

Public Document Pack

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A meeting of **Cabinet** will be held in Committee Room 2, East Pallant House on **Tuesday 10 April 2018 at 9.30 am**

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

PRELIMINARY MATTERS

- 1 **Chairman's Announcements**
The chairman will make any specific announcements for this meeting and advise of any late items which due to special circumstances will be given urgent consideration under agenda item 11 b).
- 2 **Approval of Minutes** (Pages 1 - 13)
The Cabinet is requested to approve as a correct record the minutes of its meeting on Tuesday 6 March 2018.
- 3 **Declarations of Interests**
Members 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 for public question time and with reference with 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 noon 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 **Section 106 Community Facilities - Donnington Parish Hall** (Pages 14 - 18)
The Cabinet is requested to consider the agenda report and its appendix which is Part II restricted* for the information of members and relevant officers only (printed on salmon paper), and to make the following recommendation to the Council:

That the Council approves the release of £183,938.44 Section 106 Community Facilities monies plus interest accrued to the date of release to Donnington Parochial Church Council for an extension to Donnington Parish Hall.

[***Note** 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*]

6 **Risk Management** (Pages 19 - 64)

The Cabinet is requested to consider the agenda report and its six appendices, of which appendix 2(b) is Part II restricted* for the information of members and relevant officers only (printed on salmon paper), and to make (a) the following recommendation to the Council and (b) in addition resolutions with regard to the matters indicated:

A - RECOMMENDATION TO THE COUNCIL

That the updated Risk Management Policy and Strategy be approved.

B - RESOLUTIONS BY THE CABINET

- 1) That the current strategic risk register and the internal controls in place, plus any associated action plans to manage those risks be noted, and to raise any issues or concerns.
- 2) That the current high scoring programme board and organisational risks and the associated mitigation actions in place be noted, and to raise any issues or concerns.

[***Note** 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*]

KEY DECISIONS

7 **Enabling the Delivery of Affordable Housing on the Crooked Lane Birdham Exception Site** (Pages 65 - 77)

The Cabinet is requested to consider the agenda report and its five appendices, the fourth of which is Part II restricted* for the information of members and relevant officers only (printed on salmon paper), and to make the following resolutions:

- 1) That the carrying out of a land referencing exercise in respect of the small area of land (identified in appendix 3), to be funded by Hyde group, be approved.
- 2) That, on completion of the land referencing exercise, it be approved that a further report to the Council be prepared by officers as to whether the acquisition of the land and interests or rights in respect of that land is justified on the grounds that it is in the public interest and considering the relevant statutory compulsory purchase powers.

- 3) That the authorisation of officers to undertake the next steps as set out in section 6 of the report be approved in order that any decision by the Council can be carried through promptly.
- 4) That officers be authorised to spend up to £27,000, on the basis that this will be reimbursed by Hyde pursuant to a deed of indemnity as to costs in respect of the legal, land referencing and other costs related to the steps set out in section 6 of the report.

[***Note** Paragraph 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) of Part I of Schedule 12A to the *Local Government Act 1972*]

8 **CCTV** (Pages 78 - 81)

The Cabinet is requested to consider the agenda report and its appendix which is Part II restricted* for the information of members and relevant officers only (printed on salmon paper), and to make the following resolution:

That the award of the contract to contractor 3 for the provision of staff to enable the continuation of the CCTV service in Chichester District be approved.

[***Note** 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*]

OTHER DECISIONS

9 **Carry Forward Requests 2018**

The Cabinet is requested to consider the agenda report and its appendix and, as recommended by the Corporate Governance and Audit Committee, subject to any amendments agreed at its meeting on 29 March 2018, to make the following resolution:

That the requests for budgets to be carried forward to 2018-19 totalling £90,000, be approved.

10 **Appointments to Panels. Forums and other Groups 2017-2018** (Page 82)

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

- 1) That Mr Adrian Moss takes the vacant seat on the Joint Employee Consultative Panel.
- 2) That Mr Adrian Moss replaces Mr Richard Plowman on the Development Plan and Infrastructure Panel.

11 **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

OTHER MATTERS

12 **Exclusion of the Press and Public**

The Cabinet might be asked to discuss the following items in exempt business in which case it will need to consider making a resolution as to whether the public including the press should be excluded from the meeting on the grounds of exemption against each item relating to Schedule 12A to the *Local Government Act 1972* 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.

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

- Part II restricted appendix 1 to the Part I report for agenda item 5 (Section 106 Community Facilities – Donnington Parish Hall)
- Part II restricted appendix 2(b) to the Part I report for agenda item 6 (Risk Management)
- Part II restricted appendix 1 to the Part I report for agenda item 8 (CCTV)
- Part II report in respect of agenda item 13 (Expansion of Green Waste Service)

Information relating to Paragraph 5 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

- Part II restricted appendix 4 to the Part I report for agenda item 7 (Enabling the Delivery of Affordable Housing on the Crooked Lane Birdham Exception Site),

[**Note** The restricted information above is attached for Chichester District Council members and relevant officers only (printed on salmon paper)]

PART II

13 **Expansion of Green Waste Service** (Pages 83 - 86)

The Cabinet is requested to consider the agenda report which is Part II restricted* and to make the following resolutions:

- 1) That the purchase of an additional vehicle to expand the green waste collection service be approved.
- 2) That the growth of £19,000 per annum in the asset replacement programme to fund the future replacement of the additional vehicle, funded from additional income generated by the expanded service, be approved.

[***Note** 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*]

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)
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.
5. Non-Cabinet member Councillors speaking at Cabinet

Standing Order 22.3 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.



Minutes of the meeting of the **Cabinet** held in the Council Chamber East Pallant House Chichester West Sussex on Tuesday 6 March 2018 at 09:30

Members Present Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr J Connor, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

Members Absent Mr R Barrow

Officers Present Mr M Allgrove (Planning Policy Conservation and Design Service Manager), Mr N Bennett (Legal and Democratic Services Manager), Mr I Brightmore (Health Protection Manager), Mr M Catlow (Group Accountant (Technical and Exchequer)), Mrs K Chapman (Planning Policy Officer), Cunningham (MPP Project Officer), Mr T Day (Environmental Coordinator), Mrs J Dodsworth (Head of Business Improvement Services), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mrs T Flitcroft (Principal Planning Officer (Local Planning)), Mr A Frost (Head of Planning Services), Mrs J Hotchkiss (Head of Commercial Services), Mrs L Rudziak (Head of Housing & Environment Services), Mrs D Shepherd (Chief Executive), Ms A Stevens (Environment Manager), Mrs E Thomas (Wellbeing Manager), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance & Governance Services)

485 **Chairman's Announcements**

Mr Dignum welcomed the members of the public, the press representatives and Chichester District Council (CDC) members and officers who were present for this meeting.

Mr Barrow had submitted his apologies for absence.

All other members of the Cabinet were present.

As previously notified to all CDC members and on the committee papers page of CDC's website for this meeting, agenda items 12 (Revisions to the Section 106 and Community Infrastructure Levy Protocol) and 18 (St James Industrial Estate Chichester) had been withdrawn and would not be considered at this meeting.

There were no late items for consideration.

Mr Dignum and Mrs Lintill paid tribute to two senior officers, Steve Carvell (Executive Director) and Steve Hansford (Head of Community Services), both of whom would be retiring from CDC at the end of March 2018.

Mr Dignum said that Mr Carvell had been at his side in almost every Cabinet meeting during the past nearly three years. As a director with extensive experience in local government, he had always given Cabinet members wise counsel. He could always be relied on to draft appropriate diplomatic wording when handling complex and controversial issues. For that reason it was only appropriate that one of his last responsibilities had been to lead on behalf of officers with respect to the particularly exacting matter of the A27. All Cabinet members would miss him and on their behalf he extended his warmest wishes for Mr Carvell's future.

Mrs Lintill said that as the Cabinet Member for Community Services she had worked with Mr Hansford for some time and she was well aware that his reputation was second to none and he was highly regarded. His high integrity was acknowledged. He had been involved in many initiatives and projects including the gypsy and traveller transit site at Westhampnett, which had included lots of negotiations with residents. He had been very closely involved in (a) the New Park Centre redevelopment - its management team had greatly appreciated his contribution, (b) the merger of the Chichester District and Arun District advice bureaux and (c) Careline - working with the manager Brenda Jackson to deliver a service greatly appreciated by residents. He would be greatly missed. On behalf of the Cabinet she wished him a healthy and happy retirement.

[**Note** Hereinafter in these minutes CDC denotes Chichester District Council]

[**Note** Minute paras 486 to 502 below summarise the consideration of and conclusion to agenda items 2 to 18 inclusive but for full details of the items considered in public session please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=979&Ver=4>]

486 **Approval of Minutes**

The Cabinet received the minutes of its meeting on Tuesday 6 February 2018, which had been circulated with the agenda.

There were no proposed changes to the minutes.

Decision

The Cabinet voted unanimously on a show of hands to approve the aforesaid minutes without making any amendments.

RESOLVED

That the minutes of the Cabinet's meeting on Tuesday 6 February 2018 be approved.

487 Declarations of Interests

No declarations of interests were made at this meeting by Cabinet members.

Of the CDC members who were present as observers, Mrs Purnell declared in respect of agenda item 13 (Selsey Haven) a personal interest as a member of Selsey Town Council.

488 Public Question Time

No public questions had been submitted for this meeting.

489 Senior Staff Pay Policy Statement 2018-2019

The Cabinet received and considered the agenda report and appendix A with its nine appendices (appendix A and appendices 1 and 5 thereto were circulated with the report and the remainder were published in the second agenda supplement for online viewing only).

This item was introduced by Mr Wilding.

Mr Ward was available to answer questions on this matter.

Mr Wilding explained that each year CDC was required to publish a pay policy statement (PPS) with the approval of the Council. As required by the Localism Act 2011 the purpose of the statement was to ensure that as a public body CDC was fully transparent in terms of its pay policies and pay levels for senior staff. On 22 November 2016 the Council approved a new senior management structure, which would commence on 1 April 2018. One of two executive director posts and two of the previous seven heads of service posts had been deleted. The remaining five heads of service would continue to be part of the management team with revised posts and designated as directors. Those changes would achieve annual savings of £129,100.

Mr Ward did not wish to add to Mr Wilding's introduction.

There were no questions asked by members.

Decision

The Cabinet voted unanimously on a show of hands to make the recommendation to the Council set out below.

RECOMMENDED TO THE COUNCIL

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

490 Solent Recreation Mitigation Strategy

The Cabinet received and considered the agenda report and its appendix in the agenda supplement.

This item was introduced by Mrs Taylor.

Mr Day was in attendance for this matter.

Mrs Taylor pointed out that Chichester Harbour was one of the three designated Special Protection Areas (SPAs) in the Solent. The Solent had an internationally recognised bird wildlife significance eg as the overwintering home for waders, wildfowl and ten percent of the global population of Brent Geese. This wildlife was vulnerable to the impact of the 60,000 much-needed new homes which were planned for the Solent area up to 2034. In order to minimise the impact of that extensive development, the Solent Recreation Mitigation Partnership (SRMP) had been established and the SRMP had produced the appended Solent Recreation Mitigation Strategy (SRMS). It was proposed to use initiatives and education to encourage responsible dog walking and other recreational coastal activities and the SRMS would be implemented by a team of five to seven coastal rangers. It sought to provide mitigation for the duration of the impact in perpetuity (80 years after 2034). Its effectiveness would be monitored and regular strategic reviews would be undertaken: ordinarily this would be once every five years but the first one would be after three years, and if that first review indicated any uncertainty over the effectiveness of the SRMS, then a further review less than five years later could be agreed. Implementation and monitoring of the measures would be funded by developer contributions; these would be calculated according to the bedroom numbers of the property and were equivalent to an average of £564 per dwelling. This would apply to all new dwellings within 5.6 km of the SPAs. If the strategy was unsuccessful then it would be necessary to look at other regulatory measures such as the introduction of bylaws to keep dogs on leads or prevent access to parts of the coast or footpaths during the winter season. However, the SRMP preferred to promote behaviour change through positive engagement wherever possible. The SRMS had generally been well received by developers as it afforded them certainty and obviated the need for them to provide mitigation measures (although they were free to provide their own measures). In the case of very large developments, the developers might be required to provide other measures besides the financial contribution. CDC had taken the lead in mitigating the effects of development on wildlife in the Graylingwell and Roussillon schemes and one of its own officers had chaired the panel that formed the SMRS.

Mr Dignum drew attention to the list of authorities involved in the SRMS (page 3 of the agenda supplement).

Mr Day did not add to Mrs Taylor's introduction.

During the discussion Mr Day and Mr Allgrove responded to members' questions and comments with regard to how existing and prospective residents would be made aware of the SRMS (para 5.1 of the report).

Mr Allgrove drew attention to the need to amend para 4.2 of the report in that the first review of the SMRS would be a three- and not a five-year review and advised that the third line thereof would be amended by substituting 'an initial three-year review' in place of 'a five-year review'. The Cabinet noted and supported this amendment, a mention of which would feature in the recommendation to be made to the Council.

Decision

The Cabinet voted unanimously on a show of hands to make the recommendation to the Council set out below.

RECOMMENDED TO THE COUNCIL

That the definitive Solent Recreation Mitigation Strategy be approved for use in the determination of relevant planning applications with the amendment agreed by the Cabinet.

491 **South Downs Local Plan - Duty to Co-operate**

The Cabinet received and considered the agenda report and its appendix.

This item was introduced by Mrs Taylor.

Mr Allgrove was in attendance for this matter.

Mrs Taylor reminded the Cabinet that it was a pre-requisite for CDC's Local Plan Review (LPR) to be found sound that the duty to co-operate (DTC) obligations had been fulfilled and a statement of common ground (SCG) agreed with its neighbouring authorities. The South Downs National Park Authority (SDNPA), which would shortly be submitting its local plan for examination, had now asked CDC whether it would consider how it would be able to accommodate some or all of its unmet housing need within Chichester District. Whereas the *Chichester Local Plan* (CLP) had to be development-led, the SDNPA's was landscape-led and this meant that the SDNPA did not have to meet its full housing need within the South Downs National Park (SDNP) and under the DTC it could request adjacent authorities to consider unmet need. When CDC's extant CLP was being examined, it was anticipated that the supply of new housing within the Chichester District part of the SDNP would be approximately 70 dwellings per annum (dpa). However, under the SDNPA's draft local plan the proposed supply was 81dpa which gave rise to an objectively assessed need (OAN) housing shortfall in the Chichester part of the SDNP of approximately 44dpa. The appended SDNPA letter set out why the SDNP could not meet its full OAN given the landscape protection accompanying national park status. The SDNPA's request was considered by CDC's Development Plan and Infrastructure Panel (DPIP) on 1 March 2018 and concerns were raised that (a) whilst the SDNPA had previously made CDC aware that it would not be able to meet its shortfall, it had only made a formal request to CDC to consider whether it would be able to meet its unmet need after the end of the consultation period and (b) in not meeting its OAN within the SDNP, this could result in sustainability issues in the SDNP villages within Chichester District. As to (b), although CDC was not the local

planning authority for the SDNP area within Chichester District, it was nevertheless responsible for supplying other services within the SDNP such as housing, and insufficient new housing in the villages could make them unsustainable as well as having an unbalanced demographic. Accordingly, the DPIP recommended a revision of the recommendation before it (which is what then appeared in the Cabinet report), namely that any decision regarding the SDNPA's request should be subject to the evidence-based work associated with the Chichester LPR and the assessment of sites to meet the identified housing needs. The DPIP was cognisant of the DTC to make the LPR sound but it felt that recognition of that obligation should be balanced with the need to ensure that the SDNP villages in the Chichester District area should remain viable.

Mr Allgrove did not add to Mrs Taylor's introduction.

Mr Dignum, who was a member of the DPIP, briefly elaborated on the DPIP's rationale for the revised recommendation.

