

Notice of Meeting

East Pallant House East Pallant Chichester West Sussex PO19 1TY

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MEETING	COUNCIL
DATE / TIME	Tuesday 23 September 2014 at 2.30 pm
VENUE	The Council Chamber East Pallant House East Pallant Chichester West Sussex
CONTACT POINT	Philip Coleman – Member Services Manager Telephone: 01243 534655 E-mail: pcoleman@chichester.gov.uk

Monday 15 September 2014



DIANE SHEPHERD
Chief Executive

To All Members of Chichester District Council

You are hereby summoned to attend the meeting specified above for the transaction of the following business.

NOTES

(1) *The Council meeting will be preceded by series of events for members on the following timetable:-*

11.30 am	Open Forum
12 noon	SE Coast Ambulance Service: 'Make Ready Centre'
12.30 pm	Break
1:00 pm	Lunch
1:50 pm	Signing of the Armed Forces Community Covenant
2.15 pm	Break
2.30 pm	Council meeting

(2) Members are asked to bring with them to the meeting their copy of the agenda and the accompanying papers for the meetings of the Cabinet held on 9 September 2014.

AGENDA

This agenda should be retained for future reference with the minutes of this meeting

PART 1

- 1 **Membership of the Council:** To note the death on 27 August 2014 of Mr John Kingston, councillor for the Rogate ward.
- 2 **Approval and signing of the minutes** of the meeting of the Council held on Tuesday 22 July 2014 (pages 7 to 20)
- 3 **Chairman's announcement of any urgent items** which due to special circumstances are to be dealt with under agenda item 11(b)
- 4 **Declarations of any disclosable pecuniary, personal and/or prejudicial interests** which a member may have in any agenda item which requires a decision to be made by the Council at this meeting
- 5 **Chairman's Announcements**
- 6 **Public Question Time** (maximum of 15 minutes duration)

Questions are to be submitted in writing by noon on the previous working day

- 7 **Decisions to be made by the Council**

Recommendations

To consider the following recommendations requiring the approval of the Council:

(a) Cabinet – 9 September 2014

The reports giving rise to these recommendations are in the papers for the meeting of the Cabinet on 9 September 2014

These are available in the committee papers section of the Council's website and in the Members Room.

(i) Minute 629 – Revised Treasury Management Strategy Statement
(See report at Agenda Item 5 (pages 11 - 51) of the Cabinet papers)

RECOMMENDED

That the suggested changes to the Treasury Management Strategy Statement and the Investment Strategy for 2014-15 be approved.

(ii) Minute 630 – Risk Management Policy & Strategy Update
(See report at Agenda Item 6 (pages 52 - 89) of the Cabinet papers)

RECOMMENDED

That the amended Risk Management Policy and Strategy be approved.

(iii) Minute 631 – Public Filming and Recording of Meetings
(See report at Agenda Item 7 (pages 90 - 97) of the Cabinet papers)

RECOMMENDED

That Standing Order 11.3 be amended to read as follows:

“Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of meetings of the Council and its Committees from the public seating area is permitted. To assist with the management of a meeting, anyone wishing to photograph, film or record is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for reporting on a meeting by the press and public using social media is permitted. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography and this could result in expulsion under Standing Order 11.2.”

(iv) Minute 632 – Report of Planning Task and Finish Group
(See report at Agenda Item 8 (pages 98-105) of the Cabinet papers)

RECOMMENDED

(a) That the single Planning Committee for the whole district should remain, meeting every four weeks, but that:

(i) Meetings should start at 9.30am and not normally continue beyond 5.00 pm;

(ii) The size of the Planning Committee should be reduced to 15 members with effect from the Annual Meeting of the Council in May 2015.

(b) That, subject to the requirements of political balance and diversity, party group leaders be encouraged to apply the criteria set out in paragraph 6.12 a) - f) of the Cabinet report in selecting members for service on the Planning Committee.

(c) That the delegation of householder decisions, as approved by the Council by minute 162(iii) of 23 July 2013, continue, viz:

“That applications for householder development (suffix ‘DOM’ or ‘HOUS’) be determined under powers delegated to officers where an objection is lodged by either a parish, or a town or city council or Chichester Harbour Conservancy. A parish, town or city council, or the Chichester Harbour Conservancy will maintain the opportunity to make oral representations (by telephone or in person) to the officer who will exercise the delegated authority. The onus of making contact with the officers will remain with the parish council, similar to their obligation at present to register to speak at the committee.”

(v) Minute 633 – Authority for Cabinet to approve the Community Infrastructure Levy Draft Charging Schedule for public consultation

(See report at Agenda Item 9 (pages 106 - 108) of the Cabinet papers)

RECOMMENDED

That the Cabinet be authorised to approve at its November 2014 meeting the Community Infrastructure Levy Draft Charging Schedule for public consultation as set out in paragraphs 5 and 8 of the Cabinet report.

(vi) Minute 634 – Neighbourhood Planning – delegation of functions

(See report at Agenda Item 10 (pages 109 - 112) of the Cabinet papers)

RECOMMENDED

That the Constitution be amended by the alteration of the powers in relation to neighbourhood planning delegated to the Head of Planning Services to read as follows:-

- (a) To determine requests made under the Environmental Assessment of Plans and Programmes Regulations 2004 as to whether or not a strategic environmental assessment (including screening and scoping opinions) is required.
- (b) To approve the designation of neighbourhood areas in accordance with the Neighbourhood Planning (General) Regulations 2012.

and in consultation with the appropriate Cabinet Member and the relevant ward member(s):

- (c) To make formal comments on a draft Neighbourhood Plan at Pre-Submission stage and Submission stage;
- (d) To accept a Neighbourhood Plan submission and, provided that the proposal complies with the relevant legislation, to publicise and consult on the Plan in accordance with the Neighbourhood Planning (General) Regulations 2012;
- (e) To appoint an Independent Examiner to hold an examination to assess whether the draft plan meets the basic conditions and in exceptional cases to suspend the holding of an examination;
- (f) Following receipt of the Independent Examiner's report, to publish a decision statement and to make the decision to proceed to referendum where the Independent Examiner's report recommends 'proceed to referendum as submitted' and no significant adverse representations have been made.
- (g) To publish an Adoption Statement;
- (h) To carry out such other procedural processes, requirements assessments and determinations as may be necessary in accordance with the Town and Country Planning Act 1990, the Neighbourhood Planning (General) Regulations 2012 and any other relevant regulations to enable preparation of a Neighbourhood Plan.

- (i) In relation to High Court challenges of any decisions of the Council throughout the neighbourhood planning process, to reply, defend and/or consent to judgement of any claims and to settle any costs claim arising.

8 Questions to the Executive (maximum of 40 minutes duration)

9 Councillor Fred Robertson

To approve the absence from meetings of the authority of Councillor Fred Robertson from 25 June 2014 for reasons to be reported at the meeting.

10 Report of Urgent Decision: Increase in Project Costs for the Gypsy and Travellers Transit Site at Westhampnett Depot (pages 21 to 22)

11 Consideration of any late items as follows:

- (a) Items added to the agenda papers and made available for public inspection

- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

PART 2

Items for which the press and public are likely to be excluded

12 Exclusion of the Press and Public

To consider passing a resolution in accordance with section 100A of the Local Government Act 1972 (the Act) to exclude the public and the press from the meeting during the consideration of the following item on the agenda for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of “exempt information” being information of the nature described in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13 Leisure Management

(See report at Agenda Item 19 (pages 142 – 145 for members only) of the Cabinet papers)

RECOMMENDED

That a procurement exercise be undertaken to test the market for future management of leisure services.

MEMBERS

Mrs C M M Apel	Mr P Jarvis
Mr G A F Barrett	Mrs E P Lintill
Mr M J Bell	Mr S Lloyd-Williams
Mr P Budge	Mr R M J Marshall
Mrs H P Caird	Mr G V McAra
Mr S Carr	Mr J A P Montyn
Mr A D Chaplin	Mr D J Myers
Mr J L Cherry	Mr S J Oakley
Mr P Clementson	Mr R O'Brien
Mr J C P Connor	Mr H C Potter
Mr Q J R Cox	Mrs C Purnell
Mr M A Cullen	Mr J Ransley
Mrs P M Dignum	Mr J Ridd
Mr T Dignum	Mr F Robertson
Mrs J E Duncton	Anne Scicluna
Mr T M E Dunn	Mr A M Shaxson
Mr J F Elliott	Mr A R H Smith
Mr B Finch	Mrs J A E Tassell
Mr A J French	Mr N R D Thomas
Mrs N Graves	Mrs B A Tinson
Mrs E Hamilton	Mrs P M Tull
Mrs P A Hardwick	Mr B J Weekes
Mr R J Hayes	Mr M Woolley
Mr G H Hicks	

Minutes of the Meeting of the **Council** held in the Council Chamber, East Pallant House, Chichester on Tuesday 22 July 2014 at 2.30 pm

Members (48)

Mr N R D Thomas (Vice-Chairman in the Chair)

Mrs C M M Apel	Mr G H Hicks
Mr G A F Barrett	Mr P Jarvis
Mr P J Budge	Mrs E P Lintill
Mrs H P Caird	Mr G V McAra
Mr A D Chaplin	Mr R M J Marshall
Mr J L Cherry	Mr D J Myers
Mr J C P Connor	Mr R T V O'Brien
Mr Q J R Cox	Mr H C Potter
Mr M A Cullen	Mrs L C Purnell
Mr A P Dignum	Mr J J L T Ransley
Mrs P M Dignum	Mr J Ridd
Mrs J E Duncton	Mr A M Shaxson
Mr J F Elliott	Mr A R H Smith
Mr B Finch	Mrs B A Tinson
Mr A J French	Mrs P M Tull
Mrs N D Graves	Mr S Lloyd-Williams
Mrs E Hamilton	Mr B J Weekes
Mrs P A Hardwick	Mr M Woolley

were present (37)

