees to be appointed**

~~————— The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.~~

~~————— The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish any area committees.~~

### **10.02 – Area Committees – access to information**

~~————— Area Committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution.~~

### **10.03 – Cabinet members on Area Committees**

~~————— A member of the Cabinet may serve on an Area Committee if otherwise eligible to do so as a councillor.~~

### **10.04 – References**

~~————— Part VA Local Government Act 1972.~~

~~————— Section 13 Local Government and Housing Act 1989.~~

~~————— Section 18 Local Government Act 2000.~~

~~————— Regulations 4, 5, 16A Local Government (Committees and Political Groups) Regulations 1990~~

~~————— The Local Authorities (Functions and Responsibilities) (England) Regulations 2000~~

~~————— Chapter 6 DETR Guidance.~~

## 4.1 Procedural Standing Orders

### Introduction

These Standing Orders regulate the proceedings of the Council Meetings and a wide range of Committee Meetings.

If a Member requires any advice on the operation of these Standing Orders, or the statutory provisions which affect Council and Committee Meetings, or on the declaration of interests at meetings, please contact Member Services before the meeting and they will be pleased to assist you.

In these Standing Orders the words mentioned below have the following meanings:-

1. Committee - means the Cabinet, Committees, Sub-Committees, Working Parties, Panels and Boards which include Council Members in their membership.
2. Minutes of the meetings of the Cabinet and other Committees - these may include recommendations (which require approval by the Council) and resolved minutes (which are resolutions made by the meeting under authority delegated by the Council and set out in their Terms of Reference).
3. The word "he" includes "she".
4. Council Year - means the period from the Annual Council meeting in May to the next one.

## Part A – Procedures common to Council and committee meetings

### 1. Dates of Meetings

- 1.1 The **Annual Meeting** shall be held in May each year.
- 1.2 **Ordinary meetings** of the Council and of Committees shall be held generally in accordance with a programme to be approved by the Council, although the dates and times of meetings may be adjusted by the Chairman
- 1.3 A **special meeting** of the Council may be called by the Chairman of the Council; or by at least 5 Members giving a written request to the Head of Finance & Governance Services.
- 1.4 A special meeting of a Committee may be called by the Chairman of the Committee, or by 3 or more Members of the Committee giving a written request to the Head of Finance & Governance Services.
- 1.5 The special meeting will not normally be held until at least 3-5 working days have elapsed since the request was submitted, and no business shall be considered unless it is stated on the agenda.
- 1.6 A special meeting of the Council shall not include Public Question Time, Questions to the Executive and Late Items unless the Chairman of the Council so directs.

### 2. Quorum

- 2.1 The quorum for each Council meeting shall be 13 Members.
- 2.2 The quorum of the Cabinet shall be 4 Members
- 2.3 The quorum of the Overview and Scrutiny Committee shall be 4 Members
- 2.4 The quorum of each of the other Committees shall be one quarter of its membership (with a minimum of 3 Members).
- 2.5 In the absence of a quorum the meeting shall be adjourned.
- 2.6 The business not transacted shall be deferred to the next ordinary meeting of the Council or Committee, or to a special meeting of it called in accordance with Standing Order 1.

### 3. Chairman

- 3.1 The chairman for each meeting shall be
  - 3.1.1 The Chairman of the Council or Committee, as appropriate; or
  - 3.1.2 The Vice Chairman of the Council or Committee, as appropriate, in the absence of the Chairman; or

3.1.3 The Member elected by the meeting in the absence of both the Chairman and Vice Chairman.

3.2 The chairman of the meeting shall be entitled to give a final ruling on the interpretation of these procedural Standing Orders or to vary processes for particular meetings or circumstances within the general framework of these Standing Orders.

3.3 If the position of Chairman or Vice-Chairman of a Committee becomes vacant during the Council Year, the Council shall fill such a vacancy at its next meeting.

#### **4. Agendas and Minutes**

4.1 The content of the agendas for all Council and committee meetings shall be finalised by the Head of Finance & Governance Services in consultation with the Chairman.

4.2 The Head of Finance & Governance Services shall be responsible for the content of the published version of the minutes of all meetings subject to consultation with the relevant Chairman and approval under Standing Order 4.3 below.

4.3 The meeting shall consider approving and signing the minutes of the last meeting as a correct record (or the minutes of an earlier meeting if they were not approved at a subsequent special meeting). Only the accuracy of the minutes may be discussed and then only by motion.

#### **5. Announce Urgent Items**

5.1 The chairman shall announce any matters which he has agreed will be considered as urgent items.

#### **6. Public Question time**

6.1 The public may ask questions in accordance with the Council's ~~scheme~~ **Scheme for public question time** (Part 5.6 of this Constitution).

Comment [PC1]: Link

6.2 Members may, with the chairman's consent, ask questions or make comments on the matters raised during public question time.

6.3 A Member may propose that a matter arising during public question time is referred to a Committee for consideration (if arising at a Council meeting) or (if arising at a Committee meeting) is considered by the Committee or another Committee – and if this is seconded the Council or Committee shall vote on the proposal.

6.4 The chairman may extend the time limit for each member of the public asking questions (5 minutes) or the total time for public question time (15 minutes).

#### **7. Declaration of Interests**

7.1 Each councillor, and co-opted member with voting rights, shall declare interests at meetings and withdraw to the public seating area or from the meeting room as required by the Code of Conduct adopted by the Council.

## 8. Rules of Debate

- 8.1 A proposal at the full Council may only be discussed after it has been **moved** by one Member and **seconded** by another.
- 8.2 A member when speaking shall address the chairman of the meeting.
- 8.3 The Chairman will decide the **order of speeches** by Members and (at a Council meeting).whether a Member will be permitted to speak more than once on the same item.
- 8.4 Speeches by Members shall normally last not more than **5 minutes** unless the chairman approves a longer period.
- 8.5 **Amendments** to motions shall be moved and seconded before they are discussed in detail and the chairman has discretion to allow more than one amendment to be discussed at the same time.
- 8.6 A Member may raise, without notice, any matter relating to the **procedure** of the meeting (for example rules of debate, reference of an item to a committee, appointing a new committee, sub-committee or task and finish group etc., or a point of order – that is, an alleged breach of a statutory provision or a Standing Order).
- 8.7 During a debate a Member may move a “**closure motion**” that is, that the motion being discussed be voted upon, or that the Meeting should proceed to the next business, or that the Meeting should be adjourned.
- 8.8 If a “**closure motion**” is seconded, the chairman shall decide if the matter has been discussed sufficiently and he may then ask the Member who moved the original motion for his comments and the meeting shall then vote on the “closure motion”.
- 8.9 ~~A meeting shall not discuss any personal matter relating to a member of staff (for example, his appointment, promotion, salary or conduct) until it has excluded the public and the press.~~

