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Minutes of the meeting of the **Cabinet** held in Committee Rooms, East Pallant House on Tuesday 5 December 2023 at 9.30 am

**Members Present** Mr A Moss (Chairman), Mr J Brown (Vice-Chairman), Mrs T Bangert, Mr D Betts, Mr B Brisbane, Ms J Brown-Fuller, Mr M Chilton and Ms H Desai

**Members Absent**

**In attendance by invitation**

**Officers Present** Mrs L Baines (Democratic Services Manager), Mr N Bennett (Divisional Manager for Democratic Services), Mr J Brigden (Community Engagement Manager), Ms P Bushby (Divisional Manager for Communities and Customer Services), Mrs V Dobson (Principal Planning Officer), Mr A Frost (Director of Planning and Environment), Mr A Gregory (Project Manager - Estates), Mrs J Hotchkiss (Director of Growth and Place), Mr P Jobson (Revenues and Debt Recovery Manager), Mrs V McKay (Divisional Manager for Growth), Mrs T Murphy (Divisional Manager for Place), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Ms A Stevens (Divisional Manager for Environmental Protection) and Mr J Ward (Director of Corporate Services)

## 70 **Chair's Announcements**

There were no apologies for absence.

## 71 **Approval of Minutes**

### **RESOLVED**

That the minutes of the Cabinet meeting on 7 November 2023 be approved as a correct record.

## 72 **Declarations of Interests**

In relation to Agenda Item 9 Cllr Bangert and Cllr Brown both declared interests and withdrew to the public gallery for the duration of the item.

73 **Public Question Time**

**Question from Richard Ford (read by Cllr Moss):**

With regards to Agenda item 12 Review of the Foreshore Service my questions are:

1. If there is no foreshore service operating on the public slipway allowing safe launch and recovery of public water craft will the public be able to launch and recover their own watercraft with their own vehicles on the public slipway?
2. Will the gates and barriers be removed to allow public access to the public slipway?
3. Perhaps a club could be formed for people still wishing to launch their own watercraft?
4. If the foreshore stop grading the shingle for improved access will the precedent still stand and allow other contractors to provide the same service at a cost that could be borne by local residents, businesses' and /or the Parish Council?

**Answer from Cllr Jonathan Brown:**

Thank you for your questions.

My answers are given in advance of any discussion of the report and recommendation before Cabinet today.

**Question 1**

Access to the public slipway must be with the permission of the landowners. In this situation there are two landowners and permission would be needed from both. West Sussex County Council (WSSCC) own the land from the end of Bracklesham Lane to the sea defence structure, after which, the District Council own the land to mean high water. Land below mean high water is managed by the District Council through the Crown Foreshore Lease. Both councils would consider all liabilities as the occupier/owner of the land in making any decision regarding access. Any group would need to seek their own independent legal and insurance advice.

It is important to note that the public slipway is inaccessible, being buried under many metres of shingle, and has been for a good number of years. It would not be safe for the public to access the beach in their own vehicle across the shingle bank that is there to protect the town from flooding and coastal erosion. It is the Council's view that receiving boats on trailers and launching over the shingle bank can only be achieved with a tractor, for which permission would unlikely be granted due to the very high footfall of pedestrians, including children, accessing Billy's restaurant, the mobile food vehicle, the council's car park and the beach. As Cllr Ford highlights, there are many users of the beach for which the Council would be concerned, if responsibility were handed to the public.

To answer the question plainly, no, it is not envisaged that the public will be able to launch and recover their own boats, however it's not quite as simple as that, as per the other questions.

## **Question 2**

The barrier at the end of Bracklesham Lane and the road immediately in front of the current foreshore office to the slipway is owned by WSCC Highways and not the District Council and therefore this question is for WSCC to answer. The barrier from the Council's car park will not be removed as part of the current foreshore proposals. The area has been restricted for many years as the use of motorised or heavy equipment would make the area unsafe for beach users.