Mr Frost alluded to the e-mail sent on 2 March 2018 to all members drawing their attention to the report on the Consultation on South Downs Local Plan Pre-Submission presented to the Cabinet meeting on 7 November 2017. That report referred to the proposed housing requirement for and its distribution within the Chichester District area. It should be borne in mind that towns such as Midhurst and Petworth were proposed to take housing numbers similar to Chichester District's settlement hubs in the current CLP eg 180 homes for East Wittering/Bracklesham (CLP Policy 4) and even in smaller village settlements indicative parish housing numbers between ten and 50 were identified (CLP Policy 5). The concerns expressed by the DPIP were not relevant to the soundness of the SDNPA's draft local plan and should not be a reason for objecting to it *per se*. In reply to a member's question, Mr Frost confirmed that other local authorities within the SDNP had received a similar request from the SDNPA to take some of its unmet housing need and to agree an SCG accordingly.

Decision

The Cabinet voted unanimously on a show of hands to make the recommendation to the Council set out below.

RECOMMENDED 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, Chichester District 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.

492 **Update on Tangmere Strategic Development Location Compulsory Purchase Order**

The Cabinet received and considered the agenda report.

This item was introduced by Mrs Taylor.

Miss Flitcroft was in attendance for this matter.

Mrs Taylor said that in the Chichester Local Plan the Tangmere strategic development location (SDL) had been identified for the provision of 1,000 homes and associated infrastructure. The parish council was supportive and had included the SDL site in the Tangmere neighbourhood development plan. Despite meetings between CDC officers and the landowners/promoters of the site, little progress had been made so far due to the consortium being seemingly unable to collaborate to deliver a comprehensive approach to the development. Since the site was essential to the delivery of the Chichester Local Plan housing requirement and a five-year housing land supply, the Cabinet had resolved in July 2017 to support the use of a compulsory purchase order (CPO) and specialist advisers had been retained. A timetable for the formal process to seek a CPO was in the report and section 16 notices had been served in order to identify ownership and interests in the land. In parallel with this work, efforts would continue to be made to engage with the consortium. In view of the very specialised nature of CPO work, an additional £150,000 was now sought in order to engage the appropriate experts. It was proposed that approximately £25,500 should come from the Planning Delivery Grant Reserve and £124,500 from CDC's General Fund Reserves. It might be possible to recoup the £150,000 via CDC's developer partner.

Mrs Flitcroft did not add to Mrs Taylor's introduction.

There was no discussion of this item.

Decision

The Cabinet voted unanimously on a show of hands to make the recommendation to the Council set out below.

RECOMMENDED TO THE COUNCIL

That a sum of £150,000 be allocated 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.

493 Social Prescribing

The Cabinet considered the agenda report and its appendix in the agenda supplement.

This item was introduced by Mrs Lintill.

Mrs Thomas and Mr Brightmore were in attendance for this matter. Mrs Lintill referred to the Cabinet's approval on 9 January 2018 of the initial project proposal document for the Social Prescribing (SP) pilot scheme as summarised in section 3 of the report. She drew attention to the table of the project costs in section 7 of the appendix. The preferred option was for CDC to host this project; the alternatives and the reasons for discounting them were listed in section 6 of the

report. SP was being actively and increasingly embraced by local authorities. In order to illustrate the objectives and outcomes of SP, she cited a real-life case, which was an extreme example of the sort of person who could be assisted by this project to be rehabilitated and become self-reliant. This really exciting pilot project would be overseen by a steering group and would be subject to careful monitoring and review.

Mrs Thomas and Mr Brightmore did not add to Mrs Lintill's introduction.

On behalf of the Cabinet Mr Dignum strongly commended the SP project and pointed out the involvement of other organisations working in partnership with CDC.

Decision

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

RESOLVED

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.

494 Authority's Monitoring Report 2016-2017

The Cabinet considered the agenda report and its appendix in the agenda supplement.

This item was introduced by Mrs Taylor.

Mr Allgrove and Mrs Chapman were in attendance for this matter.

Mrs Taylor explained that the Authority's Monitoring Report (AMR) was a statutory requirement and was published annually to inform members and residents of the progress of the *Chichester Local Plan* when measured against key and local planning policy indicators over the relevant period. Although this AMR was for April 2016 to March 2017, it also referred to key matters beyond March 2017 such as the issues and options summer 2017 consultation. She summarised the topics featured in the AMR.

Mr Allgrove and Mrs Chapman did not add to Mrs Taylor's introduction.

Mr Dignum pointed out a typographical error in the third bullet point on page 43 of the agenda report: in the fifth line the figure '3,503' should in fact read '3,139'.

This item was not discussed.

Decision

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

RESOLVED

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

495 Draft Havant Borough Local Plan – Consultation Response

The Cabinet considered the agenda report.

This item was introduced by Mrs Taylor.

Mr Allgrove was in attendance for this matter.

Mrs Taylor drew attention in her introduction to para 5.1 where it was stated that Havant Borough Council (HBC) intended to meet the objectively assessed need for housing development within its area. Section 5 of the report summarised CDC's position with regard to HBC's draft local plan; para 5.3 set out particular issues CDC would ask HBC to take into account.

Mr Allgrove did not add to Mrs Taylor's introduction.

Members did not ask any questions about this item.

Decision

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

RESOLVED

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

496 Revisions to the Section 106 and Community Infrastructure Levy Protocol

As announced by Mr Dignum during agenda item 1 (minute 485) this item had been withdrawn from the agenda and so was not considered at this meeting.

497 Selsey Haven

The Cabinet considered the agenda report and its six appendices in the agenda supplement.

This item was introduced by Mr Connor.

Mrs Cunningham and Mrs Stevens were in attendance for this matter.

Mr Connor said that this was the third report to come to the Cabinet regarding the feasibility of a small harbour or haven at East Beach Selsey (Selsey Haven (SH)) to provide fisheries protection, economic opportunities and a visitor focus on the Manhood Peninsula. The second report had sought approval for £25,000 match-funding from Selsey Town Council and the Fishermen's Association for a further

technical study and a wider socio-economic study. This report set out the findings of those studies with a view to the Cabinet approving their integration into the Selsey Vision Action Plan (SVAP) and resolving to commit no more CDC resources to progressing the SH scheme. Whilst the scheme was found to be feasible technically, there were still some outstanding issues which the studies had not fully understood or resolved, notably the impact on the Pagham Harbour Special Protection Area. In addition, an increase in the size of the SH to make it more economically viable would probably be unacceptable to residents and would still leave doubts about economic viability. He summarised the recommendations contained in the studies for improving the economic environment within Selsey for the fishing and tourist industries and these could be incorporated into the SVAP. He emphasised the concerns expressed by the Selsey Fishermen's Association about the long-term viability of the local fishing industry and the risks posed to it and other marine and fishery related activities in the absence of a SH. He hoped that the Selsey Haven Steering Group (a very representative and experienced body) would continue to seek a solution. Accordingly he proposed the following amendments to the recommendations in section 2 of the report:

- (1) That the Cabinet notes the findings of the consultants' reports and supports the inclusion of recommendations in the Marshall Regen socio-economic report and those in the Wolfstrome Way-finding report detailed in para 5.1 of the agenda report and that these are subsumed into the Selsey Vision Action Plan.
- (2) That no further Chichester District Council resources are committed to progressing the Selsey Haven Project proposals outlined in the consultants' reports due to the significant uncertainties around both economic viability and securing the necessary capital investment outlined in the Marshall Regen report.
- (3) That should the Selsey Haven Steering Group and Selsey Town Council wish to pursue an alternative project to assess options to support the fishing industry and related marine activity, then the Cabinet would be willing to consider committing resources to preliminary work, including investigating funding sources, subject to costs being matched by Selsey Town Council

Mrs Cunningham and Mrs Stevens did not add to Mr Connor's introduction.

Mrs Kilby supported Mr Connor's proposed amendments as she felt it was important to pursue options to support the local fishing and tourist industries in Selsey.

In endorsing Mr Connor's proposed amendments, Mr Dignum referred to the detailed findings in the consultants' reports and explained the financial factors for the revised recommendation (2).

Decision

The Cabinet voted unanimously on a show of hands to make the resolution set out below which adopted the aforesaid amendments.

RESOLVED

- (1) That the findings of the consultants' reports be noted and the inclusion of the recommendations in the Marshall Regen socio-economic report and those in the Wolfstrome "Way-finding" report detailed in para 5.1 of the agenda report be supported and be subsumed into the Selsey Vision Action Plan.
- (2) That no further Chichester District Council resources be committed to progressing the Selsey Haven Project proposals outlined in the consultants' reports due to the significant uncertainties around both economic viability and securing the necessary capital investment outlined in the Marshall Regen report.
- (3) That should the Selsey Haven Steering Group and Selsey Town Council wish to pursue an alternative project to assess options to support the fishing industry and related marine activity, then consideration be given by the Cabinet to committing resources to preliminary work, including investigating funding sources, subject to costs being matched by Selsey Town Council.

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

The Cabinet noted, as set out on the agenda front sheet, that an urgent decision had been taken in respect of this matter.

499 Late Items

There were no late items for consideration at this meeting.

500 Exclusion of the Press and Public

In order to consider the Part II confidential exempt matter listed as agenda item 17 (item 18 had been withdrawn from the agenda) Mr Dignum read out the resolution set out below, which was duly proposed and seconded.

Decision

On a vote by a show of hands the Cabinet approved unanimously the following resolution.

RESOLVED

That in accordance with section 100A of the Local Government Act 1972 (the Act) the public and the press be excluded from the meeting during the consideration of agenda item 17 (Southern Gateway Implementation) for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of 'exempt information' being information of the nature described in the following paragraphs in Part I of Schedule 12A to the Act as follows:

- 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 because in all the circumstances of the case of item 17 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

501 **Southern Gateway Implementation**

The Cabinet considered the confidential Part II agenda report and its two appendices in the agenda supplement which had been circulated to members and relevant officers only.

The report was presented by Mr Dignum.

Mr Bennett was in attendance for this item.

During Mr Dignum's introduction, he advised that the sixth of the seven recommendations in section 3 of the report (para 3.6) had been withdrawn as it was now proposed that decisions on spending portions of the LEP grant would be made by the full Cabinet.

Mr Ward briefed members on each of the matters set out in para 6.1.1 of the report.

Mr Bennett and Mrs Shepherd responded to questions on points of detail.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the recommendation to the Council set out below.

RECOMMENDED TO THE COUNCIL

- (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) 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).

502 St James Industrial Estate Chichester

As announced by Mr Dignum at the start of the meeting (minute 485), this item had been withdrawn from the agenda and so was not considered at this meeting.

[Note The meeting ended at 10:45]

CHAIRMAN

DATE

Chichester District Council

THE CABINET

10 April 2018

Section 106 Community Facilities – Donnington Parish Hall

1. Contacts

Cabinet Member:

Eileen Lintill - Cabinet Member for Community Services

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Report Author:

David Hyland - Community Engagement Manager

Telephone: 01243 534864 E-mail: dhyland@chichester.gov.uk

2. Recommendation

- 2.1. That the Cabinet recommends to the Council the release of £183,938.44 section 106 Community Facilities monies plus interest accrued to the date of release to Donnington Parochial Church Council for an extension to Donnington Parish Hall.**

3. Background

- 3.1. In November 2013, the Council received £183,938.44, the Section 106 Community Facilities contribution secured from the development of land at Southfields Close.
- 3.2. Donnington Parish Hall (also known as Stockbridge Hall) is the closest community building to the development location, and the only facility within the Parish. Donnington Parochial Church Council (PCC) has identified the range of wider community activity that takes place at that location and historically developed a proposal to extend the building to provide additional space.
- 3.3. Since November 2013 officers have been working closely with representatives of the PCC to encourage and understand how the capacity of the building could be increased, and to best effect.
- 3.4. Donnington Parish Hall is a well-used local facility, providing a range of activity for local residents. Due to its convenient location it is also used for some activities that have a wider draw. The existing hall is a single large hall with a stage, and a small meeting room. It is often in use and the reliance on a single large hall means that the building is well used, but the space is not always maximised.
- 3.5. Designs for a potential extension were developed and submitted for planning, and a permission (16/00450/FUL) was secured. Since that time the PCC has sought to determine the costs and viability of completing the proposals as permitted. They undertook a full tendering exercise, and had the foresight to

have works costed in sections. The costs of completing the full scheme were in excess of £400,000 and therefore they have explored a phased approach. Details of quotes received are included in Appendix 1 (Part II exempt).

4. Outcomes

- 4.1. In receiving the S106 Community Facility contribution outlined in 3.1, the Council is obligated to facilitate improvements to community facilities in the parish of Donnington. Any proposal for spend should create additional built capacity for community activity, as close to the new housing as can reasonably be achieved.
- 4.2. In designing an extension to the existing Parish Hall, Donnington PCC was particularly keen to create better functionality to the already well used building, and specifically an additional smaller hall that would work independently to the existing facilities.

5. Proposal

- 5.1. Donnington PCC would like to proceed with an initial phase of the redevelopment of Donnington Parish Hall. The proposed extension would provide a small hall with a small kitchen and toilets, accessible by its own entrance from the north of the building. This would enable independent use of this space either when the rest of the building is in use or as a sole hire. Proposed conversion of a space to the rear of the existing stage, a further extension for storage, and the raising of the roof to achieve more light into existing Hall will be deferred for future fundraising.
- 5.2. The PCC sought and received a number of quotations for the works and identified a preferred contractor based on costs for the whole project and specifically the works identified. The costs of this project are significantly in excess of the S106 funding available and Donnington PCC are putting in nearly £67,000 from reserves. A breakdown of funding sources can be found in Appendix 1 (Part II exempt).

6. Alternatives Considered

- 6.1. Donnington PCC, in undertaking a full tender exercise, was potentially looking to implement a larger project. While there are benefits to some of the additional phases that cannot be completed at this time, the main driver for these improvements is the availability of S106 funding which is time limited. Time has been spent in exploring further fund raising to achieve the full scheme, but with another S106 contribution expiring later this year (see 8.2) a decision needed to be reached.
- 6.2. In considering the best way forward, some consideration was given to a much more modest scheme, maximising space within the footprint of the existing building. While this might have been achieved at a lower cost, it would not have achieved the independently accessed space that was desired. As a phased approach was considered feasible, this option was discounted.

- 6.3. As the only community building in the parish, extension to Donnington Parish Hall has long been considered the only option for the use of S106 funds. The funds available would not have achieved a new stand-alone facility, nor was there any local interest in developing such a facility.

7. Resource and Legal Implications

- 7.1. As with other spends of this type, the implementation of the proposed projects will be undertaken by the facility owner, in this instance Donnington PCC. It is expected that the decision to fund will enable the PCC to commission the works, but implementation will be monitored by officers and monies released on evidence of spend.
- 7.2. Once received, the Council is obligated through the S106 Agreement to spend the contribution within 10 years of receipt (by November 2023). The interest accumulated by this S106 receipt has been estimated by Finance as £9,274.99 (as at 31 January 2018).

8. Consultation

- 8.1. To address the funding gap for the project, Donnington PCC has made a grant application to this Council for £9,847. The application will be considered by the Grants and Concessions Panel on 21 March 2018, and the decision reported as a verbal update to this meeting.
- 8.2. A request to release a further section 106 Community Facilities contribution (£33,990.40 plus interest estimated at £1,800, deadline for spend August 2018) from the Selsey Tram development will be considered in light of the decision of the Grants and Concessions Panel under delegated authority, and again this decision will be reported orally.
- 8.3. The ward member for Donnington has been consulted in the allocation outlined in 8.2 and the request before the Cabinet. He firmly supports the improvements to facilities in this location and the additional capacity it could provide.
- 8.4. The process that developed the proposals for extension that were ultimately approved for planning involved significant consultation with users and other groups including the former Hall Management Committee. A letter of support has also been provided by Donnington Parish Council, who themselves use the Hall for meetings.

