



Minutes of the meeting of the **Cabinet** held in Committee Room 2 - East Pallant House Chichester on Tuesday 10 January 2017 at 09:30

Members Present Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mrs P Hardwick, Mrs G Keegan, Mrs P Plant, Mrs S Taylor and Mrs C Purnell

Members Absent

Officers Present Mr S Carvell (Executive Director), Mrs J Dodsworth (Head of Business Improvement Services), Mr A Frost (Head of Planning Services), Mr S Hansford (Head of Community Services), Mr D Hyland (Community and Partnerships Support Manager), Mr J Mildred (Corporate Policy Advice Manager), Mrs T Murphy (Parking Services Manager), Mr S Oates (Economic Development Manager), Mr P E Over (Executive Director), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer), Mr J Ward (Head of Finance and Governance Services) and Mr T Whitty (Development Management Service Manager)

304 **Chairman's Announcements**

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

There was one late item for consideration under agenda item 11 a) namely A27 Chichester Bypass Improvement Scheme Consultation, the report in respect of which had been circulated by way of an agenda supplement (which listed that matter as agenda item 13).

Mr Dignum announced that in view of the significant number of members of the public who were present the aforesaid late item would be taken immediately after the public question time session (agenda item 4) and before agenda item 5 (Southern Gateway) rather than be left until after agenda item 10 (South Downs National Park Authority Extension of Management Agreement).

Save as aforesaid there were no late items for consideration under agenda item 11.

No apologies for absence had been received and all members of the Cabinet were present.

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

[**Note** For technical reasons outside the control of CDC the entirety of the audio recording made of this meeting failed]

305 **Approval of Minutes**

The Cabinet received the minutes of its meeting on Tuesday 6 December 2016, which had been circulated with the agenda (copy attached to the official minutes).

There were no proposed changes to the minutes.

RESOLVED

That the minutes of the meeting of the Cabinet held on Tuesday 6 December 2016 be signed and dated as a correct record without amendment.

Mr Dignum then duly signed and dated the final (fourteenth) page of the official version of the aforesaid minutes as a correct record.

306 **Declarations of Interests**

Mrs Lintill declared a prejudicial interest in respect of agenda item 8 (Petworth Skatepark Project) as the proposed site, Pound Street Car Park, abutted part of her garden. Accordingly she would withdraw from the meeting for the entire duration of this item.

Save as aforesaid there were no declarations of disclosable pecuniary, personal or prejudicial interests made in respect of agenda items for consideration at this meeting.

Mrs Shepherd stated that pursuant to section 33 of the *Localism Act 2011* and paras 6 (1) b. and c. and 12 (3) b. and c. of CDC's *Code of Conduct* the Monitoring Officer had granted a dispensation to all CDC members to enable them at this meeting and the forthcoming meeting of the Council on 24 January 2017 to participate in the discussion of and a decision on the aforesaid late item, namely A27 Chichester Bypass Improvement Scheme Consultation.

307 **Public Question Time**

A series of questions and representations had been received with regard to the late item ie the A27 Chichester Bypass Improvement Scheme Consultation. Copies of the same and the responses thereto prepared by officers had been circulated prior to the start of this meeting (copies attached to the official minutes).

Mr Dignum summarised the representations (text set out below). He stated that in order to include as many views and questions as possible, he had decided to make available copies of all questions (text set out below) but to take them as read. He then read out the in full each of the answers below to the questions.

The text of the representations, questions and answers is set out below.

Representations and Questions

(1) Representations

(a) North Mundham Parish Council

'It has recently become clear that Highways England's analysis of options for the A27 upgrade were formulated from a study of traffic volumes undertaken in 2010. This information was used to define the options within the Government's Road Investment Strategy (RIS), which limited the options presented for consultation last year. However a more recent and more sophisticated analysis of traffic volumes was completed in July 2014. We understand that this reveals a much higher percentage of through traffic on the A27 round Chichester. If these more recent statistics were used, then the potential for relieving the burden on the existing route by constructing a completely new by-pass would be far greater, and the cost benefit would be significantly improved.

Chris Grayling, the Secretary of State for Transport, has stated recently that he would be prepared to look at the possibility of re-running the A27 consultation subject to the agreement of Councils and the MP. Clearly there are implications for delaying the project, but it is of such significance that it is important to get it right.

In its response to the consultation this Parish, along with several others, urged that the exercise be run again with the opportunity to consider options for a northern by-pass. We believe that it is vitally important that the options for consultation should be informed by the use of the most recent and most reliable data.

We therefore ask that the Cabinet should support the call for a fresh consultation to include options for a northern by-pass. Cllr. Denia Turnbull will be attending the meeting and representing North Mundham Parish Council.'

(b) Mr Mark Hitchin

I understand that on the 10th Jan CDC's cabinet will be debating a request to Highways England to re run the flawed consultation on the A27 changes with the Northern Options included. I would strong urge the Cabinet to make this request for two reasons:

- 1) The process has been farcical and the local population have no faith in it.
- 2) A Northern Route is relatively cheap and solves the problem long term. Anything else will be a conspicuous waste of public money. It will also inconvenience far fewer people.'

(c) Mr Nicholas Reynolds

'The political prize for CDC is delivery of one of the five extant, comparatively low-risk, options in a reasonable time-scale and securing the identified productivity for

the greater Chichester community. To challenge the process at the wrong time will lead to the certain political pitfalls of delay, loss of funding, major cost overruns and, possibly, failure to deliver anything at all if the whole process is opened at this time.

After years of delay, the project was restarted in 2013 and incorporated into Road Investment Strategy 1. In developing options to take to consultation, the Highways England team carried out an early options assessment of both on-line and off-line options. This involved participation of CDC as members of the stakeholders' focus group.

The HE team ceased work on the off-line options once it was finally established that they did not comply with the commitments defined in the RIS. The work done at that time will ensure that HE robustly considered alternatives when, in due course, they present plans to the Planning Inspectorate.

Derailing the project to upgrade this route and on which the Local Plan is dependent will result in losing the available funds, lead to years of further delay and incur the consequences of increased congestion from new housing (Chichester Local Plan) and new developments (eg Chichester Gate).

CDC as stakeholders knew what was happening. There is the opportunity for you to challenge the process at the correct time and in the meantime I ask you to reconsider the motion, actively encourage the Secretary of State to issue the preferred option and trust the HE professionals to get on with the job and not interfere with the consultation process?'

(2) Questions

(a) Mr Ben Kirk

'Do the councillors consider that it is in the best interests of Chichester to attempt to challenge the process by which the A27 consultations have been held by requesting the consultation is re-run and that it includes previously discounted options that have been shown to be deliverable? Councillors will also remember that three options were discounted prior to public consultation, these included the two northern bypass routes and a partial southern bypass route. All options were discounted for the same reason in that they were outside the budget and the scope of the RIS and so considered undeliverable.

The proposal before the council is to request that only the northern routes are reinstated as options, yet to have credibility surely the council must ask for ALL options to be reinstated including the partial southern bypass.

The councillors will have received much correspondence recently from a well organised campaign who oppose the online upgrades and who will claim that the majority of residents want to see the consultation re run. Claims that are supported by no real evidence.

A total of around 8,000 people have signed the two petitions both opposing and supporting a northern bypass, in approximately equal numbers for and against, this

represents only 7% of residents. The reality is that the other 93%, the "silent majority" simply want to get on with the job at hand and ensure improvements are carried out as promised within central governments funding allocation. Can Chichester really afford to miss the boat yet again and suffer the ongoing congestion, impact on the economy and continued accidents that are a daily occurrence?

Will the councillors therefore consider carefully the consequences of requesting that Highways England widen the scope to include previously discounted options, already concluded as being undeliverable, which Highways England have publicly said will risk delaying the project and missing this funding round?

(b) Mr James Pickford

'I would like to present the following to the cabinet on Tuesday 10 January 2017.

- 1) Highways England (HE) opens its A27 Chichester Bypass Traffic Forecasting Report with a statement of Scheme Objectives

"We aim to remove conflict and congestion at the bypass junctions and improve access to Chichester, the Bournes, the Manhood and the wider Bognor Regis area, enabling other local transport improvements to be implemented".

There is an agreement between HE (formally Highways Agency), WSCC and CDC. It is the Client Scheme Requirement (2013). The policies of WSCC and CDC are in line with the scheme requirements and have been published. There is no reference to a Northern Bypass (NB) and to reintroduce the NB is a new policy and does not carry a mandate. It is assumed that if you pass your motion you want a NB. The consultation would have to go back to the start 3 years ago.

- 2) The planning process, which is the framework for the consultation, follows strict rules and at the end of the process it can be challenged by anyone. CD councillors will have an opportunity to challenge the process when all the facts have been declared, possibly within the next two months.
- 3) HE had 4,900 replies to their summer consultation. This is considered to be an above average response. It gives HE a good over-view of public opinion. There is no need to attempt to influence and distort the views formed from these responses.
- 4) CDC retained the consultancy services of Jacobs to advise on traffic management in your Local Plan. Their recommendation was to improve the online roundabouts. Therefore to keep the integrity of your Local Plan the cost of a NB should include an on line upgrade. The Local Plan was a package of ideas, which formed a strategic blueprint. It was adopted as a whole. You consulted on the whole package with all local parish councils, not on selected parts. An independent inspector approved the whole plan and the whole plan was approved.

- 5) The estimate for a NB plus on line upgrade will be in the region of the estimate for a Southern Bypass. It is logical if you include one you should include the other.
- 6) You are fully aware of the National Park's commitment to the "major development test"
- 7) The traffic survey conducted by HE states that there are 5,869 through traffic units eastbound in a 12 hr period. (6,829 Westbound). Your Local Plan indicates more than 7000 new dwellings. If the through traffic was removed to a new road it would be replaced in a short time by the "new" local traffic
- 8) There are industries south of the A27 (Nature's Way) that want something done to the existing A27, as well as industries in the existing Industrial Parks situated around the A27.
- 9) The programme to do a re run of the consultation would take the project beyond the time scale of RIS1. It is unlikely to be included in RIS2 as the budget for that is being prepared at present. You may be looking at a 10-15 yr. delay.
- 10) The country is not flush with money and there is no guarantee that extra money would be available. Louise Goldsmith is writing to HE as an individual not on behalf of WSCC. It is a personal point of view and not policy.
- 11) If you fail to secure a NB then the current opportunity may pass and nothing will happen. This is the history of the A27 Chichester Bypass. Can you answer the above points with 100% certainty when they are tested against the key items of budget and deliverability for the project?

I would encourage you to reconsider your motion.'

(c) Mr Eric Padley

'As a Chichester District resident ratepayer and a Member of Donnington Parish Council, I have seen that the overall response to consultation and meetings on the Manhood Peninsula is that residents want the northern by-pass options reinstated for serious transparent consideration. Is there anything more we can do to support this recommendation?'

(d) Mrs Hilda Glossop

'Why haven't we been able to discuss anything about the Northern route? The City of Chichester needs better transport coming into Chichester for all of the business purposes. A route in the north would take 60% of traffic away and leave the southern road free for local people, with no need for any changes to it.

The one problem is the railway gates which are closed for 40 minutes out of every hour. This problem will never change, so any work which Highways England do on the roads, and however much money is spent, it might as well be thrown in the

dustbin, as it will not make any difference. PLEASE LET US LIVE HERE IN PEACE and GO NORTH.'

(e) Mr Christopher Page

'Guided by the Cabinet, Council took a decision to support option 2 from the amended proposals presented by Highways England. Can we be assured that the Council will consider all new options with an open mind taking into account all of the citizens, and not be influenced by rich and powerful people?

If this item is not on the agenda for this meeting, then my question will be:

"In an article in the Chichester Observer two weeks ago, the Leader of the District Council stated that he would be asking the Cabinet to revisit its previous support for option 2 of the Highways England proposals, in line with the stance taken by WSCC. When will this take place?" '

(f) Tangmere Parish Council

'In view of the position of both the Secretary of State and Gillian Brown, Leader of WSCC, to support a new consultation of the A27, which would include the Northern options, will Chichester District Council also support this?

Tangmere Parish Council believes that this would be extremely beneficial as do other local parishes.'

(g) West Itchenor Parish Council

'Why would the proposed request for the Sec of State to instruct Highways England to undertake a new consultation on improvements to the A27 asking to include the two previously developed northern by-pass options, be likely to reach a different conclusion from that already reached by Highways England, namely that the upgrade must deal with the existing four junctions on the southern Bypass?

The reasons for my question are that:

1. Andrew Tyrie has established by correspondence with Chris Grayling, that leading up to the Highways England Consultation, they had considered 22 options for the improvement of the A27 Chichester Bypass and that these have already included the two northern options.
2. In the same letter Mr Grayling states that the Road Improvement Strategy (RIS) specifies the upgrading of the four junctions on the existing Chichester Bypass. He explains that the northern options were dropped because they were outside this scope.
3. From plans published in the Chichester Observer paper some months ago, it is clear that traffic joining the proposed northern routes, either Option 4 or 5, from both east and west is from grade separated junctions. This means that the

northern routes will serve through traffic only with no access, and therefore no benefit, to local Chichester traffic.

4. The cheaper northern option (5) cuts through the Whitehouse Farm Strategic Development Location which jeopardises the largest contribution of new housing within the Local Plan.
5. In the correspondence, Chris Grayling confirms that the cost estimates for all options include land cost but excludes disturbance compensation for loss of profits to businesses that are affected. Once the cost of disturbance, severance and injurious affection caused by options 4 and 5 that will become due to the Goodwood Estate, are added, the cost of those options will rise significantly, and will be yet further above the cost range in the RIS.
6. The same letter from Chris Grayling indicates that even if the northern route is built, the existing A27 Chichester Bypass will need upgrading by 2025 in any case and where is the money for that?
7. The northern route would require seven kilometres of new dual carriage way cutting through farmland along the edge of the South Downs north of Chichester destroying habitat and risking significant objection from the “green” lobby from all corners of England, last seen at Twyford Down and the Newbury Bypass. We know that the South Downs National Park oppose the northern routes.
8. By allowing the selection of one of the five options to continue, a Planning Inquiry will follow as the next stage, and this will allow a solution to the detail of the upgrade to the four junctions to emerge. A number of modifications have already been advanced which it can consider.
9. By agreeing to the proposed motion the Cabinet risks shutting down the existing funding towards reaching a traffic solution for the A27 which will start in 2019. This upgrade is so important to our District, to its existing population and to its planned growth to 2029 so recently agreed in the Local Plan. To stall it now will result in continued frustration for local working families who use our roads every day trying to get to work on time. This is especially a problem for those living on the Manhood.
10. On the matter of funding, the projects in RIS 1 were targeted to start in 2019 for delivery by 2020/21. If Chris Grayling decides to run the consultation again then no way this will meet that delivery target and so that would push the whole thing back to fall into RIS 2. Although RIS 2 is under development it is only at the plan stage. Once beyond that it will be submitted for a funding request and the dateline is entirely unknown.
11. The £15b that was allocated three years ago, and importantly ring fenced, for RIS 1 was unprecedented and issued in a time of a treasury committed to infrastructure spend. If the cost of Brexit is to be taken into account (as money needs to be taken from somewhere) every department must expect further cuts and so it is difficult to think that we will see these sort of numbers again. Even if Chris Grayling runs another consultation I cannot see how the Government will

come up with the extra money. I do think that there is a real danger that we get nothing; England has a long list of infrastructure needs, which may be seen as far more essential than our corner of Sussex.'

Answers to Questions

(a) Question from Ben Kirk

'Thank you for submitting your questions. Four points arise.

The first and fourth points concern the merits of requesting that the A27 Improvement Consultation be re-run to include options previously discounted. The answer to these questions will be provided following the discussion by Cabinet and I cannot therefore provide an answer beforehand. What I can however say is that this is the central consideration for members who will undoubtedly have regard to previous statements made by Highways England about discounted options, deliverability and timing before they come to a view on whether to request a re-run of the consultation.

The second point concerns the scope of a wider re-run of the consultation and whether the southern option should also be included. In answer to this question, I would say that the potential request to re-run the consultation is framed such that it refers to an 'extended range of options.....' and therefore should Highways England consider that there is merit in including a southern option for re-consultation then so be it. In debating the merits of requesting a re-run consultation, the Council is making no decision as to which of the options it favours, rather it is simply concentrating on the principle of a further consultation to ensure there is transparency of process and public confidence in the preferred option.

Point three and in part, point four, raises the question of the consequences of delay, should a further round of consultation be undertaken. I agree this is a consideration and one which ultimately Highways England in advising the Secretary of State for Transport will wish to think about. However, to my mind, what is vitally important for Chichester is that we arrive at a preferred option that is the right one and in that respect a short delay may regrettably be necessary.'

(b) Question from James Pickford

'Thank you for setting out a series of eleven points which you ask be tested against the key matters of budget and deliverability of the project. You conclude with the remark that Cabinet should reconsider the motion.

Copies of the questions have been made available to Cabinet members and so they will be aware of the points that you raise. The available budget is clearly a matter for the Secretary of State to determine. The interest of the district council is to ensure that there is transparency of process and that the best option is selected for Chichester. Should Council decide to support a re-run of the consultation, no doubt the Secretary of State will wish to have regard to the points that you make. It accepted that this may involve a delay but as I have already said, achieving the best option is what is important.'

(c) Question from Eric Padley

‘Thank you for your question. So that we are clear, the recommendation is that firstly, Cabinet determines whether to request that the Secretary of State instructs Highways England to undertake a new consultation with an extended range of options and, secondly, to publish the results of the consultation held last summer.

Following Cabinet’s consideration today, a report will be presented to Full Council on 24 January to finalise the position of the Council.’

(d) Question from Hilda Glossop

Thank you for your question and comments and in which you ask why you haven’t been able to discuss anything about the northern route. Of course this is really a question for the Secretary of State and Highways England to answer but the consultation document published by Highways England states that “after detailed consideration of these options, the available budget and the criteria set out in the government’s 2015-2020 Road Investment Strategy, new route options were discounted as not being viable and the consultation focussed on the existing line of the A27.”

The simple answer therefore, is that northern route options were not included within the consultation, however, at the Council meeting in September 2016, the Council agreed to ask the Secretary of State for Transport to explain why previously identified options had not been included within the consultation and regrettably a reply has not yet been received.’

(e) Question from Christopher Page

‘Thank you for your question in which you seek reassurance that should there be a further consultation, the council will approach its response to all options with an open mind and have regard to all citizens and not be influenced by the rich and powerful.

It is important that we are clear about this. The purpose of the report and forthcoming discussions this morning is about transparency of process and confidence in the selected option for Chichester. It is not about the consideration of the options nor favouring one above the other. Should the Council decide to support a request to a re-run of the consultation with further options and the Secretary of State agrees officers and members will enter into that process with an open mind to find the best option among those then on offer for Chichester, its residents, businesses and all those who seek to make a contribution to the continued success of the city. We should remember that the Council’s response to the consultation completed in September was based only on the options then made available by Highways England.’

(f) Question from Tangmere Parish Council

‘Thank you for your question. The very purpose of the report and discussion at Cabinet today is to consider, in light of the statements made, whether there is merit

in supporting a request that the A27 Improvement Consultation be re-run. Your question can therefore only be answered once the full council has determined its position on 24 January.'

(g) Question from West Itchenor Parish Council

'Thank you for your question which asks why a request to re-run the consultation with the previously developed northern options included would be likely to lead to a conclusion different to that already reached by Highways England – namely to improve four existing junctions.

The Council doesn't know whether a re-run consultation would lead to a different outcome by Highways England but there are indications that further options may be available to be considered. It is in the interests of transparency and completeness that it can be argued that the communities of Chichester should be allowed to have a say on a wider range of options. As I have said earlier, this doesn't mean that the Council will necessarily select a particular option but the opportunity to consider alternatives could be important and help to raise public confidence in the finally selected preferred option.'

There were no supplemental questions asked and this item concluded immediately following the reading out of the answer to (g) above.

308 A27 Chichester Bypass Improvement Scheme Consultation

As announced by Mr Dignum at the start of this meeting, this late item, which would ordinarily have been taken at the end of the published Part I agenda business, would be taken immediately after Public Question Time in view of the large number of members of the public present to hear the debate on the late item and that the public questions just answered had related solely to the late item.

The Cabinet received and considered the report circulated with the agenda supplement (copy attached to the official minutes).

The report was introduced by Mr Dignum. On the basis of the outline options left for consultation in summer 2016 (the dropping of the northern by-pass options was done without adequate explanation or justification) the Cabinet and Council decided to give qualified support to option 2 but only on the basis that Highways England (HE) gave serious consideration to important mitigation measures, which included improving the Portfield roundabout; improving east bound access for Manhood residents; and various measures to reduce the environmental impacts. The Council also requested for purposes of transparency and community cohesion that the Secretary of State provide the justification for discounting the previously prepared two offline routes to the north of the city. Alas CDC had still not had a response to that request. It was clear therefore that in providing a response to the consultation, the Council had significant reservations about the identified options; it regretted the absence of northern options; and it had concerns about the extent to which the proposed schemes would bring about the much needed long-term improvements to the A27. HE was due to publish, possibly as soon as January 2017, a preferred route selected from the five online options and accompanied by the results of the consultation. However the position had been completely changed by the Secretary

of State for Transport, Chris Grayling MP, at a private function on 8 December 2016. This radical change was confirmed in the letter by Louise Goldsmith appended to the agenda report. Mr Dignum said that he was seeking the Cabinet's recommendation to the Council that HE should undertake a new consultation on improvements to the A27 around Chichester with an extended range of options including the northern by-pass options and also publish without delay the results of the consultation between July and September 2016. At this stage the priority was to seek transparency of process.

During the ensuing debate the following points among others were made by members, each of whom had received a large number of e-mails on this subject:

- The questions and representations submitted by members of the public were very helpful.
- The conduct of the public consultation by Highways England had been a cause for concern at the time, particularly the withdrawal of certain options which had been trailed in the public domain prior to the start of the consultation.
- The potential opportunity for a re-run of the consultation was to be welcomed.
- It was very important that if the consultation were to be repeated then the issues, merits and options should be approached with a fully and genuinely open mind and not governed or unduly influenced purely by where one lived in relation to southern and northern routes. The decision to be made in any re-run required taking into account the interests of all communities and Chichester District as a whole. It would be incumbent on everyone to accept the outcome of a properly conducted consultation.
- Transparency was of crucial importance in this consultation process, the actual or apparent lack of which being a cause of considerable concern made by many members of the public. It was for that reason at least that the re-run request should be supported. Justice must not only be done but seen to be done.
- It was recognised that a re-run of the consultation would inevitably cause delay to the A27 improvement scheme commencing and being funded. It was desirable to ascertain the delay and funding risks of re-running the consultation; these points (even if they could not yet be quantified) should be raised by officers with Highways England (HE) and the Secretary of State for Transport (SoST) prior to this matter being considered by the Council meeting on 24 January 2017.

At Mr Dignum's invitation, Mr Shaxson, the Leader of the Opposition, addressed the Cabinet in support of the recommendation in para 2.1 of the report that the Council meeting be requested to support the call for a fresh A27 consultation. He was also in favour of CDC pressing HE to respond to the outstanding request made in September 2016 for the results of the A27 consultation conducted in July to

September 2016 to be disclosed. He alluded finally to his e-mail to Mr N Bennett, the Monitoring Officer, which was copied to all members and senior officers with regard to the basis for the decision to grant a dispensation to all members so that they could debate and decide this issue.

