



Minutes of the meeting of the **Cabinet** held in Committee Rooms, East Pallant House on Tuesday 6 February 2024 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), Mrs H Belenger (Divisional Manager for Financial Services), Mr N Bennett (Divisional Manager for Democratic Services), Mr K Carter (Divisional Manager, CCS), Mrs V Dobson (Principal Planning Officer), Mr A Frost (Director of Planning and Environment), Mrs J Hotchkiss (Director of Growth and Place), Mrs A Huggett (Business Development Manager), Mr P Jobson (Revenues and Debt Recovery Manager), 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)

99 **Chair's Announcements**

As Vice-Chair Cllr Brown took the Chair whilst Cllr Moss was not present.

No apologies for absence were received but Cllr Brown noted that Cllr Moss would be joining the meeting and he would hand over the Chair at an appropriate time.

Cllr Brown announced one late item. The item was to note an Urgent Decision Notice. He explained that a copy of the Notice had been published online. Members of the Cabinet had also received hard copies.

Cllr Brown also explained that items 9 and 10 would be switched with the Food Waste Collections item to be taken ahead of the CCS Vehicle Replacement item.

Cllr Brown then took the opportunity on behalf of the Council to wish the King well and a speedy recovery.

Cllr Brown explained that a question to Cabinet had been accepted from Cllr Ballantyne. Cllr Ballantyne was then invited to ask his question as follows:

Can Cabinet advise me please what the policy is on any regular group holding events on a public car park? My assumption is that any event on CDC land would have to be licensed just like any other event in the district.

Cllr Brown provided the following response:

As I am sure you will appreciate, any events that take place on council land must meet a number of requirements in order to protect the public, the event organiser, and the landowner. Any organisation wishing to organise an event on CDC land can apply for a license. No events can take place on Council land without the relevant licensing in place. Following recent events Cabinet have requested that a formal policy is developed that clarifies the position and this will be presented to the Cabinet meeting on 16 April (subject to receiving timely responses from our partners). You can be assured that this administration is keen to see events taking place in our car parks and other open spaces where they provide the appropriate protection to the organiser, residents and landowner.

Cllr Ballantyne was permitted to ask a supplementary question. He explained that as Chair of Licensing Committee he was aware of the need to apply to have an event in public. He asked if this had been applied in the case of East Beach. In response Cllr Brown explained that he was unable to comment in any detail on a specific application or enforcement action, but was able to make the following points:

We became aware that an event was taking place in one of our car parks, following a formal complaint from a member of public. Officers immediately contacted the club and have been in communication with them since early December. Unfortunately, our immediate attempts to reach out to the organiser failed to get any response so officers eventually visited the meeting in December.

Current licensing arrangements agreed by the previous administration has precluded car meets in our car parks unless they are supported by the appropriate conditions as laid out in the License application.

Whilst we understand why the car club is disappointed with the current situation, it is important that we have a clear policy, approved by Cabinet, to determine what activities are appropriate within our car parks previously this will be presented to the Cabinet meeting on 16 April 2024.

100 **Approval of Minutes**

Members voted to approve the minutes of the previous meeting.

RESOLVED

That the minutes of the meeting held on 9 January 2024 be approved as a correct record.

101 **Declarations of Interests**

Cllr Chilton declared a pecuniary interest in agenda item 8 as he has a second home in the district. He withdrew from the room during that item.

Cllr Bangert and Cllr Brown both declared other interests in agenda item 11 as members of the Southbourne Neighbourhood Plan Steering Group. They withdrew from the room during that item.

102 **Public Question Time**

The following public questions and answers were received.

Question from Richard Plowman:

Has the plan for an ice-rink in Priory Park next Christmas been properly thought through? Am I correct the proposed ice rink's size will be halved from 566m² in 2018 to 300m² in 2024. To comply with safety standards the number of skaters per session will therefore also be reduced from 180 to 100. The competitive rinks at Bognor and Winchester are 600m². The 2018 figure of 19,072 skaters for a 566m² rink has been used to calculate ticket sales in the IPPD and realistically the income should now be halved. The estimated loss could therefore be £170,000, not £5,000.

It was obvious from 2018 that a quart won't fit into a pint pot. The answer appears to be a pint-sized affair in Priory Park. Do you believe it will therefore achieve the outcome of the IPPD of a 'fun, ambitious festive event for the district residents and visitors', boosting car-park revenues and helping the local economy? Perhaps it might be best to delay the ice rink for a year, do a proper assessment and put it on a better site with hard standing?

