



Minutes of the meeting of the **Cabinet** held in Committee Room 2 at East Pallant House East Pallant Chichester West Sussex on Tuesday 5 June 2018 at 09:30

Members Present Mr A Dignum (Chairman), Mr R Barrow, Mr J Connor, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

Members Absent Mrs E Lintill

Officers Present Mr N Bennett (Divisional Manager for Democratic Services), Mr A Frost (Director of Planning and Environment), Mrs J Hotchkiss (Director of Growth and Place), Mr D Hyland (Community and Partnerships Support Manager), Mrs V McKay (Divisional Manager for Growth), Mr P E Over (Executive Director), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Director of Corporate Services)

524 **Chairman's Announcements**

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

There was an apology for absence from Mrs Lintill for the reasons given below.

All other members of the Cabinet were present.

He announced with sadness the death after a long illness of the husband of Mrs Lintill on Sunday 3 June 2018. He acknowledged how Mrs Lintill had cared tirelessly for her husband while continuing in a fully conscientious way to perform her CDC duties. The funeral details would follow in due course.

He advised that item 8 (Parking Strategy Review) had been withdrawn from the agenda and so would not be discussed or determined at this meeting. He had requested a deferral because certain details which were needed to inform the debate were not yet available.

There were no late items for consideration.

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

[**Note** Minute paras 525 to 536 below summarise the Cabinet's discussion of and decision on agenda items 2 to 13 inclusive but for full details of the items considered in the 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>]

525 Approval of Minutes

The Cabinet received the minutes of its meeting on Tuesday 1 May 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 1 May 2018 be approved.

526 Declarations of Interests

Mr R E Plowman (Chichester West), who was present as an observer, declared, on the previous advice of the Monitoring Officer, a prejudicial interest in respect of agenda item 5 (Priory Park Chichester – Project Initiation Document) as he was the chairman of the Friends of Priory Park.

There were no other declarations of interests.

527 Public Question Time

Three public questions had been submitted, details of which appear below.

The text of the three public questions had been circulated to members, the public and the press immediately prior to the start of this meeting. Mr Dignum invited each person in turn to come to the designated microphone in order to read out the question before he provided an oral response.

The questions (with the date of submission shown within [] at the end of the text) and the answers given by Mr Dignum were as follows.

Alan Green – Chairman of the Chichester Conservation Area Advisory Committee

'Chichester Conservation Area Advisory Committee maintains a close interest in Priory Park and has two questions in respect of item 5 on today's agenda, namely the project initiation document for the proposed enhancement scheme in the north-west corner of the park.

Question One relates to the four air raid shelters. These are part of the local listing for the 'brick pavilion' but are proposed for demolition. Why has consideration not been given to retaining these buildings, a fast-disappearing feature of the city's WWII history and the only ones with public access? The single one could be adapted as the roller store and the three conjoined ones used for historical interpretation or, as now, as an annexe to the main building. Furthermore they are not 'life expired' as suggested in section 5.2. In section 8.3 it is stated that further research is needed to establish additional information. I have already carried out that research and am willing to supply the information.

Question Two relates to planning issues surrounding the café. It is stated in section 5.1 that Option 3, which involves demolition of the café, will improve the historic setting of the park, and in section 7.2 that initial feedback on the temporary planning permission is that it unlikely to be renewed on expiry in 2020. What is the justification for these statements? Whilst the café and the grade 1-listed Guildhall can be seen *from* each other they are not juxtaposed so cannot be seen together. As such the café cannot be considered to affect the historic setting of the Guildhall so there is no valid planning objection on those grounds. Furthermore the café blends well with its surroundings and is not obtrusive, so there is every reason to keep it where - and as - it is.'

[Friday 1 June 2018]

Response by Mr Tony Dignum, the Leader of the Council

- (1) 'The Council's conservation and design officers have advised that the air raid shelters are not locally listed. There is scope in the proposed project to consider alternative uses for these shelters should that be decided as appropriate; at this early stage there is not a definitive proposal to demolish.'
- (2) 'The options appraisal work has been carried out with input from the Council's development management officers and planning issues are for them to determine in line with relevant policy. An indication that further planning permission may be 'unlikely' should not be taken as a planning decision; such a decision could only be taken if a planning application were submitted. The view reflected in the report merely takes into account initial feedback received during the options appraisal process.'