## 9. Voting Procedures

- 9.1 Except as stated in Standing Orders 9.4-5 and 9.6-7 below, generally voting on all motions shall be by **show of hands**.
- 9.2 In the event of an equality of votes, the chairman of the meeting shall have a second or casting vote.
- 9.23 After voting, a member may require the **minutes** of the meeting to **record** whether he voted for or against a motion, or abstained from voting.
- 9.34 A **recorded vote** shall be taken if at least 4 Members request it before the voting process starts, that is, the Minutes shall record whether each Member present voted for the motion, against it, or abstained from voting;

- 9.45 A **recorded vote**, as defined in 9.3 above, shall be taken at a budget decision meeting of the Council on any decision related to the level of Council Tax.
- 9.56 If a meeting considers matters relating to the level of Council Tax, any Member who is at least 2 months in arrears with payment of his Council Tax shall disclose this fact to the meeting – he may speak on the matters but shall not vote on them.
- 9.67 A **secret ballot** shall be conducted only if there are two or more candidates for the election of the Leader of the Council or any chairman or the appointment of the vice-chairman, that is, each Member present shall record his vote confidentially for, against or abstaining, on a blank piece of paper.
- 9.78 If there are **3 or more Members nominated** for any appointment (for example as a committee chairman or vice-chairman or as a member of a committee, sub-committee etc. or another organisation) and after a vote none of the candidates has a clear majority of votes in his favour, the person with the least number of votes shall be deleted from the list and a fresh vote shall be taken until a majority of votes is given in favour of one person. A similar procedure shall be followed where a meeting is asked to choose between three or more options.
- 9.8 ~~In the event of an equality of votes, the chairman of the meeting shall have a second or casting vote.~~

## 10. Members' Behaviour

- 10.1 A Member shall always comply with the directions and rulings of the chairman of the meeting on the conduct of the meeting and the interpretation of the procedural Standing Orders.
- 10.2 If any Member acts improperly or wilfully obstructs the business of the meeting the chairman may
- 10.2.1 Direct the Member to stay silent; or
  - 10.2.2 Direct the Member to leave the room; or
  - 10.2.3 Adjourn the meeting.

## 11. Behaviour of the public, press and media

- 11.1 The public, press and media shall comply with the directions of the chairman during a meeting.
- 11.2 The chairman may order the removal of a member of the public, press and media from the meeting room if he is disrupting the meeting, and if there is general disturbance the chairman may adjourn the meeting.
- 11.3 Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of meetings of the Council and its Committees from the public seating area is permitted. To assist with the management of a

meeting, anyone wishing to photograph, film or record is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for reporting on a meeting by the press and public using social media is permitted. 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 and this could result in expulsion under Standing Order 11.2.

## **12. Record of Attendance at Committee Meetings**

- 12.1 ~~Each Member attending the meeting shall sign his name in the Attendance Book~~A record shall be kept of attendance at Council and Committee meetings.

## **Part B – Council meetings**

### **13. The Annual Meeting**

- 13.1 At the Annual Meeting of the Council the Council shall
- 13.1.1 Elect the Chairman of the Council
  - 13.1.2 Appoint the Vice Chairman of the Council
  - 13.1.3 Elect the Leader of the Council (at the post-election Annual Meeting)
  - 13.1.4 Appoint Committees (except the Cabinet) which exercise delegated authority including
    - 13.1.4.1 Their membership in accordance (if applicable) with the Local Government (Committees and Political Groups) Regulations.
    - 13.1.4.2 The appointment of their Chairmen and Vice-Chairmen.
  - 13.1.5 Appoint Members to other organisations (where the appointments are not made by the Cabinet).
- 13.2 The decisions in Standing Order 13.1 above shall apply only until the next Annual Council meeting (except for the election of the Leader of the Council and the long term appointments to other organisations).
- 13.3 The content of the agenda for the Annual Meeting shall be finalised by the Head of Finance & Governance Services in consultation with the Chairman of the Council and the meeting shall also consider other business as stated on the agenda in accordance with Standing Order 14 below.
- 13.4 ~~The Chairman of the Council shall be entitled to sit and speak (but not vote) at the Committee table of all meetings of the Committees (with the exception of the Cabinet) of which he is not a Member.~~

### **14. The order of business at ordinary meetings of the Council**

- 14.1 The order of business at ordinary Council meetings shall be as set out in 14.2 to 14.17 below - however the order may be varied by the chairman of the meeting, or by the Council after a vote on it.
  - 14.2 The **election of a chairman** if the Chairman of the Council and the Vice Chairman of the Council are both absent.
  - 14.3 Approve and sign the **Minutes** of the last Meeting of the Council as a correct record (or the minutes of an earlier meeting if they were not approved at a subsequent special meeting). Only the accuracy of the Minutes may be discussed and then only by motion (see S.O. 4).
  - 14.4 Announce any matters which the Chairman has agreed will be considered as **urgent items** (see S.O. 5).
  - 14.5 **Declarations of interests** by Members (see S.O. 7)
  - 14.6 **Chairman's announcements**
  - 14.7 To consider a **petition** (if any) in accordance with the Council's petition scheme (see S.O. 15).
  - 14.8 **Public question time** (see S.O. 6)
  - 14.9 **Decisions to be made by the Council, (if any) on the recommendation of the Cabinet or a Committee**
  - 14.10 **Topic for debate as directed by the Chairman (if any)**
  - 14.11 **Questions to the Executive** (for a maximum of 40 minutes) (see S.O. 16 and 17)
  - 14.12 Receive reports from Chief Executive and the Council's committees and receive questions and answers on any of those reports.
  - 14.13 Receive reports about and receive questions and answers on the business of any joint arrangements and external organisations.
  - 14.14 Consider **motions** proposed in advance by Members (see S.O. 18).
  - 14.15 Consider **other business** stated on the agenda.
  - 14.16 Consider any **urgent items** – the reasons for urgency being recorded in the minutes.
  - 14.17 Consider items in **private session**.
- 15. Petitions**
- 15.1 A petition that satisfies the criteria set out in the Council's petition scheme may be the subject of debate by the Council. Whether the criteria are met shall be determined by the Head of Finance & Governance Services in consultation with the Chairman.

- 15.2 The organiser of the petition (or his or her nominee) may attend the meeting of the Council so as to address the Council for not more than five minutes. The relevant Member of the Executive (as determined by the Head of Finance & Governance Services in consultation with the Leader of the Council) shall be entitled to speak for up to five minutes in reply and the matter may then be debated. The debate should, subject to the discretion of the Chairman, not last more than 30 minutes.
- 15.3 Where necessary for the purpose of advising the Council ~~or on~~ whether the officer is directly affected by the content of the address, the Chairman may call upon a senior officer to advise the Executive member or, exceptionally, to address the Council.
- 15.4 Where the petition meets the criteria for requiring the attendance of a senior officer before a meeting of the Overview and Scrutiny Committee the organiser of the petition (or his or her nominee) may submit in writing at least five days before the meeting questions to be answered by the relevant senior officer at the meeting.