9. Community Impact and Corporate Risks

- 9.1. The proposed allocation of section 106 community demonstrates direct benefit both to residents of the relevant development and the wider community of Donnington parish.

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		X
Climate Change		X
Human Rights and Equality Impact Positive – improved provision of public space to existing community and new residents	X	
Safeguarding		X

11. Appendices

- 11.1. Summary of quotes received, sources of funding. [Note Part II exempt restricted material printed on salmon paper for the information of members and relevant officers only: 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]

12. Background Papers

- 12.1. None

Document is Restricted

Chichester District Council

THE CABINET

10 APRIL 2018

Risk Management

1. Contacts

Cabinet Member:

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Report Author:

Helen Belenger, Accountancy Services Manager,

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2. Recommendation

Cabinet is requested to:

- 1) Recommend to Council that the updated Risk Management Policy and Strategy be approved.**
- 2) Note the current strategic risk register and the internal controls in place, plus any associated action plans to manage those risks, and raises any issues or concerns.**
- 3) Note both the current high scoring programme board and organisational risks and the associated mitigation actions in place, and raises any issues or concerns.**

3. Background

3.1. In accordance with the governance arrangements set out in the Risk Management Strategy and Policy, the Strategic Risk Group (SRG) reviews the strategic and programme board risk registers, and the high scoring organisational bi-annually. The outcome of the last review by the SRG was reported to the Corporate Governance and Audit Committee (GCAC) meeting on 29 March 2018.

4. Outcomes to be achieved

- 4.1. To adhere to good practice, the Council's Risk Management Policy and Strategy is reviewed and refreshed as necessary.
- 4.2. The Strategic, Programme Board and Organisational Risk registers are current and relevant to the Council and its operation, and those risks are well managed in accordance with the Council's Risk Strategy and Policy.

5. Proposal

Risk Management Policy & Strategy

- 5.1. The Policy and Strategy were first approved by Council in March 2013, with the last update in 2014 to reflect a new management structure; a review by the Strategic Risk Group in November 2015 resulted in no further changes at that time.
- 5.2. Appendix 1 now sets out the changes required to the policy and strategy to reflect the new management structure for 2018. Any changes recommended by the Corporate Governance and Audit Committee after its meeting on 29 March 2018, will be reported verbally to Cabinet.
- 5.3. The Cabinet are requested to consider if there are any further changes required to the policy or strategy or the framework before the Policy and Strategy are recommended to Council for approval, in accordance with the Council's Constitution.

6. Strategic Risk Register Update

- 6.1. Following the latest review of the strategic risk register, the heat map below shows where the individual risks are placed after the recent assessments.

LIKELIHOOD				
	8	149	147,148	
		1, 145	9, 97	
			88	68
IMPACT				

Key to Risk Numbers:

1 = Financial Resilience, 8 = Skills, Capability/Capacity, 9 = Business Continuity, 68 = Health & Safety, 88 = Recycling Target, 97 = Cyber Risk, 145 = Breach of Data Protection Act, 147 = Southern Gateway Regeneration, 148 = Local Plan, 149 = Impact of Universal Credit (UC) on working claimants across the district.

- 6.2. Since the last report to GCAC, the risk scores have remained unchanged for the previously identified existing strategic risks. However three new strategic risks have been added to the risk register by Strategic Leadership Team, these are:
 - CRR 147 – Southern Gateway
 - CRR 148 - Local Plan
 - CRR 149 – Impact of Universal Credit (UC) on working claimants across the district.

7. Programme Board Risk Registers

- 7.1. Three Programme Boards set up for Business Improvement, Commercial and Infrastructure with the relevant director as the officer lead along with the relevant portfolio holder. A risk register is compiled for each board, and any high scoring risks from these risk registers would be escalated within the Risk Management Framework for consideration by senior officers and members as necessary.
- 7.2. Only one risk from the Programme Boards is high scoring; PBR 08 Insufficient resources to deliver projects, and is unchanged from the last quarterly review. Appendix 3 sets out the associated mitigation plans for this high scoring risk, and all other risks on the Programme Board registers have risk scores lower than 6.

8. Organisational Risk Register

- 8.1. The Organisational Risk Register reflects not only the risk connected with the service plans for 2017-18, but have now also been updated to reflect any new risks associated with delivering the service plans for the new financial year.
- 8.2. The Strategic Risk Group considered the high scoring risks and the associated mitigation plans which are detailed in appendix 4.

9. Alternatives that have been considered

- 9.1. N/A

10. Resource and legal implications

- 10.1 None

11. Consultation

- 11.1. All the risk registers have been reviewed by SLT, SRG and GCAC to incorporate any changes necessary to ensure that relevant risks are identified by the council in relation to its objectives and the achievement of its corporate plan.
- 11.2. These reviews are to ensure that the Strategic, Programme Board Risk Registers and high scoring Organisational Risk Registers that are current, and relevant to the Council and its operation, and that those risks are well managed in accordance with the Council's Risk Management Strategy and Policy.
- 11.3. The outcome of the GCAC's review on 29 March 2018 will be reported to the Cabinet orally due to the report cycle deadlines.

12. Community impact and corporate risks

- 10.1 The proposed changes to the Risk Management Policy and Strategy ensure that the Council's governance arrangements for risk management remain relevant and are embedded throughout the Council and the delivery of its services to the district's community.

13. Other Implications

	Yes	No
Crime & Disorder:		X
Climate Change:		X
Human Rights and Equality Impact:		X
Safeguarding:		X

14. Appendices

- 14.1. Appendix 1 – Risk Management Policy & Strategy
- 14.2. Appendix 2(a) – Strategic Risk Register
- 14.3. Appendix 2(b) – Strategic Risk Register [Note Part II exempt restricted material printed on salmon paper for the information of members and relevant officers only: 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]
- 14.4. Appendix 3 – Mitigation Plans for High Scoring Programme Board Risks
- 14.5. Appendix 4 – Mitigation Plans for High Scoring Organisational Risks

15. Background Papers

- 15.1. None.

Chichester District Council

Risk Management Policy
and Risk Management Strategy

Updated March 2018

Risk Management Policy

Introduction

Chichester District Council is aware that risk management is a fundamental issue for consideration in the delivery of its services and how it serves its community. It is a discipline that cuts across all of the council's activities and is a process that aims both to raise awareness and protect the council against potential risks and the consequences of those risk occurring.

However, some risks will always exist and cannot be eliminated. Against this ethos there is the clear understanding that risks need to be managed rather than avoided, and consideration of risk should not stifle innovation.

The council recognises that it has a responsibility to manage its significant business risks and supports a structured and focused approach to managing those risks as part of the corporate governance framework. This includes the adoption of this policy and strategy, as risk management is an integral part of its business processes, assists with decision making and achievement of key objectives, whilst also providing evidence of effective management and control in support of the Annual Governance Statement.

The council's Corporate Plan states that 'the Corporate Plan provides.... the opportunity to manage the Council's strategic risks and any significant risks that may impact on the community.' The Council will assist with managing community risks as part of the Local Strategic partnership, and play an active part in managing those risks which the Council is able to materially influence and have impact upon.

Objectives

The council is committed to implementing a proactive approach to risk management that is based on the following key principles:

- Risk management activity will be aligned to corporate and service plan aims, objectives and priorities. It will encompass all strategic and operational risks that may affect the council achieving its objectives.
- Risk management is key to achieving the council's Corporate Plan.
- The council will anticipate and take preventative action to actively manage risks rather than dealing with the consequences.
- Risk management is a process to assist in understanding risks and so contribute to improved decision making. The purpose therefore is not to design out risk at disproportional costs, but to manage it effectively.

- A consistent approach to the identification, assessment and management of risk will be embedded throughout the council.
- Any risk control and mitigation measures will be considered for their effectiveness as well as being appropriate, proportional, affordable and flexible.
- All council officers are responsible for the management of the risks that surround their role and adherence to the risk management framework. Managers also have a responsibility to ensure that their service areas have service continuity plans in place which are periodically reviewed and tested.

To achieve these key principles the management of risk is woven throughout the council's key governance frameworks and as such these are specific requirements for all officers to adopt a **formal** approach to risk management in the following areas:

Key decision making reports
Corporate, Directorate and Service planning processes
Programme and Project Management
Procurement Processes
Partnership working arrangements
Change management process

There are clearly defined roles and responsibilities and reporting lines within the Council for risk management.

Management of risk is a continuous and dynamic process and the Council's approach will be kept under regular review.

Risk Management Strategy

Overview

In order to manage risk Chichester District Council considers that a proactive approach in respect of its significant business risks will enable it to be in a stronger position to deliver the corporate priorities and serve its community.

Risk Management Framework

To achieve this, it is envisaged that members and officers develop an embedded enterprise wide risk management framework which gives a robust and systematic approach that aids the authority to:

- Help officers to fully understand the causes and impacts of the risks that they face, and in turn make more informed decisions on how best to manage risks.
- Allow officers to analyse and prioritise risks; helping inform decisions on the management, escalation and communication of risks.
- Creates a management tool which promotes discussion and helps reinforce officers' understanding of risks and how they will be managed; as well as encouraging the assignation of roles and responsibilities.
- Provide senior managers and members with the assurance that risks are being considered and managed across the organisation, and where 'need be' risks have to be taken; these are escalated for their input and guidance beforehand.

Key Risk Management Objectives

In order to realise the organisational benefits of managing risk and to deliver upon the remit of developing and embedding a risk management framework, the following objectives have been identified:

1. To maintain and review the risk management framework which takes into account new and emerging risk management practices in accordance with good practice.
2. To develop and maintain a service continuity planning framework that allows the council to continue to deliver its most important services in accordance with the Civil Contingencies Act 2004.
3. To actively manage risks and opportunities by identifying the risks in the delivery of the council's plans i.e. corporate, directorate and individual service plans. The risks identified should be assessed for likelihood and impact, along with identifying any mitigating controls, and should be allocated to a named officer (s) who is responsible for those risks and their mitigation controls.

4. To ensure that risks in the present and the future are considered and discussed as part of the council's key decision making processes.
5. To ensure that all programmes and projects in the council have a robust approach to risk management which includes risk identification, analysis, prioritisation, control, communication, review and escalation.
6. To ensure officers consider the management of risk within the procurement process.
7. To integrate and embed risk management throughout the working culture of the council by providing support, guidance and training to officers, and members where appropriate.
8. To monitor adherence to the Risk Management Framework and report on performance to the ~~Strategic Leadership Corporate Management~~ Team (~~SLTCMT~~), the Corporate Governance and Audit Committee, and Cabinet.

Definition of Risk Management

CIPFA's Better Governance Forum's definition of risk is described as:

“Risk arises as much from failing to capture opportunities, as it does from a threat that something bad will happen.”

This definition is complemented in the context of risk management as detailed in the British Standard 31100, which states;

“Risk management is as much about exploiting potential opportunities as preventing potential problems.”

Risk Identification Process

Managers should concentrate on events that might affect the council's achievement of its objectives. Strategic risks linked to the Corporate Plan objectives and operational risks linked to service and project plans need (as a minimum) to be identified and monitored.

Roles and Responsibilities

In order to ensure the successful implementation of the Risk Management Strategy, there needs to be clear roles and responsibilities, with clear processes, which are set out in the risk management framework and also within this policy.

Group/Individuals	Role/ Responsibilities
Council	<ul style="list-style-type: none"> a. Agree the Risk Management Policy and Strategy b. Receive and act upon reports from Cabinet, and reports, recommendations and advice from Corporate Governance and Audit Committee
Cabinet	<ul style="list-style-type: none"> a. Considers the Risk Management Policy and Strategy and receive reports on them b. Hold the political responsibility for risk within each individual portfolio c. Identify a lead portfolio holder for risk management
Cabinet Portfolio Member Risk Champion	<ul style="list-style-type: none"> a. To champion risk management at a strategic level in the council from a member's perspective b. To promote and support the development and implementation of the Risk Management Policy and Strategy
Corporate Governance & Audit Committee	<ul style="list-style-type: none"> a. Consider corporate risks and control and monitoring arrangements b. Review Internal Audit priorities and risk assessments c. Report to full Council each year on corporate governance issues and internal arrangements to monitor and control risks
Strategic Risk Group <u>(SRG)</u>	<ul style="list-style-type: none"> a. Consider strategic, and operational <u>and programme board</u> risks, the associated controls, management and any mitigation. b. Review of previously identified strategic risks and any detailed consideration of any newly identified risks to be incorporated in the report to Corporate Governance & Audit Committee
Chief Executive & Lead Officer Risk Champion	<ul style="list-style-type: none"> a. Overall responsibility for ensuring that strategic risks are effectively managed within the council b. To champion risk management at a strategic level in the council from an officer's perspective c. To promote the development and implementation of the Risk Management Policy and Strategy d. Ensure that Risk and Performance frameworks are aligned so that corporate plans are appropriately monitored e. Act as the <u>SLT CMT</u> Lead Officer for Risk Management f. Ensure that relevant staff and members are trained on risk management
<u>Strategic Leadership Team</u> Corporate Management Team	<ul style="list-style-type: none"> a. Contribute towards the identification and management of strategic and cross cutting risks b. Responsibility for effectiveness of risk management and assurance frameworks and any mitigation c. Regularly review the strategic risk register d. Quarterly monitoring of corporate risks and

Group/Individuals	Role/ Responsibilities
	associated action
<u>Chief Executive & Directors and Chief Executive</u> (Strategic Leadership Team) (SLT)	a. To provide annual assurance on the effectiveness of controls in place to reduce risks within their services to an acceptable level. b. To maintain awareness of and promote the risk management strategy and policy to relevant staff.
<u>Director of Corporate Services, Head of Finance and Governance</u>	a. Applies strong internal controls in all areas of financial management, risk management and asset control. b. Promotes arrangements to identify and manage key business risks, including safeguarding assets, risk mitigation and insurance. c. To assist the Chief Executive in: <ul style="list-style-type: none"> • The development and implementation of the Risk Management Policy and Strategy • To ensure that Risk and Performance frameworks are aligned so that corporate plans are appropriately monitored • To ensure that relevant staff are trained on risk management
<u>Programme Board Lead Officer</u>	<u>a. Identify and monitor the risks identified associated with the work of the Programme Board</u> <u>b. Each Programme Board will review their risks registers.</u> <u>c. Cabinet members and directors should be informed of key programme/ project risks relevant to their areas of responsibility.</u>
All <u>Divisional & Service Managers</u> (Through Departmental Management Team meetings) & CMT)	a. Contribute towards the identification and management of operational risks, incorporating in service plans b. Maintain awareness of and promote risk management policy and strategy to staff. c. Ensure that risks that have been identified are addressed and mitigated. Any that are scored as high/high using the 4 by 4 matrix to be addressed urgently. d. Ensure that risk management is incorporated into service and project plans e. Ensure that supplier and procurement risk is considered in their service plans
Internal Audit – <u>Internal Audit & Corporate Fraud Manager, Principal Auditor</u>	a. To independently review and report to the Corporate Governance and Audit Committee on strategic and operational risk management, plus any review as part of the Annual Governance Statement.
All Employees	a. To manage risk effectively in their job and to highlight to management any risks arising and contribute to the control process to mitigate the risks to an acceptable level.

Different Types of Risks

Officers and members need to consider the different types of risks in relation to how the council delivers its services and how it serves its community e.g. strategic, operational or community risks.