Members not present

Mr M J Bell	Mr J A P Montyn
Mr S L Carr	Mr S J Oakley
Mr P Clementson	Mr F Robertson
Mr T M E Dunn	Anne Scicluna
Mr R J Hayes	Mrs J A E Tassell
Mr D St J Kingston	

Officers Present for All Items

Mrs D Shepherd – Chief Executive
Mr S Carvell – Executive Director
Mr P E Over – Executive Director
Mr P Coleman – Member Services Manager

241 Minutes

RESOLVED

That the minutes of the annual meeting of the Council held on 20 May 2014 be signed as a correct record.

242 Urgent Items

There were no urgent items for consideration at this meeting.

243 Declarations of Interests

Mr Ransley declared a personal interest in the item relating to the recommendations from the Development Plan Panel (minute 246(i) below) as Chairman of the Kirdford Parish Neighbourhood Plan Steering Group.

244 Chairman's Announcements

The Chairman reported that

- (1) The Council had hosted the Natures Way Foods Chichester Triathlon Series 2014 on 12 – 13 July including a junior event. The female race had been won by Dr Mary Campbell, daughter of a member of the Council. The event had been a great success and he congratulated the sponsors and the Council's staff who had been involved in the organisation of the event.
- (2) The newly refurbished Chichester Festival Theatre had reopened in June 2014 following a major restoration project. The Council had made a financial contribution to the cost of the project, which had helped lever in funding from the Arts Council and others. The opening performance of Amadeus had received outstanding reviews, and he congratulated all involved in the project.
- (3) The magnificent Grange Community and Leisure Centre in Midhurst had now been completed and there would be a celebration of this on 23 July. He commended and thanked the members and staff who had been involved.

245 Public Question Time

Two public questions had been submitted.

Mr Richard Plowman asked the Council whether it would consider an independent study on the feasibility and operation of the developers proposed onsite sewerage scheme at Whitehouse Farm.

Mrs Purnell (Cabinet Member for Housing and Planning) replied that it would not be feasible to carry out an independent study at present due to a lack of specific information on the detail of the proposed works. These would be assessed in due course through the planning process if the works are the subject of an application for planning permission. An independent study would not be likely to aid the Council in determining any future planning application.

The full text of Mr Plowman's question and Mrs Purnell's reply is set out in the appendix to these minutes.

At the Chairman's invitation, Mr Plowman pointed out that the waste water treatment provider for the area was Southern Water, whereas the developers' proposed treatment plant would be provided by Albion Water Ltd. Albion Water's assets were much less than Southern Water's, who would become responsible for the treatment of sewage if Albion Water failed. He asked whether Southern Water had commented on the proposed provision of an on-site water treatment plant.

At Mrs Purnell's request, Mr Carvell replied that he did not know whether Southern Water had commented at this stage. The Environment Agency's preference was still for mains drainage. However, recent changes in guidance had enabled developers to propose on-site sewage treatment. The Council would have the opportunity to test the suitability of on-site sewage treatment, in consultation with the Environment Agency, Natural England, Southern Water and the Council's own environmental health staff, if and when a planning application was received.

Mr Cliff Archer, Chairman of Chidham and Hambrook Parish Council, asked the Council to accept that there is a good case for the Parish Council's request for an increase in its complement of councillors from 9 to 10 and to give permission for this to take place.

Mr Ridd, Chairman of the Boundary Review Panel, replied that the Panel had met that morning to consider the Parish Council's request. The Panel had concluded that there were grounds to support an increase in the number of parish councillors and accordingly recommended the Council to undertake a community governance review. The Panel's recommendation would be considered by the Council later in the meeting.

The full text of Mr Archer's question and Mr Ridd's reply is set out in the appendix to these minutes.

At the Chairman's invitation, Mr Archer asked whether, if the Council agreed to the recommendation, the review would be completed in time for the election in May 2015.

Mr Ridd replied that the Council would hope to complete the process in time for that election.

Decisions made by the Council

246 Recommendations of the Cabinet

Cabinet – 3 June 2014

(i) Minute 596 – Recommendations from Development Plan Panel

Mrs Caird (Leader of the Council), seconded by Mrs Purnell, moved the recommendation of the Cabinet. She explained that making the Kirdford neighbourhood development plan part of the development plan for Chichester District was a straightforward step following a local referendum which had demonstrated overwhelming support for the plan.

RESOLVED

That the Kirdford neighbourhood development plan be made part of the development plan for Chichester District (excluding the South Downs National Park).

