



Minutes of the meeting of the **Overview & Scrutiny Committee** held in The Assembly Room - The Council House (Chichester City Council), North Street, Chichester on Tuesday 12 September 2017 at 9.30 am

Members Present: Mrs C Apel (Chairman), Mrs N Graves (Vice-Chairman), Mr P Budge, Mrs P Dignum, Mr N Galloway, Mr G Hicks, Mr S Lloyd-Williams, Mr K Martin, Caroline Neville, Mrs P Plant, Mr H Potter, Mr A Shaxson, Mrs J Tassell and Mr N Thomas

Members not present: Mr J Ransley

In attendance by invitation: Mr S Mills (Everyone Active)

Officers present: Mrs J Hotchkiss (Head of Commercial Services), Mr D Hyland (Community and Partnerships Support Manager), Mrs B Jones (Principal Scrutiny Officer), Mrs S Peyman (Sport and Leisure Development Manager), Mrs D Shepherd (Chief Executive) and Ms A Stevens (Environment Manager)

170 **Chairman's announcements**

The Chairman welcomed all to the meeting, particularly to officers and to Mr Stuart Mills, Contract Manager of Everyone Active.

She referred to a recent note out to members of the committee seeking those interested in attending a regional scrutiny networking seminar which was taking place at East Pallant House on 12 October 2017. Mrs P Plant and Mrs C Neville indicated that they would like to attend.

171 **Minutes**

The committee considered the minutes of the last meeting held on 30 June 2016.

RESOLVED

That the minutes of the meeting held on 30 June 2016 be agreed as a correct record.

Matters arising:

Mrs Jones updated the committee on progress against the recommendations made at the last meeting. At minute 163 the recommendation to the South Downs National Park Authority had resulted in a meeting being arranged with the South Downs National Park Authority on 3 October 2017 at 2.00pm. Mr Shaxson, referring to the

recommendation to Cabinet, suggested that a report be brought back to the committee for consideration. Mrs Jones advised that she would discuss with officers the possibility of preparing an update report for the committee at its November meeting.

172 Urgent Items

There were no urgent items.

173 Declarations of Interests

No interests were declared at this meeting.

174 Public Question Time

No public questions had been received.

Referring to the low number of public questions received by this committee, Mr Shaxson asked how this was advertised to residents in the district. Mrs Jones advised that there was currently a push to advertise our audio recorded meetings to the public and that she would investigate the inclusion of advice to the public on how to raise public questions at meetings.

175 Environment Services Portfolio Holder address

The Chairman welcomed Mr John Connor, the Cabinet Member for Environment Services, to the meeting.

Ms A Stevens, Environment Manager, was present to support Mr Connor and to answer any questions.

Mr Connor gave a presentation on his priorities and areas of focus over the coming months and on progress achieved over the last six months on projects within his portfolio which appear in the council's Corporate Plan.

The committee made the following comments and received answers to questions as follows:

- Areas which are designated as air quality management areas are monitored constantly. A monthly assessment of pollution levels is taken by diffusion tube in other areas. There had been a slight decrease in nitrogen dioxide figures however it was anticipated that there would be no overall improvement in air quality. Actions are being taken which are consistent with what the government would expect local authorities to be taking to manage air quality such as modal shift initiatives. A move to car clubs, improvement in technology with introduction of electric vehicles and cleaner petrol and diesel engines will improve the figures in the long term.
- Mr Galloway had been asked to be a member of the Air Quality Working Group. Mr S Morley is Midhurst's representative on the group.
- Issues of pollution, traffic jams and highway repairs at Midhurst and the possible solutions: Traffic and congestion such as is found at Rumbolds Hill,

which results in pollution, is outside of local authority control. Monitoring has been undertaken on Rumbolds Hill and results showed that it could possibly be declared an 'air quality area'. Further modelling is required to support the monitoring and as such this problem is on the Air Quality Working Group agenda. If an air quality management area (AQMA) was put in place it would allow the council more influence in areas such as local transport planning with WSCC, encouraging initiatives such as hybrid buses (which could be fitted with devices to allow them to automatically go electric once they hit certain areas). Emissions from diesel engines were constantly improving. The next generation would see more car sharing, more use of electric bikes and cars and a subsequent reduction in emissions. Routing lorries elsewhere was a regional transport issue. It was not possible to declare an area as an air quality management area immediately. We would need to undertake modelling, would need to consider possible mitigating actions and it would be a Cabinet and Full Council decision. Ms Stevens undertook to take this away as a matter of priority.