With respect to Mr Dignum's response to (1), Mr Green remarked that during the local listing process the Chichester Conservation Area Advisory Committee (CCAAC) submitted a scoring process which it had undertaken for the consideration of CDC's Historic Buildings Adviser but the air raid shelters had for some reason not been included in the local list.

Mr Dignum replied that if the shelters were subsequently proposed for demolition, due account would be taken of the CCAAC's views.

Simon Tooley – President of Chichester Bowling Club (on behalf of Michael John Lewis – Member of Chichester Bowling Club)

‘The Bowls Club has a question about the future use of the brick pavilion, a building in which we have a keen and valid interest. The Project Initiation Document speaks of ‘retention of the bowls and brick pavilion’. There is no mention of **refurbishment** to the bowls pavilion, OR to the brick pavilion. It just says **RETENTION**.

The existing wooden bowls pavilion was built in the 1930s. Its main structural timbers are of concern and the building on its own is too small for our current needs.

Prior to this review, it had been our intention to move into the ‘modern half of the brick pavilion’, so we could create a usable function space and have much-needed bar facilities in order to generate income.

We submitted plans in 2016 for an extension to the brick pavilion. Planning approval and consent was granted, but we cannot move forward, as all is subject to the review of the buildings in the Park.

We at the bowls club are happy to put money into the refurbishment of this building, but we need long-term assurances and security of tenure. We would be happy to make this building available for other functions, and to work with users of the Park and other groups.

We therefore would like to know: what are the intentions for the brick pavilion? Who will be its occupants?’

[Monday 4 June 2018]

Response by Mr Tony Dignum, the Leader of the Council

‘The draft Project Initiation Document proposes that the brick pavilion be retained and used for a café facility, although it is envisaged there could also be scope to include some community/other uses within that space. At present, due to the conceptual nature of the proposals, those potential uses have not been further explored; such ideas would form part of the next stages of consultation should the project proposals be agreed by the Cabinet.’

Dawn and Robert Bunker – Owners and Operators of Fenwick’s Café

The question was asked by Mrs Bunker.

‘During the consultation period last year, the consultant came and spoke with both myself and my husband at the Café on a number of occasions asking questions regarding the Park. His comments to us were that he would be recommending the Café to stay in its current position, maybe with some changes but he would not be recommending the Café to be moved into the existing brick building as it would not be a suitable choice due to location, security and the current layout of the building. We have not been able to see his report on the eight options put to CDC so I have

requested this under a FOI request and am currently waiting for this, so my question is: Which option did the consultant favour out of his eight options? CDC has not had to invest any monies at present to provide a café in the Park that fits well with its users and its surroundings, we have been told that the issue with retaining our building lies with the planners not liking our building but as of yet we don't know what their objections actually are, so again please could you provide their reasons.'

[Monday 4 June 2018]

Response by Mr Tony Dignum, the Leader of the Council

'The architect appointed to carry out the options appraisal was tasked with preparing a number of possible options for the Council's further consideration and the architect's brief was shared with stakeholders at the time of appointment. The brief did not include a requirement for the architect to 'favour' or recommend any one particular option.'

Mrs Bunker remarked that she and her husband had been invited to a meeting at CDC on Friday 8 June 2018 with Mr T Whitty (Divisional Manager Development Management) but she wondered if in advance of that meeting they might be given at least some idea of the apparent objections by planning officers to the renewal of planning permission for Fenwick's Café.

Mr Dignum cautioned against the Cabinet being drawn into planning-related matters. However, in view of Mr Whitty's presence in the meeting as an observer Mr Dignum invited him to the table. Mr Whitty pointed out that the café had been granted a temporary permission in recognition of both (a) the benefit of a café use in Priory Park and (b) the general review in due course to be undertaken of Priory Park. The café was one of a number of disparate buildings in Priory Park and a further assessment of its impact vis-à-vis other present and prospective uses would need to be undertaken in due course.

[**Note** End of Public Question Time]

528 **Priory Park Chichester - Project Initiation Document**

The Cabinet received and considered the agenda report and its two appendices.

A background paper, which was confidential Part II exempt material, had been published for online viewing by members and relevant officers only.

This item was introduced by Mr Dignum.

Mrs Hotchkiss and Mrs McKay were in attendance for this matter.

Mr Dignum referred to (a) the self-evident need for refurbishment of the buildings in the north-west area of Priory Park (PP) and the pavilion on the southern edge and (b) the consensus in favour of ensuring the quiet enjoyment and security of PP by retaining the boundary enclosures and locking it each night. In section 6 of the report officers had recommended selecting preferred option 3. However, in his

judgment this approach presented problems at this particular stage, namely until it was known whether the café would continue to operate beyond its temporary permission and, if so, in which location within PP, it was not sensible to refurbish the brick building without knowing the use to which it would be put. He considered that all redevelopment of PP would have to be placed on hold until the future of the café was determined. Accordingly he was proposing a revised recommendation, details of which he had circulated to members of the Cabinet ie to replace the three recommendations in paras 3.1 to 3.3 of the report (the second of which was a recommendation to the Council) with two recommendations (neither of which involved a recommendation to the Council).

Mr Dignum's proposal, which was seconded by Mr Barrow, was as follows:

- (1) That the implementation of the proposed enhancement scheme for the north west corner of Priory Park, option 3 and the associated actions within the PID be put on hold with the exception of the works to the current depot area, until the planning position regarding the temporary café facility (the permission for which is due to expire in 2020) in its current location is resolved.
- (2) That £57,000 be approved from reserves to complete the demolition of the current depot, provision of a storage facility and associated landscape works, and carry out repairs to the Coade stone statue.

Mrs Kilby supported Mr Dignum's proposal: the need for refurbishment was unarguable but there were currently too many imponderables which must first be resolved. During her comments she emphasised the importance of continuing to have adequate public conveniences in PP and sought more information about the bowling club.

Mr Wilding supported the revised recommendation and said that the planning position of the café needed to be resolved before the improvements works programme commenced.

Mr Barrow supported the revised recommendation and mentioned the popularity of the café.

Mr Connor spoke in support of the revised recommendation. He advocated retaining the air raid shelters as (a) being an important part of the city's and area's World War II heritage and (b) affording possible uses. He emphasised that it was vitally important not to reduce the current level of public convenience provision in PP.

Mrs Hotchkiss, Mrs McKay and Mr Dignum responded to the debate with reference to the options appraisal process, the situation vis-à-vis the bowling club and the public conveniences.

Decision

The Cabinet voted unanimously on a show of hands in favour of the revised recommendations proposed by Mr Dignum and so made the resolutions set out below.

RESOLVED

- (1) That the implementation of the proposed enhancement scheme for the north west corner of Priory Park, option 3 and the associated actions within the PID be put on hold with the exception of the works to the current depot area, until the planning position regarding the temporary café facility (the permission for which is due to expire in 2020) in its current location is resolved.
- (2) That £57,000 be approved from reserves to complete the demolition of the current depot, provision of a storage facility and associated landscape works, and carry out repairs to the Coade stone statue.

529 Section 106 Community Facilities - Westhampnett Community Hall

The Cabinet received and considered the agenda report, the appendix to which was confidential Part II exempt material circulated only to members and relevant officers.

In the absence of Mrs Lintill this item was introduced by Mrs Taylor.

Mr Hyland was in attendance for this matter.

Mrs Taylor summarised sections 3 and 5 of what she said was a very comprehensive report.

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

With the consent of Mr Dignum, Mr M N Hall (Lavant), the CDC local ward member, spoke in favour of the proposed community facility for parish of Westhampnett.

The Cabinet did not discuss the Part II appendix.

Decision

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

RECOMMENDATION TO THE COUNCIL

That the release of £98,712 section 106 community facilities monies plus interest accrued to the date of release to Westhampnett Parish Council for the construction of Westhampnett Community Hall be approved.