Answer from Cllr Jess Brown- Fuller:

Thank you Richard for your question regarding the ice rink and I am sorry if this was not clear from my previous answer. We are currently preparing to go out to procurement for the proposed ice-skating rink. Within this we will consider different options, sizes and capacities. A further analysis will be completed once the tenders are received and evaluated. To be clear, the proposal does not specify what size the rink should be.

We do not anticipate a loss of £170,000. It is worth noting that an ice rink 300m² has a capacity of 100 and we would have therefore only needed to achieve an occupancy level of just over 60% to achieve the same attendance figure as the previous rink.

By starting this process now, we have the opportunity to interrogate the proposals that come back and also ensure the issues and concerns brought to us are mitigated as best as possible. I hope this clarifies the situation and I welcome your continued scrutiny on the project.

Mr Plowman was permitted a supplementary question and asked whether the IPPD scope indicates that the ice rink will be 300 square metres. He also asked Cllr Brown-Fuller whether or not she agreed with his analysis. Cllr Brown-Fuller responded by explaining that the IPPD specifies approximate size as the council wants to encourage as many bids as possible. She confirmed that she did not agree with Mr Plowman's analysis.

Question from Simon Oakley:

The Levelling Up and Regeneration Act 2023 contains provision for councils to charge a second home premium of up to 100%, from the financial year 2025-26 onwards. At paragraph 7.2 of the report for Agenda Item 8 (Council Tax Second Home Premium, [Agenda Item: \(modern.gov.co.uk\)](https://modern.gov.co.uk)), it states that "This increase in the taxbase equates to an additional income for Chichester District Council (based on a current average band D charge of £2,130.28) of £580,000.". Could you advise as to what additional income (based on the same criteria used to estimate the additional income for CDC) this proposed premium would provide for the other Precepting Authorities?

Answer from Cllr David Betts:

Thank you for your question.

As set out in paragraph 7.2 of the report in Agenda Item 8, based on the current average band D charge for 2023-24 of £2,130.28 the estimated increase in taxbase for 2025-2026 equates to an additional income for Chichester District Council of £580,000. As the billing authority we only retain a proportion of the Council Tax charge raised, and therefore a Second Home Premium will also raise additional income for all precepting authorities. West Sussex County Council are estimated to receive an additional income of £5.3million with Sussex Police authority receiving an additional income of £780,000.

It is not possible to provide a full breakdown of each parish at this point but that detail will, of course, be provided to each parish in due course as part of the annual taxbase setting process.

Mr Oakley was permitted a supplementary question. He asked what effect the council tax reduction scheme is likely to have in CDC Band D properties and other precepting authorities. Cllr Betts confirmed that he would be able to provide an answer in writing after the meeting. Cllr Brown noted that the Government was still considering exemptions to the proposed Second Home Premium and that depending on the outcome it could make a substantial difference to what CDC might collect.

Question from The Reverend Canon Bruce Ruddock (read by John Coldstream):

While welcoming the fact that the public conveniences in Priory Park are being treated as a priority among the four scheduled for refurbishment, the Priory Park Society is disappointed that the work was not completed in January. Indeed, at the

time of submitting this question members understand that there is still no firm commencement date. What is the timescale?

The Park Tavern is renowned for its warm hospitality, but its facilities are for customers only: it is emphatically not a public convenience. So, given that this is a matter of genuine urgency, what provision is the Council to make for users of the Park, among them children and families involved in the Sunday Park Run; families using the Park for recreation - not least in the playground; weekend footballers; wedding guests and others using the Guildhall; and customers of Fenwick's Café?

Answer from Cllr Harsha Desai:

Thank you for your question.

A procurement exercise was undertaken in Autumn 2023 for the refurbishment of the public conveniences in Priory Park, Market Road in Chichester, East Beach Selsey and Bosham Lane. At the December Cabinet, approval was given for the appointment of the contractor and recommended to Council that approval be given for the additional budget required and a programme of works was shared with the stakeholders.

Following a pre-commencement meeting that took place in early January prior to entering the contract the contractor withdrew their tender from the procurement process and formally gave notice on 18 January 2024.