## **Question 3**

Such a proposal would need the permission of both landowners. For land under the District Council's interest (the seawall and foreshore), the Council has a duty to ensure that the land and land use is such that it is safe for the public. The same risks apply as to the answer given to question 1. From the Council's experience, there are many complexities in launching the public's boats and despite mitigation measures, the activity remains high-risk to operators, boat owners and the wider public.

Under the foreshore lease, a club would need to apply for a licence from the District Council and should a licence be granted, the club would then need to operate under licence conditions such as suitable and sufficient risk assessments, operators would need to be suitably trained, hold sufficient public liability insurance etc. Potential liability issues would remain for the Council as the landowner, and to the club, should a licence be granted. It is likely that given the relatively low number of launches, the proposal would not be feasible from a liability and safety point of view, and from a financial perspective.

Again however, to give a plain answer, I don't want to say 'no, not under any circumstances'.

## **Question 4**

If the Parish council would like to continue maintaining the grading of the shingle, at their expense, by using a contractor then this could be considered by the District Council both as the Coast Protection Authority and as the owner/occupier of the land.

As my previous answers have indicated, given that this is not viable for the District Council, I am sceptical that it would prove to be so for the Parish Council, but this isn't a definite 'no'. I am happy to discuss this further with the Parish Council.

## **Question from Simon Oakley:**

Given the importance of watercourse maintenance and protection in flood prevention and that many ordinary watercourses in the District have been affected by work and activities that have led to their deterioration, would CDC consider bringing into effect model Flood Risk and Land Drainage by-laws ( [Flood risk and land drainage byelaws - GOV.UK \(www.gov.uk\)](http://www.gov.uk) ), which only District Councils like CDC can do?

## **Answer from Cllr Jonathan Brown:**

Thank you for your question.

Adoption of any byelaw requires careful consideration. We would need to understand the value a byelaw would bring, such as what existing or potential issues need resolving and whether the byelaw provisions exceed or improve upon existing tools such as planning permission and ordinary water consenting, and existing legislation.

We all know the problems that arise from the Planning System's treatment of flooding of, or resulting from, new development.

With regards existing watercourses, as of this time the Council's current approach with land drainage issues focuses on education and encouragement to resolve issues locally as good watercourse management often benefits landowners as well as those downstream.

Enforcement is a last resort as it is resource intensive and comes with risk. However, this risk remains with the enforcing authority, West Sussex County Council (WSSC), as the Lead Local Flood Authority. The District Council's officers support WSSC in land drainage work and are satisfied that the existing tools and enforcement powers are fully utilised and enforced to their full extent, and do not see a strong business case in making the model byelaws for the district. It is also important to ensure that the enforcement responsibilities remain with the county council, particularly as it is unlikely that adoption of these byelaws would come with additional resources.

All of that said, if there is a specific problem that you think such byelaws might address I am happy to look into this further.

Mr Oakley asked a supplementary question. He asked if the council would acknowledge Byelaws are supplementary to the powers that WSSC have and that those powers can only be brought forward by the district council. Cllr Moss responded that the lead flood authority is WSSC who are responsible for the Highways and the gullies and flooding associated with these assets. Mrs Stevens added both upper tier and low tier local authorities can make the Byelaws however, two provisions, 1) securing the efficient working of a drainage system and to regulate the effects on the environment from a drainage system are only available to the district council for implementation. A further answer can be provided once the new legislation has been analysed.

## **74 Public Conveniences Refurbishment**

The Chair welcomed Mrs Murphy and Mr Gregory to the table. The item was introduced by Cllr Desai.

Cllr Brown asked if the refurbishment is an expansion of the works already agreed on. Cllr Desai confirmed that is the case.

Cllr Brown-Fuller in reference to section 8.4 requested information be put up immediately so that people can find suitable alternatives.

Cllr Moss asked whether the designs are available to view. Mrs Murphy confirmed that they are available for members to see. She confirmed that approval had already been obtained for Selsey, East Beach.