At the Cabinet's request, Mr Carvell undertook to approach HE and the SoST to comment prior to the forthcoming Council meeting on the timing and funding risks of a re-run of the consultation. As to the outstanding request for details of the consultation results, he confirmed that CDC's unanswered letter had been raised with HE, which had advised that an announcement about the preferred route would be made in early 2017.

Mrs Shepherd informed Mr Shaxson that she would discuss with Mr Bennett outside this meeting his decision as Monitoring Officer to grant a dispensation to all CDC members to enable them to participate in the debate and decision on this issue both at this meeting and the Council meeting on 24 January 2017.

At the end of the debate the Cabinet voted on a revised version of the recommendation in paras 2.1 and 2.2 of the report, which had been prepared by Mr Dignum.

Decision

The Cabinet voted unanimously on a show of hands to make the following recommendation to the Council meeting on 24 January 2017.

RECOMMENDED TO THE COUNCIL

That the Council requests the Secretary of State for Transport to instruct Highways England, first, to undertake a new consultation on improvements to the A27 around Chichester with an extended range of options including the two previously developed northern bypass options, and, second, to publish without delay the results of the consultation held between July and September 2016.

309 Southern Gateway

The Cabinet considered the agenda report and the appended plan (copies attached to the official minutes).

This item was introduced by Mrs Keegan. The masterplanning work was commissioned and was underway with a view to adoption of a supplementary planning document later in 2017. In order to ensure its successful implementation there was now a need to acquire funding to engage specialist work at the earliest opportunity, to include the issues of partnership funding eg the Local Enterprise Partnership and the development of a potential compulsory purchase strategy with respect to 45 Basin Road.

Mr Dignum added that the current uncertainty as to the future of the magistrates' court building, given its location on the periphery of the development site, would not affect the Southern Gateway project.

Mr Over emphasised the importance of this major project for CDC and so the need to undertake the preparatory work in as efficient and timely fashion as possible in readiness for a further report to the cabinet in July 2017. He said that as to the bungalow at 45 Basin Road, CDC's objective was to purchase it by agreement if at all possible but if that could not be achieved the powers set out in recommendations 2.3 to 2.5 in the report would be used. A significant amount of land was currently allocated for highway purposes; it was in various ownerships. Officers were looking to see if the adjoining land which it owned could be incorporated into this scheme.

At Mr Dignum's invitation Mr Shaxson addressed the Cabinet as the Leader of the Opposition. He said that this was a very promising project but he wondered about the wisdom of undertaking the work until the uncertainty about the court building could be resolved, with the risk that the funds requested in para 2.1 of the report could be wasted.

Mr Over replied that it was very important for the work to be carried out now and in a major scheme such as this one there would always be unknown factors but these would be resolved over time. Complete certainty in significant development schemes could never be ensured in advance and to try to achieve it would mean such projects were never realised.

Mrs Keegan endorsed Mr Over's advice. She underlined the need to seek specialist advice at the earliest opportunity. She and Mrs Plant said it was imperative to move forward with the project.

Mr Shaxson expressed his gratitude for the explanation given. He remarked that the report plan (page 19) did not identify the boundaries of the Southern Gateway development site, a point noted by Mr Over.

In the discussion members acknowledged the significance and exciting potential of this project.

Decision

At the end of the debate members voted unanimously on a show of hands to make the following recommendation and resolutions.

RECOMMENDED TO THE COUNCIL

That the Council allocates £75,000 capital reserves to fund specialist consultancy support for the implementation of the Southern Gateway project.

RESOLVED

- (1) That the acquisition of the property known as 45 Basin Road Chichester be authorised subject to the terms being reported to a future meeting of the Cabinet.
- (2) That the Head of Commercial Services or her authorised officer be authorised to enter and survey or value the land in connection with the proposal to

acquire an interest over the land as provided for under section 172 of the *Housing and Planning Act 2016* on notice to the owner or owners of the land.

- (3) That the Legal and Democratic Services Manager be authorised to seek a court warrant or warrants to enter and survey the land as provided for under section 173 of the *Housing and Planning Act 2016* if access to the site is refused by the owner/s or occupier/s.
- (4) That the Executive Director be authorised to make payments in compensation for damage as a result of the exercise of the power conferred by section 172 of the *Housing and Planning Act 2016*.

310 **Approval of Draft Chichester Vision for Consultation**

The Cabinet considered the agenda report and its appendix (the draft document *Chichester Tomorrow ... A Vision for Chichester (the Vision)*) circulated with the agenda supplement appendix bundle (copies attached to the official minutes). The listed background papers were published in a separate agenda supplement which was available online only.

Mr Oates was in attendance for this item.

The report was introduced by Mr Dignum. The *Vision* was for Chichester District's residents, workers, visitors and students. The production of the draft had involved in particular an extensive listening exercise through a variety of methods as well as a range of studies and research. The *Vision's* aim was to establish a framework in which the essence of the past was protected while enhancing the city's future vitality as the cultural capital of West Sussex, a place of learning and a leading retail and commercial centre. The key organisations and local authorities which served the city were united in agreement to adapt to change and direct their policies to enhance the city's future. Consulting widely on the *Vision* was very important; this would take place between 30 January 2017 and 12 March 2017. The consultation draft would be available online with an accompanying questionnaire. There would be two public exhibitions. The consultation responses would be considered and the final version of the *Vision* will be prepared for adoption (in, it was hoped, late spring 2017) by CDC, West Sussex County Council, Chichester City Council and partner organisations and businesses. Citing many examples, he said that throughout the centuries the city had always embraced the inevitability of change in an innovative way. Change involved challenges but also opportunities eg currently within the city centre prime sites were emerging for new retail outlets, hotels, leisure and cultural attractions, affordable homes, and business space; enjoyment and enhancement of the city's streets, public spaces heritage and cultural assets could be developed. Three major themes to define the *Vision* had been identified: An Accessible and Attractive City; A Vibrant and Growing Economy; A Leading Visitor Destination.

Mr Oates said that the key task for the *Vision* project was to ask and address how the future of Chichester city was to be conceived; it was thus far as aspirational vision. The *Vision* was a template against which to test a range of exciting concepts, ideas and projects. He summarised the process whereby the steering group and project partners would consider the consultation feedback and make appropriate

revisions to the *Vision* document; substantial changes might require further work to be undertaken prior to adoption.

During the discussion members commended the *Vision* draft document for its excellent and exciting quality; this was a very positive and a living document, which would evolve over time; its importance and relevance would be multifarious, for example in considering planning applications.

Mr Oates responded to members' questions on points of detail. He advised for example that the consultation (which would be available on CDC's website) would be publicised as widely as possible in Chichester District and beyond – it would not be confined solely to the city's residents and businesses; the *Vision's* focus was broadly set on the city centre ie where people ate out, enjoyed leisure and social activities etc. It was suggested that specific mention of healthcare (including access by older people) should be included in the consultation document. The fact that there was not an overt reference to the need for extra hotel etc accommodation on page 17 (it had a brief mention on page 13) was noted but at this stage the emphasis was on principles and ideas – clearly, however, in order to realise one of the key themes of the *Vision* in its final form there was a need for many more bed-spaces and a new visitor economy strategy.

In reply to Mrs Hardwick's question as to the reason for the limited partnership contributions to date (para 7.1 of the report) Mrs Shepherd explained that partners had been requested to contribute because it was not intended that the *Vision* should be solely a CDC project. Some partners felt that they would contribute once the *Vision's* action plan was in place. West Sussex County Council and Chichester City Council (CCC) were intending to make financial contributions by providing for the city in some physical way rather than in supporting the production of the *Vision* document itself. Mr Dignum gave examples of some of the important actions already undertaken by CCC: the refurbishment of the Market Cross and the Council House, the provision of flower beds and the introduction of two city rangers.

Decision

At the end of the debate members voted unanimously on a show of hands to make the following resolutions.

RESOLVED

- (1) That the consultation draft of the Chichester Vision be approved for public consultation.
- (2) That further funding of up to £15,000 be released from Council reserves to cover the final project delivery costs.

311 Off-Street Parking Charges

The Cabinet considered the agenda report and its appendices (copies attached to the official minutes).

Mrs Murphy was in attendance for this item.

The report was introduced by Mrs Keegan. She referred to sections 3 and 8 of and appendix 2 to the report, reminding members how this matter had been referred back to the Cabinet and giving a summary of the consultation responses. The city had 17 car parks and the proposed charges (section 5 of the report) reflected the different nature and usage of those car parks. It was recognised that increased car park charges was never an easy matter but it should be appreciated that (a) the income generated thereby was significant in the support of CDC's key services and (b) insofar as the proposed evening charges were concerned, para 5.1 (a) of the report stated that these would apply only to two car parks for six days a week, leaving the other 15 for free parking after 18:00. It was not considered that the evening charges would have a negative impact on the night-time economy or cause deflection onto adjoining residential roads. Those charges would be for a trial period of one year (not stated in para 5.1 (a)) and the outcome reported to CDC's Chichester District Parking Forum.

Mr Over advised that a 12-month long trial period was required in order to take due account of seasonal fluctuations.

During the discussion the following points in particular were made.

- Mrs Plant wished the Cabinet to consider the comparative impact of the evening charges on the two car parks in question in para 5.1 (a). She was concerned that the increase would penalise users of the facilities at both the New Park Centre (NPC) and Chichester Festival Theatre (CFT), particularly NPC.
- Mrs Hardwick echoed Mrs Plant's concerns. She had noted especially what was said in the consultation responses with regard to the impact on users of the New Park Centre (NPC) and was inclined to favour it being treated separately.
- Mr Barrow said whilst he understood the points made by Mrs Plant and Mrs Hardwick he felt that the important principle was the customer should pay. This happened during the day at NPC and should do so likewise in the evening. Car parks were a valuable asset and appropriate use should be made of them. The evening charges were for a trial period and would be reviewed.
- Mrs Lintill inclined to Mr Barrow's point of view. She wished to know whether if on a review of the trial it was considered successful evening charges would or might then be applied to all city car parks.
- Mrs Purnell wondered whether in the light of the point made by Mrs Plant a flat rate evening parking charge could be introduced. She felt that the charge was a significant amount to expect NPC customers to pay in order to use what were community facilities at NPC. She asked whether a fairer rate should be considered for evening parking at NPC.

- Mrs Taylor agreed with the approach articulated by Mr Barrow ie the customer pays, which was already happening at NPC during the day. The charges were for a trial period only and would be reviewed. She commented that the consultation had had a low response rate.

Mrs Murphy replied to members' questions on points of detail. The NPC and CFT car parks (to which different tariffs applied) had been selected for evening charges having regard to customer use based on capacity. There was alternative free car parking available for each of these car parks. If evening charges were not introduced for NPC, this would not address the capacity issues in that car park and result in reduced income. There was a need to encourage alternative forms of transport for those travelling to or visiting the city. In order to avoid customer confusion, it was preferable to have a consistent evening charge applied to each of the relevant car parks rather than differing rates. In any event the public had not been consulted on a flat rate, the introduction of which could result in customers having to paying more. The outcome of the trial would be carefully reviewed in close consultation with CDC's Chichester District Parking Forum. It was not the case that evening charges would be automatically extended to all city car parks.

Mr Over remarked that it was in all probability likely that users of NPC facilities who did not wish to pay the charge would choose to use a nearby carpark and walk to the NPC.

The debate was concluded by Mrs Keegan summarising the main points. She referred to the heavy investment by CDC in the city car parks and that it would be leading the way on the use of contactless payment technology. The objective was not to cause inconvenience or make parking expensive but to manage investment opportunities and be fair to car park users. The trial review would of course include seeking the views of CFT and NPC.

Mrs Plant thanked members for taking her views into account. She understood that the consultation had not been easy to find on CDC's website. She acknowledged that the trial would reveal what users decided to do. NPC should be asked at the end of the trial how its ticket sales had been affected. Provided that the review took into account the impact of evening charges she did not propose to vote against the proposal in para 5.1 (a).

Decision

At the end of the debate members voted unanimously on a show of hands to make the following resolutions. The Cabinet agreed that para 5.1 (a) of the report should be amended by the addition after 'Saturday' of the words 'for a trial period of one year'

RESOLVED

- (1) That having considered the representations made in respect of the proposal to amend the *Chichester District Council (Off Street Parking Places) (Consolidation) Order 2012*, the *Chichester District Council (Off Street Parking Places) (Consolidation) (Variation No 1) Order 2017* to include

reference to the charges detailed in paragraph 5 below (as amended in sub-para (a)) shall come into effect with effect from 1 April 2017.

- (2) That the Head of Commercial Services be authorised to give appropriate notice of any revised charges pursuant to the *Off-Street Parking Places (Consolidation) Order 2015* and the *Road Traffic Act 1984*.

312 **Petworth Skatepark Project**

[**Note** Immediately prior to the start of this item Mrs Lintill withdrew from the meeting in accordance with her declaration of a prejudicial interest made earlier and she did not return until this item had been concluded]

The Cabinet considered the agenda report and its appendices circulated in the agenda supplement appendix bundle (copies attached to the official minutes).

During the course of the Cabinet member's introduction a copy of the aerial photograph in appendix 3 (page 73) was circulated showing (for ease of identification) the site in question outlined in red (copy attached to the official minutes).

Mr Hansford, Mr Hyland and Mrs Hotchkiss were in attendance for this item.

The report was introduced by Mrs Keegan. She summarised the background to the proposal now before the Cabinet for a skatepark in Petworth, as set out in section 4 of the report, and the resource details in para 8.1 of the report. She referred to the aforesaid aerial photograph and identified the main features of its location. The loss of car parking spaces as a result of implementing this proposal was a cause for concern and was the subject of comment in the letter in appendix 4; it was hoped that the deficit could be reversed by a consequential revised layout of spaces in the car park. If approved, the proposal would require planning permission and full health and safety risk assessment.

Mr Hansford, and Mr Hyland did not wish to add to Mrs Keegan's presentation.

Members acknowledged the balancing exercise involved in this matter namely that the proposal was on the one hand an expression of local democracy and the desire to provide this recreational facility in the town centre rather than in an outlying area for young people who lived in Petworth and its rural environs and did not have many leisure opportunities but on the other hand it gave rise to concerns as to impact of the loss of parking spaces on local businesses and tourism.

At Mr Dignum's invitation Mrs Graves addressed the Cabinet and expressed reservations about the proposal. She said that she had ascertained that local parishes had not had their views sought by Petworth Town Council. The loss of parking spaces was a cause for concern as was the lack of any or any obvious alternative parking provision in the town. She felt that the sum of £20,000 to be contributed by CDC towards a project that would not be used by a significant proportion of the local population was a further reason to doubt the merits of the proposal.

At Mr Dignum's invitation, Mr Shaxson addressed the Cabinet. He asked about the liability for the ongoing maintenance of the skatepark.

Mr Hyland answered members' questions on points of detail, which included the design of the skatepark eg whether it would have fencing around it; community survey work about the proposal which had been carried out by Petworth Town Council both within and outside the town including other parishes and that the results showed support for such a facility, preferably permanent rather than a mobile temporary one. Petworth Town Council and not CDC would be responsible for the maintenance of the skatepark.

At Mr Dignum's invitation, a member of Petworth Town Council, Michael Peet who was present as an observer addressed the Cabinet. Mr Peet said that in 2015 Petworth Town Council had undertaken a survey to test reaction to the skatepark project and this had included consulting local parish councils. There was resounding support for a skatepark. He named Fittleworth, Wisborough Green, Graffham and Duncton parish councils as expressing their support. At the request of Mr Dignum he agreed to supply that information to Mr Hyland.

Mr Over and Mrs Hotchkiss advised that the revised layout of car parking spaces would not result in smaller spaces; the relining would accord with industrial standards. It was not possible to be certain yet that all the spaces lost by the construction of the skatepark could be re-provided elsewhere in the car park.

In concluding the discussion Mrs Keegan said that there was an opportunity in both this and the Sylvia Beaufoy car parks to address the issue of lost car park spaces. The area of the car park for the siting of the skatepark was the furthest from the town centre and so it was likely that the spaces in that area would be used. After a long time in seeking to acquire a skatepark for the town this proposal represented the best possible compromise in the circumstances.

Mr Dignum commented that the need for a skatepark had been established and Mr Peet had confirmed that Petworth Town Council had consulted surrounding parishes. The proposal was an integral part of the Petworth Vision and funding for this proposal had been allocated many years ago. The liability for maintenance would lie with the town council. Officers would endeavour to replace as many lost car parking spaces as possible.

Prior to the vote on the recommendations in section 3 of the report Mr Over responded to questions about the lost car parking spaces. He said that officers could not assume that all those spaces could be replaced by reconfiguring the rest of the car park. Obviously officers would prefer to lose none but would accept a loss of no more than four spaces out of the total number of spaces ceded to make way for the skatepark, whether that number was 11 or a greater number. Officers were looking for at least seven spaces to be retrieved. Mr Frost, who was present for agenda item 10, confirmed that the loss of car parking spaces would be a planning issue at the time the planning application for the skatepark was considered. Mr Dignum said that there would not be delegated power to officers and the cabinet Member for Commercial Services to agree ultimately on the number of spaces to be lost.

Decision

At the end of the debate members voted unanimously on a show of hands to make the following resolutions.

RESOLVED

- (1) That the results of the Options Appraisal of potential sites for a skatepark undertaken by Petworth Town Council and the consultation responses set out in the report be noted.
- (2) That agreement be given, subject to the replacement of any lost parking spaces to at least seven spaces (in a scheme that estimates losing 11 spaces) so as to ensure no more than four spaces are lost, to Petworth Town Council to develop detailed plans for the provision of a skate park at the identified site in Pound Street Car Park.
- (3) That:
 - (a) Subject to planning consent and other necessary requirements being obtained appropriate agreements be entered into to enable construction and use of the skatepark on Council land and
 - (b) A contribution of up to £70,000 be made available towards the project being £50,000 from the Petworth Leisure Fund and up to an additional £20,000 (subject to detailed costings).

[Note After the end of this item Mrs Lintill returned to the meeting]

313 Shared Services

The Cabinet considered the agenda report (copy attached to the official minutes).

Mrs Dodsworth and Mr Mildred were in attendance for this item.

The report was introduced by Mrs Plant. She explained that over the last 12 months, Chichester, Arun and Horsham district councils had been working together to explore the possibility of delivering certain services on a fully-shared basis: (a) Audit, Human Resources and Legal between all three councils and (b) Revenues and Benefits, Customer Services and ICT (Arun District Council and CDC). One of the key drivers for considering shared services had been to reduce operational costs. In February 2016, the Cabinet had first considered the idea of shared services; in July 2016 it considered the outline business cases, after which officers had been asked to prepare fully detailed business cases. Those were to be based on the key principles of one employer, one host location, one manager and one way of working and were required to investigate investment costs, payback periods, service location, methods for shared savings, the operating model and the staff implications. The full business cases were considered by the chief executives, leaders and the cabinet members for all three councils in mid-December 2016 and they all agreed that the risks of the proposed way of delivering the projected savings outweighed the potential benefits and therefore their recommendation was that no proposed

shared service should proceed. Para 3.3 of the report set out a summary of CDC's projected annual savings with risks and assumptions for each of the services which had been the subject of the shared services project. Although the full business cases did predict significant savings at the end of five years for all three councils, those were limited by significant risks and restricted by assumptions made for the five-year delivery period. For CDC this would reduce the theoretical savings of £936,000 per year quoted in the table in para 3.3 to a more realistic figure nearer £500,00 per year. The information gathered by comparing ways of working with two other nearby councils had proved very valuable. The shared services project has demonstrated that CDC would be able to achieve its savings target in-house without degrading services to the customer and at nil risk. The savings were deliverable within three to five years, compared to the five-year model for shared services. On this basis, senior officers were confident that the £400,000 per year savings target would be achieved by 2019-2020 (not 2018-2019 as stated in para 3.5 of the report) and it was included in the deficit reduction plan. The concept of sharing services has been left open for re-consideration in the future.

Mrs Dodsworth and Mr Mildred did not wish to add to Mrs Plant's presentation. Mrs Dodsworth and Mrs Shepherd clarified short points of details raised by members.

Members noted the outcome and said that they felt notwithstanding the consensus outcome by all three councils not to proceed for the stated reasons, a valuable piece of work had been undertaken and best practice points had been identified. Officers and members should be pleased at how CDC had a proven record in best practice.

Decision

At the end of the debate members voted unanimously on a show of hands to make the following resolution.

RESOLVED

That Chichester District Council does not enter into a shared services arrangement with Arun District Council and Horsham District Council.

314 South Downs National Park Authority Extension of Management Agreement

The Cabinet considered the agenda report (copy attached to the official minutes).

Mr Frost and Mr Whitty were in attendance for this item.

In her presentation Mrs Taylor summarised sections 3 and 5 of the agenda report. She reviewed the overall outcomes of the two agency agreements to date, the proposal to renew the agency agreement arrangement for a further three to five-year period with an interim six-month renewal period pending completion of negotiations and the current time-recording exercise being undertaken by CDC officers at the request of the South Downs National Park Authority (SDNPA).

Mr Frost said that there were now only seven of the original 14 local authorities who were in and wished to continue with these SDNPA agency arrangements. The agency agreement was beneficial to CDC financially and in terms of staff retention. CDC was nearing the end of the time-recording exercise.

At Mr Dignum's invitation Mr Shaxson in his capacity as Leader of the Opposition, addressed the Cabinet in support of the renewal of the agency agreement and commented on some points of detail.

In response to Mr Shaxson, Mr Frost said that it was for the SDNPA and not CDC to consult other bodies on the SDNPA's performance; officers would seek to negotiate the best possible renewal terms (the time-recording exercise was relevant in that regard); CDC had undertaken all of the SDNPA's development management work save for 13 cases which had been called in; CDC was able to interrogate the SDNPA's system to check how CDC was dealing with the SDNPA's delegated applications.

In reply to Mrs Keegan's enquiry as to why other local authorities had decided not to continue their agency arrangement with the SDNPA, Mr Frost said that there were various reasons.

Decision

At the end of the discussion the Cabinet voted unanimously on a show of hands in favour of the recommendations in para 2.1 of the report.

RESOLVED

- (1) That the position and progress that is being made in relation to the negotiations with the South Downs National Park Authority (SDNPA) in connection with potential new delegated arrangements from 1 April 2017 onwards be noted.
- (2) That in principle it is approved that Chichester District Council enters into a new Agreement with the SDNPA under section 101 of the *Local Government Act 1972* to enable it to continue to provide a development management service for up to three years, initially until 31 March 2020 and thereafter for a further two years up until 31 March 2022 if the arrangements are working effectively and agreeable to both authorities.
- (3) That it be agreed to extend the current agency arrangement on the current (2016-2017) payment terms for a period of up to six months (to 30 September 2017) in order to complete the above negotiations.

315 Late Items

There had been one late item for consideration by the Cabinet at this meeting and it was taken immediately following Public Question Time, as recorded in minute 308 above.

316 **Exclusion of the Press and Public**

There were no Part II items on the agenda for consideration at this meeting and so the need to exclude the press and the public did not arise.

[Note The meeting ended at 12:06]

CHAIRMAN

DATE