- The vulnerability of our coastline to a 1:100 year flooding event: Coastal defences are robustly maintained however the risk of storm surge at any time cannot be predicted. Within 20-30 years we would need to look at raising coast defences by about half a metre. The Medmerry Realignment Scheme was built to reduce that risk to the coastline around Selsey.
- LPG gas leakages in commercial site tanks (issue raised after explosion in Scotland recently): The council is actively investigating this area.
- Increased use of lorries at Pendean Sandpit: Environment officers provide advice and recommend planning conditions through the planning system from an air quality, pollution and noise viewpoint. The problem of numbers of lorries would be investigated and reported back to OSC.
- Public toilets: Falls within the responsibilities of the Cabinet Member for Contract Services.
- Cycle paths: Officers have good relationships with WSCC officers and cycle lobby groups to ensure Chichester's interests are integrated into the local transport planning system which is WSCC remit. Officers are consulted on the WSCC road space audit and transport planning policies. Officers are also feeding into the Local Plan Review process to ensure that there are relevant policies within the council's Local Plan. Chichester Vision has been shaped to ensure that we have an integrated alternative transport route. There has been an increase in cycles in the district with increased demand for cycle routes.
- Caravan site licenses - the layout and spacing between caravans and boundaries applying equally to private and gypsy sites: It was thought this had more to do with the welfare of visitors to a caravan site and may not apply in domestic situations. Ms Stevens undertook to respond to members with more information.
- Concern about activities taking place under permitted development rights and the increase in camping/tents at Tinwood Lane, Chichester and The White Horse, Chilgrove and music temporary event licences. Ms Stevens undertook to investigate this and respond to members.
- Uber licencing: All drivers are treated as private hire. There had been an increase in out of area drivers coming into the Chichester area to get a licence. A knowledge test had been introduced to manage expectations in line with London authorities. Mrs Jones undertook to circulate information which had appeared in the Members' Bulletin recently.

- Increase in numbers of cafes and restaurants in the area: The team was fully resourced to ensure food hygiene checks were undertaken.

A copy of Mr Connor's presentation will be appended to the minutes of this meeting.

RESOLVED

That the Environment portfolio holder's oral report be noted.

176 Leisure Services Performance Review

The committee considered the report circulated with the agenda.

Mrs S Peyman presented the report. Mr S Mills, Everyone Active Contract Manager, was in attendance to answer questions.

This report covered the period 1 May 2016 to 31 March 2017, a period of 11 months and considered the outcomes of the Leisure Services Post Project Evaluation. A corporate Leisure Task and Finish Group had been constituted to consider performance during the project and a representative of this committee had been assigned to that group.

Mrs P Plant reported back that she had been on the task and finish group and had made a point of going to visit all three centres. At the last meeting of the group the annual report was considered and performance against the project outcomes was noted as having been met.

The committee made the following comments and received answers to questions as follows:

- Have the savings in the first year been achieved? The savings reported are the overall savings agreed between the council and the contractor to be achieved over the ten year contract period. A risk to the council in the future would be if the contractor wasn't able to deliver the set savings to the council and in this instance the contractor would be subject to penalties under the contract.
- The financial information had been included in a confidential report to Cabinet in January 2016. This had been noted in the report as a background paper and members had access to this information.
- IFI relates to the Inclusive Fitness Initiative which allows people with disabilities to fully access and use the fitness facilities.
- There is a concessionary rate for older people. It was aimed at 65 and above but this had been changed to 60 and above.
- A swimming loyalty scheme had been replaced with a new swim only membership which had worked out better value to the customer than the loyalty scheme.
- Who do Chichester residents go to Bourne when they have everything at the Westgate Centre? Some customers prefer Bourne which is a quieter site. Everyone Active customers can use any similar site in the country.
- A virtual class is a class without a coach but with a video screen.
- A Quest assessment is a national quality standard scored through mystery customers, mystery phone calls and email.

- Work on the changing rooms has been carried out. A report setting out customer comments is considered monthly to assess dissatisfaction levels.
- Community sports and development plan is under way and initiatives will be discussed with the task and finish group
- Clarification was sought on the three different companies under Sports & Leisure Management (SLM). Our contract is with SLM Sport and Development Limited; however there are three separate companies – SLM Fitness, SLM Community and SLM Food & Beverage – within the SLM group. When nearing completion of the contract in early 2016 the advice had been to transfer elements of the business to the three separate companies. The pension outcome would be the same.
- The issue with the replacement engines had been resolved with a report to Cabinet – Mrs Jones would send of this decision to the committee.

The committee **RESOLVED**

That it was satisfied that the contractor was achieving satisfactory levels of performance against the outcomes set out at paragraph 3.0 in the annual report.

177 **Southern Gateway, Chichester - Implementation**

The committee considered the report circulated with the agenda.

Mrs Hotchkiss presented the report. Mrs Shepherd was in attendance to answer questions.

The committee was reminded that the purpose of this report was not to consider the content of the Masterplan, which was going through a separate approval process via the Development Plan & Infrastructure Panel, Cabinet and Council, but to consider the draft Southern Gateway Implementation Plan and whether there were any gaps. This draft plan was being brought to the committee to consider in advance of the Masterplan being agreed. A workshop on the Southern Gateway Masterplan, to which all members had been invited, was being held on 4 October 2017. The committee was also asked to nominate a member to sit on the Growth Board as an observer.

Mrs Hotchkiss drew members' attention to amendments on page 67 – Mrs J Kilby replaced Mrs C Purnell as Cabinet Member for Housing Services; Mrs E Lintill has been added as Cabinet Member for Community Services and the representative from this committee would also be added once appointed.

The project outcomes, outputs, constraints, costs and governance arrangements were presented to the committee as well as the proposed project plan and proposals to develop a communications plan. This would be a phased project with some sites coming forward sooner than others. Key stakeholders would be kept informed and consultation carried out during the implementation phase. At all stages in the project the risks would be reviewed and rescored.

Mrs Apel referred to various questions submitted prior to the meeting by Mr J Ransley and the responses given by Mr P Over.

The committee made the following comments and received answers to questions as follows:

- The law courts are to be closed and the courts will be handed over to the Homes and Communities Agency (HCA) which is a key partner in the project.
- Significant new funding streams - Housing Infrastructure Fund (HIF) and the Local Enterprise Partnership (LEP): Bids are currently being developed.
- Closure of the Kingsham building sited on the current High School: This area and the astro turf area is included in the Masterplan.
- Current land owners have supplied us with letters of support for the project (required for the LEP application). We have also signed a Memorandum of Understanding with our key partners like WSCC and the HCA.
- We currently own the land at Basin Road car park and at the bus station and bus depot.
- Total cost of the loss of the car park and revenue from Stagecoach totals just under £80,000. That loss of revenue would be picked up when we work with the developer to mitigate this loss. The council would need to assess whether it wanted to be an investor in the project going forward or whether it just wanted to mitigate the loss.
- How much spent so far? Cabinet had agreed £75,000 in January 2017 and from this and other partnership money we had funded initial appointments for legal and property advice. The contracts we have with these companies are staged so at any point we could pull out.
- Mr Over is sponsor for this project and Mrs Hotchkiss is support. The project details in this report include the top level milestones. At present implementation is set for June 2019 with the appointment of a developer for the site. There is a gross development cost of £180m and once the developer is appointed it could take at least a further 5 years to develop all the sites in the plan. As individual projects are developed then reports would come forward to Cabinet for approval. All funding to date and approval to commence the masterplan process had previous Cabinet approval. As and when sites come forward further Cabinet approval would be sought. At that point Cabinet/Council would have the option to decide whether to invest directly in the schemes.
- How do we assess the need for student accommodation? A consultant had carried out this work. We were trying to address some aspects of our Vision for young people. There is currently a planning application for units at Shopwyke so we need to continuously analyse what is coming through from the market and adjust the need for new homes and care homes (for which there is also a demand). Each of the site areas would have a range of development opportunities identified in the Masterplan. Until a developer was on board it would be difficult to pinpoint specifics.
- The bus station and the train station would not need to be sited together as there would be an interchange to allow people to access either. This was linked to the Masterplan.
- The property tour arranged for members on 10 October would allow members to understand the area and buildings involved in the Southern Gateway area.
- The proposals for a bridge in the city would be considered as part of consultation on the Masterplan.
- Short timescale issues: We are in the process of applying to the HIF and LEP funds so the timescale is linked to getting those applications in. If the

Masterplan was not adopted then this timescale would move. If there was a significant change then advice would be sought on the viability of the project going forward. The risk was that the market could change, however we were mitigating this by analysing viability at key stages of the project.

- A risk would be added to the PID – the risk of relocation sites not being identified.
- The risks mentioned in the implementation plan are weighted as to the vulnerability of these risks to the project. As the project progresses the risks will be reassessed and advice sought regarding risks like the Compulsory Purchase Order (CPO) if we need to go down that route.
- Funding is a high risk to cover the relocation costs. If we were unsuccessful with these two funding bids then we would have to investigate alternative funding sources. If these additional funding sources fail then we would have to look at what aspects of the Masterplan could go forward or not.
- Occupancy of properties: Mrs Hotchkiss undertook to add this under Outcomes in the document.
- The Masterplan would be a live flexible document. If there is no adopted masterplan a number of the sites are likely to be developed anyway so it was better to have a masterplan so that a coordinated approach to development in this area could take place. We did not have all answers yet but at each phase of this project there would be reports back to Cabinet and/or Council and members would receive those reports and would be able to question them. This PID sets out the steps needed to secure ownership of the properties within the development area and to appoint a developer.
- There were a number of drivers to this project such as the sites available for development such as the law courts, the funding streams available and support from major partners such as WSCC and the HCA.
- WSCC and this Council will agree a joint document about the priority projects and growth in certain areas. The Growth Board will be set up to consider how to allocate resources to those priority project areas.

Mrs Hotchkiss undertook to update the Implementation Plan with the two amendments raised above.

At the conclusion of the debate the committee voted on a show of hands unanimously in favour of the resolutions.

RESOLVED

- 1) That the suggested amendments be made to the draft Southern Gateway Implementation Plan and the revised plan be presented to Cabinet once the Masterplan has been approved.
- 2) That Mr N Galloway be appointed to the Chichester Growth Board as an observer.

178 Corporate Plan Mid-Year Review - Terms of Reference

The committee considered the Terms of Reference for this Task and Finish Group. The Chairman had received positive responses from two previous members of the group and was awaiting responses from the other two members. Mrs P Dignum had agreed to chair the group.

RESOLVED

- 1) That the Terms of Reference for the Corporate Plan Task and Finish Group be agreed.
- 2) That members be confirmed as Mrs P Dignum and Mr N Galloway, and Mr S Morley and Mr L Hixson, should they respond in the affirmative.
- 3) That Mrs P Dignum be agreed as the Chairman of this group.
- 4) That the Task and Finish Group report back to this committee at its November 2017 meeting.

179 Forward Plan

The committee considered the Council's latest Forward Plan (Oct 2017- Jan 2018) for items to raise for scrutiny. The following issues were discussed:

- Air quality – during a previous agenda item at this meeting officers agreed to keep members informed on this topic.
- East Pallant House Options Appraisal – this was due to be considered by the committee at its January 2018 meeting.
- S106 Allocation – Westhampnett Community Hall – Mr Hyland offered to update Mr Potter after the meeting.

The Chairman raised the issue of the council's consultation process as there had been a number of concerns from members of the public and councillors following consultations on Southern Gateway, The Vision, Local Plan and recently the Street Audit. Members of the committee agreed that this item should also be added to the committee's work programme.

RESOLVED

That a review be carried out on the council's consultation process and this review be added to the committee's work programme.

The meeting ended at 12.13 pm

CHAIRMAN

Date:

Environment Portfolio Holders Report

John Connor



Environment Team's work and the Corporate Plan

The teams work, public health and environment crosses all the Corporate Plan priorities but in particular;

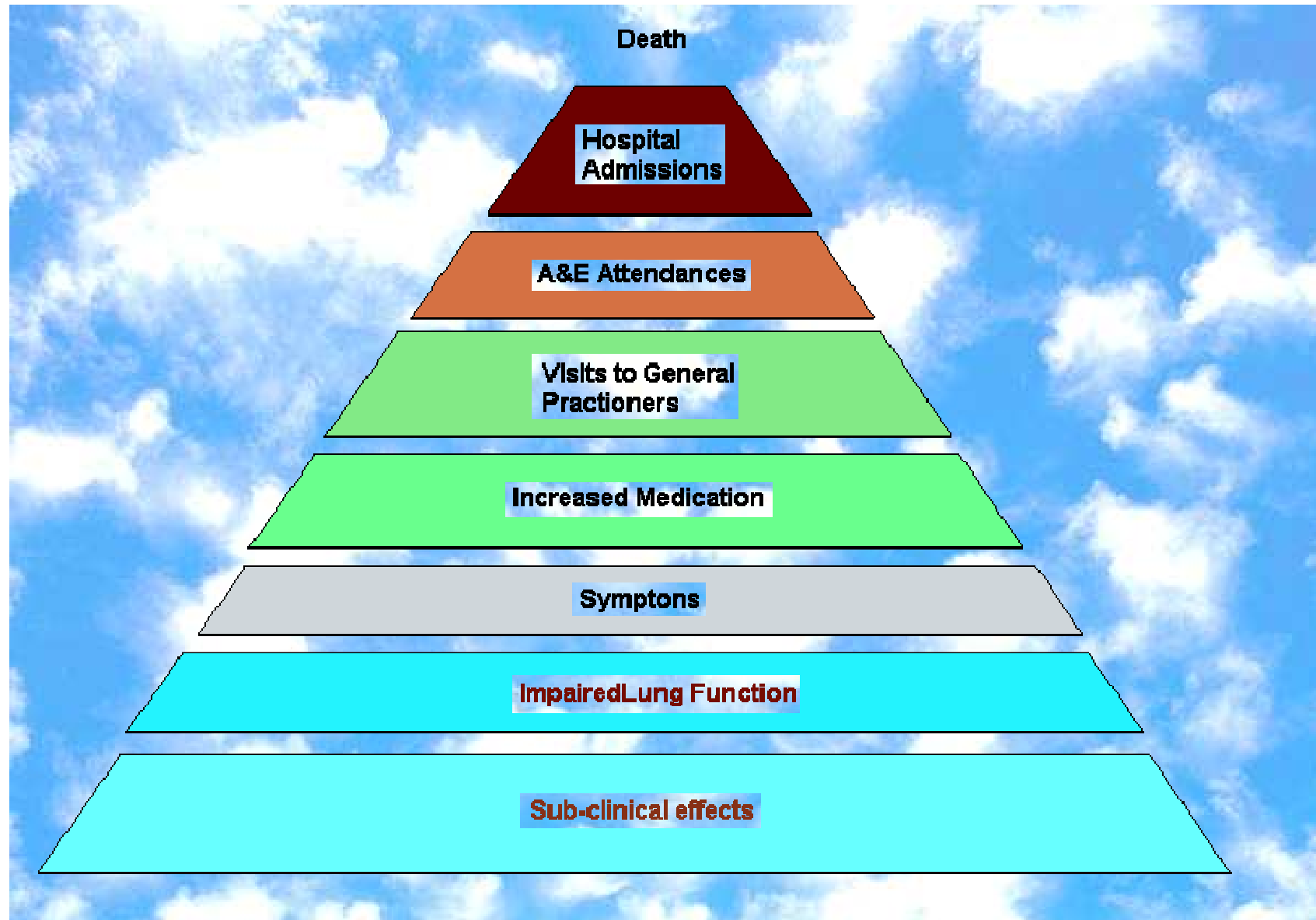
- Manage our built and natural environment
- Improve and support the local economy

Manage our built and natural environment

Environmental Protection Priority - **Air Quality**

- Nationally priority
- Health impacts of particulates and nitrogen dioxide

Impact of air pollution on Public Health





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News

Small diesels more toxic than big cars

Ben Webster Environment Editor

Small diesel cars pump out more toxic air pollutants than large gas guzzlers, according to independent tests. The results confound the popular assumption that bigger cars must be worse for the environment.

Recent models with an engine size below 1.5 litres emit on average 9.3 times the legal limit of nitrogen oxides (NOx) in road tests by Emissions Analytics, which supplies independent data on the real-world emissions produced by cars.

Cars with engines bigger than 2 litres emit on average 5.8 times the legal limit, which manufacturers are only required to meet in laboratory tests, despite admitting that those tests do not reflect how cars are driven on the road.

A 3-litre BMW 5 Series and 4-litre Porsche Panamera both met the legal limit of 80 milligrams per kilometre (mg/km) of NOx in the Emissions Analytics road tests, which involve realistic

Hazard warning

Large and clean (meets the legal limit for nitrogen oxides)
Porsche Panamera 4-litre
BMW 5 Series 530d 3-litre



Small and dirty (emits 6-8 times the legal limit)
Toyota Auris 1.4-litre
Volkswagen Polo 1.4-litre



speed and acceleration. In the same tests, a 1.4-litre Volkswagen Polo and 1.4-litre Toyota Auris produced from six to eight times the legal NOx limit.

Nick Molden, founder of Emissions Analytics, said part of the reason why bigger cars tended to produce less NOx was because they were more expensive and yielded more profit for manufacturers, who were therefore more willing to spend a little extra fitting effective pollution controls.

Larger cars also had more space for pollution controls, meaning there was less pressure on manufacturers to use smaller, less effective systems or risk reducing their effectiveness by squeezing them into a tight space.

Mr Molden said: "There is a physical packaging issue. In a small car you have not got a lot of space to work with unless you cut into the boot, which then makes it a less attractive product."

He said that larger diesels were more likely to have selective catalytic reduction systems, which involve injecting

urea into the exhaust to neutralise the NOx emissions. From September, any new models being put on the market for the first time will have to meet a tougher official "type approval" test which will include on-road testing.

Lorries and buses have been subject to road tests of randomly selected vehicles since 2014 and as a result new ones typically produce less than half the NOx of the average new car.

Tests by Germany's vehicle testing agency and a Finnish research centre revealed that the latest diesel lorries and buses produced an average of 210mg/km of NOx compared with 500mg/km for new diesel cars.

The European Automobile Manufacturers Association has said that, from September, a new test "will introduce much more realistic testing conditions, including higher speeds, more representative driving behaviour and stricter measurement conditions, than the current lab test".

Letters, page 28

Enter
Shak
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Nadeem Bar

Two environmentalists have sued the government against the Environment Editor | James Crisp, Brussels

The activists staged a protest group before the February 16 2017, Cleopatra 4:01 am, theatre in the Times

portrayed Shakespeare's play the oil and gas industry. Darragh who played told the audience the company's scheme for spare told spare will be my stage! Out damn log!

Britain receives final warning on 'shameful' air pollution levels



Strategic Policies

- Chichester Vision
- Local Plan
- Southern Gateway

Operational Policies

- Greening the fleet – low/zero emission vehicles
- Electric vehicle charging points
- Enlarge Co-Wheels Club

AQ Working Group to support officers work

Manage our built and natural environment

Environmental Protection Priority - Litter and Fly Tip Strategy

- Sending clear messages
- Cleaning up the District
- Improving enforcement

Manage our built and natural environment

Other Environmental Protection Priorities

- **Selsey Bathing Water Enhancement Project**
- **Your Energy Sussex (YES)**
- **Beach Management Plan 2016-21**

Improve and support the local economy

Health Protection Priority – **Food Rating Scheme**

Target of improving % of premises that score a national food hygiene rating of 3 or more to 95%.

Last year = 96%, early indications this will increase this year

Future of Food Regulation

- FSA are revising the way food inspections are carried out.
- Earned Recognition for businesses
- Inspections by external accredited contractors

Emergency Planning

- Emergency preparedness for an incident
- “Critical” status
- Review of housing and commercial stock – fire precautions

Other areas

- Licensing – night time economy, review of taxi licensing system
- H&S – LPG tanks

Questions

Let me know if there is anything else:

- We should be doing?
- We should not be doing?