Since then, officers have been liaising with the second place tenderer in accordance with our procurement regulations to ascertain if they have the resources available to deliver the project and to revise the programme of works. This work is due to be concluded shortly and will require approval of Cabinet to appoint the contractor. As soon as this is completed a revised programme of works will be shared with all stakeholders. Along with any temporary public conveniences proposals.

103 Draft Capital Strategy 2024-25 to 2028-29

Cllr Chilton introduced the report. Mrs Belenger and Mr Gillett were present.

Cllr Moss joined the meeting.

Cllr Brown requested clarification of whether the report was an administrative update to ensure compliance. Cllr Chilton confirmed that was the case.

In a vote the following recommendation was agreed:

RECOMMENDED TO COUNCIL

That the Cabinet considers the Council's draft Capital Strategy for 2024-25 to 2028-29 and recommends it to Council for approval.

104 Budget Spending Plans 2024-25

Cllr Brown then handed the Chair over to Cllr Moss.

Cllr Chilton presented the item. Mrs Belenger and Mr Cooper were present.

Cllr Chilton wished to thank officers for their work on the Budget.

Cllr Chilton explained that a revision to page 58 of the agenda pack had just been received and circulated to members. The revision also updated the recommendations as the council had received £149,000 more than originally anticipated in the Government's final Financial Settlement for 2024-25. Mr Cooper explained that Appendix 1a should be amended to show the impact of the additional settlement change. He explained that in the revised copies to members £149,000 had been reflected in General Fund Reserve being amended from £460,000 to £609,000.

Cllr Bangert then left the room following a declaration of interest to the Monitoring Officer.

Cllr Brown proposed an amendment:

To allocate a total of £22.5k from reserves to be released to Bourne Community College (BCC) in two tranches: £15k in academic year 2024-25 and £7.5k in academic year 2025-26. Each year the release of funds would be subject to the school filling the funding gap and retaining the Think Family worker post.

The amendment was seconded by Cllr Brown-Fuller.

Cllr Brown explained the benefits to those receiving help from a Think Family Worker post. He explained that a two year settlement would ensure the school has certainty and can plan for the future. Mrs Belenger requested clarification on the £10,000 growth already built into budget for this item. Cllr Brown confirmed that his proposal was on top of that already provided in the budget. Mr Cooper then explained that only two figures would need to change for the £22,500 proposal was the transfer to general fund would be reduced from a surplus of £460,000 to £437,000. The other adjustment would be against the Other Earmarked Reserves line which would decrease the £550,000 credit to a £527,000 credit. The general recommendations would not be affected.

Cllr Brown-Fuller spoke in favour of the amendment.

In a vote Cllr Brown's amendment was agreed:

RECOMMENDATION TO COUNCIL

To allocate a total of £22,500 from reserves to be released to Bourne Community College (BCC) in two tranches: £15k in academic year 2024-25 and £7.5k in academic year 2025-26. Each year the release of funds would be subject to the school filling the funding gap and retaining the Think Family worker post.

Cllr Bangert was invited back to the meeting.

Cllr Brown-Fuller asked if there is any intention of increasing the capacity of green waste crew. Mr Ward confirmed that would be something for future consideration.

Cllr Moss asked for clarification of the financial settlement. Mr Ward explained that following the final settlement the recommendations had been updated. He explained that a one year settlement is difficult for strategic planning. Cllr Moss asked if there is anything that can be done by members to encourage an extended settlement. Mr Ward suggested it would be through professional groups lobbying.

In a vote the following recommendations were approved (inclusive of the amendment from Cllr Brown):

RECOMMENDED TO COUNCIL

That the Cabinet recommends to the Council:

- a) **That a net budget requirement of £17,618,700 for 2024-25 be approved.**
- b) **That Council Tax be increased by £5.41 from £181.07 to £186.48 for a Band D equivalent in 2024-25.**
- c) **That the New Homes Bonus (NHB) be treated as general revenue funding as set out in para 4.6 and 4.7.**
- d) **The capital programme, including the asset renewal programme (appendices 1c and 1d of the agenda report) be approved.**
- e) **The capital prudential indicators and the Minimum Revenue Provision (MRP) Policy (appendix 4 of the agenda report) be approved.**
- f) **That £1.11m is transferred from the General Fund Reserve to the Investment Risk Reserve to reduce the risk for the movements in fair value statutory override ending on 31 March 2025.**
- g) **That delegated authority be given to the Director of Growth and Place to spend the £150k allocated from the West Sussex Business Rate Pool for economic development purposes, following consultation with the Cabinet member for Economic Development and Place.**
- h) **To allocate a total of £22.5k from reserves to be released to Bourne Community College (BCC) in two tranches: £15k in academic year 2024-25 and £7.5k in academic year 2025-26. Each year the release of funds would be subject to the school filling the funding gap and retaining the Think Family worker post.**

105 **Draft Treasury Management and Investment Strategy**

Cllr Chilton introduced the item. Mrs Belenger and Mr Gillett were present.

Mrs Belenger explained that a paragraph had been added to page 133 of the agenda pack to outline the environmental and social impact considerations. She added that one of the funds is moving towards a more environment, social and governance (ESG) agenda. With regard to reputational risk management, she explained that the council has put in extra measures to mitigate this risk when selecting counterparties for the investment of surplus funds.

In a vote the following recommendation was approved:

RESOLVED

That the Cabinet considers the Treasury Management Policy Statement, the Treasury Management Statement, the Investment Strategy, and relevant indicators for 2024-25; and recommend them to Council for approval.

Cllr Moss then took the opportunity to thank Mrs Belenger for her contribution to local government on behalf of all councillors. He wished her a very happy retirement.

Members took a short break.

106 **Council Tax Second Home Premium**

Cllr Chilton left the room following his earlier declaration.

Cllr Betts introduced the report. Mr Jobson was present.

Mr Jobson added that the district has more second homes than other areas.

Cllr Moss asked if the proposals include exceptions as set out in 3.4. Mr Jobson explained that the exceptions were not yet confirmed but were a best guess and were included in the calculations.

Cllr Bangert requested the trajectory of second homes going forwards. Mr Jobson explained that historically the figures have remained relatively static.

Cllr Brown-Fuller asked whether there are particular hotspots for second homes. Mr Jobson explained that there are second homes across the district and the effect is felt everywhere.

Cllr Brown wished to note that the proposal is a tax on non-residents.

In vote the following recommendations were approved.

RECOMMENDED TO COUNCIL

That Cabinet recommends to the Council:

- 1. For 2025-2026 a premium of 100% be charged on all eligible residential properties that are not occupied as a main residence and are substantially furnished.**
- 2. Subject to the outcome of the Government's consultation concerning the exceptions to the premium, the criteria for the second home premium policy, be delegated to the Director of Housing and Communities in consultation with the Cabinet member for Housing, Revenues and Benefits.**

107 **Implementation of Weekly Food Waste Collections for Households**

Cllr Chilton returned to the meeting and introduced the item. Mrs Huggett was present.

Cllr Brown thanked officers for discussions that had taken place regarding whether the project could be achieved in a more environmentally friendly way. He outlined the plan to review and increase the CCS electrical vehicle charging capacity. He then spoke in support of the recommendation.

Cllr Brisbane requested clarification of green waste. Cllr Chilton explained that the council is currently required to offer green waste collection when requested. Cllr Brisbane then asked whether they would need additional food waste collection vehicles. Mr Ward explained that there will be a separate food waste collection fleet. Mrs Huggett added that there is an option to use split vehicles which can offer residual waste collection and food waste collection but the current project approach is to have separate vehicles. She wished to confirm that across the county most waste does not go to general landfill.

Cllr Brown wished to note that the use of hydronated vegetable oil as a replacement for diesel had been considered. However, the primary reason for not taking that forward at this stage is due to the uncertainty of its contribution to deforestation. Mr Ward added that should that be clarified the council's vehicles have the option of swapping to that form of fuel without modification.

Cllr Desai asked whether there is an option to ask residents to compost. Cllr Chilton explained that composting will not be an alternative to food waste collection as food waste collection will be a statutory requirement. Mrs Huggett added communication to residents is key.

Cllr Moss asked if Government have made any further comment on collecting residual waste every three weeks rather than fortnightly. Mrs Huggett confirmed the requirement is currently still fortnightly but if that were to change then a report could be brought back to Cabinet.

In a vote the following recommendations were agreed:

RECOMMENDED TO COUNCIL

Cabinet recommends to Council:

- 1. Approval of the Project Initiation Document for the implementation of weekly food waste collections for households.**
- 2. The project governance arrangements, including the establishment of a Project Board and associated Terms of Reference as outlined in the PID, to provide strategic direction and project oversight.**
- 3. That £1,355,683 be released from council General Fund reserves to fund the estimated shortfall in funding of Capital and transition costs.**

4. **The procurement process to acquire the necessary vehicles, ancillary equipment, and containers in order to deliver the new service is commenced.**
5. **That delegated authority be given to the Director of Corporate Services, in consultation with the Cabinet Member for Finance, Corporate Services and Chichester Contract Services, to conclude the procurement process, award contracts, and approve capital and transition cost expenditure of up to £2,598,700 in order to expedite the service design and procurement project stages.**

108 **CCS Street Cleaning and Grounds Maintenance Vehicle Replacement Programme**

Cllr Chilton introduced the item. Mr Carter was present.

Cllr Brown confirmed that some of the environmental challenges were the same as the previous item. He explained that of the seven new vehicles required there are limitations on some of the vehicles being electric. Cllr Chilton explained that smaller electric vehicles are becoming more common.

In a vote the following resolution and recommendations were agreed:

RESOLVED AND RECOMMENDED TO COUNCIL

1. **Cabinet agrees the approach of replacing Chichester Contract Services Streets Cleansing and Parks teams vehicles as detailed in section 5 of this report.**
2. **Cabinet recommends to Council to release £531,500 from the fleet asset replacement programme to procure the vehicles and charging points detailed in section 5 of this report.**
3. **Subject to Council approving the budget, Cabinet delegates the authority to procure and award contracts in accordance with section 5 to the Director of Corporate Services following consultation with the Cabinet Member for Finance, Corporate Services and Chichester Contract Services.**

109 **Making the Southbourne Modified Neighbourhood Development Plan**

Cllr Brisbane introduced the item. Mrs Dobson was present.

Cllr's Bangert and Brown left the room as per their earlier declarations.

Cllr Brown-Fuller wished to congratulate Southbourne and the Group who put the Plan together.

Cllr Moss wished to thank Mrs Dobson for her work.

Cllr Moss then permitted Cllr Briscoe to speak. Cllr Briscoe asked Cabinet to support the Neighbourhood Plan and spoke in favour of the Plan.

In a vote the following recommendation was agreed:

RECOMMENDED TO COUNCIL

That Cabinet recommends to Council that following the successful referendum result on 25 January Council:

Make the Southbourne Modified Neighbourhood Development Plan part of the Development Plan for Chichester District (excluding the area within the South Downs National Park).

110 Award of Coastal Maintenance Contract 2024-2029

Cllr Bangert and Cllr Brown returned to the meeting.

Cllr Brown introduced the item. Mr Henly was present.

Cllr Moss wished to thank Mr Henly for his work.

Cllr Moss requested that as one supplier had scored highly that officers monitor performance.

Cllr Chilton asked if there are break clauses in the contract for under performance. Mr Henly confirmed that the contract is subject to six months notice.

Cllr Brown added that all tender bids were put through the same due diligence tests.

In a vote the following resolution was agreed:

RESOLVED

That the contract for the maintenance and enhancement of coast protection assets for the period 1 April 2024 to 31 March 2029 is awarded to Contractor C.

111 Wisborough Green Public Conveniences

Cllr Desai introduced the item. Mrs Murphy was present.

Cllr Bangert asked if there is anything the council can do to help a parish find funding for public conveniences. Mrs Murphy explained that she was not aware of any national funding schemes available for the provision of public conveniences, and that public conveniences are not a statutory duty for the council and therefore the council is working to enhance what it already has.

Cllr Brown noted this report as an example of a local community taking ownership of its assets.

Cllr Chilton asked if other public conveniences could be transferred to other parishes such as the city. Cllr Moss explained that this is a consideration. Mrs Murphy added that the City Council does already contribute and a review of the level of contribution has taken place recently.

In a vote the following resolution was agreed:

RESOLVED

Cabinet approves the transfer of ownership of Wisborough Green Public Conveniences to Wisborough Green Parish Council and authorises the Director of Growth and Place in consultation with the Cabinet Member for Economic Development and Place to proceed with the disposal of the property.

112 Late Items

As stated under Chairs Announcements there was one Late Item to note the Urgent Decision Notice relating to the Acceptance of funds from the Planning Skills Delivery Fund.

In a vote the following resolution was agreed:

RESOLVED

That the Urgent Decision Notice be noted.

113 Exclusion of the Press and Public

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

The meeting ended at 11.49 am

CHAIRMAN

Date: