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Minutes of the meeting of the **Cabinet** held in Committee Rooms, East Pallant House on Tuesday 7 March 2023 at 9.30 am

Members Present Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant, Mr A Sutton and Mr P Wilding

Members Absent

In attendance by invitation

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), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

88 **Chair's Announcements**

There were no apologies for absence.

Cllr Lintill explained that agenda item 5 was not a recommendation to Council. She added that she would be taking agenda items 6 and 7 first.

89 **Approval of Minutes**

RESOLVED

1. That the minutes of the Special Cabinet meeting held on 23 January 2023 be approved as a correct record.
2. That the minutes of the Cabinet meeting held on 7 February 2023 be approved as a correct record.

90 **Declarations of Interests**

There were no declarations of interest.

91 **Public Question Time**

The following questions and answers were heard:

Question from Tony Corkett (read by Democratic Services):

Agenda Item 12:

Would the Cabinet members suggest a site visit for a delegation from the full council to the farm track opposite the primary school on Crooked Lane which is being considered for a CPO to make an access route to a small housing development? If so could this visit be at school drop off or pick up times before the full Council vote is taken?

Answer from Cllr Sutton:

Thank you for your question. Members can visit the site freely at any time of day should they wish to and I have visited the site at the time suggested. As such a formal site visit would appear unnecessary. Please be assured that when the planning application was considered the Planning Committee at the time did visit the site when considering the merits of the planning application albeit with a change in membership since.

Question from David Williams, Chairman of Birdham Village Residents Association:

Agenda Item 12:

The public is unfortunately in the dark as to what you will discuss today as relevant paperwork is restricted. However at the end you will be making a recommendation to the Full Council. If this matter proceeds to a CPO, because of the public interest and opposition, it will probably end up as a public enquiry where items will be in the public domain.

These are the facts we know:

The person that sold the site to Hyde, made a Statutory Declaration to the Land Registry in January 2010 claiming he had a Right of Way to use the track to Crooked Lane.

Once this Declaration was seen by the public its accuracy was challenged, resulting in the Land Registry removing this claimed Right of Way from the title deeds in October 2012

Hyde bought the site in January 2014 so should have been aware that the site had no Right of Way to use the track. During the planning process this fact was ignored, and classified as a "private legal matter".

Under 2012 version of NPPF para 173: sites should be deliverable.
Most would consider a site without an access as not deliverable.

This site got its planning approval as an exception site, which comes with its own set of rules.

One of which is that it is for Birdham residents only.

That is someone with a Birdham connection, not someone on the Council housing list from say Donnington.

Birdham never has had a need for this development.

Now many years later, your here today to probably decide whether to recommend to full Council the use of a CPO's "Draconian Powers" that's your legal teams words from the meeting when you last discussed this.

And don't be thinking that because Hyde have agreed to underwrite the cost of all this, so it does not appear on the council's budget, that you are not spending taxpayer's money. Remember Hyde get some of their income from Housing Benefit so taxpayer's money is being used.

Considering the above facts, where CDC failed to apply planning rules and Hyde made a poor commercial decision to purchase a development site without control over the access, is it right and proper for the Council to use CPO powers to overcome these mistakes?

Answer from Cllr Sutton:

Thank you for your question. Please be advised that we are not able to revisit the planning permission as granted in 2013 and as such we will not be doing so later.

At the time of originally granting planning permission in 2013 the Planning Committee was advised of the fact that several local residents had questioned the ownership of the site and the rights of access over it. It is a fundamental tenet of the planning system that such matters are not material planning considerations and, accordingly, the Planning Committee was correctly advised that any such uncertainty in this case was not a legitimate reason to withhold planning permission. However, officers were satisfied that the applicant had followed the correct procedures in terms of identifying and serving notice on any owners of the site.

Turning to the Compulsory Purchase Order, Housing, is one of this Council's key priorities and members fully acknowledge the seriousness of considering compulsory purchase orders.

Please be assured that the Council does not take decisions to recommend or authorise a compulsory purchase order lightly. Decisions are made with due consideration given to the relevant legislation and members will be applying those legal requirements alone. Members will absolutely be fully aware of the fact that such powers are a very serious matter.

In relation to Hyde please be advised that Hyde is a registered provider of social housing, and their funding and financial status is regulated by the Regulator of Social Housing although this is not relevant to the matter at hand.

92 Members Allowances Scheme Report of Independent Remuneration Panel

Cllr Wilding introduced the report. Cllr Lintill also welcomed Mr Bevis and Mr Thompson from the Independent Remuneration Panel.

Cllr Lintill asked Mr Bevis and Mr Thompson to clarify the reason for the additional £100 per member of a political group for opposition party leaders with groups of more than two members. Mr Bevis and Mr Thompson explained that consideration had been given to the role of the opposition Leader and how the increase could help the role be carried out most effectively. Cllr Plant questioned why it did not apply to the Leader of the majority party. Cllr Lintill confirmed it was for the opposition group leaders.

Cllr Wilding asked for more information relating to members who have further to travel to East Pallant House and the time that costs. Cllr Taylor noted that all members can claim the 65p per mile for their council related journeys. Mr Bevis and Mr Thompson explained that it would be difficult to measure and cost back to members.

In a vote the following recommendation to Council was agreed:

RECOMMENDATION TO COUNCIL

That the Cabinet recommendations to Council the recommendations of the Independent Remuneration Panel.

93 Senior Staff Pay Policy Statement 2023-2024

Cllr Wilding introduced the report.

In a vote the following recommendation to Council was agreed:

RECOMMENDED TO COUNCIL

That the Council be recommended to publish the Senior Staff Pay Policy Statement 2023-2024.

94 Brick Pavilion, Priory Park, Chichester

Cllr Dignum introduced the report.

In a vote the following resolutions were agreed:

RESOLVED

- 1. That Cabinet approves the release of £35,000 from general fund reserves to enable the development of the project by appointing a design team and preparing and issuing tender documentation for a procurement exercise.**
- 2. That following the receipt of tender prices, a further report is brought to Cabinet on completion of the cost/benefit assessment.**

95 **Energy Efficiency and thermal comfort works at Westward House Chichester - Post Project Evaluation**

Cllr Sutton introduced the report.

In a vote the following resolution was agreed:

RESOLVED

That Cabinet notes the positive outcomes of the project to improve the energy efficiency and thermal comfort at Westward House, Chichester as set out in the Post Project Evaluation Document attached at the appendix.

96 **Late Items**

There were no late items.

97 **Exclusion of the Press and Public**

Cllr Lintill proposed the Part II resolution in relation to agenda items 11, 12, 13 14 and 15. This was seconded by Cllr Taylor.

In a vote the following resolution was agreed:

That in respect of agenda items 11, 12, 13, 14 and 15 that the public including the press should be excluded from the meeting on the grounds of exemption in Schedule 12A to the Local Government Act 1972 namely paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because in all the circumstances of the case, the public interest in maintaining the information outweighs the public interest in disclosing the information.

98 **Compact Sweeper Procurement**

Cllr Plant introduced the item.

Cllr Wilding asked a point of clarification.

In a vote the following resolutions were agreed:

RESOLVED

That the resolutions as set out in sections 2.1 and 2.2 of the report as amended be agreed.

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

Cllr Sutton introduced the report.

Cllr Taylor then commented.

Mr Bennett the Monitoring Officer provided legal advice.

Cllr Oakley who had requested to speak was invited to do so by Cllr Lintill.

Questions were received by members of the Cabinet with officers providing response.

In a vote the following recommendations to Council were agreed:

RECOMMENDED TO COUNCIL

That the resolutions as set out in sections 3.1 and 3.2 of the report be agreed.

100 **Leisure Management Contract Update 2023 - 2024**

Cllr Briscoe introduced the report.

In a vote the following recommendations to Council were agreed:

RECOMMENDED TO COUNCIL

That the resolutions as set out in sections 2.1 and 2.2 of the report as amended be agreed.

101 **Letting of premises at Willow Park, Terminus Road**

Cllr Dignum introduced the report.

Cllr Sutton declared a personal interest.

In a vote the following recommendation to Council was agreed:

RECOMMENDED TO COUNCIL

That the resolution as set out in section 2.1 of the report be agreed.

102 **Letting of premises at Woodruff Centre, Terminus Road**

Cllr Dignum introduced the item.

In a vote the following recommendation to Council was agreed:

RECOMMENDED TO COUNCIL

That the resolution as set out in section 2.1 of the report be agreed.

The meeting ended at 10.57 am

CHAIRMAN

Date:

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