Strategic Risks

Possible examples of strategic risk are as follows:

- **Political:** Linked to possible failure to deliver Council objectives or Central Government policy.
- **Economic:** Affecting the ability of the Council to achieve its commitments.
- **Social:** Relating to the Council's ability to meet the effects of changes in demographic, residential or social-economic trends.
- **Technological:** The ability to identify technological changes and using technology to meet changing demands
- **Legislative:** The ability to meet the legislative demands affecting the Council
- **Environmental:** Relating to the environmental impact of the Council's Service delivery

Operational Risks

Operational risks are those that could prevent achievement of operational objectives, as stated in service and project plans. Only those risks that are of a concern need recording and monitoring. However, these should include contingency or disaster recovery plans. Possible examples are:

- **Professional:** Associated with the professional competence of council officers and the recruitment and retention of staff
- **Financial:** Associated with the financial resources and related controls
- **Legal:** Relating to potential breaches of legislation, or other duties
- **Physical:** Related to physical damage, security, accident prevention and health & safety
- **Contractual:** Associated with the failure of the council's contractors to deliver services or products to the agreed cost and specification
- **Technological:** Associated with reliance on operational equipment
- **Environmental:** Associated with pollution, noise, energy
- **Customers:** Associated with the ability to engage all our customers and the identification of their changing needs and related issues of equality

Community Risks

Risk management has traditionally been an inward focused exercise which looks at the potential risks to the council and how they are managed. An alternative approach to measuring risk is to look at the significant impact on a community and the outcomes they may face. This is particularly evident in the partnership approach to service delivery with the customer as the focus point and not the individual organisation providing the service.

Cross Cutting Risks

All involved in the risk management process, should consider whether any corporate/operational activities result in risks with cut across other areas of the council. The relevant management should liaise to determine the appropriate method of treating any cross cutting risks.

Projects & Contract Risks

All new projects and contracts should have had their various risks considered before being approved. In the case of a contract, the relevant director and project manager are is responsible for ensuring relevant risks have been considered.

Partnership Risks

Before any significant partnerships are entered into, their risks should be assessed, and where unacceptable, mitigating controls put in place. The partnership risks should be reviewed periodically, and assurances obtained about the management of these risks by named officers.

Financial Risk

Financial Risk e.g. loss of income or greater expenditure than anticipated is the primary risk identified and measured. However, this is just one of several different types of risk that can be measured. It is not just the impact of an event happening in financial terms that need to be evaluated, but also the potential damage that such an event could have upon other things such as the reputation of the council.

Governance and Compliance

A formal approach to risk management involves undertaking a risk assessment or detailing risks in a report. The council recognises that the approach to risk management should be proportionate to the level of risk present.

Compliance with the Risk Management Framework

This policy and strategy is just one part of the council's risk management framework, which also includes a 4x4 risk scoring system, risk assessment template, corporate risk register system, and service continuity plans. Service continuity plans These are will be held on the Resilience Direct System. Corporate Management Team's smart phone devices and a hard copy is held remotely at the Careline.

The Risk Management Framework is set out in the attached schedule.

To ensure consistency it is important these roles are adopted across the council and that any variations or dispensations are kept to a minimum. To aid consistency in scoring risks using the risk assessment matrix, the severity of impact is set out in the following table:

Severity of impact matrix						
Score	Personal safety	Failure to provide statutory duties or meet legal obligations	Financial loss	Service disruption	Personal privacy infringement	Embarrassment or reputation
1 Minor	Minor injury or discomfort to an individual or several people	Litigation, claims or fines up to £5k	Loss of money or uninsured costs of less than £5k	1 day	Isolated individual personal detail compromised or revealed	Contained within section or unit
2 Significant	Severe injury to an individual or several people	Litigation, claims or fines between £5k to £10k	Loss of money or uninsured costs of less than £100k	2-3 days	Some individual personal details compromised or revealed	Local public or press interest
3 Serious	Major injury to an individual or several people	Litigation, claims or fines between £10k to £50k	Loss of money or uninsured costs of less than £500k	3-5 days	Many individual personal details compromised /or revealed	National public or press aware
4 Major	Death of an individual or several people	Litigation, claims or fines between over £50k	Loss of money or uninsured costs of more than £500k	5+ days	All personal details compromised or revealed	<u>Chief Executive or</u> Director forced to resign

Definitions of Likelihood:

Likelihood		
Score	Factor	Description
1	Unlikely	No occurrence in the last 2 years or for foreseeable future
2	Possible	No occurrence within the last 12 months anticipated within the next 12 months
3	Probable	At least one occurrence in last 12 months or anticipated within the next 12 months
4	Certain	At least one occurrence in last 6 months or anticipated within next 6 months

CDC Risk Matrix

Likelihood	4 Certain	4	8	12	16
	3 Probable	3	6	9	12
	2 Possible	2	4	6	8
	1 Unlikely	1	2	3	4
		1 Minor	2 Significant	3 Serious	4 Major
		Impact			

Further guidance on the use of the matrix is part of a future guide to be issued to officers and will be available on the staff intranet.

Monitoring, Reporting & Escalation

The Strategic Leadership Corporate Management Team (SLT) is responsible for ensuring that the key risks on the strategic risk register are managed and the progress with the risk mitigation measures should be monitored at appropriate intervals. Executive Directors and Divisional Heads of Service Managers are also responsible for ensuring that the key risks in the risk registers linked to respective Service Plans (SP) are managed via their organisational risk registers. It is recommended that high risks feature as a standing item on DMT/Service Managers meeting agendas. SLT CMT receives monthly reports on major projects and performance to monitor risks and will monitor the strategic risks on a quarterly basis.

On at least an annual basis, the strategic and Service Plan risk registers high risk items should be reviewed and where necessary risks re-prioritised by the Strategic Risk Member Group and SLT. Risks should be amended so they reflect the current situation, obsolete risks should be deleted and new risks identified. This ensures that the risk registers and resulting risk mitigation measures are appropriate for the current service and corporate objectives. The review of the strategic risk register must be undertaken by Strategic Leadership Corporate Management Team and the organisational risk SP registers must be reviewed and updated by the respective Executive Directors and Divisional Heads of Service Managers with their management teams.

Reporting and escalating risks

As new risks arise they should be promptly recorded on the relevant risk register. Also the environment in which the risks exist will change making some risks more critical or others less important. Risk registers and matrices at each level should be updated to reflect these changes as they occur. If such risks require corporate ownership and management then consideration should be given as to whether they should be incorporated into the strategic risk register. If the management of such risks is more appropriate at a service level then it should be included in the respective SP/service risk register.

It is recognised that some service risks have the potential to impact on the corporate objectives. High risks from service risk registers should be reported to SLTCMT where a decision will be taken on whether to prioritise any of these risks on the strategic risk matrix and include them on the strategic risk register.

Each service area will need to consider their operational risks to ensure their business continuity arrangements are robust. ~~Executive~~ Directors and Divisional Heads of Service Managers should test their plans at least annually.

SLT CMT/ the Director of Corporate Services - Head of Finance and Governance will report the strategic and any service high risks to the Corporate Governance & Audit Committee and Cabinet, and an up to date risk register and matrix will be published for sent to Full Council via Modern.gov.

Risk Management Framework

Who	Roles & responsibilities	Report Type	By Whom	Frequency
Council	Agree the Risk Management Policy and Strategy Receive and act upon: reports from Cabinet and Chief Executive; reports, recommendations and advice from Corporate Governance & Audit Committee	Annual Governance Statement and other relevant reports	Cabinet and CG&AC	Annually
Cabinet	Consider the Risk Management Policy and Strategy and receive reports on them Hold the political responsibility for risk within each individual portfolio Identify a lead portfolio holder for Risk Management	Risk Management Policy and Strategy and relevant reports	CGAC/Portfolio Holder	As requested
Corporate Governance & Audit Committee (CGAC)	Consider corporate strategic risks and control and monitoring arrangements Review Internal Audit priorities and risk assessments Report to Full Council each year on corporate governance issues and internal arrangements to monitor and control risks	Assurances on effectiveness of risk management Updates on corporate risk and action plans	Director of Corporate Services	Bi-annually
Strategic Risk Group	Consider any strategic and operational risks, the associated controls, management and any mitigation.	Review of previously identified strategic risks and any detailed consideration of any newly identified risks. Workshop held with SLT risk owner & members.	Chief Executive	Bi-annually
Strategic Leadership Team (SLT)	Contribute towards the identification and management of strategic and cross-cutting risks Responsible for effectiveness of risk management and assurance frameworks and any mitigation Regularly review the strategic risk register Quarterly monitoring of strategic and operational risks and associated action plans	Reviews of policy, strategy and framework Corporate and service performance reports with operational and strategic risks	SLT assurance and risk updates Programme and Partnership boards performance	Quarterly
Programme Boards	Responsible for identifying and managing the risks associated with the work programme of the Board	Review and update of risk register at each meeting. Report any risk that requires escalation to SLT as necessary	SLT Lead Officer & Programme Board members	Monthly or Bi-Monthly
Strategic partnerships and allied groups	Responsible for the identification and management of risks within their given areas Local Strategic Partnership (LSP) responsible for considering community risks in their wider sense	Task and finish groups report to LSP Reports on the management of risks Escalate high risks as required	Lead Officer Lead Member	Leader and Directors
Directors & Divisional Managers	Contribute towards identification and management of operational risks incorporated in service plans Maintain awareness of and promote risk management policy and strategy to staff Ensure risks have been identified and are addressed and mitigated Ensure supplier and procurement risk is considered in service plans	Report on those departmental/ service/ project risks that require consideration for escalation to the corporate Risk Register Review of risk registers and other risks as standing item at Departmental service meetings	Directors / Divisional Managers Project Boards	Quarterly or as required
Employees	Manage risk effectively in their job and report hazards/risks to their service managers	Report incidents/risks following procedures in corporate policies	All employees	As necessary/required

Corporate Risk Register - Strategic Risks Quarterly Update

Report Author: Helen Belenger
Generated on: 13 March 2018



Risk Status	
	Alert
	High Risk
	Warning
	OK
	Unknown


Controlled

Status	Risk No.	Risk Area	SLT Lead	Original Score	Previous 1/4ly Review Score	Current Score	Target Score	Target Date	Internal Controls
	CRR 01	Financial Resilience	John Ward	9	4	4	3	31-Mar-2019	Good
	CRR 08	Skills / Capability / Capacity	John Ward	3	3	3	2	31-Mar-2019	Good
	CRR 09	Business Continuity	John Ward	9	6	6	3	31-Mar-2019	Good
	CRR 68	Health and Safety	John Ward	9	4	4	4	31-Mar-2019	Good
	CRR 97	Cyber Risk Attack Across ICT Estate	John Ward	6	6	6	6	31-Mar-2019	Good
	CRR 145	Data Protection Act Breach - Loss of Data	John Ward	4	4	4	4	31-Mar-2019	Good

Control Pending

Status	Risk No.	Risk Area	SLT Lead	Original Score	Previous 1/4ly Review Score	Current Score	Target Score	Target Date	Internal Controls
	CRR 88	Non Achievement of Recycling Target of 50% by 2020	Jane Dodsworth	6	3	3	3	01-Jan-2020	Improving
	CRR 147	Southern Gateway Regeneration	Paul Over	9	-	9	3	28-Sep-2018	Improving
	CRR 148	Local Plan	Andrew Frost	9	-	9	3	31-Jul-2020	Improving

Appendix 2 (a)

Status	Risk No.	Risk Area	SLT Lead	Original Score	Previous 1/4ly Review Score	Current Score	Target Score	Target Date	Internal Controls
	CRR 149	Impact of Universal Credit (UC) on working claimants across the district	Louise Rudziak/ Jane Dodsworth	9	-	6	3	31-Mar-2019	Improving

Management Controlled

CRR 01	Financial Resilience	Management	Controlled
		Corporate Links	Corporate Plan Priority - Use Resources Effectively and Efficiently.

Risk Description:

- Failure to maintain a robust and deliverable budget will lead to a lack of resources to fund services and council priorities, leading to reactionary decision making, and reputational consequences.
- Failure to maximise efficient use of resources and so unsuccessful redirection of resources and not achieving objectives and outcomes of the council including deficit reduction plans.
- Failure to maximise income streams.
- Unpredictable Government policy (e.g. Brexit and localisation of business rates.)

SLT Risk Owner: John Ward



Responsible Officer: Helen Belenger

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Original and Target Risk Assessment

Original Risk Date	31-Jul-2012		Target Risk Date	31-Mar-2019	
Original Risk Score	9	Likelihood Impact	Target Risk Score	3	Likelihood Impact

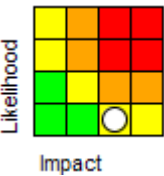
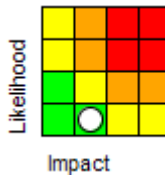
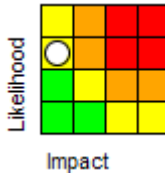
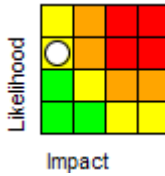
Current and Previous Quarter Risk Assessment

Current Assessment Previous Quarter Assessment	08-Mar-2018		4
	21-Dec-2017		4

Appendix 2 (a)





Internal Controls	Current Status	
Five Year Financial Model and Deficit Reduction Plan	<ol style="list-style-type: none"> 1. Monitor and update the 5 year financial model as required and review with CMT. 2. Assess against progress on Deficit Reduction Plan and savings targets. 3. Monitor income volatility in relation to use of New Homes Bonus (NHB) (Policy approved) and localisation of both Council Tax Reduction scheme (CTR) & business rates. 	Good
Income Streams	<ol style="list-style-type: none"> 1. Monitor income performance and review with SLT so remedial action can be taken. 2. Heads of Services and budget managers monitor income monthly from budget monitoring reports. 3. Service managers to assess fee setting for services in accordance with Fees & Charging Policy, and react when if income reductions occur. 4. Putting money in place to achieve better returns. 	Good
Reconciliation of Income	<ol style="list-style-type: none"> 1. Monthly reconciliations by services. 2. Non compliant services are identified by Internal Audit when service is reviewed as part of the Audit Plan. 3. Support given by Financial Services when setting up new income streams and reconciliation processes. 	Improving
Control of Expenditure	<ol style="list-style-type: none"> 1. Approval limits and routes for additional funding are detailed in the Council's Constitution and Financial Regulations. 2. Quarterly monitoring of major variances by SLT. 	Good
Financial Strategy Principles	<ol style="list-style-type: none"> 1. All key decisions of the Council should relate back to the Corporate Plan. 2. Ensure the revenue and capital programme remain balanced and sustainable over a rolling 5 year period. 3. Over the next 5 years maintain a position of non-dependency on reserves. 4. In order to maintain a balanced budget in a climate of no growth, savings in the revenue budget or external funding will need to be identified before any new revenue expenditure, including capital expenditure that has revenue consequences, is approved. 5. Review costs in response to changes in service demand. 6. Where the Council has discretion over charging for services, consideration needs to be given as to the extent to which service users should bear the costs, and the proportion met by Council Tax. 7. Continue to review the Council's costs in order to find further savings. 8. Match Council Tax increases to a realistic and affordable base budget. 9. Budgets should be pooled with other service providers to achieve more effective and cost efficient outcomes for the community. 10. New Homes Bonus (NHB) should be reserved to reward communities that have accepted growth, whilst also considering the fact that this is not new funding, and to some extent may have to be used to protect services. This should be allocated annually, and only committed once received. 11. Localisation of Business Rates. The decision to pool our business rates should be reviewed annually after receipt of government draft settlement to that the Council is in the best financial position. The Section 151 Officer continues to review the risks and opportunities that will emanate from the 100% localisation of business rates. 	Good
Revenue and Capital	<ol style="list-style-type: none"> 1. Capital receipts, reserves and interest on investment will primarily be available for new investment of a non- 	Good

Programme Principle	<p>recurring nature, thereby minimising the overall financial risk.</p> <p>2. Ensure that a sufficient level of reserves are maintained, as informed by the Financial Strategy, so that the Council can remain flexible and is able to respond to a changing local government environment.</p> <p>3. Borrowing could be used for capital schemes or "invest to save" projects providing the cost of servicing the debt is contained within the revenue savings/income the project generates. The payback period for invest to save projects should be shorter than the life of the asset.</p>	
Treasury Management	<p>1. Generate better returns with the Treasury Management Strategy and the Investment Protocol and the Council's view of risk and increased diversity.</p>	Good
Latest Position Statement		
<p>08 Mar 2018</p> <p>Page 40</p>	<p>Deficit reduction plan was approved, and accepted by the former DCLG (now MHCLG) as evidence to secure a 4 year funding agreement up to 2019-20. Financial targets to be monitored through the programme boards, as the council continues to set balanced budgets, and non-reliance on NHB and other temporary funding, and has a forward funded 25 year asset replacement fund.</p> <p>The audited 2016-17 outturn showed an underspend of £295k, and the current year 2017-18 is forecast to have an underspend of £0.37m.</p> <p>The Council's 5 year Financial Model was updated following the joint Cabinet & CMT strategy day in October 2017 ahead of preparation for the 2018-19 budget cycle. The updated model was reported to Cabinet in December 2017 and approved by Council on 23 January 2018. At that time the 5 year model was showing a surplus of approximately £1.6m for 2018-19. The Council set its budget for 2018-19 on 6 March 2018 with a £5 council tax rise for Council Tax Band D. Its spending plans included growth items amounting to £523,000 and enabled a transfer to the investment opportunities reserve of £861,300 in line with the financial principles that underpin the financial strategy. Provision was also made for the council investments affected by IFRS 9. The MHCLG are to undertake a consultation on the statutory override issue that was raised during the budget process.</p> <p>The Council remains part of the Coastal West Sussex business rates pool in 2018-19, as the West Sussex 100% pilot bid was not selected by MHCLG.</p> <p>On-going monitoring of volatile income streams such as the car parking service which can be affected by the weather and economy, so it is important to ensure that the use of the car parks are marketed effectively and assessing the Council's pricing policy.</p>	





CRR 08	Skills / Capability / Capacity	Management	Controlled		
		Corporate Links	Corporate Plan Priority - Use Resources Effectively and Efficiently.		
Risk Description: Failure to have resilience in the staff structure, and so lack the right number of staff with the right skills to deliver services, along with unrealistic expectations of services, which could lead to service failure, reputational damage and potential litigation.					
SLT Risk Owner: John Ward. Responsible Officer: Joe Mildred / Tim Radcliffe.					
Original and Target Risk Assessment					
Original Risk Date	31-Jul-2012		Target Risk Date	31-Mar-2019	
Original Risk Score	3		Target Risk Score	2	
Current and Previous Quarter Risk Assessment					
Current Assessment	08-Mar-2018		3		
	05-Jan-2018		3		
Internal Controls					Current Status
Workforce Development Plan	1. Ensure commissioning and objectives remain relevant and up to date. 2. Review personnel literature, marketing CDC as an employer at recruitment fairs. 3. CDC salaries - benchmarking exercise to be undertaken and monitored. 4. New apprenticeship Levy.				Good
Appraisal Process	1. Succession planning considered during appraisal process.				Good

Appendix 2 (a)

	<ul style="list-style-type: none"> 2. Completion of appraisals on time. 3. Strategic training needs identified using Belbin or equivalent. 4. Possible use of 360 degree appraisals. 	
Training Plan and Budget	<ul style="list-style-type: none"> 1. Use First Line Managers course to develop new managers. 2. Use diploma management studies for senior managers. 3. Specific training programme for new Directors and Heads of Service. 	Good
Recruitment Benefits	<ul style="list-style-type: none"> 1. Use of benefits packages for relocation, assisted house purchase scheme to aid recruitment. 2. Guidance to be issued for how to use recruitment benefits. 	Good
Staff Satisfaction Survey	<ul style="list-style-type: none"> 1. Staff survey to be undertaken every two years. 	Improving
Strategic Leadership Team & Divisional Managers	<ul style="list-style-type: none"> 1. Specific training programme to newly appointed Divisional Managers to address core competencies, hosted by Portsmouth University. 2. Succession plan currently being put into place. 	Good
Measuring Staff Turnover by Significant Groups	<ul style="list-style-type: none"> 1. SLT to review turnover statistics and the reasons. 	Good
Latest Position Statement		
<p>Mar 2018</p> <p>Page 42</p>	<p>Apprenticeship Levy came into effect 1.4.17. Workforce development initiatives now live. Pay Policy project on track.</p> <p>Access to courses on Levy of some concern although number of courses increasing and being publicised to managers, requirement to release staff for 20% of time to study and pre-course requirements. HR monitoring take-up of courses and spend of Levy. Strong links developed with both Chichester College and University.</p> <p>A specific skills training programme for the new divisional managers has been arranged.</p> <p>Recruitment issues for specific service areas are being kept under review by SLT.</p>	

CRR 09	Business Continuity	Management	Controlled		
		Corporate Links	Corporate Plan Priority - Use Resources Effectively and Efficiently.		
<p>Risk Description: Failure to react to an incident that would adversely affect the delivery of services, including leading to a breach of the council's statutory duties under the Civil Contingencies Act and result in both inability to service the community and suffer reputational damage.</p> <p>SLT Risk Owner: John Ward. Responsible Officer: Helen Belenger/Warren Townsend.</p>					
Original and Target Risk Assessment					
Original Risk Date	31-Jul-2012		Target Risk Date	31-Mar-2019	
Original Risk Score	9		Target Risk Score	3	
Current and Previous Quarter Risk Assessment					
Current Assessment	09-Mar-2018		6		
	04-Jan-2018		6		
Internal Controls					Current Status
Robust BC Plans	<ol style="list-style-type: none"> 1. Refresh Business Impact Assessment (B.I.A). 2. Critical services to prepare plans. 3. Test Plans. 4. Retrain where necessary, embed BC into culture of the council. 5. Identify system to store BC plans. 				Good

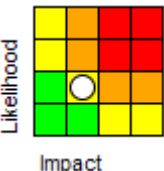
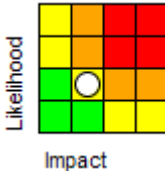
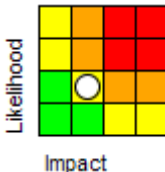
	<ul style="list-style-type: none"> 6. Non critical services to make appropriate arrangements. 7. Audit of Plans in high risk service areas. 8. Effective backup of data. 	
BC Management Strategy	<ul style="list-style-type: none"> 1. Annual BCM corporate meetings held. 2. Key managers identified for BC plans. 3. Articles for team briefs or management forum to embed BC planning into organisation. 	Good
Disaster Recovery Team	<ul style="list-style-type: none"> 1. Training and repeated messaging to embed BC cultural into organisation. 2. Annual appraisals targets for Divisional Managers and relevant staff. 	Good
Latest Position Statement		
09 Mar 2018	<p>Whilst the internal controls are good for business continuity, the risk score is always likely to continue to remain the same because the impact is serious and the likelihood is possible rather than unlikely. The main reason for this is the continuing cyber-attack threats that the organisation continues to get. We have good mitigation against cyber-attacks; however there remains a risk. Physical controls against loss of IT or building are good and would be 'unlikely' and less of a risk.</p> <p>The recent poor weather enabled a live test of service business continuity plans.</p>	

CRR 68	Health and Safety	Management	Controlled		
		Corporate Links	Corporate Plan Priority - Use Resources Effectively and Efficiently.		
Risk Description: Failure to adhere to H&S policies and procedures leading to death or serious injury of an employee or third party resulting in prosecution under H&S legislation, adverse publicity, fines and possible prison sentences. Such failures may also lead to civil claims for compensation					
SLT Risk Owner: John Ward.					
Responsible Officer: Helen Belenger/Warren Townsend.					
Original and Target Risk Assessment					
Original Risk Date	03-Sep-2013		Target Risk Date	31-Mar-2019	
Original Risk Score	9	Likelihood Impact	Target Risk Score	4	Likelihood Impact
Current and Previous Quarter Risk Assessment					
Page 45	Current Assessment	09-Mar-2018			4
		Previous Quarter Assessment	04-Jan-2018		
Internal Controls					Current Status
H&S policies & procedures	Clear health and safety policies, procedures and guidance are available to all staff and members via intranet and in hard copy format at some sites including: 1. Statement of intent. 2. Hierarchy for communication/organisation. 3. Roles and responsibilities. 4. H&S arrangements.				Good

	<p>5. Policies, procedures and guidance for specific H&S issues e.g. control of contractors, COSHH assessments forms etc.</p> <p>6. An extensive range of evidence compliance forms.</p> <p>7. Specific risk assessments for site visits undertaken for staff and member visits.</p> <p>8. Quarterly updates to Cabinet member for Corporate Services by the H&S Manager.</p>	
Training Programme & Competencies	<p>1. Specific training programmes for all aspects of H&S skills and competencies required with the Council's business.</p> <p>2. Staff names with relevant competencies and holding key responsibilities available on staff intranet.</p> <p>3. Training records maintained to evidence training provided.</p> <p>4. Training for all new members as part of the Members' Induction Programme.</p>	Good
Legionella Testing	<p>1. Written policy available.</p> <p>2. Regular testing and monitoring to demonstrate compliance.</p> <p>3. Staff involved in legionella management or may be exposed to legionella risk are provided with training.</p>	Good
Quarterly service meetings for high risk service areas	<p>1. CCS - Quarterly insurance & H&S meetings with the Director of Residents' Services & the Contract Services Divisional Manager with the Financial Services Divisional Manager, insurance officer, H&S Corporate Manager & CCS Technical Supervisor. To assess accident trends and claims and agree any actions required to staff duties, policies and procedures.</p> <p>2. Culture & Place - Quarterly insurance & H&S meetings with Director of Growth & Place Services and the Divisional Service Managers for the museum, Westgate Leisure contract, and car park service, to discuss claims & accidents to identify any necessary changes to procedures/policies etc.</p> <p>3. All accidents, near misses and reports of ill health are investigated by the Corporate H&S team. Interventions made with the service where appropriate to improve systems of work to prevent reoccurrence.</p>	Good
PAT testing	<p>1. Annual testing of all electrical equipment carried out by qualified contractor.</p>	Good
Fire Safety of all Council Owned Premises	<p>1. Fire Risk Management Group – Quarterly meetings held to develop and monitor action plans following fire assessments results with the Directors of Corporate Services, Housing & Communities, and Growth & Place Services plus other relevant council officers.</p> <p>2. Fire Risk Assessments of all premises undertaken.</p> <p>3. Priority and timescales to be agreed for any remedial works or maintenance required on properties following fire risk assessment results.</p>	Improving
Safety Committee	<p>1. A group of managers and employees meet 3 times a year to discuss health and safety issues and matters of interest. CCS and car parks have local 'Safety Forums', meeting bi-monthly, that feed into this committee. The Safety Committee reports any issues of significance to the JECP.</p>	Good
Caution Alert Register (CAR)	<p>1. Specific procedures and decision tree guidance in place for staff and members to follow on staff intranet.</p> <p>2. Nominated person CR Keeper who maintains register and advises staff.</p> <p>3. Procedures in place for appropriate staff and members to access CAR.</p> <p>4. Compliance with data protection legislation included in policies and procedures.</p> <p>5. Violence & aggression response team available to support staff and members at EPH if an incident occurs.</p>	Good

	6. Two levels of Violence & Aggression (V&A) resolution training provided to relevant staff.	
Emergency arrangements for Council Premises	<ol style="list-style-type: none"> 1. Evacuation procedures in place for EPH on staff intranet. 2. Known competent staff with allocated roles & responsibilities for evacuation procedures. 3. Regular testing of evacuation procedures carried out. 4. Policy advising the arrangements in place for safe evacuation of council owned buildings. 	Good
Corporate H&S Audits & Action Plans for Service H&S Improvement	<ol style="list-style-type: none"> 1. Programme of H&S audits of service areas, improvements and observations which are fed back to Service, H&S and management with any necessary improvement action plans. Progress with recommendations made are reviewed after an agreed period. 2. In addition, there is a programme of audits in place for the SLM leisure centres contract. This involves checking H&S performance and compliance in key identified areas. 	Good
Contract Management	<ol style="list-style-type: none"> 1. Every major contract should have an identified contract manager who is responsible for ensuring the delivery of the contract in accordance with specification. 2. The contractor manager must ensure that their contractor adheres to H&S legislation in carrying out the specification and has a monitoring system in place which is also including performance reporting to the council's contract manager. 3. Upon request the H&S manager will attend regular quarterly/annual meetings for the council's specific high risk activity contracts along with the contract manager, to liaise with the contractors regarding any H&S concerns. 4. Members are involved in major decisions on procurement matters. 	Good
Post Position Statement		
Mar 2018	The consequences of a serious accident or incident at work have the potential to be 'major', i.e. death of a member of staff, contractor or member of the public. Therefore the severity in the risk score is always going to be high. However, due to the operation of an effective H&S management system there are good controls in place to reduce the likelihood of such an incident. Despite having good systems and procedures in place, CCS remains the highest risk operation within the Council due to the nature of the work, along with H&S compliance of CDC's biggest contractor.	

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CRR 145	Data Protection Act Breach - Loss of Data		Management	Controlled
			Corporate Links	
Failure to keep all personal data secure leading to a breach of the General Data Protection Regulations (GDPR) and Data Protection Act, resulting in fines and reputational risk.				
SLT Risk Owner: John Ward Responsible Officer: Nick Bennett				
Original and Target Risk Assessment				
Original Risk Date	16-Mar-2017		Target Risk Date	31-Mar-2019
Original Risk Score	4		Target Risk Score	4
Current and Previous Quarter Risk Assessment				
Current Assessment	12-Mar-2018		4	
	Previous Quarter Assessment	05-Jan-2018		4
Internal Controls				Current Status
Data protection Officer	Divisional Manager of Democratic Services is the designated Data Protection Officer providing advice to officers, advising on safe sharing of data between agencies, overseeing data subject access requests and liaison with Information Commissioners Office in the event of customer complaint or security breach.			Good
Protocols and Policy in place	Data Protection Policy is in place to provide advice and guidance for staff and customers. Internal protocols and processes are in place to manage/limit risk of data loss. Updating processes to comply with new guidance under GDPR is underway.			Improving

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Staff Training	Data Protection training is provided to all new staff and Members. Staff online training is available to allow staff to refresh their knowledge. Specific GDPR module for all staff is in place, manager training day has been held.	Improving
Data backed up	All electronic data is backed up daily and securely stored off-site.	Good
Secure devices	All staff laptops are encrypted to secure data. All mobile phones are provided with secure application to protect data. Dual authentication in place for remote access to data.	Good
PSN Compliance	The authority is taking steps to meet new certification requirements in accordance with the updated requirements of the Public Services Network requirements for provision of a secure network.	Good
Safe transfer of personal data	Personal and sensitive data shared with other government agencies is transferred via GCSX secure email accounts. A review of processing has been completed as part of GDPR approach.	Good
Safe destruction of confidential documents	All hard copies of confidential papers are shredded prior to disposal.	Good
Latest Position Statement		
12 Mar 2018	General Data Protection Regulations (GDPR) come into effect 25 May 2018 replacing the Data Protection Act. Corporate project team in place to manage transition to new regulations. Position statement reports being presented on an ongoing basis to Corporate Governance and Audit Committee as well as SLT and JECF. Monthly guidance being provided by DPO to all Divisional Managers. Member training will be delivered on GDPR in May 2018.	

Management Control Pending



CRR 88	Non Achievement of Recycling Target of 50% by 2020	Management	Control Pending
		Corporate Links	
<p>The current recycling target set for 2020 is 50%. The failure to achieve this target could mean the Council may incur significant fines, taxes or extra landfill taxes or reputational damage.</p> <p>SLT Risk Owner: Jane Dodsworth Responsible Officer: Bob Riley</p>			
Original and Target Risk Assessment			
Original Risk Date	28-Nov-2014		Target Risk Date
Original Risk Score	6		01-Jan-2020
			Target Risk Score
			3
Current and Previous Quarter Risk Assessment			
Current Assessment	09-Mar-2018		3
	21-Dec-2017		3
Previous Quarter Assessment			
Internal Controls			Current Status
Initiatives to increase amount of recycling	<p>1. New initiatives to increase recycling rates are being implemented and further work to improve the quality of the waste for recycling collected are under consideration.</p> <p>2. A Waste & Recycling Panel has been established to drive forward initiatives and improvements.</p>		Improving

Latest Position Statement	
09 Mar 2018	<p>Recycling rate is currently 43%.</p> <p>Whilst the target is embedded within national legislation, but it is uncertain whether a financial penalty would be applied.</p> <p>Actions to mitigate were within current work programme of West Sussex Waste Partnership and Recycling Action plan to increase recycling rates.</p>

CRR 147		Southern Gateway Regeneration		Management	Control Pending
				Corporate Links	
<p>Failure to deliver the outcomes of the project leading to financial exposure to CDC as lead partner, and potential repayment of the Local Enterprise Partnership (LEP) (and other funding). Lack of engagement or buy in by other key partners, leading to CDC being isolated and unable to deliver outcomes. Masterplan becomes commercially unviable due to certain market sectors' changes including demands for community/public realm use types.</p> <p>SLT Risk Owner: Paul Over / Jane Hotchkiss Responsible Officer: Victoria McKay</p>					
Original and Target Risk Assessment					
Original Risk Date	23-Feb-2018			Target Risk Date	28-Sep-2018
Original Risk Score	9			Target Risk Score	3
Current and Previous Quarter Risk Assessment					
Current Assessment				Previous Quarter Assessment	9
Internal Controls					Current Status
Partner Organisation Engagement	1. Law Courts - HCA hand over. Close liaison with HCA with contingency built into Masterplan. 2. WSCC Land – Close liaison with relevant officers.				Poor
Strategic Land Owner Engagement	1. Memorandum of Understanding (MOU) signed. 2. Steering Group / Growth Board to approve Growth Deal and on-going liaison with other partners. 3. Relocation of Royal mail & Stage coach - Estates service and external consultants are working to identify suitable sites.				Poor
Financial Controls & Budget Monitoring	1. Identifying potential abnormal costs as early as possible by undertaking key studies in advance e.g. flooding, contamination and drainage. 2. Relocation funding from key partners - Timely reapplication to LEP/HCA and exploring alternative funding routes as necessary.				Poor

Appendix 2 (a)



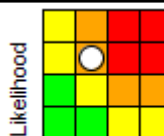
Management of External Consultants	<ol style="list-style-type: none"> 1. Contract T&C's for consultants employed to ensure delivery of service. 2. Availability of consultancy advice - Use tried and tested framework agreements to source expertise; test knowledge via tendering process. 	Good
Masterplan	<ol style="list-style-type: none"> 1. Demand in market sector changes - Constant updating of viability advice for the Masterplan as the project is implementation proceeds. 2. Road space configuration - WSCC Highways input to project team to ensure solution(s) are acceptable. 3. Community or Public Realm Uses for site - Steering group input and regular re-appraisal of the scheme as it progresses. 	Improving
Compulsory Purchase Order (CPO)	<ol style="list-style-type: none"> 1. Use of CPO if required for land acquisitions for Masterplan assembly, where unable to agree terms to complete acquisitions. 2. Use of consultancy support to ensure CPO grounds well founded, including independent valuations. 	Improving
Latest Position Statement		
06 Mar 2018	<p>Property consultants were appointed on 8th August 2017 and Legal consultants will be appointed by end March 2018. Archaeology and contamination reports have been commissioned and completed.</p> <p>A Waste Water Treatment (WWT) study has been commissioned and we await the results. Services, flooding and topographical studies are to be commissioned by the end Jan 2018. To date (23rd Jan 2018), funding applications to One Public Estate, Home & Communities Agency (HCA) (Starter Homes) and LEP (£5,000,000) have been submitted and approved. A further funding bid to WSCC is dependent on the signing of the Growth Deal, which was approved by CDC Council on 23rd Jan 2018 and WSCC in Feb 2018.</p> <p>Work to identify and formalise the relocation sites for Stagecoach and the Royal Mail continues and once agreements have been reached will be reported to Cabinet for consideration.</p> <p>Negotiations between CDC, WSCC and Homes England are progressing on the way in which we organise ourselves to put the site on the market. CPO advice has been obtained and a request to approve the use of CPO powers in principle was requested at Council/Cabinet in March.</p> <p>A specification for legal general advice to the project is being finalised before conducting an OJEU appointment process. Publicity material on the development, to be used in a variety of situations, has been produced. It was used for the first time at a meeting of the Portsmouth and Southampton Business Association and Sitematch on 8 February.</p>	

CRR 148		Local Plan		Management	Control Pending
				Corporate Links	
<p>Failure to complete Local Plan Review and achieve an adopted Local Plan by 2020. This would mean that the Council would face challenge that it does not have an up to date Local Plan and the impact would be:</p> <ul style="list-style-type: none"> • Without an up to date Local Plan the presumption in favour of sustainable development would apply, assessed against the policies in the National Planning Policy Framework (ref: para 14). • 5 year housing land supply (HLS) would be assessed against the objectively assessed need (OAN) for housing rather than the housing requirement figure in the Local Plan, making it highly likely that it would not be able to demonstrate a 5 year HLS. • Both 1 & 2 would result in a loss of control over the location and form of development with decisions being made through the application and appeal process, rather than in accordance with the development plan as it would be considered to be out of date. • With respect to the Local Plan Review, the 40% cap applied to the OAN for housing in the government’s draft methodology would not apply and the amount of housing to be provided for in the LPR would increase substantially requiring an increase in the amount of land to be allocated for development. • The ability to plan and coordinate development with the provision of infrastructure would be reduced with an unplanned approach to the location of new development. The potential for government intervention to take plan-making decisions out of the control of the Council. • Damage to the reputation of the Council for failing to produce a plan to guide and control development in line with its statutory duties as Local Planning Authority. <p>Risk Owner: Andrew Frost Responsible Officer: Mike Allgrove</p>					
Original and Target Risk Assessment					
Original Risk Date	07-Mar-2018			Target Risk Date	31-Jul-2020
Original Risk Score	9			Target Risk Score	3
Current and Previous Quarter Risk Assessment					
Current Assessment					
Previous Quarter Assessment	07-Mar-2018				9

Internal Controls		Current Status
Agreed Timetable for Plan Production	1. Statutory Local Development Scheme agreed by Council. Detailed project plan for evidence base and plan production prepared.	Good
Sufficient Staff Resources to achieve timetable	1. Additional posts created in team. 2. Recruitment incentive payment and premia payments agreed to recruit and retain staff.	Improving
Ensure evidence base provided to meet timetable	1. Detailed project plan prepared for evidence base.	Poor
Member agreement to contents of plan	1. Provision of information, debate and discussion through Member briefings, Development Plan and Infrastructure Panel and formal democratic decision making process through Cabinet and Council.	Improving
Public Consultation	1. Public consultation to ensure that the views of the community are taken in to account in the plan-making process. 2. Initial public consultation has taken place on issues and options. 3. There will be further public consultation on a draft plan and then again prior to examination. This will enable the Council to take in to account the views of all interested parties on the contents of the plan and outstanding matters can resolved through the public examination in to the soundness of the plan (to be conducted by a planning inspector appointed by the Secretary of State). The current status will reflect the stage of consultation reached.	Improving
Latest Position Statement		
Mar 2018	<p>The detailed project plan for the production of the evidence base and plan writing is extremely tight with no contingency built in. The Policy Team has had insufficient staff resources to progress the evidence base according to the timetable due to the need to fill vacant posts and long term sickness absence, notwithstanding the use of temporary staff. The situation is improving with 3 new members of staff due to join the team in the short term and the recent appointment of a Neighbourhood Planning Officer. Certain aspects of the evidence base cannot be progressed until decisions have been made about the likely distribution of development.</p> <p>Due to the need to ensure the agreement of West Sussex County Council and Highways England, the Transport Study has not progressed according to the anticipated timetable and is unlikely to be completed before the July Cabinet and Council meetings, although the headline results should be available. This is contingent of being able to advise the consultants on a likely distribution of development. The initial results of the Gypsy and Traveller Accommodation Assessment are showing the need to made provision for a significant increase in the number of pitches to be provided for in the plan. There are concerns about the Waste Water Treatment Study and whether it will be fit for purpose. Landscape work still needs to be commissioned.</p> <p>In terms of plan production some progress has been made on the selection of strategic sites and the distribution of parish housing requirements. However, further progress needs to be made on the site selection process for horticultural development areas and employment land and the drafting of individual policies.</p> <p>There has been some initial member engagement on the distribution of development; however, it will be difficult to secure agreement given</p>	

	<p>the significant amount of land to be identified for development, local opposition to new development and the absence of a complete evidence base. In particular, the need to identify mitigation for the transport impacts of development, especially with regard to the A27 Chichester Bypass, is likely to prove difficult to resolve.</p>
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	<p>The delay until the summer 2018 of the outcome of the Government's consultation on Objectively Assessed Needs (OAN) and Housing numbers will impact on the progress of the local plan in relation to housing numbers and the identification of strategic housing sites.</p>
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CRR 149	Impact of Universal Credit (UC) on working claimants across the district		Management	Control Pending
			Corporate Links	
<p>Failure to provide appropriate support and guidance for claimants affected by the welfare reforms, including the rollout of Universal Credit (UC) on working age claimants across the district, resulting in the risk of rent arrears and the threat of homelessness. The benefits service currently administers in excess of 3,800 working age Housing Benefit claims. Full UC service in the district has been delayed until July 2018. The roll out will initially only affect new claims, although the majority will transition across over a period of 12-18 months.</p> <p>SLT Risk Owner: Louise Rudziak / Jane Dodsworth Responsible Officer: Linda Grange / Diane Kirkham</p>				
Original and Target Risk Assessment				
Original Risk Date	02-Mar-2018		Target Risk Date	31-Mar-2019
Original Risk Score	9	Likelihood Impact	Target Risk Score	3
				
				Likelihood Impact
Current and Previous Quarter Risk Assessment				
Current Assessment	19-Mar-2018			6
Previous Quarter Assessment		Likelihood Impact		
Internal Controls				Current Status
UC Focus Group	<p>Initial meeting April 2017 identified the challenges our largest RP (Registered Provider) had experienced locally and nationally. Identified challenges that could reduce impact on claimants and prevent homelessness and agreed to:</p> <ul style="list-style-type: none"> • support vulnerable claimants • prepare claimants for the transition • assist claimants with their online UC claims • hold multi agency events to raise awareness • deliver pre and post tenancy workshops on money management • identify suitable venue and volunteers to run the workshops • identify resource requirements to deliver 			Improving


Appendix 2 (a)

	Some mitigation has been put into place, for example, by contracting to CAB for debt advice and recruitment of Tenancy Sustainment Officers and a Housing Welfare Officer.	
Nomination of a formal UC lead within the Housing Advice Team	In compliance with Homelessness Reduction Act s.179(2)(g) "The service must be designed to meet the needs of persons in the authority's district including, in particular, the needs of any other group that the authority identify as being at particular risk of homelessness in the authority's district." The Housing Advice Team have nominated a UC lead who will be responsible for coordinating advice to UC claimants that present seeking housing services assistance.	Improving
Register Provider eviction protocol	There is an intention to create a Register Provider eviction protocol so that the Council is warned in advance where there is a risk of homelessness, this will include tenants in receipt of UC, in arrears and where possession proceedings have been instigated. The lead officer conducting this piece of work has been briefed.	Improving
Increase number of units of Council owned temporary accommodation (TA).	On 31 October 2017 CDC purchased 22 Freelands Close. Three, 1 bed units were in use as TA (Temporary Accommodation) from December 2017 with a fourth unit due to be available in March 2018. The Council are considering options to redevelop the site and increase the number of units to a maximum of 12.	Good
Impact on services	<ul style="list-style-type: none"> Benefit service will be impacted by transfer of WA claims to UC. Exceptions to UC, pensioner HB claims and CTR claims for WA and pensioners will continue to be administered. Revenues and Benefits Management team will continually review impact of rollout and resource requirements, as necessary Housing service may result in increased demand for services, as above, nominated UC lead officer to coordinate housing advice requirements 	Good
Claimant support	<ul style="list-style-type: none"> Minimal funding received from DWP to assist claimants with submitting and managing their online UC claims 6 kiosk style PC's located in main reception for claimants to use, any assistance to be provided by benefits staff Minimal funding also received to provide PBS (personal budgeting support) cases would be referred from DWP. Currently engaging with CAB to provide this service as the rollout takes effect Publicity for claimant engagement to be arranged as soon as confirmation of roll out date received 	Good
Staff awareness and training	<ul style="list-style-type: none"> DWP training for staff postponed, new dates not yet arranged Internal staff training options being considered 	Improving
Latest Position Statement		
09 Mar 2018	Since the announcement to postpone the full roll out of Universal Credit in Chichester until July 2018, on 23 November the Chancellor of Exchequer, as part of the 2017 Autumn Budget, outlined some changes for Universal Credit. This was followed up on 24 November by a	

	<p>speech in the House of Commons from David Gauke MP, Secretary of State for DWP outlining some further changes. These included:</p> <ul style="list-style-type: none">• confirmation that Westward House is considered to be 'temporary accommodation' and therefore will continue to be eligible for Housing Benefit.• the removal of the 7 day waiting period for new claims.• claimants who were previously receiving HB and are transitioning onto UC will receive a transitional payment of 2 weeks support• claimants will be able to request that their housing costs are paid direct to their landlord regardless of tenure. <p>Despite the announced changes there have been no further notifications about the transition to full service in July 2018 from the DWP.</p> <p>The CTR scheme is continually monitored to assess the impact of the welfare reform and the use of this scheme to support relevant claimants.</p> <p>SLT will receive a report from officers in May setting out full details of the mitigations in place at the council.</p>
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High Scoring Programme Board Risks - Mitigation Actions

Status	Risk No.	Risks Area	SLT Lead	Original Score	Previous Review Score	Current Score	Target Score	Target Date	Internal Controls
	PBR 08	Business Improvement PB - Failure to have sufficient resources to deliver projects	Jane Dodsworth / John Ward	4	6	6	4	31-Mar-2019	Improving
<p>Q3 assessment - no change to score, as advised by Jane D. ICT review approved by BIPB in December 2017. Revised ICT strategy to go to Cabinet March 2018. ICT restructure approved. Posts being profiled. Note resignation of ICT Manager may delay implementation of restructure.</p>									


High Scoring Organisational Risks - Mitigation Actions

Residents Services Directorate - Jane Dodsworth

Status	Risk No.	Risks Area	DM Lead	Original Score	Previous Review Score	Current Score	Target Score	Target Date	Internal Controls
	CRR 153	CCS - Increased costs of trade waste disposal, reducing net revenue of service	Bob Riley	9	-	9	4	31-Mar-2019	Improving


Option to use cheaper disposal route being explored and will be reported to the Business Improvement Programme Board.

Commercial Services

Status	Risk No.	Risks Area	DM Lead	Original Score	Previous Review Score	Current Score	Target Score	Target Date	Internal Controls
	CRR 61	Estates - Rent arrears	Victoria McKay	9	4	6	4	31-Mar-2019	Improving

There continues to be a level of rent arrears close to the Performance Indicator (PI) target; in addition to recovery processes, mitigating measures include securing rent deposits and guarantors for new leases.