## 16. Councillors' Questions

### ~~16.1—Written Questions:~~

- ~~16.1.1~~ Written questions must be received by Member Services no later than noon two working days prior to the day of the Council meeting (i.e. by noon on Friday where the Council meeting is on a Tuesday with no intervening bank holiday). Questions shall be addressed to the Leader or relevant Cabinet Member who shall be responsible for the content of the answer. Members of Cabinet shall have discretion to refer a question to another member if this is appropriate.
- ~~16.1.2~~ No more than three written questions shall be asked by each Councillor. In case of doubt, the Chairman shall decide whether it is appropriate for the matter to be considered at a Council Meeting and shall disallow any questions considered inappropriate.
- ~~16.1.3~~ ~~No question shall be asked on a matter concerning a Planning or Licensing application.~~
- ~~16.1.4~~ ~~Copies of all written questions and their draft replies, which may be subject to oral amendment, shall be circulated to all Councillors at the beginning of the meeting. Copies shall also be made available to the press and public present at the meeting.~~
- ~~16.1.5~~ ~~A Councillor may ask two supplementary questions arising from the reply given to a question they have submitted but shall do so only if called by the Chairman. A Councillor other than the original questioner may ask a supplementary question at the Chairman's discretion.~~
- ~~16.1.5~~ ~~A record of all questions and answers will be included in the minutes of the meeting.~~

### ~~16.2—Oral Questions:~~

16.23.1 Any Councillor, except any other Cabinet member, may ask the Leader or a Cabinet Member, as appropriate, one oral question without notice on any matter affecting the Council's area.

16.2.24 No question shall be asked on a matter concerning a Planning or Licensing application.

16.2.35 A Councillor may ask one brief supplementary question arising from the reply given to a question they have submitted but shall do so only if called by the Chairman.

16.2.46 A Councillor other than the original questioner may ask a brief supplementary question at the Chairman's discretion.

16.2.57 A record of all questions and answers will be included in the minutes of the meeting.

## **17. Answers re: Public Question Time and Councillors' Oral Questions**

17.1 The relevant Member of the Cabinet or committee chairman may

17.1.1 Respond orally to the question/comment; and/or

17.1.2 Decline to respond; and/or

17.1.3 Make reference to an existing publication; and/or

17.1.4 Circulate a written response at the Council meeting or subsequently; and/or

17.1.5 Request a Chief Officer or Head of Service to respond where practicable

## **18. Notice of a new proposal**

18.1 A Member may have a proposal discussed at a Council meeting by giving written notice of it to the Head of Finance & Governance Services at least 7 working days before the date of the Council meeting.

18.2 The proposal shall relate to one of the Council's functions or affect the Council's district.

18.3 The proposal shall be discussed at the Council meeting only if it is moved by the Member who proposed it and seconded at the meeting.

## **19. Overturning a previous Council resolution**

19.1 No proposal to overturn a Council resolution shall be considered by the Council within six months of the resolution unless

19.1.1 At least 13 Members of the Council sign a proposal under Standing Order 11, or

19.1.2 The proposal is included in a recommendation from a Committee

## **20. Changing Procedural Standing Orders**

20.1 Any proposal to change any of the Procedural Standing Orders (unless the subject of a written report circulated with the Agenda) shall, after being proposed and seconded at a Council Meeting, be automatically deferred for consideration at the next Council Meeting – although the proposal may be considered in the meantime by a Committee.

## **21. Suspension of Standing Orders**

21.1 Any of the above Standing Orders may be suspended at a Council meeting, provided advance notice is given in accordance with Standing Order 11 or if at least 25 Members are present at the Meeting when the proposal to suspend Standing Orders is put forward.

### **Notes relating to the suspension of Procedural Standing Orders**

- (a) Members should endeavour to state their reasons for requesting suspension of Procedural Standing Orders (Minute 31(c) of the Council meeting 21st June 2005).
- (b) The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 (see Article 16.01 (b) on page 40 and Article 1 on page 4).
- (c) It is not possible to suspend the requirement for the approval of the Minutes of a Council meeting if they were not approved at a subsequent Special Meeting (This is set out in Standing Order 5.3 and is made mandatory by regulations.)
- (d) It is not possible to suspend Standing Order 13.2 which entitles a Member to require the Minutes of a Council meeting to record whether he voted for or against a motion, or abstained from voting, as this is also a mandatory requirement in regulations.

## **Part C – Committee meetings**

### **22. Attendance by Members who are not appointed to the Committee**

22.1 All Members shall be informed of the dates of the meetings of all Committees.

22.2 Each Member who is not appointed to a Committee shall have the right to attend and observe its meetings from the area, if any, set aside for such members or from the public seating area only.

22.3 Each Member may, with the chairman's consent, speak at the Committee or temporarily sit and speak at the Committee table on a particular item on the agenda but shall then return to the seating area described in Standing Order 22.2.

*Note: The Leader of the Council applies this Standing Order at Cabinet meetings by requesting that members should normally seek his consent in writing by email in advance of the meeting. They should do this by noon on the day before the meeting, outlining the substance of the matter that they wish to raise. The word "normally" is emphasised*

*because there may be unforeseen circumstances where a member can assist the conduct of business by his or her contribution and where he would therefore retain his discretion to allow the contribution without notice.*

- 22.4 The Member who moved a motion at a Council meeting which was referred to a Committee shall be entitled to speak on the matter at the Committee meeting.

## **Part D - Miscellaneous**

### **23. Proceedings to be confidential**

- 23.1 All agenda, reports and other documents and all proceedings of Committees, shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

### **24. Inspection of background documents by Members**

- 24.1 Members shall have the right to inspect documents held by the Council which relate to items on the agenda of the Council meeting or Committee meetings unless a Chief Officer or the Monitoring Officer considers that they contain exempt information as defined in Section 100 F of the Local Government Act 1972.
- 24.2 A Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which he has any disclosable pecuniary or prejudicial interest.
- 24.3 Exceptionally a member of staff may seek a decision from the Cabinet on whether to compile information requested by a Member which would entail significant staff time and/or resources.

### **25. Standing Orders etc. to be given to Members**

- ~~25.1 The Member~~Monitoring Officer ~~Services Manager~~ ~~sh~~shall provide each new Member of the Council with a copy of the Council's Standing Orders relating to procedures and contracts, financial regulations, terms of reference of Committees, and the scheme of delegation to staff.

### **26. The Appointment of Chief Officers and Deputy Chief Officers**

- 26.1 Where the Council propose to appoint a Chief Officer or a Deputy Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing staff, they shall:-
- 26.1.1 Draw up a statement specifying the duties of the Chief Officer or Deputy Chief Officer concerned, and any qualifications or qualities to be sought in the person to be appointed;
- 26.1.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 26.1.3 Make arrangements for a copy of the statement mentioned in paragraph 26.1.1 to be sent to any person on request.

- 26.2 Where a post has been advertised as provided in Standing Order 26.1.2 a Committee of the Council shall:-
- 26.2.1 Interview all qualified applicants for the post; or
  - 26.2.2 Select a short list of such qualified applicants and interview those included on the short list.
- 26.3 Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with paragraph 26.1.2 above.
- 26.4 Every appointment of a Chief Officer or Deputy Chief Officer shall be made by the Council. In respect of the post of Chief Executive or a post advertised in accordance with 26.1-3 above the appointment shall be made following the recommendation of such an appointment by a Committee of the Council. In respect of an appointment exclusively from existing staff (except the Chief Executive post) the appointment shall be made on the recommendation of the Chief Executive.
- 26.5 The Full Council may only approve the appointment of a Chief Officer, or Deputy Chief Officer, where no well-founded objection has been made by a member of the Cabinet.

NB Chief Officers and Deputy Chief Officers are as defined by the Local Government and Housing Act 1989

## **27. Members and appointment of staff**

- 27.1 If a candidate for an appointment with the Council canvasses a Member of the Council on the appointment, the candidate shall be disqualified.
- 27.2 A Member shall not solicit an appointment for any person, although the Member may give a reference for a candidate if requested. The conduct of a Member in such matters may be reviewed by the Council's Standards Committee (see Standing Order 43 below).
- 27.3 A candidate for any appointment with the Council who knows that he is related to any Member, Chief or senior officer of the Council, shall, when making his application, disclose that relationship to the Head of Finance & Governance Services.
- 27.4 A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
- 27.5 Every Member, Chief Officer and Head of Service shall disclose to the Head of Finance & Governance Services any relationship known to him to exist between himself and any person whom he knows is a candidate for an appointment with the Council.
- 27.6 For the purpose of this Standing Order persons shall be deemed to be related if they are husband and wife or are living together as such, or are partners, or if either of them, or the spouse of either of them, is the son or daughter or grandson or

granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

## **28. Disciplinary Action against the Chief Executive and certain other staff**

28.1

28.1 In the following paragraphs—

“the 2011 Act” means the Localism Act 2011;

“chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

“independent person” means a person appointed under section 28(7) of the 2011 Act;

“local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;

“the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

“relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

“relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

28.2 A relevant officer may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

28.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

28.4 In paragraph 28.3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

28.5 Subject to paragraph 28.6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 28.3 in accordance with the following priority order—

- i. a relevant independent person who has been appointed by the authority and who is a local government elector;
- ii. any other relevant independent person who has been appointed by the authority;
- iii. a relevant independent person who has been appointed by another authority or authorities.

28.6 The authority is not required to appoint more than two relevant independent persons in accordance with paragraph 28.5 but may do so.

28.7 The authority must appoint any Panel at least 20 working days before the relevant meeting.

28.8 Before the taking of a vote at the relevant meeting on whether or not to

approve such a dismissal, the authority must take into account, in particular—  
any advice, views or recommendations of the Panel;  
the conclusions of any investigation into the proposed dismissal; and  
any representations from the relevant officer.

28.9 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act.

~~No disciplinary action in respect of the head of the Council’s paid service (unless he is also a council manager of the authority), its monitoring officer or its chief finance officer, except action described in Standing Order 28.2, may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).~~

~~28.2 — The action mentioned in Standing Order 28.1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.~~

~~28.3 — In this Standing Order, “chief finance officer”, “council manager”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer”, have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and “designated independent person” has the same meaning as in regulation 7 of those Regulations.~~

## **29. Interests of staff in contracts**

29.1 Members may inspect the record regarding the interests of officers in contracts which have been declared under Section 117 of the Local Government Act 1972.

## **30. Sealing of Documents**

30.1 The common seal of the Council shall be affixed to a document only if the sealing has been specifically authorised by the Council, a Committee or by an employee acting under delegated powers, or if the sealing is necessary in order to implement any of their decisions.

30.2 The common seal of the Council shall be kept in a safe place in the custody of the Legal and Democratic Services Manager~~Legal Services Practice Manager~~.

30.3 The person who witnesses the sealing of the document shall sign the sealing register.

## **31. Registers of Gifts and Hospitality**

31.1 The registers of gifts and hospitality offered or received by Members and staff shall be open to inspection by all Members and the public upon request to the Member Services Manager.

## **32. Members – works, property and management practices**

- 32.1 A Member shall not issue any order relating to any works being carried out by the Council or its contractors.
- 32.2 A Member shall not claim any right to enter or inspect any property in the district.
- 32.3 Members shall recognise the distinction between their role of determining policy and the responsibility of managers to manage the Council's day-to-day activities, and will conduct themselves accordingly.

## **33. Standards Committee**

- 33.1 The Committee shall meet on an ad hoc basis and shall have responsibility for ensuring Members act in accordance with the Council's Code of Conduct and ethical values.

## **References**

Section 106 and Schedule 12 Local Government Act 1972  
Local Authorities (Standing Orders) Regulations 1993  
Local Authorities (Standing Orders) (England) Regulations 2001.

## Appendix 4

### Call-in procedure

25. A 'call-in' is where the Overview and Scrutiny Committee decides to review a decision made by the Cabinet or one of its members before the decision is implemented. Call-ins should be used only in exceptional circumstances.
26. A decision is made by the Cabinet or one of its members but the decision does not come into effect until a call-In period has elapsed.
27. Within two working days of the decision being made, the Member Services **Manager Team** will notify all council members of the decision, stating the date of the notification, and the date the decision will come into effect if there is no call-in on it. The "effective date" of the decision is normally at 10am on the day after the expiry of three clear working days from the notification to Members, excluding Saturdays, Sundays and Bank Holidays. (For example, in respect of a decision made by the Cabinet on a Tuesday, notification will be given to all members by Thursday of the same week, and the effective date of the decision will be 10am on the following Wednesday.)
28. A request for a call-in of the decision must be received by the Member Services **Manager Team** between the date of notification to members and the effective date of the decision.
29. For the call-in to be valid, the request must satisfy all of the following provisions:-
  - i) Be in writing (on paper or e-mail)
  - ii) Specify the decision which is to be the subject of the call-in.
  - iii) Be supported by at least five members of the **Council** excluding members of the executive.
  - iv) Written confirmation that such members have each considered all of the following matters before requesting a call-in of the decision:-
    - a) Whether the decision is likely to cause distress, harm or significant concern to a local community, or to prejudice individuals within it.
    - b) Whether the matter has been subject to consultation or debate with relevant interested parties.
    - c) Whether the delay in implementing the decision is likely to cause significant harm to the council or others.
    - d) Whether the decision is against an approved policy or budget provision of the council.
    - e) Whether the decision was made against the advice of professional staff.

- f) Whether the decision is contrary to a provision in the Sustainable Community Strategy, the Annual Report or the Corporate Plan or other Policy Framework document or the Budget.
- g) Whether the decision-maker complied with the decision making principles set out in Article 13 of the constitution.
- h) Whether the views of the members requesting the call-in were taken into account in arriving at the decision.
- v) State the reasons for the call-in of the decision and specify the evidence which demonstrates the alleged breach of any of the criteria listed in 29 (iv) above.
30. The call-in request will be considered by the chairman of the Overview and Scrutiny Committee to decide whether criteria (a)-(h) above have been met and whether the call-in request should be referred for consideration at a meeting of the Overview and Scrutiny Committee.
31. If having considered the decision, the Overview and Scrutiny Committee is still concerned about it, the committee may:
- a) refer it back to the decision-maker for reconsideration, setting out in writing the nature of the committee's concerns; or
- b) refer the matter to full Council, setting out in writing the nature of the committee's concerns;
- c) decide that neither a) or b) above applies in which case the decision will be effective immediately thereafter.
32. If the matter is referred to the decision-maker, they shall consider the concerns of the committee as soon as practicable, amending the decision or not, before adopting a final decision.
- ~~33. If within one calendar month from the date of the request for the call-in, the Overview and Scrutiny Committee does not meet, or does meet but does not refer the matter back to the decision-maker, or to full Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or on the expiry of the one month period, whichever is the earlier.~~
34. If the matter ~~was~~ referred to ~~full~~ Council, and the Council does not object to the decision, the decision will be effective immediately thereafter.
35. However, if the Council does object to the decision, it may:
- (a) overrule the decision if it is against~~contrary to an approved~~ the pPolicy Framework or the bBudget provision of the council, or
- (b) refer it back to the decision-maker with the views of the Council - in this case the decision-maker shall, as soon as practicable~~within 14 working days~~, consider the Council's views and make a final decision, and the decision shall

then be implemented.

35. If the Overview and Scrutiny Committee does not meet within one calendar month from the date of the request for the call-in, or does meet but does not refer the matter back to the decision-maker or to Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or on the expiry of the one month period, whichever is the earlier.

### **Urgent Decisions**

36. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or one of its members is considered by them to be urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's interests or the public's interests. The record of the decision shall state whether in the opinion of the decision-maker the decision is an urgent one, and therefore not subject to call-in. The consent of the chairman of the Council must be obtained both that the decision is reasonable in all the circumstances and to it being treated as a matter of urgency. (In the absence of the chairman, the vice-chairman's consent shall be required and in the absence of both, the Chief Executive or his/her nominee's consent shall be required.) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

### **The party whip**

37. When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip a nominated member of the party must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

### **References**

Section 21 Local Government Act 2000

## 6. Exceptions to the necessity for obtaining tenders

~~In spite of Standing Order 2, for contracts with an estimated value over £50,000, there is no need for tenders to be sought in any of the circumstances listed in 6.1 below. The justification to waive the need to obtain tenders in these circumstances must be subject to an internal review and approval by the Section 151 Officer and the Monitoring Officer, prior to the award of the contract. There is no need for tenders to be sought in the following circumstances;—~~

6.1 The work to be executed or the goods or materials or services to be supplied:

are procured via an approved and valid framework agreement. ~~The use of such agreement to be approved in consultation with the Legal Services Practice Manager and the Chief Finance Officer (or his appointed Representative).~~

~~6.2—The work to be executed or the goods or materials or services to be supplied:~~

- are exclusively manufactured by the supplier, or the goods, materials, or services are sold only at a fixed price and no satisfactory alternative is available;
- must be entrusted to the appropriate utility undertaking;
- constitute an authorised extension of an existing contract;
- is required so urgently as not to permit the invitation of tenders. This must be ~~approved by the appropriate Chief Officer or Head of Service~~ and reported to the next meeting of the Cabinet;
- consist of repairs to or the supply of parts for existing machinery or plant that can only be carried out by the supplier or manufacturer of that machinery, or under licence for a fixed price;
- are to be undertaken by a contractor or supplier with particular expertise. This must be ~~approved by the appropriate Chief Officer or Head of Service~~ and reported to the next meeting of the Cabinet;
- are to be part of a tender invited on behalf of any consortium, Central Purchasing Body or a similar body of which the Council is a member;
- For other reasons where there would be no genuine competition.

~~6.2.1—In the case of all contracts estimated to exceed £50,000 in value or amount, the justification to waive the need to obtain tenders must be subject to an internal review and approval by the Section 151 Officer and the Monitoring~~

~~Officer, before authority not to obtain tenders is sought from Cabinet, prior to the award of the contract.~~

- 6.21.21 For contracts estimated to exceed £10,000 but not to exceed £50,000 in value or amount, exemption from the requirement to seek quotations must be obtained in writing from both the appropriate Chief Officer or Head of Service and the Chief Finance Officer.
- 6.21.32 For contracts estimated not to exceed £10,000 in value or amount, the appropriate Chief Officer or Head of Service may waive the requirement to seek quotations where this would be inexpedient or uneconomic.
- 6.32 At all times the contract administrator needs to demonstrate that the contract represents value for money and that the Council will receive Best Value for the work undertaken.

**Chichester District Council**

**COUNCIL**

**19 July 2016**

**Overview and Scrutiny Committee - Annual Report 2015/16**

**Introduction by the Chairman**

This year has been an interesting one from the Overview and Scrutiny point of view.

We started with a new committee some of whom may not have had much to do with local government scrutiny. I hope they have found it useful and interesting.

We also had a call in. It has been a long time since we had dealt with a call in so from the committee's point of view it was an interesting exercise. We also had a further report from Hyde. As members can see from what follows we have covered a great deal of ground over the past year.

As chair I am always aware of time constraints. I hope that by starting a little earlier, it will give us more time for in depth questioning where the issues need real scrutiny. I hope the committee have found the pre meetings useful insofar as it should make the meetings run more smoothly.

I think members feel we need more time for cabinet members to attend meetings where the issues being looked at refer to their portfolios. Once again I want to thank Steve, Bambi and Lisa for all the help they give us.

***Clare Apel***  
***Chairman of the Overview & Scrutiny Committee***

**Scrutiny at Chichester District Council**

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

The Overview and Scrutiny Committee (OSC) or its task and finish groups may require any member of the Cabinet, any chief officer, and/or any head of service to attend before it to explain in relation to matters within their remit. Other public sector or public service officials, external partners and/or residents and stakeholders may also be invited to address the committee, discuss issues of local concern and/or answer questions. Recommendations may be made to the Cabinet or directly to Council. In scrutinising an external partner or partnership, the recommendations may be made directly to that body. The views of the Overview and Scrutiny Committee may be reported to the Cabinet or the Council, and the chairman of the committee shall be entitled to address the meeting on the committee's views.

## **Setting the Overview and Scrutiny work programme for 2015/16**

The 2015/16 OSC work programme was developed taking into account:

- the Corporate Plan projects agreed by Cabinet
- the Forward Plan of Cabinet key decisions over the next few months
- projects identified from individual Service Plans
- items proposed or raised by Members
- topics included in last year's work programme which were delayed
- topics requiring members' involvement suggested by the Business Routeing Panel

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

All Members were consulted in the development of this work programme through a member workshop held on 17 March 2015.

### **The impact and influence of scrutiny**

OSC met six times in 2015/16 including a special meeting on Tuesday 19 January 2016 to discuss the Leisure Services Review process. The Chairman meets with the committee half an hour before each meeting to enable discussion about the agenda items and to agree the key issues to be explored or each topic.

Task and Finish Groups are used to take the issue offline in order to maximise the volume and depth of the review.

A total of 17 recommendations were made by the committee to the Cabinet or Leader during the year. 15 recommendations were agreed. One recommendation to the Community Safety Panel was not agreed and one is yet to be considered.

There was one call-in this year regarding the sale of land at Church Road, Chichester. The decision was called in by seven members of the Council for the following reasons:

- Further debate of all valuations was needed
- Considering a delay would not cause harm to the Council
- A request for debate of relevant exempt information had been denied

The call-in was heard by the OSC on 2 July 2015. The OSC made a recommendation to Cabinet to reconsider the decision following which the decision was rescinded by Cabinet on 8 September 2015.

Of the 48 members on the council, 15 are on the OSC. With Cabinet Members and other interested members attending meetings or involved in task and finish groups this equates to 47.92% of all members being involved in scrutiny in some form or other during the year.

Mr M Cullen was nominated to sit on the corporate Leisure Contract Management Task and Finish Group.

## Members' training and development

- Mrs N Graves attended a Charing Scrutiny Seminar at the University of Birmingham on 26 June 2015.
- Mrs C Apel attended a Scrutiny of Commissioning and Contracts Seminar at the University of Birmingham on 30 June 2015.
- Following the May 2015 elections all Chichester District Council members were invited to attend an OSC induction on 2 July 2015. 10 OSC members and six additional members attended.
- Mrs N Graves attended the Regional Networking Seminar on Overview and Scrutiny on 26 November 2015.
- Mrs N Graves attended a Leading and Charing Overview and Scrutiny Workshop on 7 April 2016.

## Main areas of work for OSC this year and outcomes/achievements

| Areas of focus  | Outcomes/achievements  |
|---|--|
| Review of the Internal Lettings Agency (Homefinder)           | The committee considered a review of the Internal Lettings Agency (Homefinder). The committee resolved that this Internal Lettings Agency provided good value for money and recommended to Cabinet that the service be continued. On 7 July 2015 Cabinet resolved to continue the service.   |
| Homelessness Strategy   | The committee considered and commented on the draft strategy and recommended to Cabinet that it be approved. On 7 July 2015 Cabinet approved the draft strategy.   |
| The Grange Post Project Evaluation                            | The committee considered the Grange Post Project Evaluation following the centre's first year of operation, acknowledging the achievement of the project and how well it had been managed by the team. Actions and outcomes were being achieved and were on target.  |
| Chichester in Partnership - Getting People into Work Strategy | The committee considered the progress made against the Getting People into Work Strategy 2012-2015 and its related action plan and the revised strategy for the following three years from 2015-2018. The positive impact of this project on local people and the savings this had made were noted. The revised strategy was noted for its future priorities.  |
| Leisure Services Review                                       | In November 2015 the committee received an update on the progress of the Leisure Services Review and decided to hold a special meeting on 19 January 2016 to consider the issue before a final option appraisal was taken by Cabinet. The committee considered a written report from the Leisure Task and Finish Group and resolved that due process had been followed in undertaking the procurement exercise to test the market for future management of leisure services. |
| Review of Private Sector Housing Renewal Strategy 2016-2021   | The committee considered the Review of the Private Sector Housing Renewal Strategy 2016-2021 and provided comments and amendments to the draft strategy, approving it for consultation.  |
| Voluntary Action Arun and Chichester update                   | A performance update was considered on the Voluntary Action Arun and Chichester contract provided by the Grants and  |

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|---|--|
| from the Grants and Concessions Panel                 | Concessions Panel. The committee agreed the panel should carry out a review of funding agreements. The committee recommended that the Leader of the Council write to the Leader of West Sussex County Council regarding unconfirmed funding. Mr A Dignum sent a letter to Mrs L Goldsmith on 23 November 2015 and a response was subsequently received from Mrs Goldsmith and provided to members.                     |
| Housing Strategy Review                               | The committee noted the Housing Strategy review and the progress achieved in delivering its milestones and targets and endorsed the new target dates. The committee recommended to Cabinet that options for future housing delivery, together with capital investment, be supported.   |
| Review of Business Improvement District (BID)         | The committee received a thorough review of performance and progress of the Chichester Business Improvement District (BID). The committee was pleased with progress to date against the BID's five year business plan.   |
| Think Family Expansion Programme                      | The committee considered an update on the Think Family Expansion Programme and noted the work of the project and the changes to the project going into Phase 2.  |
| Improving the Health of our Communities and Workforce | The committee considered a progress report on this work stream, acknowledging that priorities and outcomes were being achieved.  |
| Novium - Business Plan & Commercial Services          | The committee considered The Novium and TIC Business Strategy Progress Review. The committee noted the progress since the introduction of free admission in November 2014 and requested that the points of clarification raised be addressed in the Cabinet report. The committee recommended to Cabinet that if an Options Appraisal Task and Finish Group was established an OSC representative should be appointed. |
| Careline Business Plan                                | The committee considered the Chichester Careline Service Progress Review. The committee noted progress against the business plan for 2015/17 and the current financial and business planning position in 2016/17.  |

### Task & Finish Groups

The work of the Task and Finish Groups is described below along with the outcomes achieved.

|  |
|--|
| <p><b>Budget Task and Finish Group</b><br/> Overview and Scrutiny Members: Mrs C Apel and Mr J Ransley and Corporate Governance and Audit Committee Members: Mrs P Tull (Chairman) and Mr P Jarvis</p> <p><b>Areas of focus</b> – This group has representatives from both OSC (performance and policy remit) and Corporate Governance and Audit Committee (governance and risk remit). The group considered the 5 Year Financial Model and Statement of Resources 2015-16 to 2020-21 and the projected revenue budget variations for 2015-16 and 2016-17.</p> <p><b>Outcomes</b> – Members involvement with budget scrutiny prior to presentation of the Budget to Cabinet in February 2016. The group was satisfied with the explanation of projected variances on the 2015/16 budget and the further projected variances on the 2016-17 budget.</p> |
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### **Community Safety Review Task and Finish Group**

Mrs P Dignum, Mrs N Graves, Caroline Neville, Mrs P Plant and Mrs J Tassell

**Areas of focus** – OSC has a statutory duty in accordance with Sections 19 and 20 of the Police and Justice Act 2006 to review the district’s Community Safety Partnership (CSP) by holding the CSP to account for its decision making, scrutinising the performance of the CSP and undertaking policy reviews of specific community safety issues. The group held one meeting in February 2016. The Communities Interventions Manager gave members an update on the various projects and performance over the last year and the priorities of the partnership for next year.

**Outcomes** – The committee endorsed the key points concluded from the review and recommended to the CSP that their 2016/17 priorities be adjusted slightly and that the partnership consider methods for keeping members updated on their work on a regular basis. Response from the partnership was that all priorities are equally weighted and that methods of communicating progress and achievements were continually monitored.

### **Corporate Plan Task and Finish Group**

Mrs P Dignum (Chairman), Mr N Galloway, Mrs D Knightley and Mrs P Plant

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

**Outcomes** – The council’s key projects were monitored for successful delivery. The group’s concerns regarding the Council’s underachievement of the recycling target were forwarded to the Cabinet Member for the Environment along with the request to reintroduce the Council’s Waste Minimisation Strategy Panel. As a result Cllr Barrow gave a presentation to members and agreed that a waste panel be established to consider how the Council could further develop waste and recycling initiatives. The Waste and Recycling Panel was established in February 2016.

### **Cultural Grants Task and Finish Group**

Mr G Hicks (Chairman), Mrs C Apel, Mr N Galloway, Mrs N Graves and Mrs J Tassell

**Areas of focus** – The Council have a funding agreement in place with both Chichester Festival Theatre and Pallant House Gallery until 2018. The Council negotiates a Service Level Agreement (SLA) with both organisations annually to ensure that appropriate outcomes are achieved for the local community, schools, etc. The group carried out two reviews, one in early 2015 and one in early 2016. They considered progress against both organisations’ service level agreements as well as their proposed SLAs for the following year. In 2015 the two organisations met with the task and finish group who scrutinised their performance and future objectives and reported to the OSC. In early 2016 the two organisations were invited in to the OSC to present directly to the committee. Questions raised by the group were posed to both organisations to answer at a meeting of the OSC on 10 May 2016.

**Outcomes** – Representatives from the two organisations were held to account regarding their past performance and commitments and their future priorities. In both years the committee was satisfied that the SLAs for both organisations were complementary to the strategic aims of the Council and that the Council was achieving value for money from its grants, particularly the community work being carried out in both organisations which meets the authority’s corporate priorities of ‘supporting vulnerable people and communities’ and ‘contributing to the economic impact of the area’.

### **Hyde Task and Finish Group**

Mrs C Apel, Mr N Galloway, Mr H Potter, Mrs P Plant, Caroline Neville, Mr A Shaxson (Chairman) and Portfolio Holder Mrs S Taylor

**Areas of focus** – To review the service charge assessment, its implementation and the processes available to mitigate the impact on individual tenants and receive clarification from Hyde as to the communication and consultation policy with tenants and future options to address issues raised by tenants. The group held two meetings, hearing evidence from Hyde tenants and from Ms C Brown (Director of Residents Services (Regions)) and Mr D Morrissey (Director of Core Operations) of the Hyde Group.

**Outcomes** – The group reported its outcomes to the OSC in September 2015. The committee made recommendations to the Cabinet to instruct the Head of Housing and Environment Services to write a letter to the Hyde Group Chichester setting out the Council's concerns and requesting a full report to the January 2016 OSC meeting. As a result Hyde returned to the January 2016 meeting with a full report detailing progress since September 2015 which was noted. The Hyde Group was subsequently kept members updated on their initiatives and performance results during the year.

### **WSSC Select Committee liaison**

Mrs P Dignum is the council's representative on the Health and Adults Social Care Select Committee (HASC). She reported back to the committee on issues affecting the Chichester district and local residents. The Council can submit concerns regarding any health issue to the HASC for consideration via its Business Planning Group (BPG) which meets quarterly.

### **West Sussex Joint Scrutiny**

Mrs C Apel is the Vice-Chairman on the West Sussex Joint Scrutiny Steering Group, a group of scrutiny members from the seven districts and boroughs of West Sussex who get together to suggest joint scrutiny reviews on issues of common interest to all authorities. Mrs C Apel has regularly provided an update to the committee on future proposals for joint scrutiny reviews.

Mr H Potter was the scrutiny representative on the Flooding review and provided feedback on the Flooding follow up review.

Mrs Norma Graves volunteered to be the scrutiny representative on a review of housing for care leavers. This review took place in March/April 2016 and the final report and recommendations are awaited.

## OSC DRAFT WORK PROGRAMME 2016-2017

| Date                                      | Issue  | Is this a Corporate Priority? What role does the OSC have?              | Lead Officer              |
|---|--|---|---------------------------|
| Jun 2016                                  | OSC annual report 2015-16 and 2016-17 work programme (final)<br>➤ <b>To Council Jul 2016</b>   | ➤ Monitoring and review   | B Jones                   |
| Jun 2016                                  | Local Strategic Partnership Plan 2016-17<br>➤ To review performance (business plan, annual report), consider and input into 2016-17 business plan), include Community Strategy as appendix; choose specific issues for scrutiny input.<br>➤ <b>Community Strategy to Cabinet Jul 2016</b>              | ➤ Policy review   | S Hansford/A Loaring      |
| Jul 2016<br>Special meeting<br>9.30 start | Chichester Vision<br>➤ Draft Vision with research information included.<br>➤ <b>To Cabinet Jul 2016 to approve</b>   | ➤ Corporate priority<br>➤ Policy development                            | J Hotchkiss/S Oates       |
| Jul 2016<br>special meeting               | Shared Services review - TFG<br>➤ <b>To Cabinet July 2016</b>  | ➤ Corporate priority<br>➤ Policy review                                 | J Dodsworth/<br>J Mildred |
| Jul 2016<br>special meeting               | Building Control Service Delivery options<br>➤ Consider alongside other Shared Services  | ➤ Corporate priority<br>➤ Policy review                                 | A Frost/R Pugh            |
| Jul 2016<br>special meeting               | Museum Service options appraisal<br>➤ Review options<br>➤ Depending upon options agreed, corporate TFG to be set up with OSC representation; or OSC to review performance in Mar 2017<br>➤ <b>To Cabinet July 2016</b>   | ➤ Corporate priority<br>➤ Policy review                                 | J Hotchkiss/C Hakes       |
| Jul 2016<br>Special meeting               | Chichester BID - renewal<br>➤ Evaluate whether we continue to support the BID<br>➤ <b>To Cabinet Jun 2016</b>  | ➤ Corporate priority<br>➤ Monitoring and review<br>➤ Policy development | J Hotchkiss/<br>S Oates   |
| Sep 2016                                  | Southern Water<br>➤ Request Southern Water to attend – develop a set of questions to be sent to them to answer in a presentation to include ‘What is their role in existing and new development?’ And ‘What is the long term plan to manage capacity of existing system to facilitate the local plan?’ | ➤ Monitoring and review   | A Frost                   |
| Sep 2016                                  | Choose Work evaluation<br>➤ Part of the Local Strategic Partnership Plan   | ➤ Corporate Priority<br>➤ Monitoring and review                         | S Hansford/A Loaring      |

|          |  |   |                     |
|----------|--|---|---------------------|
|          | ➤ <b>To Cabinet Oct 2016</b>   |   |                     |
| Sep 2016 | Gypsy & Traveller Post Project Evaluation<br>➤ <b>To Cabinet Oct 2016</b>  | ➤ Corporate Priority<br>➤ Monitoring and review                         | S Hansford/J Bacon  |
| Nov 2016 | Corporate Plan review – TFG<br>➤ To meet Oct-Nov<br>➤ Terms of Ref to be agreed at Sept OSC  | ➤ Corporate Priority<br>➤ Monitoring and review                         | J Mildred           |
| Nov 2016 | Review of CCTV function and costs, to include a review of CCTV assets<br>➤ To consider how to provide the service more efficiently<br>➤ Consider data on the use of CCTV in prosecutions and reducing crime<br>➤ <b>To Cabinet Dec 2016</b>  | ➤ Monitoring and review   | T Murphy/J Maskell  |
| Nov 2016 | Housing Allocations Scheme review<br>➤ Reviewed by OSC June 2013; agreed that rural allocations policy elements of scheme be reviewed by OSC every 3 years i.e. next in 2016. Also any changes of a non-policy nature made to the scheme should be reported to the OSC, but signed off by L Rudziak.<br>➤ Deferred from March 2016 | ➤ Corporate priority<br>➤ Monitoring and review                         | R Dunmall/I Owen    |
| Nov 2016 | Recycling Action Plan<br>➤ Review the proposed options when these have been developed<br>➤ <b>To Cabinet ?</b>   | ➤ Corporate priority<br>➤ Monitoring and review<br>➤ Policy development | B Riley             |
| Jan 2017 | Budget review – TFG<br>➤ To meet Dec<br>➤ Terms of Ref to be agreed at Nov OSC   | ➤ Corporate Priority<br>➤ Monitoring and review                         | J Ward              |
| Jan 2017 | Tourism Strategy<br>➤ Town and City Centre research to be undertaken as a result of Initial Project Proposal Document agreed by Cabinet Jan 15. Include research information.<br>➤ <b>To Cabinet Feb 2017</b><br>➤ <b>An update report and update on PID will go to June Cabinet.</b>  | ➤ Corporate priority<br>➤ Policy development                            | J Hotchkiss/S Oates |

|          |  |   |                      |
|----------|--|---|----------------------|
| Jan 2017 | <p>Parking Strategy</p> <ul style="list-style-type: none"> <li>➤ To request the portfolio holder to attend to talk to members about parking strategy and to consider areas for review. Dependent upon WSCC road space audit and Chichester Vision completion.</li> <li>➤ <b>To Cabinet Feb 2017</b></li> </ul>   | <ul style="list-style-type: none"> <li>➤ Policy review</li> </ul>                                       | J Hotchkiss/T Murphy |
| Mar 2017 | <p>Educational review - TFG</p> <ul style="list-style-type: none"> <li>➤ Following the review of education carried out in November 2014, the OSC agreed to undertake a further review of educational attainment in the district in early 2016 when there may be new Government educational policies and performance monitoring targets in place and it is likely that more schools in the Chichester district will have converted to academy status. Now moved to March 2017 to allow an extra year's outturn results to be considered.</li> <li>➤ Terms of Reference to be agreed at Nov OSC meeting.</li> <li>➤ TFG to meet Jan-February 2017 and report to March 2017.</li> </ul> | <ul style="list-style-type: none"> <li>➤ Monitoring and review</li> </ul>                               | S Hansford/D Hyland  |
| Mar 2017 | <p>Community Safety Partnership review – TFG</p> <ul style="list-style-type: none"> <li>➤ To meet Jan-Feb 2017</li> <li>➤ Terms of Ref to be agreed at Nov 2016 OSC</li> </ul>   | <ul style="list-style-type: none"> <li>➤ Corporate Priority</li> <li>➤ Monitoring and review</li> </ul> | P Bushby             |
| Mar 2017 | <p>Think Family Expansion Plan and Neighbourhoods</p> <ul style="list-style-type: none"> <li>➤ Review outcomes</li> </ul>  | <ul style="list-style-type: none"> <li>➤ Corporate priority</li> <li>➤ Monitoring and review</li> </ul> | P Bushby             |
| May 2017 | <p>OSC draft work programme 2017-18</p>  | <ul style="list-style-type: none"> <li>➤ Monitoring and review</li> </ul>                               | B Jones              |
| May 2017 | <p>Cultural Grants review - TFG</p> <ul style="list-style-type: none"> <li>➤ Terms of Ref to be agreed at Mar 2017 OSC</li> <li>➤ TFG to meet Apr 2017</li> <li>➤ There is a separate issue of reviewing CFT funding to allow them to access Arts Council funding by November 2016 – DS to feed back on this.</li> </ul>   | <ul style="list-style-type: none"> <li>➤ Monitoring and review</li> </ul>                               | S Hansford           |

Looking further ahead:

|          |   |   |                      |
|----------|---|---|----------------------|
| Jun 2017 | Leisure Contract Management<br>➤ OSC representative on corporate TFG – Mr M Cullen (to be agreed)                   |   | J Hotchkiss/S Peyman |
| Jun 2017 | Housing Strategy<br>➤ Progress report on delivery plan 2013-18  | ➤ Corporate Priority<br>➤ Monitoring and review | L Rudziak/L Grange   |
| TBA      | Development of Barnfield Drive<br>➤ Post Project Evaluation   |   | J Hotchkiss          |
| TBA      | Southern Gateway<br>➤ Once the scale of the project is known, the OSC can decide whether it wishes to input into it | ➤ Corporate priority<br>➤ Monitoring and review | P Over               |