Cllr Moss also asked if there are any plans to put up temporary facilities during works. Mrs Murphy explained that it is currently under discussion for sites outside of the city centre. For the city centre alternative sites are already available.

Cllr Bangert suggested having signs up in the library. Mrs Hotchkiss explained that library staff direct the public to the toilets at the Novium museum.

#### **RESOLVED**

- 1. Cabinet recommend to Council to approve the additional budget required as set out in the part two appendix, for the refurbishment programme works to Priory Park, Market Road, East Beach, Selsey and Bosham.**
- 2. Cabinet approve the demolition of Tower Street public conveniences, using the existing asset replacement programme budget with the remaining budget to be returned to reserves.**
- 3. Cabinet approve the appointment of contractor A to deliver the public conveniences refurbishment programme and demolition of Tower Street public conveniences set out in the part two appendix.**

#### **75 Section 106 Allocation for The Selsey Centre**

The Chair welcomed Mr Brigden to the table. The item was introduced by Cllr Bangert.

Cllr Boulcott was invited to comment. He explained the popularity and community use of the centre. He spoke in favour of the renovations.

Cllr Moss gave his support to the Selsey centre's community function.

Cllr Brown-Fuller requested clarification that the funding allows for any fluctuating prices. Mr Brigden explained that the S106 is based on the current quote. He added that percentage over could be dealt with under officer delegation.

#### **RESOLVED:**

**That the Cabinet recommends to Council the release of £112,320.72 Section 106 Community Facility monies to Selsey Town Council for improvements to The Selsey Centre.**

#### **76 Determination of the Council Tax Base 2024-2025**

The Chair welcomed Mr Jobson to the table. The item was introduced by Cllr Betts.

Cllr Moss asked Mr Jobson how the current Council Tax Base has been calculated. Mr Jobson explained that the process means officers have to consider what is on the valuation list. In terms of new properties officers have to estimate when a new property will be completed. He explained that delays to builds can lead to a reduction in Council Taxbase. He added that more people are applying for Council Tax reductions. In addition households where some residents are disregarded has also risen. 874 homes have come onto the evaluation list in the last 12 months. Cllr Moss thanked Mr Jobson for the explanation.

Cllr Chilton requested the reduction in financial terms. Mr Ward explained that it is about £180,000 less Council Tax income compared to recent financial models.

Cllr Chilton in relation to the increase in second homes referred to Bath and Somerset who will be amending their scheme next April. Mr Jobson explained that a years notice is required so it could only be from April 2025. Mr Ward added that regulations are awaited. Mr Jobson explained that the item is in the Forward Plan for February following Royal Ascent of the Bill and detailed regulations expected. Further information from professional bodies is awaited.

Cllr Chilton asked what steps can be taken to mitigate any tax avoidance. Mr Jobson explained that the council has measures in place to assess properties and therefore any individual cases.

Cllr Brown asked if the 99% collection rate is a safe assumption. Cllr Brown wished to clarify that the council is trying to collect as much Council Tax as possible whilst supporting those who are unable to pay Council Tax. Cllr Betts explained that the council works hard to support those who are unable to pay Council Tax. Mr Jobson explained that the council has a statutory duty to ensure that the customer is provided with the reduction that they are entitled to.

#### **RESOLVED:**

- 1. In order to comply with section 35 of the Local Government Finance Act 1992, that the following resolutions be made.**
- 2. No item of expenditure shall be treated as 'special expenses' for the purposes of section 35 of the Local Government Finance Act 1992.**
- 3. This resolution in (2.2) shall remain in force for the 2024-2025 financial year. 4. The calculation of the Chichester District Council's taxbase for the year 2024-2025 be approved.**
- 4. The amounts calculated by Chichester District Council as its council taxbase be those set out in appendices 1 and 2 to this report.**

#### **77 Southbourne Modified Neighbourhood Plan Decision Statement**

Cllr Brown and Cllr Bangert withdrew to the public seating area following their earlier declarations. The Chair then welcomed Mr Whitty and Mrs Dobson to the table. The item was introduced by Cllr Brisbane.

Mrs Dobson added that there is one small typo correction to the decision statement in Appendix 1. On Page 38 of the agenda under the entry for Policy SB16 in the table, under number 12 the number '42' should be added after the final 'and' It should therefore read 'Smallcutts Avenue allotments between numbers 25 and 27, and 40 and 42'.

Cllr Moss thanked Mrs Dobson for her work with the Parish Council.

**RESOLVED:**

**That Cabinet agrees:**

- 1. That the Decision Statement as set out in the appendix be published.**
- 2. To approve the examiner's recommendation that the Neighbourhood Development Plan proceed to referendum, subject to modifications as set out in the Decision Statement.**

**78 Cap on Safe and Legal Routes Consultation**

Cllr Bangert and Cllr Brown returned to the meeting table.

The Chair then welcomed Mrs Bushby to the table. The item was introduced by Cllr Bangert.

Cllr Moss explained that the cap had to be agreed with WSCC. Mrs Rudziak confirmed that she is awaiting a response.

Mrs Bushby explained that the council has to be realistic in what it can achieve and offer within the scheme. Mrs Rudziak added that this applies only to very specific schemes. The district will therefore support a number of other schemes outside of the schemes included in the cap. She confirmed that the council is required to commit the number that it can realistically deliver.

Cllr Brown-Fuller asked whether the council can offer more if the opportunity arises. Mrs Bushby confirmed that would be the case.

Cllr Briscoe asked if with reference to page 47, question 4, part C could it be amended from 'can' to 'possibly'. Cllr Moss explained that the recommendation allows for that to be considered.

Cllr Brown clarified that this report refers to only those who have already been through an assessment process.

Cllr Brisbane asked for clarification how many Afghan refugees are in the district following support from Sanctuary. Mrs Rudziak agreed to provide the information offline. Mrs Rudziak explained that the discussion with WSCC is to ensure that support provided by WSCC is available if the council provides housing.

## **RESOLVED:**

- 1. That Cabinet approve the draft response (Appendix 1) to the Government Cap on Safe and Legal Routes Consultation.**
- 2. That delegated powers are given to the Director of Housing & Communities, following consultation with the Cabinet Member for Housing, to make any final minor amendments to the response.**

The Cabinet took a five minute break.

## **79 CCTV Service Transformation - Award of Maintenance Contract**

The Chair welcomed back Mrs Bushby to the table. The item was introduced by Cllr Bangert.

Cllr Chilton explained there was a typo at section 9.2 of the report.

Cllr Moss asked if the cost is additional. Mrs Bushby explained that it is an existing charge and going forwards there will be savings year on year. Cllr Moss clarified that the change is having a direct contract which can be monitored.

Cllr Brown-Fuller requested clarification as to how the Police or officers will access CCTV. Mrs Bushby explained that it is currently in discussion. There is suggestion that Sussex Police will still monitor the cameras. Cllr Brown-Fuller asked if every case would require Sussex Police to ask the council for permission to access the data. Mrs Bushby explained that there would be an overarching permission.

Cllr Brown asked why Sussex Police have changed the way this is done. With regard to the net saving he asked whether that is due to the number of cameras. Also, can Sussex Police be charged an access fee. Mrs Bushby explained that Sussex Police are following the pattern across the country. Every local authority is in a similar position. There is no additional funding to be found by the Council. Mrs Bushby explained that the Police were resistant to the possibility of charging for access to data. Mr Bennett added that the council is taking a pragmatic approach to data protection management. It is an ongoing matter at present.

Cllr Bangert asked if Parish Councils have CCTV camera facilities and who monitors those. She asked for clarification of whether the Police expect the council to monitor the CCTV footage. Mrs Bushby explained that some Parish Council's have separate arrangements. With regard to monitoring CCTV Mrs Bushby explained that the council does not currently have the resource to carry out the monitoring in house.

Cllr Moss asked if the council wants to access data is the ability there. Mrs Bushby confirmed that if the council is a joint data controller it would be able to access the data.

Cllr Brown asked whether all the councils could have a joint contract. Mrs Bushby explained that all partners would have their own contract.



## **RESOLVED**

**That Cabinet agree to award the maintenance contract for the Chichester District CCTV service to Chromavison for the next 3 years.**

### **80 Chichester Contract Services Depot Accommodation Options**

The Chair welcomed Mrs McKay to the table. The item was introduced by Cllr Chilton.

Cllr Moss if the options appraisal will look at other options. Mrs McKay explained that all premises options will be reported back to Cabinet.

## **RESOLVED**

- 1. That Cabinet approves the Initial Project Proposal Document (IPPD) to undertake a survey and feasibility report for accommodation options for the Chichester Contract Services (CCS) operation.**
- 2. That Cabinet approves release of £60,000 from Reserves to fund the survey and feasibility report.**

### **81 Review of Foreshore Service**

The Chair welcomed Mrs Stevens and Mr Townsend to the table. The item was introduced by Cllr Brown.

Cllr Chilton explained that it is important to discuss with the community what the changes will look like and what it will mean for monitoring of the beach. Cllr Brown agreed with Cllr Chilton's comments. Mrs Stevens confirmed that there is a need to discuss the new service with the community. She clarified that there would still be a presence on the foreshore but that the service will cover all the beaches across the district rather than focus on just one beach which is does at present.

Cllr Chilton asked if the Parishes can be informed that officers will be talking to them. Mrs Stevens confirmed that is the case. Cllr Moss added that Mrs Stevens should also utilise the ward members for those areas too.

Cllr Moss asked in relation to the nine miles of coast what is the responsibility of the council. Mrs Stevens confirmed that there are some private land owners who fulfil their own foreshore service. With regard to the extent of the nine miles it covers the edge of Pagham Harbour to the opening of Chichester Harbour at East Head.

Cllr Brisbane requested clarification that the nine miles includes the whole of the foreshore and included Chichester Harbour. Cllr Moss clarified that this foreshore does not include Chichester Harbour. Mr Townsend explained that the section of East Head which is land owned by the National Trust would also require further conversations.

Cllr Chilton declared an interest as a property owner and share owner in Cakeham Estates. He suggested that officers liaise with Cakeham Estates. Mr Bennett

advised that Cllr Chilton should step back from the debate having declared a pecuniary interest.

Cllr Brown-Fuller asked whether East Beach, Selsey can take over the launching of boats where this provision will be removed from Bracklesham. Mrs Stevens explained that there are two launch ramps in Selsey which are freely open to the public and which have relevant safety information on notices.

With regard to other implications being listed as 'none' in the report Mr Bennett suggested that health and wellbeing considerations have been considered as part of the report and asked the report authors to confirm that. Mr Townsend confirmed that health and safety have been considered.

Cllr Chilton wished to return to the debate to discuss a point of clarification. Mr Bennett again advised that Cllr Chilton could not provide further response to the debate due to his pecuniary interest.

Cllr Moss asked Mr Townsend to clarify the responsibility of West Wittering Beach. Mr Townsend confirmed West Wittering Estate fulfil their own foreshore service and would continue to do so, however we would ensure all key stakeholders are included in the community engagement.

Cllr Brisbane added that West Wittering Estate provide a lifeguard facility in the summer.

**RESOLVED:**

**That Cabinet approves Option 1 as the delivery model for the Foreshore Service.**

**82 Late Items**

There were no late items.

**83 Exclusion of the Press and Public**

There was no requirement to exclude the press and the public.

The meeting ended at 11.18 am

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CHAIRMAN

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Date: