

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 **Monday 19 June 2017** at **14:00** 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

Friday 9 June 2017

NOTES

- (1) The Council meeting will be preceded by the following arrangements for members:
 - **12:15** Lunch
 - **12:45** Briefing session on the Chichester Vision
 - **13:45** Intermission
- (2) Members are requested to bring with them to the meeting their copy of the agenda and the accompanying papers for the meeting of the Cabinet which will take place earlier in the day at 10:00 on Monday 19 June 2017

AGENDA

1 **Chairman's Announcements**

The chairman will make any specific announcements and advise of any late items which due to be special circumstances will be given urgent consideration under agenda item 9 (a) or (b).

Apologies for absence will be received at this point.

2 **Approval of the Minutes** (pages 1 to 18)

The Council will be asked to approve as a correct record the minutes of its annual

meeting held on Tuesday 16 May 2017, a copy of which is circulated with this agenda.

3 Declarations of Interests

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

4 Public Question Time

In accordance with Chichester District Council's scheme of public question and with reference to standing order 6 in Part 4 A and section 5.6 in Part 5 of the Chichester District Council *Constitution*, consideration will be given at this point in the meeting to questions which have been submitted by members of the public in writing by 12:00 on the previous working day. The total time allocated for public question time is 15 minutes but this is subject to the chairman's discretion to extend that period for each member of the public (five minutes) or the total time for public questions (15 minutes).

RECOMMENDATIONS BY THE CABINET

The Council is requested to consider at this stage of the meeting the following recommendations of the Cabinet which require its approval.

The reports giving rise to these recommendations are in the agenda papers for the meeting of the Cabinet which starts at 10:00 on Monday 19 June 2017. Members are requested to bring their copies of that agenda to this meeting. The papers may also be viewed in the committee papers section of Chichester District Council's website or by members only in the final reports folder on the x-drive.

5 Chichester Local Plan Review: Timetable and Issues and Options Consultation

The report is at item 5 of the agenda for the Cabinet's meeting on Monday 19 June 2017 and its three appendices are in the agenda supplement.

It is anticipated that the following recommendations will be made by the Cabinet earlier in the day to the Council at this special meeting:

RECOMMENDATION TO THE COUNCIL

That the Council approves:

- (1) The amendment of the Local Development Scheme 2017-2020 by adding the key dates for the Local Plan Review set out in paragraph 6.3 of the agenda report.
- (2) The Local Plan Review Issues and Options documents presented as appendices to the agenda report being the subject of a six-week period of public consultation from 22 June to 3 August 2017.

- (3) The Head of Planning Services being authorised, following consultation with the Cabinet Member for Planning Services, to make minor amendments to the consultation documents prior to their publication.

6 Draft Statement of Community Involvement for Public Consultation

The report is at item 6 of the agenda for the Cabinet's meeting on Monday 19 June 2017 and its appendix is in the agenda supplement.

It is anticipated that the following recommendations will be made by the Cabinet earlier in the day to the Council at this special meeting:

RECOMMENDATION TO THE COUNCIL

That the Council approves:

- (1) The Statement of Community Involvement for a six-week public consultation.
- (2) The delegation of authority to the Head of Planning Services following consultation with the Cabinet Member for Planning Services to enable minor amendments to be made to the document prior to and following public consultation.

7 Draft Southern Gateway Masterplan for Public Consultation

The report is at item 7 of the agenda for the Cabinet's meeting on Monday 19 June 2017 and its appendix is in the agenda supplement.

It is anticipated that the following recommendations will be made by the Cabinet earlier in the day to the Council at this special meeting:

RECOMMENDATION TO THE COUNCIL

That the Council approves:

- (1) The Draft Southern Gateway Masterplan set out in the appendix to the agenda report for public consultation.
- (2) The delegation of authority to the Head of Planning Services following consultation with the Cabinet Member for Planning Services to make minor amendments to the document prior to public consultation.

OTHER REPORTS

8 Amended Appointment to Committees 2017-2018 (page 19)

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

That Mrs P C Plant be appointed in the place of Mr J C P Connor to serve on the Overview and Scrutiny Committee for 2017-2018.

9 Late Items

Any late items announced by the Chairman of the Council at the start of this meeting will be considered 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.

10 Exclusion of the Press and the Public

[**Note** There are no restricted items for consideration at this meeting]

NOTES

- (1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the *Local Government Act 1972*.
- (2) The open proceedings of this meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public enters the committee room or makes a representation to the meeting, they will be deemed to have consented to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting, please liaise with the contact for this meeting at the front of this agenda.
- (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 intention before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided.

