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A meeting of the **Cabinet** will be held in Committee Room 2 at East Pallant House Chichester West Sussex on **Tuesday 6 March 2018 at 09:30**

MEMBERS: Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr J Connor, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

AGENDA

PART I

1 Chairman's Announcements

The chairman will make any specific announcements for this meeting and advise of any late items which will be given consideration under agenda item 15 (a) or (b).

Apologies for absence will be taken at this point.

2 Approval of Minutes (pages 1 to 12)

The Cabinet is requested to approve as a correct record the minutes of its meeting on Tuesday 6 February 2018, a copy of which is circulated with this agenda.

3 Declarations of Interests

Members are requested to make any declarations of disclosable pecuniary, personal and/or prejudicial interests which 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 for public question time and with reference to standing order 6 in part 4 A and section 5.6 in Part 5 of the Chichester District Council *Constitution*, the Cabinet will receive any 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 subject to the chairman's discretion to extend that period.

RECOMMENDATIONS TO THE COUNCIL

5 **Senior Staff Pay Policy Statement 2018-2019** (pages 13 to 23)

The Cabinet is requested to consider the agenda report and appendix A with its nine appendices (of which only appendix A and appendices 1 and 5 thereto are circulated with the agenda and the remainder and the background paper may be viewed online only) and to make the following recommendation to the Council:

That the Senior Staff Pay Policy Statement 2018-2019 be published.

6 **Solent Recreation Mitigation Strategy** (pages 24 to 26)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the following recommendation to the Council:

That the definitive Solent Recreation Mitigation Strategy be approved for use in the determination of relevant planning applications.

7 **South Downs Local Plan - Duty to Co-operate** (pages 27 to 32)

The Cabinet is requested to consider the agenda report and its appendix and to make the following recommendation to the Council:

That the Cabinet recommends to the Council that, subject to the completion of the ongoing evidence-based work and the assessment of sites to meet the identified housing needs associated with the Local Plan Review, the Council will assess the ability to meet some or all of the unmet housing needs of approximately 44 dwellings per annum arising from the part of the South Downs National Park within Chichester District via the Chichester Local Plan Review.

8 **Update on Tangmere Strategic Development Location Compulsory Purchase Order** (pages 33 to 36)

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

That the Council allocates a sum of £150,000 from the remaining Planning Delivery Grant Reserve and General Reserve to fund the continued work on the Compulsory Purchase Order in respect of the Tangmere Strategic Development Location.

KEY DECISIONS

9 **Social Prescribing** (pages 37 to 39)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the following resolution:

That preferred option 1, detailed in the Project Initiation Document in the appendix

to the agenda report, that Chichester District Council hosts the Social Prescribing service be approved.

OTHER DECISIONS

10 **Authority's Monitoring Report 2016-2017** (pages 40 to 44)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the following resolution:

That the publication of the Authority's Monitoring Report 2016-2017 on Chichester District Council's website be approved.

11 **Draft Havant Borough Local Plan – Consultation Response** (pages 45 to 47)

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

That Chichester District Council's response to consultation on the Draft Havant Borough Local Plan as set out in the agenda report be endorsed.

12 **Revisions to the Section 106 and Community Infrastructure Levy Protocol** (pages 48 to 50)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the following resolution:

That the revisions to the Section 106 and CIL Protocol as set out in the appendix to the agenda report be approved.

13 **Selsey Haven** (pages 51 to 54)

The Cabinet is requested to consider the agenda report and its five appendices in the agenda supplement and to make the following resolutions:

(1) That the findings of the consultants' reports be noted and that the inclusion of recommendations in the Marshall Regen socio economic report and those in the Wolfstrome wayfinding report detailed in para 5.1 of the agenda report be supported and subsumed into the Selsey Vision Action Plan.

(2) That no further Chichester District Council resources be committed to progressing the Selsey Haven proposals.

OTHER MATTERS

14 **Report of Urgent Decision - Exception to Need to Tender - Beach Management Plan 2016-2021 - Beach Replenishment at Selsey**

Chichester District Council's (CDC) *Constitution* requires that most contracts

should be subject to a tender process in the interests of best value and fairness and proper public process. However, the *Constitution* provides for an exception to be made under certain circumstances.

In accordance with the Beach Management Plan (BMP) 2016-2021, approved by the Cabinet on Tuesday 9 February 2016, CDC secured from the Environment Agency Grant in Aid to supply and place 6,500 tonnes of beach replenishment at the Marine Car Park in Selsey. The Cabinet resolution authorised the Head of Housing and Environment Services to procure and award contracts for the work in accordance with the BMP 2016-2021 and Financial Standing Orders.

Five invitations to tender were sent out and four prices were received (demonstrating best value) using the methodology of the Portsmouth City Council Framework agreement, of which CDC is a named authority. However, the Framework is new and due to delays in receiving the necessary paperwork from the host authority, CDC is not yet a signatory to the Framework and so is not in a position to award the contract using the Framework.

Under section 6.1 of the *Constitution*, there are certain circumstances in which there is no need for tenders to be sought, one of which is where the work to be executed or the goods or materials or services to be supplied are required so urgently as to dispense with the need to invite tenders. In such cases an exception to tender can be agreed but (a) this must be the subject of an internal review and approved by the Section 151 Officer and the Monitoring Officer prior to the award of the contract and (b) reported to the next meeting of the Cabinet.

Due to the need to complete the construction works by 31 March 2018 to meet the grant conditions, an exception to tender has been made in order to award the contract to Earlcoate Construction and Plant Hire Limited. The estimated value of the work is approximately £164,391.28.

The Cabinet is asked to note the aforementioned urgent decision which has been taken.

15 **Late Items**

- (a) Items added to the agenda papers and made available for public inspection.
- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

16 **Exclusion of the Press and Public**

The Cabinet is asked to consider in respect of agenda items 17 (Southern Gateway Implementation) and 18 (St James Industrial Estate Chichester) making a resolution that the public including the press should be excluded from the meeting on the following grounds of exemption in Schedule 12A to the *Local Government Act 1972* namely:

- (i) agenda item 17: Paragraphs 1 (information relating to any individual), 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) , 5 (information in respect of

which a claim to legal professional privilege could be maintained in legal proceedings) and 6 (information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment) and

(ii) agenda item 18: Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information))

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.

[Note The confidential exempt Part II report for agenda items 17 and 18 are attached for members of Chichester District Council and relevant officers only (printed on salmon paper)]

PART II

17 Southern Gateway Implementation (pages 55 to 62)

The Cabinet is requested to consider the agenda report and its two appendices in the agenda supplement, all of which are Part II* confidential material with a restricted circulation to Chichester District Council members and relevant officers only (printed on salmon-coloured paper), and to make the following recommendations to the Council namely that:

- (1) The offer of £5m of funding from the Coast to Capital LEP be accepted, and the Funding Agreement attached as appendix 1 be approved.
- (2) Chichester District Council formally requests the LEP to authorise use of Flexibility Funding, as set out in para 6.1.1.1 of the report, to enable draw down of funds to commence in 2017-2018.
- (3) In the event that Flexibility Funding is approved by the LEP, Chichester District Council's Capital Programme be amended as follows:
 - £500,000 of LEP funding will be applied to the Enterprise Centre in 2017-2018.
 - £500,000 of Chichester District Council's capital reserves be transferred from the Enterprise Centre to the Southern Gateway project in 2018-2019 to supplement the £4.5m balance of LEP funding.
- (4) Should the LEP refuse Chichester District Council's request to utilise Flexibility Funding, and should Chichester District Council also be unable to draw down funding by 31 March 2018, delegated authority be given to the Executive Director to amend the funding agreement to reflect a reduction in funding to £4.5m following consultation with the Leader of the Council.

- (5) The Executive Director be given delegated authority to make other minor amendments to the funding agreement prior to signature after consultation with the Leader of the Council.
- (6) The Executive Director be given delegated authority to expend the LEP funding in accordance with the finalised Funding Agreement after consultation with the Leader of the Council.
- (7) Chichester District Council is prepared, in principle, to use its compulsory purchase powers to make and promote a compulsory purchase order(s) to acquire the relevant land for a comprehensive development comprising a mix of uses as set out in the adopted Southern Gateway Masterplan area (attached as appendix 2).

18 **St James Industrial Estate Chichester** (pages 63 to 68)

The Cabinet is requested to consider the agenda report and its two appendices in the agenda supplement, all of which are Part II confidential exempt material made available to members and relevant officers only (printed on salmon-coloured paper), and to make the following resolution and also the recommendation to the Council:

A - RESOLUTION BY THE CABINET

That the PID for the part-refurbishment and part-replacement of units at St James Industrial Estate be approved.

B - RECOMMENDATION TO THE COUNCIL

That £4,360,000 of New Homes Bonus budget be allocated in respect of the PID for the part-refurbishment and part-replacement of units at St James Industrial Estate.

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 press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless they contain exempt information.
- (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 of Chichester District Council's *Constitution*]

(4) A key decision means an executive decision which is likely to:

- result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or
- be significant in terms of its effect on communities living or working in an area comprising one or more wards in the Council's area or
- incur expenditure, generate income, or produce savings greater than £100,000

NON-CABINET MEMBER COUNCILLORS SPEAKING AT THE CABINET

Standing Order 22.3 Chichester District Council's *Constitution* provides that members of the Council may, with the chairman's consent, speak at a committee meeting of which they are not a member, or temporarily sit and speak at the Committee table on a particular item but shall then return to the public seating area.

The Leader of the Council intends to apply 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.