530 Ministry of Housing, Communities and Local Government Consultation - Powers for Dealing with Unauthorised Development and Encampments

The Cabinet received and considered the agenda report, its appendix and a document circulated prior to the start of the meeting with amendments to the proposed responses to questions 1, 5, 16 and 19.

The report was presented by Mrs Taylor.

Mr Bennett was in attendance for this item.

Mrs Taylor said that the consultation document addressed two aspects: the dealing with (a) unauthorised encampments and (b) development in breach of planning control on land owned and occupied by travellers. Measures to address more effectively breaches of planning control were to be welcomed.

The amendments to the draft responses to be made by CDC, which were denoted by tracked changes in the aforementioned circulated document, had been proposed by Mr S J Oakley (Tangmere). With Mr Dignum's consent, Mr Oakley, who was present as an observer, sought confirmation, to be provided in due course, that the police would exercise their powers to disperse an unauthorised encampment notwithstanding that the transit site was at full capacity.

Two other CDC members who were present as observers addressed the Cabinet with Mr Dignum's permission.

Mr Hall (Lavant), who was a member of the transit site liaison group, shared briefly his experience and invited members to submit any questions for the group's next meeting later in the week.

Mrs Hamilton (West Wittering and Chairman of the Council) alluded to a situation involving travellers in Birdham and thanked CDC's legal and enforcement officers for their patient and diligent advice and assistance in that regard. She drew attention to the following draft responses to the consultation questions: (a) 5 (page 33, third and fourth sentences); (b) 16 (page 37, second para); (c) 19 (page 38, second and third sentences); and (d) 22 (pages 39, third para and 40, final para) and said that it would perhaps assist CDC's case by emphasising those parts by the use of bold text. She appreciated officers' work on the responses and requested a copy of the final version be sent to Gillian Keegan MP.

In reply to Mrs Hamilton, Mr Bennett said that the software might not enable the use of bold text but he would use his best endeavours to see how those sections might in some way be suitably highlighted.

Decision

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

RESOLVED

That the proposed response to the government's consultation paper – 'Powers for dealing with unauthorised development and encampments' as set out in (a) the appendix to the agenda report and (b) the document with the amended versions of the responses to questions 1, 5, 16 and 19 be approved.

531 **Parking Strategy Review**

As announced by Mr Dignum during agenda item 1, this matter had been deferred and so was not discussed or determined at this meeting.

532 **Appointments to Panels, Forums and other Groups 2018-2019**

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

Mr Dignum presented the report.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

That the membership of panels, forums and other groups for 2018-2019 as set out in the appendix to the agenda report be approved.

533 **Appointments to External Organisations 2018-2019**

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

Mr Dignum presented the report.

It was noted that entry 6 relating to the Chichester Ship Canal Restoration Project Board should be deleted as the board was not currently functioning.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

That the representatives to serve on the external organisations for 2018-2019 as set out in the appendix to the agenda report, save for the deletion of entry 6 relating to the Chichester Ship Canal Restoration Project Board, be approved.

534 **Late Items**

There were no late items for consideration at this meeting.

535 **Exclusion of the Press and Public**

In order to consider the Part II confidential exempt matter listed as agenda item 13 (Support Services – Staffing Matter) Mr Dignum first read out the resolution set out below.

Decision

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

RESOLVED BY THE CABINET

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 13 (Support Services – Staffing Matter) 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 Paragraph 1 (information relating to an individual) in Part I of Schedule 12A to the Act and because in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

536 Support Services - Staffing Matter

The Cabinet received and considered the confidential Part II exempt agenda report circulated to members and relevant officers only.

The report was presented by Mr Wilding.

Mr Bennett was in attendance for this item.

Mr Wilding summarised the report.

The matter was briefly discussed.

Decision

The Cabinet voted unanimously to make the resolution set out below.

RESOLVED

- (1) That the contract of employment of the staff member be terminated on the grounds of the efficiency of the service on 7 August 2018 for the reasons outlined in the confidential agenda report.
- (2) That the capital cost to the Pension Fund of paying the accrued pension benefits to the staff member earlier than the normal retirement age be funded from reserves at the total cost specified in para 7.1 of the confidential agenda report.

[Note The meeting ended at 10:24]

CHAIRMAN

DATE