MEMBERS

Mrs C Apel	Mrs J Kilby
Mr G Barrett	Mrs E Lintill
Mr R Barrow	Mr S Lloyd-Williams
Mr J Brown	Mr L Macey
Mr P Budge	Mr K Martin
Mr A Collins	Mr G McAra
Mr J Connor	Mr S Morley
Mr T Dempster	Caroline Neville
Mr A Dignum	Mr S Oakley
Mrs P Dignum	Mr C Page
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 N Galloway	Mr J Ransley
Mrs N Graves	Mr J Ridd
Mr M Hall	Mr A Shaxson
Mrs E Hamilton	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
Mrs G Keegan	Mr P Wilding



Minutes of the meeting of the **Annual Council** held in the Committee Rooms at East Pallant House Chichester on Tuesday 16 May 2017 at 14:00

Members Present

Mrs C Apel, Mr G Barrett, Mr R Barrow, Mr J Brown, Mr A Collins, Mr J Connor, 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 (Vice-Chairman), Mr M Hall, Mrs E Hamilton (Chairman), Mr R Hayes, Mr G Hicks, Mr L Hixson, Mr F Hobbs, Mrs G Keegan, Mrs J Kilby, Mrs E Lintill, Mr S Lloyd-Williams, Mr K Martin, Mr G McAra, Mr S Morley, Caroline Neville, Mr S Oakley, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr J Ransley, Mr J Ridd, Mr A Shaxson, Mrs S Taylor, Mr N Thomas, Mrs P Tull, Mr D Wakeham, Mrs S Westacott and Mr P Wilding

Members Absent

Mr P Budge, Mrs P Hardwick, Mr L Macey, Mr C Page and Mrs J Tassell

Officers Present

Mr S Carvell (Executive Director), Mr P E Over (Executive Director), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance and Governance Services)

202 Election of the Chairman of the Council

The 2017 Annual Council meeting was opened by the Chief Executive Mrs Shepherd. She greeted everyone present and explained that it was her responsibility to preside until the election of the chairman had been accomplished. She explained the emergency evacuation procedure.

Mrs Shepherd invited nominations for election of the Chairman of the Council for the 2017-2018 Chichester District Council (CDC) administrative year.

Mr Dignum proposed Mrs Hamilton. He commended her diligent fulfilment of the role and duties of Chairman during her first term of office in 2016-2017. She had presided at the Council meetings and had represented CDC at many events and functions.

Mr Dignum's proposal was duly seconded by Mrs Lintill.

No other nominations were received.

Mrs Shepherd requested members to vote on the aforementioned proposal.

Decision

Members voted in favour of the proposal with no votes against and one abstention.

RESOLVED

That Mrs Hamilton be elected the Chairman of the Council for the 2017-2018 CDC administrative year.

Mrs Hamilton then took the Chairman's seat at the head table. She read, signed and dated the declaration of her acceptance of office in the prescribed form.

203 Appointment of the Vice-Chairman of the Council

Mrs Hamilton invited nominations for appointment of the Vice-Chairman of the Council for the 2017-2018 CDC administrative year.

Mr Dignum proposed Mrs Graves. He said that she had supported Mrs Hamilton throughout the past Council year and had attended a variety of events and functions on behalf of CDC.

Mr Dignum's proposal was duly seconded by Mrs Lintill.

No other nominations were received.

Mrs Hamilton requested members to vote on the aforementioned proposal.

Decision

Members voted in favour of the proposal with no votes against and one abstention.

RESOLVED

That Mrs Graves be appointed the Vice-Chairman of the Council for the 2017-2018 CDC administrative year.

Mrs Graves then took the Vice-Chairman's seat at the head table. She read out, signed and dated the declaration of her acceptance of office in the prescribed form.

204 Approval of Minutes

The Annual Council received the minutes of the Council meeting on Tuesday 7 March 2017, which had been circulated with the agenda (copy attached to the official minutes).

There were no proposed changes to the minutes.

Decision

The Annual Council voted unanimously on a show of hands to approve the aforementioned minutes without making any amendments.

RESOLVED

That the minutes of the Council's meeting on Tuesday 7 March 2017 be approved without amendment.

Mrs Hamilton then duly signed and dated the final (sixteenth) page of the official version of the aforesaid minutes as a correct record.

205 **Urgent Items**

There were no urgent items for consideration under agenda item 15 (a) or (b) (Late Items).

206 **Declarations of Interests**

The following declarations of interests were made in respect of agenda item 8 (Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document):

- Mr Barrett declared a personal interest as a CDC appointed member of the Chichester Harbour Conservancy.
- Mr Connor declared a personal interest as a CDC appointed member of the Chichester Harbour Conservancy.
- Mrs Plant declared a personal interest as a CDC appointed deputy member of the Chichester Harbour Conservancy.

The following declaration of interest was made insofar as it was relevant to do so having regard to the agenda items for this meeting:

- Mr Dunn declared a personal interest as a CDC appointed member of the South Downs National Park Authority.

207 **Chairman's Announcements**

Mrs Hamilton made the following announcements or remarks:

- (1) Apologies for absence had been received from Mr Budge, Mrs Hardwick, Mr Page and Mrs Tassell.

[Note There was one other absentee: Mr Macey]

- (2) In welcoming everyone to this Annual Council meeting she expressed gratitude to members for re-electing her as the Chairman and re-appointing Mrs Graves as the Vice-Chairman.
- (3) During the previous 12 months she and Mrs Graves had represented CDC by attending many events and functions within Chichester District. A list of her own engagements would be e-mailed to all members after the end of this meeting.
- (4) Four CDC by-elections had taken place on Thursday 4 May 2017 and the new members were: Mr A Collins (Bosham Ward), Mr K Martin (East Wittering Ward), Mr C Page (North Mundham Ward) and Mr P Wilding (Plaistow Ward). She congratulated them on their success and on behalf of all CDC members welcomed them to the local authority. Mr Page was unable to attend this meeting and so she asked the other three new members to stand up and be identified to their colleagues.

- (5) There was also on Thursday 4 May 2017 the four-yearly West Sussex County Council (WSCC) election and three CDC members were now also WSCC members: Mrs Dunton (Petworth Division) and Mr Oakley (Chichester East Division) had been re-elected and Mrs Purnell (Selsey Division) had been elected for the first time. On behalf of all CDC members she congratulated them on their success.
- (6) In what was believed to be an unprecedented occasion for CDC, two of its members were standing as parliamentary candidates for the Chichester constituency in the general election to be held on Thursday 8 June 2017: Mr Brown (Liberal Democrat) and Mrs Keegan (Conservative). She conveyed her best wishes to both of them.
- (7) On Friday 28 April 2017 many members visited by invitation the South Downs Planetarium, located behind the Chichester High School in Kingsham Road. The Planetarium, which was very well regarded and was in contact with similar organisations around the world and trained many of the world's navies, was in the midst of the city and run by volunteers on a shoestring budget. All the presentations were tailored to the group visiting and surely all those who attended that afternoon would thoroughly recommend a visit.
- (8) As stated on the front of the agenda for this meeting, there would be a special meeting of the Council on Monday 19 June 2017 at 14:00. It would be preceded by a meeting of the Cabinet at 10:00 that day; that meeting was itself to have been a special meeting but this would now be the Cabinet's ordinary monthly meeting as a decision had been taken earlier in the day to cancel the ordinary meeting scheduled for Tuesday 6 June 2017 for a lack of sufficient business to transact.

208 **Public Question Time**

No public questions had been submitted for this meeting.

[**Note** Minute paras 209 to 218 below summarise the consideration of and conclusion to agenda items 8 to 17 inclusive but for full details (excluding exempt agenda item 17) please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=132&MId=735&Ver=4>]

209 **Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document**

The Annual Council considered the recommendation to the Council made by the Cabinet at its meeting on Tuesday 9 May 2017 set out on the face of the agenda (copy attached to the official minutes), the details in respect of which were contained in pages 18 to 20 of the agenda report for that meeting and also in the two appendices which had published online only (although some hard copies were available for inspection at this meeting).

Mrs Taylor (the Cabinet Member for Finance and Governance Services) formally moved the recommendations of the Cabinet and this was seconded by Mr Dignum (Leader of the Council).

Mrs Taylor presented the report. She emphasised the immense importance and value of Chichester Harbour as one of Chichester District's greatest assets. The protection and maintenance of the AONB (designated in 1964) was the responsibility of CDC, Havant Borough Council and the Chichester Harbour Conservancy. The AONB was the subject of specific policies in the two councils' respective local plans: Policy 43 (Chichester Harbour Area of Outstanding Natural Beauty (AONB)) in the *Chichester Local Plan: Key Policies 2014-2029*. Any future development should be guided by the four principles to protect, conserve and enhance natural beauty and wildlife set out in para 2.1 of the section 2 of the *Joint Chichester Harbour Area of Outstanding Natural Beauty Draft Supplementary Planning Document* (SPD) in appendix 1. Section 3 of the report set out the timeline for the preparation of the more comprehensive SPD, which would replace and possess greater evidential weight than the 2007 *Design Guidelines for new dwellings and extensions* (Chichester Harbour Area of Outstanding Natural Beauty. Appendix 1 contained the SPD; appendix 2 set out the consultation representations received and CDC's responses thereto. If adopted the SPD would be a material consideration in the determination of planning applications and appeals and section 4 of the report stated what outcomes its adoption would achieve.

Where required, responses were given by Mrs Taylor and Mr Carvell to questions and comments by members on points of detail. Matters covered included the effect of recreation and disturbance mitigation measures, the weight to be attached to the SPD and the post-consultation amendment made to para 13.1 of the draft SPD so that it now stated that where there was proposed a substantial increase in the development of a property 'there should be no more than a 50% increase above the original footprint or a 25% increase above the existing silhouette (on any elevation visible from the wider landscape)' [emphasis supplied] (page 121 in appendix 2 to the report).

Decision

At the end of the discussion the Annual Council voted with respect to the recommendations made by the Cabinet and on a show of hands it was unanimously in favour of making the resolutions set out below.

RESOLVED

- (1) That the Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document (as set out in appendix 1 to the agenda report) be adopted.
- (2) That the proposed responses to representations received (as set out in appendix 2 to the agenda report) be approved.

210 Review of Political Balance

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

Mrs Shepherd presented the report and drew members' attention to the tables in paras 4.1, 4.3, 4.5, 4.6 and 4.7 (erroneously cited as 1.7), the figures in which she explained.

Members' questions were invited. Mr Brown expressed concern about the self-evident disparity between the term 'political balance' and the 85.41% proportion of committee seats awarded to the Conservatives, which was not an allocation that reflected the voting pattern among the Chichester District electorate. Mrs Shepherd said that the allocation

was strictly governed by the relevant regulations (para 4.2 of the report). Mr Brown's point could more properly be raised during questions to the executive.

Mrs Hamilton proposed that the recommendation in para 2.1 of the report be approved by the Annual Council meeting. Her proposal was seconded by Mrs Graves.

Decision

The Annual Council voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

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

211 Appointments to Committees 2017-2018

The Annual Council considered the agenda report and its appendix, which were originally circulated in an agenda supplement and then following revision of the appendix in an amended supplement to the agenda (copies attached to the official minutes).

Mrs Hamilton introduced the report and then enquired whether there were any proposed changes to the list of committee memberships set out in the revised version of the appendix to the report. There was none.

There was no discussion of this item.

Mrs Hamilton proposed that the recommendation in para 2.1 of the report be approved by the Annual Council meeting.

Decision

The Annual Council voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

That members be appointed to serve on committees for 2017-2018 with their chairmen and vice-chairman as set out in the revised version of the appendix to the agenda report.

212 Appointments to External Organisations

The Annual Council considered the agenda report which was circulated in an agenda supplement (copies attached to the official minutes).

Mrs Hamilton referred to the report and asked if there were any proposed changes to named appointments to the list of 11 external organisations in para 3.2. There was none.

There was no discussion of this item.

Mrs Hamilton proposed that the recommendation in para 2.1 of the report be approved by the Annual Council meeting.

Decision

The Annual Council voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

That members be appointed to serve on external organisations for 2017-2018 and in certain cases for a longer term as set out in the tables in the agenda report.

213 Previous Making of Urgent Decision - Increase in Planning Fees

The Annual Council received and considered the statement of position set out in the text in the agenda itself (copy attached to the official minutes).

Mrs Hamilton referred to the detailed text on the fourth and fifth pages of the agenda front sheets and pointed out that as stated therein members were requested only to note that an urgent decision had previously been made about the subject matter of this item.

Mrs Hamilton invited members to ask any questions by way of clarification.

Members asked questions and made comments on points of detail to which Mrs Taylor (the Cabinet Member for Planning Services), Mr Dignum (the Leader of the Council), Mrs Shepherd and Mr Carvell responded as appropriate. Matters covered included:

- (1) Whether the South Downs National Park Authority (SDNPA) might decide to increase its planning fees and if so whether any element thereof would be given to CDC. Any increase would be received by the SDNPA. A new agency agreement between CDC and the SDNPA was currently being negotiated and its terms would be submitted to the Cabinet and the Council in due course.
- (2) Whether the increase would apply to pre-application enquiries and how any increase might be used. It would not apply to such enquiries and details of the Development Management (DM) budgets were published on CDC's web-site. The current budgets for DM and planning enforcement revealed that income did not by some way cover the cost of the service and so the increases were justified; a profit would not and indeed it could not be made. Increases in planning fees were made on the user pays principle.
- (3) The details of the proposed increases would be set out in secondary legislation and were awaited from the Department for Communities and Local Government. This was subject to the outcome of the general election and members would be kept informed.
- (4) Planning fees were set by regulations and there was no discretion vested in local planning authorities to vary the level of fees charged depending on the nature of the proposed development eg lower fees could not be levied in the case of, say, affordable or community-led housing.

Mrs Hamilton asked the Annual Council formally to note the urgent decision taken by the Leader of the Council as set out on the face of the agenda.

Decision

The Annual Council voted on a show of hands in favour of making the resolution set out below with one vote against and no abstentions.

RESOLVED

That the Annual Council notes the urgent decision made by the Leader of the Council that the planning fees charged by CDC should be increased by 20% with effect from July 2017.

214 **Previous Making of Urgent Decision - Urgent Concessionary Rent Relief Application**

The Annual Council received and considered the agenda report and (which was circulated only to members and relevant officers) its confidential Part II appendix (copy of the report attached to the official minutes).

Mrs Hamilton referred to the report and pointed out that, as stated on the face of the agenda, members were requested only to note that an urgent decision had previously been made about the subject matter of the report.

There was no discussion about this matter.

Mrs Hamilton asked the Annual Council formally to note the urgent decision set out in para 2.1 of the report.

Decision

The Annual Council voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

That the Annual Council notes the urgent decision made by the Cabinet Member for Community Services to maintain the Citizens Advice Bureau's concessionary rent level for 5-6 Theatre Lane Chichester for a four-month period from April 2017 to July 2017.

215 **Questions to the Executive**

Mrs Hamilton invited members to indicate if they wished to ask questions of the Cabinet and the names of those so desiring were noted. She reminded members that a maximum of 40 minutes was allocated for this item.

The questions asked and the responses given were as follows:

Question by Mrs Apel: Closure of The Chichester Foyer

Mrs Apel asked **Mr Dignum** (the Leader of the Council) about several aspects to this issue. She wished to know (a) when he had first known about the closure of The Chichester Foyer in Velyn Avenue in the city; (b) whether he knew which officers had been aware of the closure plan; (c) what would be happening to the vulnerable young people and young asylum seekers who were currently being accommodated and supported there; (d) what would be the position of those in need of accommodation of the kind provided by

The Foyer in the future; and (e) whether the cut-backs to benefits for 18-21 year olds had been one of the main factors in the closure decision. She pointed out that these young people were some of the most vulnerable and The Foyer provided not only a roof over their heads but a range of advice and assistance. It was unfortunate that this category of vulnerable people was now seriously at risk and that this decision could well mean an increase in rough sleeping on the streets with all the associated dangers such a lifestyle posed.

Response by Mr Dignum, Mrs Lintill and Mrs Shepherd

Mr Dignum said that he had possessed no advance knowledge of the closure. There were clearly detailed questions which CDC officers would wish to ask to ascertain how to assist those affected.

Mrs Lintill (the Deputy Leader and the Cabinet Member for Community Services) added that CDC had become aware only very late in the day of the closure decision. Meetings would be taking place at the end of this week with West Sussex County Council (WSCC) and other agencies and partners. **Mrs Apel**'s concern was shared by the Cabinet and further information would be shared once it became available.

Mrs Shepherd (Chief Executive) explained that The Foyer was run by a charity which had decided for whatever reason no longer to operate in the city. The decision had surprised CDC and WSCC, which respectively had housing and social care responsibilities. The two councils were concerned about this outcome and would be monitoring the situation very carefully.

Supplementary Question by Mrs Apel: Financial Factor in the Closure of The Chichester Foyer

Mrs Apel asked whether the benefits cut-backs to 18 to 21 year olds had played a part in the closure decision.

Response by Mrs Shepherd

Mrs Shepherd (Chief Executive) said that she understood that it was a personal decision by the charity no longer to engage in that type of work. Welfare reforms had had an impact. CDC would continue to support the work with the most vulnerable clients.

Question by Mr Brown: Infrastructure Funding

Mr Brown asked **Mr Dignum** (the Leader of the Council) two points about infrastructure funding: (a) as to the report that funding for the A27 Chichester bypass improvements had been made available once again, could the money be used for the previously supported option 2 or for whatever potential options might emerge out of the ongoing consultation arrangements and (b) with regard to the Southern Gateway development, whether there was any possibility for using a funding model similar to what was used in London for Crossrail by seeking to capture increases in property values via the business rate supplement - this was a device used around the world to fund in part infrastructure projects and was known as land value finance.

Response by Mr Dignum

Mr Dignum (the Leader of the Council) said with respect to question (a) that a letter from the Chief Executive of Highways England (HE) had stated that the A27 funding had been reinstated within the current Road Investment Strategy for the southern route and that the only deliverable options were included in the final consultation document (HE had never expressed a preference for any of the options) and in a second statement that the northern options were not deliverable. Louise Goldsmith, the Leader of WSCC, and he were working together to support a solution via a community effort which took into account the constraints imposed by HE. Very good progress was being made; at a very recent meeting at Lavant Parish Council with representatives from further afield on the Manhood Peninsula there was widespread agreement for a very innovative development alongside the extant route but one which would have a much reduced construction time and would cause far less inconvenience to Manhood residents in terms of east, west and northern access, which was always one of the problems with the options previously considered. As to question (b), whilst there would be a commercial element in the Southern Gateway masterplan development, housing would constitute the principal component and so the point being made about the business support rate was irrelevant.

Supplementary Question by Mr Brown: A27 Infrastructure Funding and the Northern Option

Mr Brown asked the Leader of the Council to clarify his remark that for any A27 improvement works option to receive funding it would need to comply with HE's constraints by stating whether this meant, therefore, that the northern option had in fact been excluded from consideration.

Response by Mr Dignum

Mr Dignum said that this was what HE in its letter was understood to be saying insofar as it was concerned although of course there were many in the communities who thought otherwise. It was for local people to decide whether they were prepared to accept the HE constraints in order to secure improvement works or if not to continue with the current situation. The recent meeting with Lavant Parish Council had been very promising because the innovative proposal was recognised as a genuine effort to meet the concerns of Manhood Peninsula residents; it would not involve the destruction of any houses whatsoever and it had received very wide support.

Question by Mr Martin: Road Investment Strategy 2 Funding for A27 Improvement Works

Mr Martin said that it should be borne in mind that the context for the comments made about the A27 options was the Road Investment Strategy 1. He pointed out that HE had published in March 2017 the South Coast Network document, which formed the groundwork for the emerging Road Investment Strategy 2. From what he had heard and read it could be that if there were not sufficient monies to achieve proper improvements to the A27 within the current £250m allocation, then perhaps the advent of Road Investment Strategy 2 should be awaited in the hope that there would be funding available to achieve a long-term strategic solution rather than a short-term solution via Road Investment Strategy 1. It was his impression from all the consultation events he had attended to date with Mrs L Goldsmith (WSCC Leader) that the consensus at this stage was that no options should be ruled out and that limiting oneself to online solutions only should be avoided.

Response by Mr Dignum

Mr Dignum said that Mr Martin might be correct as to Road Investment Strategy 2 but everyone was currently in a state of ill-information and it was a case of having to wait and see.

Question by Mr Hayes: Professionalism of Recycling Bin Crews

Mr Hayes informed **Mr Barrow** (the Cabinet Member for Contract Services) that recently his recycling bin had been left unemptied by CDC staff because they had discovered an item in the bin which ought not to have been there and an advisory note had been affixed to the bin. Mr Hayes made no complaint about that but commended the professionalism of the recycling crew for the way they had correctly handled the situation.

Response by Mr Barrow

Mr Barrow acknowledged **Mr Hayes'** compliment and his honest admission. From having joined the crews on their rounds he was well aware that they were conscientious in carrying out their duties. It was not easy to check a bin's contents for contaminated or inadmissible items but if any were noticed on lifting the lid the bin would not be collected and a sticker would advise the resident accordingly. He took the opportunity to encourage members to support CDC's next recycling week in the last week of September 2017 when they could engage with members of the public at local supermarkets including, it was hoped, for the first time the Asda store in Selsey.

Question by Mr Plowman: State of Pavements in the City and Removal of Level Crossings

Mr Plowman referred to the work being done on two important CDC documents now being prepared, the Vision for Chichester District and the Southern Gateway Masterplan, and said that there was an imperative need first of all to address the state of the city's pavements. There had been four accidents in the city during the past week alone. Clearly the defective condition was causing a lot of problems and the situation was shocking. He advocated to **Mr Dignum** (the Leader of the Council) the need to address this issue as a priority before taking forward the aforementioned schemes. He also urged the need to secure the removal of the level crossings in the city as soon as possible. Repeatedly when various city schemes came forward the opportunity in one way or another was missed to address this critically important issue and if it was not grasped and resolved with these two schemes the problem would remain for another 50 years.

Response by Mr Dignum and Mrs Duncton

Mr Dignum conceded the serious state of the city's pavements. He exhorted the three CDC members who were also members of WSCC to raise repeatedly the issue until something was done and to prevail on Mr J Hunt (the WSCC Cabinet Member for Finance and Resources) to release funds for this purpose and also to press for a review of the height threshold for carrying out repairs to uneven pavements; the threshold needed to be reduced. He did not agree that progress with the Vision and Southern Gateway schemes should be dependent on first resolving the issue of the pavements, which fell within the remit of another local authority. A very good meeting of the Chichester Vision Steering Group had just taken place at which having considered the consultation responses it had drawn up an action/delivery plan to improve Chichester for the benefit of residents and visitors. The Southern Gateway Masterplan would be brought for consideration to the June

2017 ordinary and special meetings respectively of the Cabinet and the Council. The Masterplan, which was an exciting document, contained very detailed studies of transport scenarios, which proposed the retention of the level crossings but with one used only by buses, cyclists and pedestrians and the other by cars. The Masterplan was a very well designed document. He felt that members would be very pleased with the results of both the Vision and Masterplan documents.

Mrs Duncton (CDC member for the Petworth Ward and WSCC member for the Petworth Division) said that there was a large fund available for West Sussex parish councils and Chichester City Council to apply for pavement repairs. She drew attention to the Love West Sussex app which enabled complaints about the state of pavements to be reported to WSCC. Alternatively parish, district and county councillors could take complaints from the public and report them to WSCC on its behalf.

Supplementary Question by Mr Plowman: Removal of the Level Crossings

Mr Plowman expressed his disappointment at hearing of the proposal to retain the level crossings and said it was technically possible to deal with this acute problem notwithstanding the expense.

Response

There was no response to the remarks made by **Mr Plowman**.

Question by Mr Lloyd-Williams: Chichester District Council's Policy on IT Malware Ransom Payments

Mr Lloyd-Williams referred to the recent cyber-attack sustained by the NHS at many hospitals which involved the demand of a ransom payment to unlock computer systems and asked **Mr Dignum** (the Leader of the Council) to state CDC's policy to deal with ransom payment demands.

Response by Mrs Shepherd and Mr Dignum

Mrs Shepherd (Chief Executive) answered this question at the request of **Mr Dignum**. She said that there was no policy in place but CDC was well aware of the advice that a ransom should not be paid. This national incident served to emphasise the constant need for all IT users to be ever vigilant. CDC treated IT security as a matter of imperative importance and its Risk Management Group regarded IT security as a very high priority issue. CDC had had in place full IT protection controls during the weekend of the NHS cyber-attack. **Mr Dignum** added that there was an onus on members and officers to be very vigilant about opening suspect e-mail attachments or links.

Question by Mr Oakley: Clearance of Litter and Dog Fouling

Mr Oakley began by alluding to the earlier question about the state of the city's pavements. He remarked that the circumstances of trip incidents needed to be taken into account before funds were allocated for pavement repairs.

Mr Oakley asked **Mr Barrow** (the Cabinet Member for Contract Services) about whether consideration had been given by the Cabinet or CDC to engaging a private company to deal with the ongoing issues of litter and dog fouling. Concerns about such detritus in

Chichester District had been raised by members over the years and the advice given was that members should report such incidences and individuals should take personal responsibility for their litter and dogs. However the problem was not lessening but was becoming a persistent and growing nuisance. A reliance on voluntary responsibility through publicity etc clearly was not working.

Response by Mr Barrow

Mr Barrow acknowledged that this was a currently a big issue. Fly-tipping, litter and dog-fouling were the scourge of society and the countryside. The issue had to be addressed. The public would, he believed, support a responsible approach to the problem. There were no immediate plans but he had brought together a small working group of officers and members; the issue cut across both his portfolio (clearance) and that of **Mrs Purnell**, the Cabinet Member for Housing and Environment Services (enforcement). There had not been hitherto a joint working approach by the two sections and he was very keen to remedy this. The working group was examining various potential initiatives. Litter was a particular problem on the roads including the A27; the relatively recent street scene report prepared for CDC revealed that litter within Chichester District's town centres was not so bad. Enforcing litter on the highways was not easy to implement. He was, therefore, considering what could be done and he hoped to present ideas and initiatives at a future date.

Supplementary Question by Mr Oakley: Clearance of Litter and Dog Fouling

Mr Oakley noted the interim position as just outlined and expressed the hope that the measures would succeed; he felt, however, that there was a need to be much more proactive about this.

Response by Mr Barrow

Mr Barrow hoped it was appreciated from what he had said that he was determined to address this issue; the public expected this to happen.

Question by Mr Ransley: Delivery of Affordable Housing via Local Housing Companies

Mr Ransley drew to the attention of the Cabinet and the Council to a feature in the current issue of *First* magazine about Wokingham Borough Council's (WBC) initiative to deliver new affordable homes by establishing local housing companies for local people using capital funding coming from commuted sums, borrowings and grants from central government and thereby benefitting all residents by generating an income stream to fund local services. He asked if **Mr Dignum** (the Leader of the Council) and the Cabinet (a) would be willing to follow WBC's lead in resolving Chichester District's housing need as well as establishing a new revenue stream for CDC and (b) considered that parish councils, which were trusted to set up community land trusts with similar objectives, would be even more motivated by seeing CDC itself seeking to develop affordable housing and, if so, would **Mr Dignum** or the relevant Cabinet member commit to advising the Council in due course of the outcome of their review of the potential of such a scheme.

Response by Mrs Purnell

Mrs Purnell (the Cabinet Member for Housing and Environment Services) said that it was her understanding that such a scheme was considered by CDC two or three years ago

and at that time it was not felt to be a viable option but it was something which would be re-examined.

Supplementary Question by Mr Ransley: Delivery of Affordable Housing via Local Housing Companies

Mr Ransley asked if this meant that in due course there would be a report back to the Council once the details had been reviewed.

Response by Mr Dignum

Mr Dignum (the Leader of the Council) confirmed that there would be such a report.

Question by Mrs Westacott: Monitoring of Air Quality in Chichester

Mrs Westacott asked **Mrs Purnell** (the Cabinet Member for Housing and Environment Services) (a) that in the light of the government being required to publish its air quality plan was not this the time to look more critically at the levels of pollution around Chichester District, (b) for the number and location of the air quality monitoring stations, (c) what were they measuring ie noise and air pollution and (d) what monitoring was being planned as further housing was being developed.

Response by Mrs Purnell and Mr Ballard

Mrs Purnell (Cabinet Member for Housing and Environment Services) said that there were three air quality management areas in the city namely Orchard Street, The Hornet and Stockbridge Road. As far the government consultation document (to be commented on by **Mr Ballard**) was concerned, CDC was under the thresholds cited therein and each monitoring station had different functions.

Mr Ballard (Senior Environmental Protection Officer) gave further advice as follows. CDC monitored air quality in ten locations in Chichester using nitrogen dioxide diffusion tubes and two locations using real-time monitoring devices, one on Orchard Street monitoring nitrogen dioxide and one at Stockbridge adjacent to the A27. CDC had been monitoring across the city since 2000 and the five-year trend indicated modest improvements in air quality. CDC continued to monitor at Rumbolds Hill in Midhurst. CDC had three air quality management areas (AQMA) in place which were declared for the non-compliance of air quality with the UK Air Quality Objective for Nitrogen Dioxide. The Department of the Environment, Food and Rural Affairs (DEFRA) had published its consultation document *Tackling nitrogen dioxide in our cities*. The consultation would close on 15 June 2017 and the government would publish its resulting plan on 31 July 2017. The consultation document indicated that CDC would not be mandated to implement a clean air zone but the duty to tackle its AQMA issues remained. A briefing note regarding the DEFRA consultation would be forwarded to all members soon after this meeting for their information.

Supplementary Question by Mrs Westacott: Monitoring of Noise Pollution

Mrs Westacott asked if noise was routinely monitored.

Response by Mr Ballard

Mr Ballard (Senior Environmental Protection Officer) advised that in common with almost all local authorities there was no routine noise monitoring undertaken save for the specific noise control monitoring at the Goodwood Motor Circuit. Any noise pollution monitoring would normally occur, if relevant, as part of assessing a planning application.

Question by Mr Morley: Air Quality Monitoring at Rumbolds Hill Midhurst

Mr Morley asked if air quality was still being monitored at Rumbolds Hill Midhurst.

Response by Mr Ballard

Mr Ballard (Senior Environmental Protection Officer) confirmed that such monitoring was continuing at that location.

Question by Mr Ransley: Availability of CDC Briefing Paper on DEFRA Consultation Document

Mr Ransley asked when the aforementioned CDC briefing paper on the DEFRA air quality consultation document *Tackling nitrogen dioxide in our towns and cities* would be made available to members.

Response by Mr Ballard

Mr Ballard (Senior Environmental Protection Officer) advised that after this meeting it would be sent to Democratic Services for circulation to members.

Question by Mr Hixson: Establishment of Environmental Protection Working Group

Mr Hixson expressed the hope that a working group could be established similar to the litter/dog fouling one mentioned earlier by **Mr Barrow** (the Cabinet Member for Contract Services) to increase CDC's remit with respect to environmental protection issues such as recyclable plastic bottles to save the oceans and electrical buses etc.

Response by Mr Barrow and Mr Dignum

Mr Barrow suggested that he and **Mr Hixson** take the opportunity to confer in due course about the scope of the small member/officer working group he had already mentioned.

Mr Dignum (the Leader of the Council) acknowledged the good point that had been made in the tranche of environment-related questions about air pollution and he would be raising the issue with the relevant Cabinet member and officers. As had been said, CDC was not bound to have a clean air zone but members were nonetheless very disturbed about the degree of pollution in and around the city, at Rumbolds Hill in Midhurst and elsewhere. There was a need to look at how to address this and the Waste and Recycling Panel might be the appropriate means for doing so. It should be noted that the government had only just published what was at this stage a consultation document albeit on a major issue.

Question by Mr Potter: Southern Gateway Development and Road Bridge over City Railway Lines

Mr Potter asked why the Southern Gateway development would proceed without constructing a road bridge over the railway lines, which was a perfectly possible engineering option. Without doing so the Southern Gateway scheme was doomed to failure.

Response by Mr Dignum

Mr Dignum (the Leader of the Council) replied that the debate on the Southern Gateway Masterplan at the forthcoming special meeting of the Council would be the opportunity to contend that point.

Question by Mr Shaxson: Road Bridge over City Railway Lines

Mr Shaxson commented that the Southern Gateway Masterplan represented the one and only opportunity to seek to resolve the obstacle posed by the city's level crossings. He hoped that when the Council debated the Masterplan there would be up-to-date information available about the projected future rail line usage. If there were to be an increase in the number of train movements it would constitute not a barrier but a dam to car movements.

Response

There was no response to the remarks made by **Mr Shaxson**.

Question by Mr Hobbs: Chichester District Council's IT Data Back-up Arrangements

Mr Hobbs referred to the earlier exchange about IT cyber-attacks and ransom payment demands. He asked for confirmation of his understanding that CDC had all of its IT data back-up held off-site and whether that meant, therefore, that the response to a ransom payment was in fact academic.

Response by Mrs Shepherd

Mrs Shepherd (Chief Executive) confirmed that CDC had a back-up policy and further details could be supplied to members if required. In any event, as she had said in an earlier reply she did not expect that CDC would accede to a ransom demand.

Question by Mr Hayes: State of the Pavements in Chichester

Mr Hayes referred to the comment made earlier by **Mr Oakley** about looking into the circumstances of trip incidents on the city's pavements before agreeing to release funds for repairs. He did not share that view. Accidents should be prevented wherever possible. More importantly people with disabilities using wheelchairs actually avoided Chichester city centre because of the discomfort of traversing the cobbles and pavements.

Response

There was no response to the remarks made by **Mr Hayes**.

[**Note** With the foregoing point by Mr Hayes, questions to the executive were concluded]

216 **Late Items**

As announced by the Chairman of the Council at agenda item 4 (Urgent Items) (see minute 205 above) there were no late items for consideration at this meeting.

217 **Exclusion of the Press and the Public**

At the conclusion of the business in Part I of the agenda Mrs Hamilton stated that in order to consider agenda item 17 (Investment Opportunity) a resolution was required to be made for the meeting to move into Part II with the exclusion of the press and the public. She invited the making of a proposal which had to be duly seconded for that purpose.

A proposal to move into Part II was made by Mrs Lintill (the Deputy Leader of the Council) and was seconded by Mr Dignum (the Leader of the Council).

Decision

It was unanimously supported by a vote on a show of hands that the following resolution, having been duly proposed and seconded, should be passed to exclude the press and the public from the meeting during the consideration of agenda item 17 (Investment Opportunity).

RESOLVED

That the public and press be excluded from the consideration of the report and its appendix for agenda item 17 (Investment Opportunity) on the grounds that it is likely that there would be in respect of that item a disclosure to the public of 'exempt information' of the description specified in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A to the *Local Government Act 1972* 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 that information.

218 **Investment Opportunity**

The Annual Council received and considered the confidential Part II report and its two appendices which were circulated to CDC members and relevant officers only.

Mrs Keegan (the Cabinet Member for Commercial Services) formally moved the recommendations of the Cabinet and this was seconded by Mr Dignum (the Leader of the Council).

Mrs Keegan presented the report.

During the ensuing debate Mrs Keegan, Mr Over and Mr Ward responded to members' questions and comments on points of detail.

Decision

The Annual Council voted on a show of hands in favour of the recommendation below, with one vote against and three abstentions.

RESOLVED

That the release of the sum and from the funds as stated in the agenda report to make the subject acquisition be approved.

[**Note** The meeting ended at 16:00]

CHAIRMAN

DATE

Chichester District Council

THE COUNCIL (SPECIAL)

19 June 2017

Amended Appointment to Committees 2017-2018

1. Contacts

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2. Recommendation

- 2.1. **That the Council appoints Mrs P C Plant in the place of Mr J C P Connor to serve on the Overview and Scrutiny Committee for 2017-2018.**

3. Background

- 3.1. Following the recent reshuffle of Cabinet members which took place on 17 May 2017, the membership of the Overview and Scrutiny Committee has been reviewed.

Mr John Connor (Conservative) will come off the committee to be replaced by Mrs Penny Plant (Conservative).

Political balance is retained.

- 3.2. Appointments to this committee are made by the Council.

4. Appendix

None