Planning Services

Status	Risk No.	Risks Area	DM Lead	Original Score	Previous Review Score	Current Score	Target Score	Target Date	Internal Controls
	CRR 18	Planning – Lack of staff resources to meet case workload	Tony Whitty	6	8	6	4	31-Mar-2019	Improving

Workloads reach unmanageable levels resulting in

- Service delivery
- Community expectations
- Complaints
- Effect on staff
- Loss of staff
- Reputation
- Judicial Reviews and costs

Mitigation:

- Case nos. monitoring,
- 1 to 1's with manager,
- Use of consultants/temporary staff.
- Allow for flexibility in officers dealing with pre-apps where primary pre-app officer is absent.
- Prioritise recruitment to vacant posts.

Currently there is a backlog of work to clear, and the service is using agency staff to cover roles whilst recruitment undertaken for vacant roles.

Chichester District Council

THE CABINET

10 April 2018

**Enabling the Delivery of Affordable Housing on the Crooked Lane,
Birdham Exception Site**

1. Contacts

Report Authors:

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Cabinet Member:

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2. Executive Summary

Approval is sought to explore the proposal for a Compulsory Purchase Order (CPO), in respect of a small area of land (identified in appendix 3), in order to assist a housing association to bring forward an affordable housing development on the field North West of The Saltings, Crooked Lane, Birdham and to set out a preliminary timetable for 'making' any CPO. It recommends the principle of CPO land acquisition using a back to back agreement with the adjacent land owner Hyde housing association.

3. Recommendation

3.1 That the Cabinet approves:

- 1) The carrying out of a land referencing exercise in respect of the small area of land (identified in appendix 3) to be funded by Hyde group.**
- 2) That on completion of the land referencing exercise a further report to the Council be prepared by officers as to whether the acquisition of the land and interests or rights in respect of that land is justified on the grounds that it is in the public interest and considering the relevant statutory compulsory purchase powers.**
- 3) The authorisation of officers to undertake the next steps as set out in section 6 of the report in order that any decision by the Council can be carried through promptly.**

- 4) **That officers are authorised to spend up to £27,000, on the basis that this will be reimbursed by Hyde pursuant to a deed of indemnity as to costs in respect of the legal, land referencing and other costs related to the steps set out in section 6 of the report.**

4. Background

- 4.1 The purpose of this report is to help facilitate the delivery of an affordable housing scheme on the field North West of the Saltings, Crooked Lane, Birdham through compulsory purchase of the access to the site.
- 4.2 **Scheme Planning History:** The site benefits from planning permission granted on 29 November 2013 (ref BI/13/01391/FUL) for the “development of 15 new affordable dwellings and associated external works”. The approved site plan is include in appendix 1. The permission secured the following mix of affordable rented units, in perpetuity for households with a local connection to Birdham, through the section 106 agreement:
- 2 x 1 bedroom bungalows
 - 1 x 2 bedroom bungalow
 - 8 x 2 bedroom houses
 - 3 x 3 bedroom houses
 - 1 x 4 bedroom house
- 4.3 On 14 October 2016 variations to the wording of conditions 3, 5, 6, 8, 13, 20 and 21(ref BI/16/01809/FUL) of the above planning permission was granted. Hyde sought the variations in order to allow development to commence.
- 4.4 A certificate of lawful development was granted on 25 July 2017 (ref BI/17/01163/PLD). This confirmed the development permitted by the planning permission could be lawfully carried out.
- 4.5 The Birdham Neighbourhood Plan was made on 7 June 2016. Policy 12 identifies this site as a scheme with planning permission for 15 new social/affordable homes for letting to local people in perpetuity.
- 4.6 **Land Ownership** Hyde purchased the field North West of the Salting’s, Crooked Lane, Birdham shown on the plan at appendix 2 on 13 January 2014.
- 4.7 Access to the site is over a track which is unregistered as to ownership and lies north east of the site leading from Crooked Lane. This is shown edged red on the plan attached at appendix 3. The legal transfer of the development site, at the time of purchase by Hyde, granted rights of entry and a right of way over the access only so far as the vendor was able to do so.
- 4.8 The access is contentious with the neighbouring landowners to the north and south of it and there are other local objectors. In June 2012 the owner of ‘Hedgecox’, a property situated immediately to the south of the access, registered a caution against first registration of the access asserting to have a right of way over the access.

- 4.9 In July 2014 Hyde sought advice from Alan Johns at Maitland Chambers on the likelihood for establishing ownership rights over the access suitable to serve the development. A summary of Mr Johns' advice is set out in appendix 4 (Part II exempt).
- 4.10 Negotiations are ongoing and significant offers to settle have been made by Hyde but not accepted by persons having purported interests or rights over the land.
- 4.11 **Evaluation of the Council's Position and the Delivery of the Site** This scheme was brought forward through the Chichester Rural Partnership and £305,840 of the partnership money has been allocated to help deliver the scheme. The Chichester Rural Partnership Agreement states:
- 'Where such sites have been identified and agreed with Martlet (who are now referred to as 'Hyde') but are prevented from development by lack of consent from a third party landowner it (the Council) shall seek approval from its Executive Board for the use of compulsory purchase order powers to assemble the sites.'
- 4.12 Hyde has now made a formal request to the Council to assess whether the access site would meet the statutory requirements for a Compulsory Purchase Order (CPO).
- 4.13 On 28 June 2016 the Council jointly sought legal advice with Hyde from Jonathan Darby of Essex Chambers (legal counsel). The advice is set out in appendix 4 (Part II exempt).

5. Outcomes to be Achieved

- 5.1 The recommendations if approved will enable officers to carry out further investigation to enable an informed decision to be made by the Council meeting as to the potential use of compulsory purchase powers and to assess the relevant statutory tests.

6. Proposal

- 6.1 That officers undertake the relevant preparatory work with a view to the Council considering whether to pursue a CPO.
- 6.2 The Council would require Hyde to underwrite the costs of any CPO and to cover the costs of the initial land referencing work.
- 6.3 That:
- I. Cabinet noted that Hyde group will continue to seek to acquire the land by private treaty, but, failing that the Council will need to exercise its compulsory purchase powers if the relevant tests are met; and
 - II. If using compulsory purchase powers, the CPO would be used to acquire the land and/or necessary interests.
 - III. If the Council has to exercise its compulsory purchase powers, it and Hyde will enter into a disposal agreement

IV. Specialist external Legal advice on all of the actions within this section will be required.

6.4 Cabinet and Council approval will be sought for making a CPO at the appropriate time.

Progression of CPO

6.5 **Extent of the Land subject to the CPO** The boundary of the land which will be subject to any CPO will continue to be refined as detailed plans are drawn and land is acquired by agreement. At this stage, the extent of the land is that marked as unregistered on the plan in appendix 3. This may be amended by the Land Referencing exercise.

6.6 **Justification for the CPO** The Council has a range of compulsory purchase powers at its disposal. The exact power that may be relied upon will be confirmed prior to making any CPO. However, at the present time it is envisaged that powers under section 17 of the Housing Act 1985 and section 13 of the Local Government Act 1976 are to be the most appropriate means of promoting the CPO in order to ensure that the requisite rights for delivering and occupying the Development are acquired, whether they are existing or “new rights” which are not in existence when the order specifying them is made.

6.7 Recent government guidance (October 2015) updates and replaces previous guidance from 2004 and sets out the stages and process for making a CPO. The guidance sets out that a CPO should only be made where there is a compelling case in the public interest and the purpose for which the CPO is made is justifiable in the context of interference with the human rights of those affected.

6.8 In the circumstances and for the reasons set out above (subject to confirmation of the proposed CPO power and the case behind it) it is considered that the Council will be able to demonstrate a compelling case that the acquisition of the field North West of The Saltings, Crooked Lane will be in the public interest, though subject to the completion of the land referencing exercise to confirm the extent, type and detail of any relevant rights which can be demonstrated.

6.9 **Timescale to Delivery** The Council will be working to ensure that if on full assessment a CPO was to be sought and that no alternative means about bringing about the objective can be identified, the Council can demonstrate to the Secretary of State that:

- A proper statutory basis of potential CPO applies;
- That the CPO is necessary to achieve that purpose;
- There is a compelling interest in the land affected;
- That sufficient resources are likely to be available to implement the CPO within a reasonable time frame; and
- That Article 1 Protection of Property Rights from the First Protocol of the European Convention of Human Rights 1950 are properly taken into account.

6.10 The CPO process from the point at which the Council makes the Order to the Secretary of State confirming the Order is likely to take between 12 to 18 months to conclude. An approximate indicative timescale is outlined below, which is a cautious programme that does not allow for significant time savings if elements become settled by negotiation or similar scenarios:

Q2 2018	Commence CPO work
Q4 2018	Make CPO
Q3 2019	CPO Inquiry (if required)
Q4 2019	Inspector decision on CPO
Q1 2020	Target start on site

7. Alternatives Considered

7.1 On 11 January 2018 CDC planning officers gave pre application advice to Hyde on the viability of an alternative access route into the site. It was concluded that there are fundamental concerns with the proposed alternative access and it would be unlikely to receive officer support.

7.2 Officers have considered what alternative options are available to the Council in order to achieve the development on the site. The options are:

7.2.1 To continue to work with Hyde to identify the landowner of the access site and continue dialogue with all relevant landowners who are claiming rights over the land. If this does not prove possible a CPO will be pursued.

7.2.2 There is potential for the Council to pursue a CPO and to finance the process. However, underwriting a CPO is costly. This option is the most risky to the Council and a potential risk to public funds.

7.2.3 The Council could cease consideration of the CPO at any point including if evidence that the tests are not capable of being met arise from the land referencing process. However the impact upon delivery of the housing outcomes anticipated from the adjacent site are considered to support proceeding by officers at this time.

8. Resource and Legal Implications

8.1 The Council has broad powers, (subject to any restriction or condition contained in any other enactment) to promote and secure the development on the field North West of The Saltings in accordance with section 226 of the Town and Country Planning Act 1990, section 17 of the Housing Act 1985, section 13 (1) of the Local Government (Miscellaneous Provisions) Act 1976 and a variety of ancillary and subordinate legislation relating to the functions of the Council.

8.2 More detailed implications of a CPO on human rights, equalities and making a CPO are included in appendix 5.

8.3 **Financial Implications** There are significant up front financial and resourcing implications arising from the proposals in this report, and it will be necessary to

prepare a detailed programme of work and resourcing plan to take this process forward.

- 8.4 It is estimated that a maximum cost of £27,000 will be incurred for land referencing costs, legal advice and valuation fees to assess whether the site would meet the statutory requirements for a CPO. This would then be reimbursed by Hyde, subject to the Council being satisfied that the acquisition of each interest or right to be acquired is justifiable in the public interest.

9. Consultation

- 9.1 The Council’s Legal Services and external advisors, including solicitors with a specialisation in CPO procedures, have been consulted about this unusual and complex matter.
- 9.2 The local members have been made aware of the work being undertaken in relation to the use of CPO powers.

10. Community Impact and Corporate Risks

- 10.1 There are potential risks arising from the CPO process to deliver the field North West of The Saltings, such as negative publicity. However, these have been weighted against the reputational risks to the Council of being perceived as not supporting an affordable housing scheme for local people.

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder The proposals in the planning applications should ensure that at the very least there is no negative impact on the potential for crime and disorder and that there should be a positive impact in reducing the potential for crime and disorder.	X	
Climate Change The planning permission should ensure that at the very least there should be no negative impact for climate change and that there should be a positive impact by including mitigation or adaption measures.	X	
Human Rights and Equality Impact An equalities impact assessment will need to be undertaken on the proposals in any CPO process in particular after the land referencing exercise.	X	
Safeguarding and Early Help		X
Other		X

12. Appendices

- 12.1 Appendix 1: Approved development site plan
- 12.2 Appendix 2: Plan of the land purchased by Hyde
- 12.3 Appendix 3: Plan of the access land
- 12.4 Appendix 4: Legal advice [Note Part II exempt restricted material printed on salmon paper for the information of members and relevant officers only: Paragraph 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) of Part I of Schedule 12A to the Local Government Act 1972]

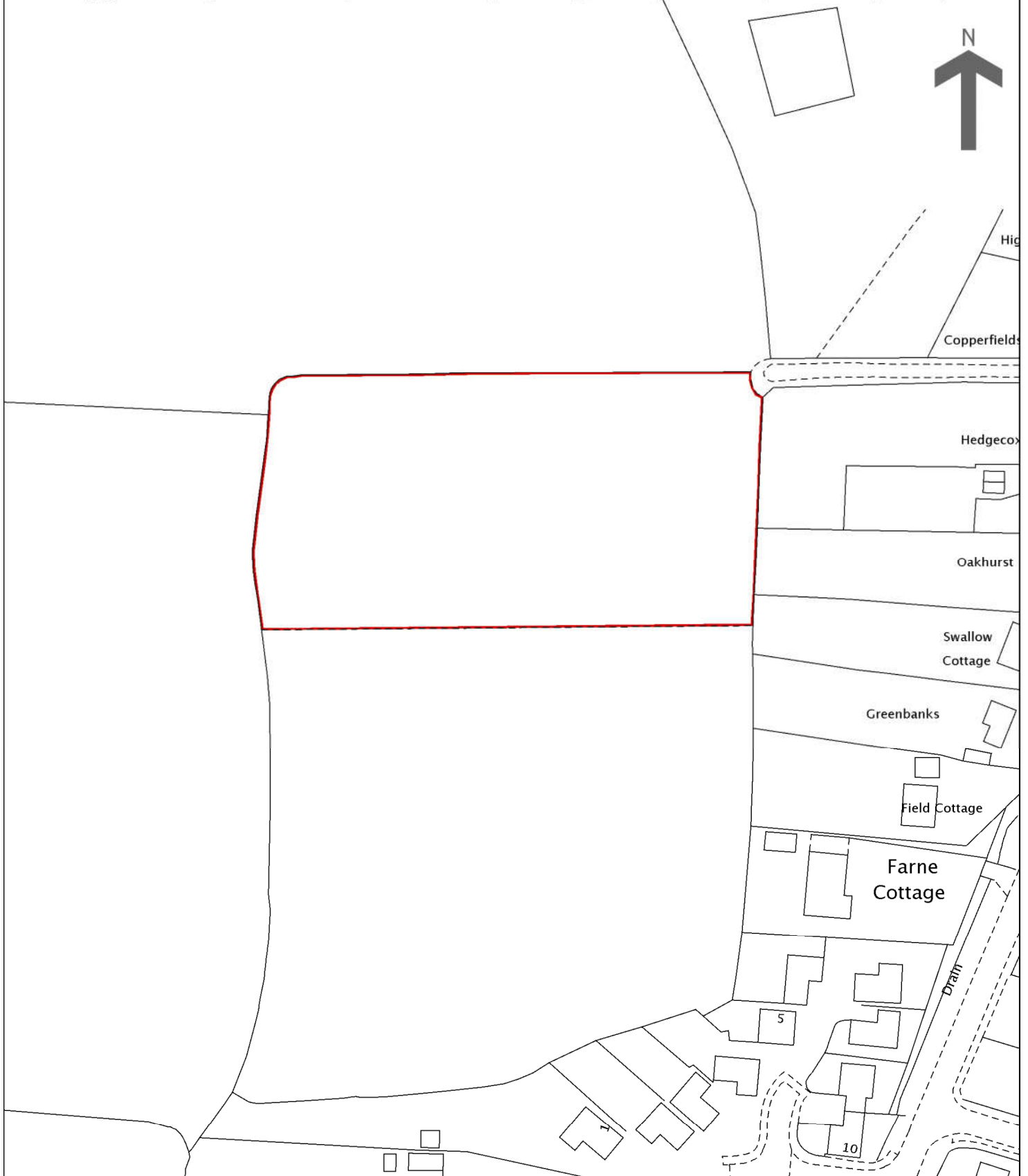
12.5 Appendix 5: Further information as part of section 8 resource and legal implications

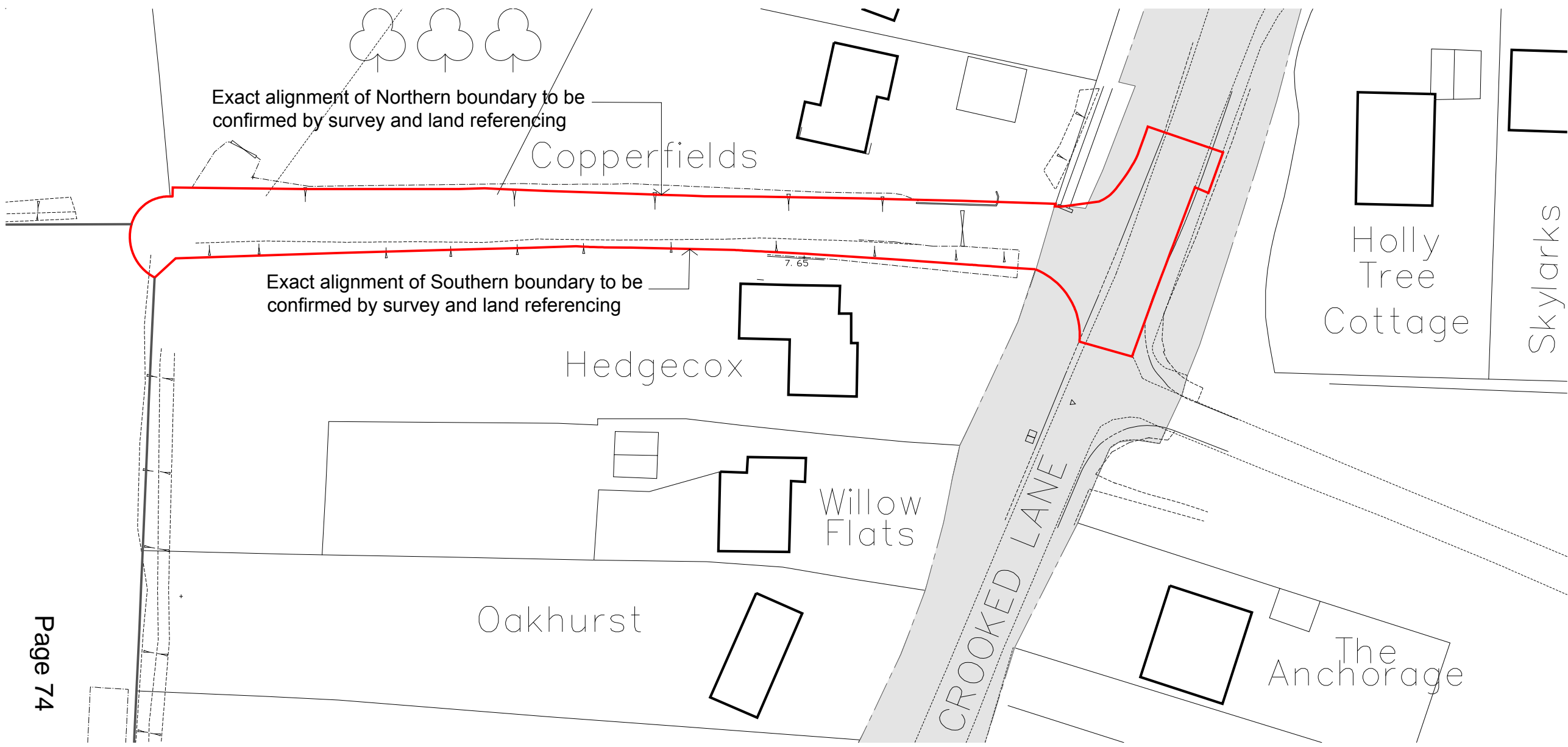
13. Background Papers

13.1 None

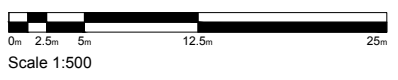


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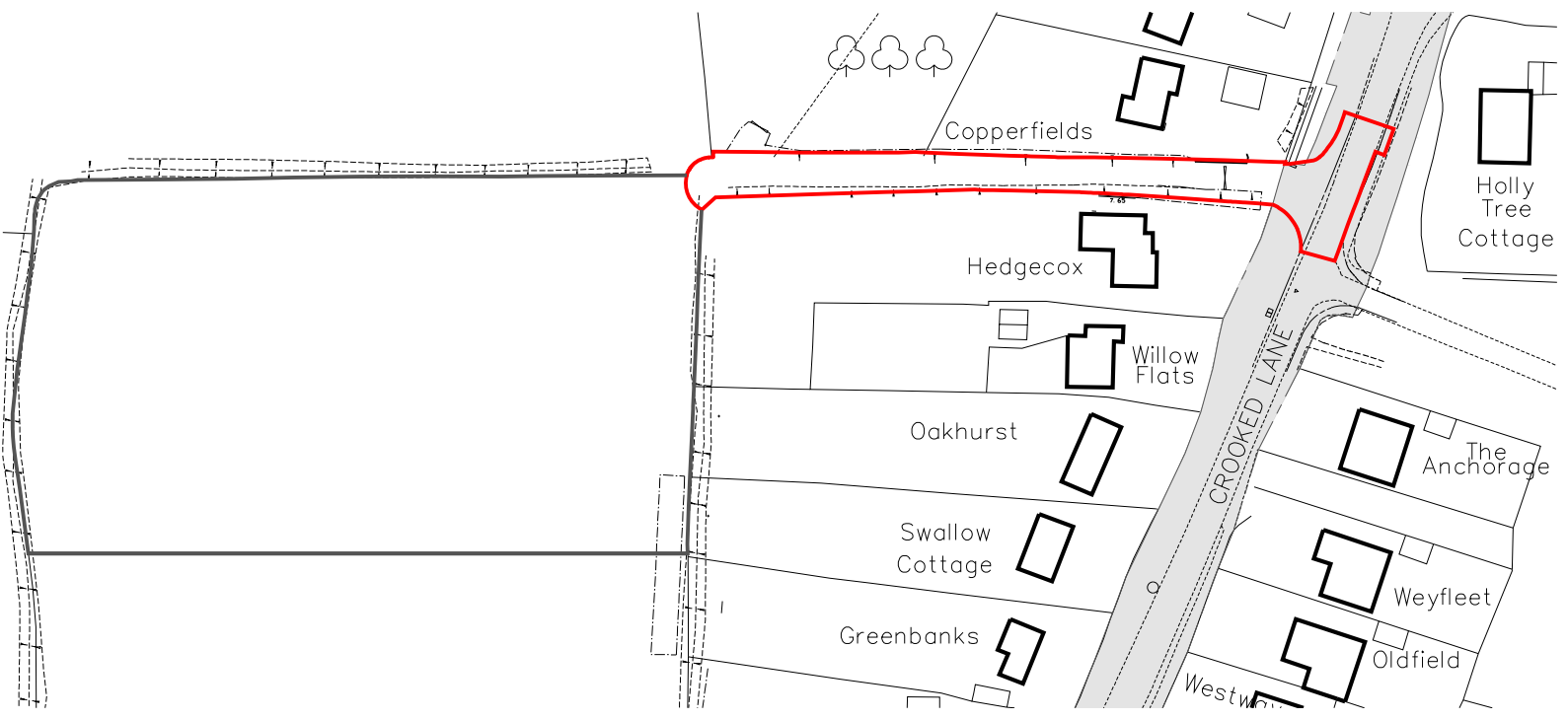




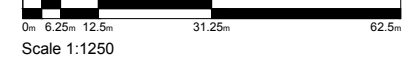
Site Plan 1:500



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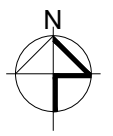
Location Plan 1:1250



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Rev	Amendments	By	Chkd	Date

Adopted Highway



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 Telephone: 01243 533300 E-mail: hnw@hnw.co.uk www.hnw.co.uk

Project
Proposed Housing
Crooked Lane
Birdham

Drawing Title
Access Track
Site Plan and Location Plan

Drawing Status	Project No.
PLANNING	10032
Scale	Revision
A3 - 1:500/ 1:1250	
Drawn By	Checked By
CG	DS
	Date
	JAN 2018

Drawing Name
P903

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Appendix 5: Further information as part of section 8 resource and legal implications

- 1.1. **Human Rights and Equalities:** A comprehensive process will be undertaken to secure the delivery of the development together with compliance with the appropriate statutory land acquisition and planning powers and duties. The process will be subject to compliance with the Equalities Act 2010 both in terms of accessibility to the procurement processes themselves and of the implementation and delivery of the affordable housing development on the Field North West of The Saltings, Crooked Lane, Birdham. Proposals will be thoroughly impact assessed at each stage of the development.
- 1.2. Article 1 of the First Protocol of the European Convention on Human Rights protects the peaceful enjoyment of possessions (including land). The Convention states that no one shall be deprived of their possessions except in the public interest and otherwise as provided for by law. The Compulsory Purchase process enshrined in UK legislation has been found to be Human Rights Act - and Convention - compliant where the powers are exercised reasonably and where necessary to secure the control and use of property in the public interest.
- 1.3. It is considered necessary to secure the development of the site in order to secure social, environmental and economic benefits for the wider community of Birdham, and to achieve delivery of the site within the timescales necessary to secure the delivery of comprehensive levels of affordable housing in the local area.
- 1.4. Wherever possible, the Council will seek to acquire land by agreement or through Hyde, however, the ability to compulsorily purchase land to secure development of the site remains a lawful and appropriate/necessary option in the circumstances.
- 1.5. **Compulsory Purchase Order – Making the Order:** The making of a Compulsory Purchase Order is a function which the Council may exercise.
- 1.6. Initial research points to the powers under section 17 of the Housing Act 1985 in combination with section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.7. The DCLG Guidance provides relevant guidance on the use of section 17 of the Housing Act 1985. At paragraph 106 the guidance notes as follows:

“Section 17 of the Housing Act 1985 empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain.

The main uses of this power have been to assemble land for housing and ancillary development, including the provision of access roads; to bring empty properties into housing use; and to improve substandard or defective properties. Current practice is for authorities acquiring land or property

compulsorily to dispose of it to the private sector, housing associations or owners occupiers.”

- 1.8. Section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 authorises a local authority to compulsorily acquire rights over land for the same purpose as it is authorised to compulsory acquire land.
- 1.9. The Council must therefore be satisfied with that the request meets the test under powers above, when, and if, in due course it comes to make a resolution to make an Order.
- 1.10. **Compulsory Purchase Order – Confirmation of Order and Acquisition of the land:** If, following consideration of a further detailed report, the Council resolves to make a Compulsory Purchase Order (CPO), the Order must be submitted to the Secretary of State for confirmation AND, notified to those persons affected by it and advertised in the local press.
- 1.11. Any party who wishes to object to the making of a CPO at that point would have 21 days within which to do so from the date of notification. All statutory objectors have a right to be heard at a Public Inquiry although it is possible for the Secretary of State to deal with objections in writing. Although any Inquiry will be held on the earliest possible date, typically this could be 6 months after submission of the Order to the Secretary of State.
- 1.12. The Council cannot exercise its compulsory purchase powers until such time as the Compulsory Purchase Order has been confirmed by the Secretary of State or the Secretary of State permits the Council itself to confirm the Compulsory Purchase Order.
- 1.13. Following confirmation of a Compulsory Purchase Order the Council has 3 years within which to exercise the CPO powers. Owners with a qualifying interest will be entitled to compensation, the quantum of which will be assessed in accordance with the compensation code – established by the relevant Acts of Parliament, Statutory Instruments and decided case law.
- 1.12. Once the interests included in the CPO have been acquired, the site will benefit from the operation of Section 237 of the Town and Country Planning Act 1990, which (subject to the payment of compensation) overrides all existing third party rights that could prevent the development or use of the land from proceeding. The costs of compensation will be limited to the statutory basis as provided by section 237 of the 1990 Act (as amended).

Chichester District Council

THE CABINET

10 APRIL 2018

CCTV

1. Contacts

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Cabinet Member:

Eileen Lintill - Cabinet Member for Community Services

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2. Recommendation

- 2.1 That approval is given for the award of the contract to contractor 3 for the provision of staff to enable the continuation of the CCTV service in Chichester District.**

3. Background

- 3.1 The CCTV Service comprises cameras located both in council-owned car parks and on-street in Chichester, Selsey, Midhurst, Petworth, East Wittering and Bosham. The cameras are monitored by staff employed by a contractor with whom the authority has a contract. The CCTV service is highly valued, in particular by Sussex Police and ChiBAC (Chichester Businesses Against Crime), with a close working relationship having developed between these agencies and ourselves.
- 3.2 Commercial Programme Board have considered the provision of CCTV across the district and were supportive of this remaining in place given national security issues along with the low levels of crime across the district which are believed to be partly as a result of CCTV monitoring being in place. Budget provision has been made for this service and various options have been explored which confirmed that CCTV should remain in place.
- 3.3 Given the approaching expiry of the contract for staffing of the CCTV office, a procurement exercise has been undertaken to seek a contractor moving forward. A preferred contractor has been selected. It is recommended that Cabinet approves the award of contract for the provision of staff for CCTV to continue.

4. Outcomes to be Achieved

- 4.1 To continue with the CCTV service across the district, assisting with the safety and security of the district.

5. Proposal

- 5.1 It is proposed that a contract is awarded to the preferred contractor, contractor 3 in appendix one (exempt information) to enable the continuation of the CCTV service through the provision of staff to the CCTV office.

6. Alternatives Considered

- 6.1 Alternative options considered by Commercial Board included not continuing with CCTV in the district but it was considered that this did not support the aims of assisting with the safety and security of the area. Other options included reviewing the number and location of cameras – which is currently underway.

7. Resource and Legal Implications

- 7.1 The service has been tendered and it is proposed that contractor 3 will be awarded the contract.
- 7.2 The award of a contract in this way will negate the requirement for staff to be employed directly by the authority to provide staffing resource to the CCTV centre.
- 7.3 There is sufficient budget provision available to cover this contract.

8. Consultation

- 8.1 Formal consultation is not required for the award of a contract, although discussions have been held with Sussex Police who are a key partner and are very supportive of this proposal.

9. Community impact and corporate risks

- 9.1 Improved safety and security within the district assists with the public perception of the area.

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder CCTV has a positive impact on crime and disorder.	X	
Climate Change		X
Human Rights and Equality Impact		X
Safeguarding and Early Help CCTV has a positive impact on the potential for Safeguarding, where issues may be reported.	X	
Other (please specify) e.g. biodiversity		X

11. Appendices

- 11.1 Appendix 1: Tender returns [Note Part II exempt restricted material printed on salmon paper for the information of members and relevant officers only: 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] (Part 2 exempt from publication).

12. Background Papers

12.1 None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 10

Chichester District Council

THE CABINET

10 April 2018

Appointments to Panels, Forums and other Groups 2017-2018

1. Contacts

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2. Recommendations

The Cabinet is requested to agree:

- 2.1 That Mr Adrian Moss takes the vacant seat on the Joint Employee Consultative Panel.**
- 2.2 That Mr Adrian Moss replaces Mr Richard Plowman on the Development Plan and Infrastructure Panel.**

3. Context

- 3.1. The establishment of most panels and forums and their membership is constitutionally the responsibility of the Cabinet. They are not subject to political balance.
- 3.2. Mrs C Apel, the Liberal Democrat Group Leader, has nominated Adrian Moss to take the vacant Liberal Democrat seat on the Joint Employee Consultative Panel. (A subsisting vacancy on the Investigation and Disciplinary Committee, for which Mr Moss has been nominated, is an appointment which will be made at the Annual Council meeting on 22 May 2018.)
- 3.3. Mr Richard Plowman has indicated that he wishes to step down from the Development Plan and Infrastructure Panel. Mrs Apel has nominated Mr Moss to replace him.
- 3.4. Political balance is retained.

4. Community Impact and Corporate Risks

None

5. Appendices

None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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