(ii) Minute 597 – Council Tax Empty Homes Premium and local discount for empty and unfurnished properties

Mr Dignum (Cabinet Member for Finance and Governance), duly seconded, moved the recommendations of the Cabinet.

He reminded the Council that from 2013/14 the Council had been given freedom to vary Council Tax discounts and premiums. The Council had chosen to remove discounts for empty homes and second homes. However, the Council also had discretion to impose an Empty Homes Premium of 50% on properties that had been vacant for two years or more. This had not been imposed by the Council so far, but now that some initial uncertainties about exemptions had been resolved, he proposed that, subject to consultation, it should be applied from 2015/16. This would have financial benefits to the Council in terms of additional Council Tax income or, if the property was brought back into use, receipt of New Homes Bonus, and would provide an incentive to bring homes into use, which aligned with the Council's housing policy.

He also reminded the Council that, at their meeting on 4 March 2014, a private landlord had asked the Council to change its decision to apply a nil discount for unoccupied and unfurnished properties and instigate an exemption period between property lettings. At that time the taxbase for 2014-15 had already been set, but he had agreed to consider introducing a one month grace period for 2015-16. On further consideration, he proposed that the full charge should be retained. He explained that making up the discount would shift the burden onto other council taxpayers and reduce the incentive to occupy property. Mid Sussex District Council had followed the Council's lead in applying a nil discount. The revenue from the removal of discounts had enabled the Council to maintain the provision of Council Tax support to the most needy households.

Mr Shaxson asked what constituted a furnished dwelling and how many properties were likely to be affected by the proposed Empty Homes Premium, if applied, commenting that in one community in his ward five out of eleven houses were long-term empty. Mr Finch asked that there should be an exemption for service personnel deployed on operations.

Mr Dignum agreed to reply in writing on both these matters.

RESOLVED

- (1) That a consultation should be undertaken for the charging of an Empty Homes Premium with effect from 1 April 2015.
 - (2) That for the 2015-16 financial year a zero discount shall apply for unoccupied and unfurnished properties.
- (iii) Minute 598 – Local Government Pension Scheme & Early Termination of Employment Discretions Policy: Personnel Policy Report**

The Council considered the Employment Policy Statement circulated with the agenda (copy attached to the official minutes). Mr Ransley (Cabinet Member for Support Services), seconded by Mr Dignum, moved the recommendation of the Cabinet,

explaining that a new pension scheme had come into being on 1 April 2014, and the Council needed to decide whether to apply a number of discretions. The Cabinet had made recommendations as which should be applied, none of which would add to the costs to the Council.

RESOLVED

That the revised Local Government Pension Scheme & Early Termination of Employment Discretions Policy be approved.

Cabinet – 8 July 2014

(iv) Minute 612 – Chichester District Council Annual Report 2013-14

The Council considered the Annual Report circulated with the agenda (copy attached to the official minutes). Mrs Caird (Leader of the Council), seconded by Mr Cullen, moved the recommendation of the Cabinet. She thanked Cabinet members and officers for their diligence and enthusiasm. She explained that, at the Cabinet meeting on 8 July 2014, Cabinet members had described the principal achievements of their portfolios and this was recorded in the Cabinet minutes. She added that Cabinet members would be willing to answer questions about matters in the report, either now or later.

Mrs Apel asked whether changes in responsibilities for health and wellbeing and the dissolution of the Healthier Chichester Partnership meant that the Council had lost its hold on health matters.

Mrs Lintill (Cabinet Member for Wellbeing and Community Services) replied that this was not the case. The Council was represented on the Health and Social Care Select Committee, worked with West Sussex County Council on commissioning, and had the ability to set up a members' task and finish group if a major issue arose, for instance in relation to the local hospital.

Mr French drew attention to the statement in the Introduction to the Report that "in 2014/15 our members will decide how the next phase of the *[New Ways of Working]* project should progress". He asked how he could participate in that decision. He also asked when maps would be sent to members as promised at minute 234(g) of the last Council meeting.

Mr Ransley (Cabinet Member for Support Services) replied that he was always happy to hear from members to discuss any aspect of the project, and offered to conduct members on a tour of the new facilities. He especially thanked the Facilities Team who had carried out much of the work themselves, completing the project on time and below market cost. The Chief Executive explained that maps are available on the intranet.

Mr O'Brien suggested that information about the costs of and staffing dedicated to each portfolio should be included in the Annual Report. The Chief Executive confirmed that this could be done but the information was available in the Annual Accounts.

RESOLVED

That the Annual Report 2013-14 be approved.

(v) Minute 613 – Treasury Management 2013-14 Out-turn

Mr Dignum (Cabinet Member for Finance and Governance), seconded by Mrs Tull, moved the recommendation of the Cabinet. He drew attention to the performance of the Council's investments, which averaged £43m. He also drew attention to the Council's spending on capital projects, £7.3m (60%) of which had been on The Grange Community and Leisure Centre.

Mr Dignum also explained that the Corporate Governance and Audit Committee had set up a members' task and finish group to review treasury management in detail. Its recommendations would come before the Cabinet and Council in due course.

RESOLVED

That the treasury management performance and the Prudential Indicators for 2013-14 set out in the Cabinet report be noted.

(vi) Minute 614 – Policy for the Discharge of the Homelessness Duty into the Private Rented Sector

Mrs Purnell (Cabinet Member for Housing and Planning), seconded by Mrs Lintill, moved the recommendation of the Cabinet.

Mr Cox asked how many homeless families had been housed in this way during the last year, and whether she would increase resources for inspection to match the expected increase in the use of private rented properties in order to ensure they were of a suitable quality and not over-crowded.

Mrs Purnell replied that she would reply in writing about the numbers of homeless families housed in the private rented sector. The Council's officers inspected all private rented properties in the district where homeless people were to be placed. However, the policy formalised a practice that had been followed for about two years and no increase in resources was needed.

Mr Chaplin asked about the movement of rents in the private sector. The Chief Executive explained that rents in the social rented sector were regulated by Government; rents in the private sector were set by landlords, but were capped at the 30th percentile of local rents for the calculation of housing benefit. She agreed to give a written reply on the movement of rents in the private sector.

RESOLVED

That the policy for the discharge of the homelessness duty into the private rented sector that forms the Appendix to the Cabinet report be adopted.

247 Recommendations of other Committees

General Licensing Committee – 11 June 2014

(i) Minute 6 – Immediate suspension or revocation of drivers licences

The Council considered the report circulated with the agenda (copy attached to the official minutes). Mr Ridd (Chairman of the General Licensing Committee), seconded by

Mr Potter, moved the recommendation of the Committee. He explained that sometimes evidence was received that suggested that a taxi driver's licence should be suspended or revoked immediately and there was insufficient time to convene a meeting of the Committee. It was proposed, therefore, to authorise officers to make such decisions, on the understanding that appeals would be dealt with either by the courts or by the General Licensing Committee or a Sub-Committee thereof.

RESOLVED

That the Scheme of Delegation in the Constitution be amended to permit the following:-

- (a) That the decisions relating to immediate suspension or revocation of Hackney Carriage and Private Hire drivers' licences detailed at s.52 of the Road Safety Act 2006 be delegated to the Head of Housing and Environment Services in consultation with the Legal Practice Manager and General Licensing Committee Chairman or Vice-Chairman; and
- (b) That all applications for a further Hackney or Private Hire Drivers' licence following an immediate revocation be heard by the General Licensing Committee or a Sub-Committee thereof and that no delegation to officers for such applications shall be permitted by the authority.

Overview and Scrutiny Committee – 3 July 2014

(ii) Overview and Scrutiny Committee's Annual Report 2013/14 and Work Programme 2014/15

The Council considered the report circulated with the agenda (copy attached to the official minutes). Mrs Apel (Chairman of the Overview and Scrutiny Committee), duly seconded, moved the recommendation of the Committee. She thanked members of the Committee and staff for their support.

RESOLVED

That the Overview and Scrutiny Committee's Annual Report 2013/14 and Work Programme 2014/15 be noted.

Boundary Review Panel – 22 July 2014

(iii) Request Received to Increase the Number of Parish Councillors Serving on Chidham and Hambrook Parish Council

The Council considered the report circulated with the agenda (copy attached to the official minutes). Mr Ridd (Chairman of the Boundary Review Panel), seconded by Mr Myers, moved the recommendation of the Panel that the Council support a further community governance review for Chidham and Hambrook Parish Council namely whether to increase the number of parish councillors from nine to ten members.

Some members expressed concern about the cumbersome nature of the community governance review process, but the Chief Executive gave assurances that it would be completed in time for the election in May 2015.

Mr Shaxson also enquired whether the Panel had considered the possibility of increasing the membership by two to eleven in order to maintain an odd number of members, but Mr Ridd replied that the Panel had focussed on the request put to them.

RESOLVED

That a further community governance review for Chidham and Hambrook Parish Council be undertaken, namely whether to increase the number of parish councillors from nine to ten members.

248 Questions to the Executive

Questions to members of the Cabinet and responses given were as follows:

(a) Question: Unlicensed traders in Chichester City Centre

Mr McAra referred to attempts by the Council's licensing staff to take enforcement action against unlicensed traders in Chichester City Centre and asked why they wore high visibility clothing when doing so.

Response:

Mrs Caird (Leader of the Council) replied that there was probably some regulatory requirement which prevented covert operations and she would reply in writing.

(b) Question: Waste Derived Fuel

Mr Shaxson referred to a visit by members to the County Council's Mechanical Biological Treatment plant that had been built just outside Horsham and asked whether a market had been secured for the waste derived fuel produced.

Response:

Mr Connor (Cabinet Member for Environment) explained this was a waste disposal facility and therefore a project for which West Sussex County Council were responsible rather than the District Council. He was aware that there had been a series of delays during the development of the plant. However it was now going through a six week period of final commissioning and should then be fully operational. Options for future contractual arrangements were considered by the County Council's Cabinet on 15 July. He had been informed that decisions on the commissioning plans to support the waste strategy, including those for refuse derived fuel procurement, would be taken in the next few weeks.

(c) Question: Royal Sussex House, Roussillon Park, Chichester

Mr Shaxson referred to unsightly efflorescence on the bricks of Royal Sussex House, a prominent building on the site of the former Roussillon Barracks, and asked whether the Council could take any action to secure an improvement in the appearance of the building and to prevent the use of this type of brick in future building in the district. Mr Ridd and other members supported Mr Shaxson's comments, although Mr Myers said that the efflorescence would disappear over time.

Response:

Mr Carvell replied that it would be possible to write to the owner to seek an improvement, but the Council had no power to enforce a remedy. This was a problem in many other locations and, although the salts could be washed off, they would be likely to return.

(d) Question: Concept Statement for West of Chichester Strategic Development Location

Mr French asked whether the Concept Statement for West of Chichester Strategic Development Location clearly stated the Council's preference for main drainage.

Response:

Mrs Purnell (Cabinet Member for Housing and Planning) replied that the Concept Statement is clear that a connection to the mains system is considered the most sustainable and certain way of dealing with wastewater from new development. However, because of a change in guidance, the Concept Statement allowed for the possibility of on-site waste water treatment, provided that it met strict environmental standards to the approval of the Environment Agency.

(e) Question: Postponement of construction of an Authorised Testing Facility (ATF), Westhampnett Depot

Mr Lloyd-Williams asked whether the Cabinet's decision (Cabinet minute 617) to postpone the planned construction of an Authorised Testing Facility (ATF) at Westhampnett Depot until after completion of the Gypsy and Travellers Transit site (GTTS) and Depot refurbishment projects was appropriate, because it would delay the creation of new jobs and the provision of a new income stream for the Council, and mean that occupants of the GTTS would be living close to a building site.

Response:

Mr Connor (Cabinet Member for Environment) replied that Council had to consider the safety and wellbeing of its employees and he felt the refurbishment of the Depot had to take priority. Provision of the GTTS would relieve communities of the costs and pressures of unlawful incursions. The postponement would also enable options on the use of recycled materials to be explored. Nevertheless, he sincerely hoped that the ATF would be constructed as soon as possible.

249 Exclusion of the Press and Public

RESOLVED

That in accordance with section 100A of the Local Government Act 1972 (the Act), the public and the press be excluded from the meeting during the consideration of the following items on the agenda for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of 'exempt information' being information of the nature described in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Cabinet – 8 July 2014

250 Investment Opportunity

Mr Ransley (Cabinet Member for Support Services) introduced the recommendation of the Cabinet. He explained that officers of the Estates Team had identified an opportunity for the Council to purchase the head lease of a property, which would offer a favourable return on investment at a manageable level of risk, with the potential for growth in the capital value and the rent received, and which would support the local economy.

Officers were encouraged to make it known that the Council was a serious investor and to look for other similar opportunities. He felt it important that the Council should seek to improve the return on its investments and reduce its dependence on Government grants. The Council had an urgent action procedure which enabled it to move quickly if a suitable opportunity arose.

Mr Dignum seconded the recommendation, commenting that the Council was increasingly dependent on income from its businesses, with only 40% of its income coming from council tax and grants.

In response to a question, Mr Over described the due diligence procedures followed by the Council, and the Chief Executive assured the Council that risks were carefully weighed.

A member suggested that the Council should have an investment strategy, which would govern the balance between liquidity and return on investment. Mr Dignum confirmed that the Treasury Management Strategy was being reviewed and would consider this issue. He emphasised the importance of considering community benefit as well as purely financial considerations in making investment decisions.

RESOLVED

- (1) That the investment described in the Cabinet report be purchased if possible and that the Head of Commercial Services be authorised to agree detailed terms of purchase in accordance with section 5 of the report.
- (2) That the sum referred to in paragraph 5.1 be allocated from reserves for the purchase.

[Note The meeting ended at 4.04 pm]

CHAIRMAN

Date _____

Public Questions

1. Question by Mr Richard Plowman

To ask the Council whether it will consider an independent study on the feasibility and operation of the developers proposed onsite sewerage scheme at Whitehouse Farm.

The reason for asking is that, at the recent public exhibition for the Whitehouse Farm last Tuesday 15th July at Vicar's Hall, it was stated that an outline application would be submitted in autumn with a full application in Late 2014 or early 2015 (see also the web site www.westofchichester.com.) .

Essential to the site is an onsite treatment works by Albion Water due to no further waste water capacity being available at Apuldram WWTW , This onsite treatment plant has given great concern to many residents attending the exhibition and it was obvious from questions to the developers, the issues surrounding the plant are still at an early stage. Issues not yet resolved are levels of nitrites required, smell, noise (a 24 hour operation), flood risk, contingency if the plant fails, access, storage and then transport of biosolids off site at one tanker per week. Many of the calculations are based on theoretical assumptions or using models and clearly not comprehensive. Examples can be given if needed.

The proposed site is less than a 1km from the EU Special Protection Area of the Harbour which is an extremely sensitive environment and the site is also very close to many properties, in Clay Lane for example. The Environmental Agency will obviously be the arbitrators but will judge it on the information provided mainly, it is understood, by the developer who quite frankly admits there is no similar plant to this proposed plant design operating anywhere in the UK.

This West of Chichester site, of now proposed 1600 houses, will be the biggest ever in Chichester in one of the most environmentally sensitive locations. Surely we cannot afford to take any risk.

My colleagues have also made the following relevant points relating to the Local Plan on this matter:

I draw your attention to paragraph 2 on page 11 of the Sustainability Appraisal report on the Chichester local Plan: key Policies 2014-2029 Submission Document, under "3. Statement on the Difference the Process has made"?

This 'explains' the justification for the re- inclusion of the West of Chichester location in the local plan. The last three sentences in this paragraph seem to deploy a series of non-sequiturs, and a kind of double negative approach to logic.

In paragraph 1, the West of Chichester was eliminated as a strategic development location.

In paragraph 2, it is stated that "a range of measures at the West of Chichester may well reduce the impact to acceptable levels" While "At the same time a proposal emerged for development at the West of Chichester location to deliver a waste water treatment

solution in the form of a long sewage pipe around Chichester to connect to alternative WWTW at Tangmere."

The paragraph then continues "These two factors resulted in the re-inclusion of West of Chichester as an option at the preferred approach stage". It then continues "Since that point, an on-site sewage treatment plant has become a possibility, but this would not have altered the justification for reinclusion."

The argument seems to be that the possibility of an on-site sewage treatment plant justified the abandonment of the earlier proposal to route the waste water around Chichester, which in its turn had justified the inclusion of the West of Chichester in the local plan. There is no discussion whatsoever of whether the possibility of an on-site treatment plant continued to justify the inclusion of the West of Chichester site within the local plan. This matter was never put to public consultation.

In fact the only independent study for the Local Plan is believed to be the Background Paper November 2012 written on behalf of the Chichester Water Quality group which concludes:

The Council's "Strategic Growth Study" concluded that "it would not be possible to recommend locally distributed treatment as a solution since these schemes have not generally been shown to operate effectively it was agreed at the stakeholder meeting on 4th November 2009 that this option would not form part of a suitable solution and therefore would not be pursued."

Please consider an independent study as a matter of urgency.

Reply by Mrs Carol Purnell, Cabinet Member for Housing and Planning

Thank you for your question.

The Council acknowledges the fact that the developers carrying out consultation on the masterplan for the West of Chichester site appear to be planning for an on-site sewerage works. However, it is considered that an independent study on the feasibility and operation of an on-site works would not be an efficient and effective use of the Council's resources, given the relative roles and responsibilities for determining whether these works would be acceptable. Whilst the Council would be responsible for determining whether to grant planning permission for an on-site sewerage works, the Environment Agency would be responsible for issuing a permit to operate the works and would therefore consider the environmental principles.

In terms of the consideration of the planning application, the Council would consult the Environment Agency and Natural England. It is at this time that the Council will determine through the planning process whether the proposed works would be acceptable, taking in to account consultation responses. It is only at this point, with the information provided in support of the proposal, that the Council, the Environment Agency and Natural England would have sufficient information to make a reasoned assessment. It would not be feasible to carry out an independent study now due to a lack of specific information on the detail of the proposed works which will be assessed in due course through the planning process if the works are the subject of an application for planning permission.

The Council would not be able to come to a view on the principle of an on-site works before considering any planning application on its own merits. If the Council was to refuse planning permission for any proposed on-site sewerage works on environmental

grounds it would have to be on the basis of an objection from the Environment Agency and/or Natural England that was capable of being defended at any subsequent appeal. Therefore an independent study is not likely to aid the Council in determining any future planning application.

2. Question by Mr Cliff Archer, Chairman of Chidham and Hambrook Parish Council

Our Parish increased by 229 houses in May this year following a Boundary Change. In addition, over the last few years there have been planning applications for several large developments, the latest of which is for 120 homes. In 2014 alone, planning permission for 78 houses has been granted, a further 26 houses are subject to an ongoing appeal and planning applications for a further 153 houses are in progress.

Our Neighbourhood Plan Working Group predicts that quite soon the number of homes in the Parish will have increased to 1000 and there will be 2000 residents.

The Parish Council has found that the increasing workload arising from its various activities is making it difficult to provide a satisfactory service for our residents.

The Council now asks that its complement of 9 Councillors be increased to 10. This is within the band quoted by the Boundary Commission. Recently, following the resignation of one of our Councillors, two people immediately put themselves forward for co-option to the Council. Two other residents specifically said that, when their workload diminishes, they will stand for election in 2015.

We have the need for, and there is the supply of, potential additional councillors.

The Parish Council asks that the District Council to accept that there is a good case for the requested increase in its complement from 9 to 10 and give permission for this to take place.

Reply by Mr John Ridd, Chairman of the Boundary Review Panel

Thank you for your question.

As you know, the Boundary Review Panel met this morning to consider your Council's request for an increase in the number of councillors from nine to ten.

Such an increase can take place only through a 'community governance review'. This is a process which has a number of stages, with opportunities for consultation with the electors of Chidham and Hambrook and other interested parties. The process is explained on pages 87 to 90 of the papers before today's meeting of the Council.

The choice before the Boundary Review Panel was, therefore, whether to recommend the Council to undertake a community governance review or not.

At our meeting we were fully apprised of the reasons for your Parish Council's request, including the information just given in your question.

I am very pleased to say that the Panel concluded that there are grounds to support an increase in the number of parish councillors and accordingly recommends the Council to

undertake a community governance review. The Panel's recommendation will be considered by the Council later in the meeting at agenda item 8(e).

Chichester District Council

COUNCIL

23 September 2014

Report of Urgent Decisions

The Budget and Policy Framework Rules (Part 4.3 of the Constitution) provide (among other things) that an individual member of the Cabinet or staff may take a decision which is contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency, if it is not practical to convene a quorate meeting of the full Council and the chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

A full report must be made to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

The following such decision has been made since the last meeting of the Council:-

Increase in Project Costs for the Gypsy and Travellers Transit Site at Westhampnett Depot

On 17 December 2013 Council resolved:

That, subject to all partners formally confirming their commitment to the scheme (among other things):

- (1) Chichester District Council enters into a multi-agency partnership arrangement for the effective management of unauthorised encampments across West Sussex and that the Assistant Director for Communities is given delegated authority to agree the details of such arrangements with his West Sussex counterparts.
- (3) Council makes available and redevelops part of the Westhampnett Depot for a County-wide Transit Site and that planning permission is sought to change the use of the land from Depot use to use as a Transit Site with associated works.
- (6) Council approves the estimated capital cost of the scheme of £1.3m, inclusive of land values, to be funded equally by partner contributions plus the potential Homes and Communities Agency (HCA) grant. However, if the HCA grant is not forthcoming then the gross cost of the scheme is to be funded equally by the partners, including any abortive costs. Any financial arrangements to be agreed in consultation with the District Treasurer.
- (8) The District Council's contribution to the estimated revenue costs of up to £15,000 per annum form part of the 2015/16 base budget.

The Council has recently had returned the tenders for the building works for the

Gypsy and Travellers Site at Westhampnett Depot. There were some difficulties in finding firms to tender. The tender documents were sent to seven companies but only three were returned, of which the cheapest tenderer was £300,000 over budget and the highest tenderer was £600,000 over budget. The Council's Building Services Manager and Quantity Surveyor have been working with the preferred tenderer and they have managed to reduce the tender price without impacting on HCA grant requirements.

The agreed budget for this project is £1.3m and this included £300,000 for land.

However, the total construction cost of the scheme can no longer be contained within the original estimate of £1m due to the increase in contract costs and other associated works. The latest estimate for the project is now £1.15M. The impact of this revised project cost on CDC capital reserves is:-

Approved by Council 17.12.13	Original contract costs (£)	Revised Contract Costs (£)	Notes
Total construction costs	1,000,000	1,150,000	
CDC Land Value	300,000	0	Subsequently agreed CDC to lease land to WSCC
Total Capital cost	1,300,000	1,150,000	
Less HCA Grant	540,000	630,000	£540,000 estimated. £630,000 secured.
Net cost of contract to be shared by 8	760,000	520,000	
Cost to CDC	95,000	65,000	

Under the Council's financial regulations Cabinet is responsible for determining all increases in capital budgets in excess of 10% or £50,000, whichever is the lower. However, this is a time critical project and the contract needs to be awarded in August if the HCA practical completion deadline of 31 March 2015 is to be met. Therefore, consideration to increase the capital budget cannot wait for the Cabinet meeting in September or indeed for the 28 days' notice of the intention to make a key decision.

In accordance with the Council's Constitution, the Deputy Section 151 Officer, nominated by the Chief Executive, in consultation with the Deputy Leader of the Council and the Chairman of the Overview and Scrutiny Committee, approved that the scheme budget is increased to £1.15m, rather than the original budget of £1m. These costs now exclude the land value.

It should be noted that approval has been sought and received from all eight partners to increase the capital budget. Cost per partner authority:

- £143,750 gross cost
- £65,000 net cost if HCA grant is received