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A meeting of the **Cabinet** will be held in Committee Room 2 at East Pallant House on **Tuesday 2 October 2018 at 09:30**

MEMBERS: Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr J Connor, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

## **AGENDA**

### **PRELIMINARY MATTERS**

#### **1 Chairman's Announcements**

The chairman will:

- make any specific announcements for this meeting and
- advise of any late items for consideration under agenda item 15 (a) or (b).

Apologies for absence will be taken at this point.

#### **2 Approval of Minutes (pages 1 to 24)**

The Cabinet is requested to approve as a correct record the minutes of its meeting on Tuesday 4 September 2018, a copy of which is circulated with this agenda.

#### **3 Declarations of Interests**

Members are requested to make any declarations of disclosable pecuniary, personal and/or prejudicial interests which they might have in respect of matters on the agenda for this meeting.

#### **4 Public Question Time**

In accordance with Chichester District Council's scheme for public question time and with reference to standing order 6 in part 4 A and section 5.6 in Part 5 of the Chichester District Council *Constitution*, the Cabinet will receive any questions which have been submitted by members of the public in writing by 12:00 on the previous working day. The total time allocated for public question time is 15 minutes subject to the chairman's discretion to extend that period.

## RECOMMENDATIONS TO THE COUNCIL

### 5 **Allocation of Affordable Housing Commuted Sums** (pages 25 to 27)

The Cabinet is requested to consider the agenda report and to make the recommendation to the Council set out below:

That the allocation of £165,000 commuted sum monies to Windsor and District Housing Association Ltd (Radian) to fund the delivery of eight additional affordable units at Flat Farm Hambrook be approved.

### 6 **Chichester BID Alteration Ballot** (pages 29 to 32)

The Cabinet is requested to consider the agenda report and to make the two resolutions and additionally the recommendation to the Council as set out below:

#### **A – RESOLUTIONS BY THE CABINET**

- (1) Following the request from Chichester BID that an Alteration Ballot be held, that the Ballot Holder (Chichester District Council's Chief Executive) be instructed to hold the ballot.
- (2) That having approved the request in (1), the change to the new administrative vehicle for the BID to operate as Chichester BID Limited in the Alteration Ballot be supported.

#### **B – RECOMMENDATION TO THE COUNCIL**

That following the approval in A (1) and (2) above, the Council delegates authority to the Deputy Leader to vote in accordance with Cabinet's decision in relation to the Alteration Ballot.

### 7 **Tower Street Chichester Public Conveniences Refurbishment** (pages 33 to 35)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the resolution and additionally the recommendation to the Council as set out below:

#### **A – RESOLUTION BY THE CABINET**

That the PID for Tower Street Public Conveniences (appended to the agenda report) in order to refurbish the facilities, create a new disabled facility and resolve the drainage issues be approved.

#### **B – RECOMMENDATION TO THE COUNCIL**

That an additional budget allocation of £65,000 from Reserves to supplement the existing Asset Replacement Programme budget of £80,000 for the project be approved.

## KEY DECISIONS

### 8 **Approval of the Draft Infrastructure Business Plan 2019-2024 for Consultation with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners** (pages 37 to 40)

The Cabinet is requested to consider the agenda report and its four appendices in the agenda supplements\* and to make the resolution set out below:

That the draft Infrastructure Business Plan 2019-24 (appendix 1 to the agenda report) be approved for consultation with the city, town and parish councils, neighbouring local authorities including the South Downs National Park Authority and key infrastructure delivery commissioners) for a period of six weeks from 8 October to 19 November 2018.

\*[**Note** (1) The first appendix is in the second agenda supplement and is available for online viewing only but one hard copy will be placed in the Members Room at East Pallant House and (2) the second, third and fourth appendices are circulated in the main agenda supplement]

#### NOTE TO CHICHESTER DISTRICT COUNCIL MEMBERS

The draft Infrastructure Business Plan (IBP) for 2019-2020 was reported to the Development Plan and Infrastructure Panel on Thursday 13 September 2018.

The Cabinet at this meeting is being recommended to approve the draft IBP for stakeholder consultation during October and November 2018.

Since the draft IBP will not be considered by the Council before the consultation, Chichester District Council members are requested to raise any issues they wish to be considered in writing in advance of this Cabinet meeting.

The Leader of the Council will also allow members to raise any questions they may have at this Cabinet meeting.

The Council will be asked to approve the final IBP in the usual way in March 2019.

### 9 **Award of Contract for Cleaning of Operational Buildings** (pages 41 to 45)

The Cabinet is requested to consider the agenda report and its appendix (which is confidential exempt\* material and is printed on salmon-coloured paper for members and officers only) and to make the resolutions set out below:

(1) That the contract for the cleaning of operational buildings for the period 1 January 2019 to 31 December 2021 be awarded to Supplier J, the details of which are set out in the exempt appendix to the agenda report.

(2) That authority be delegated to the Director of Corporate Services to:

(1) make any minor contractual changes during the contract term.

- (2) extend the contract by mutual agreement for up to two years should the contract remain economically advantageous and the supplier perform satisfactorily.

\*[Note 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 Local Government Act 1972]

**10 Council Tax Review of Locally Defined Discounts and Premia (pages 47 to 51)**

The Cabinet is requested to consider the agenda report and its appendix and to make the resolutions set out below:

- (1) That the council tax discounts proposed in the appendix to the agenda report be applied for the 2019-2020 financial year.
- (2) Provided that the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill 2017-2019 is passed, that the council tax empty homes premium be set at 100% for the 2019-2020 financial year.

**11 Housing Benefit and Council Tax Reduction Risk Based Verification Policy 2019-2020 (pages 53 to 55)**

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the resolutions set out below:

- (1) That the Risk Based Verification (RBV) Policy for 2019 to 2020 be approved for the purpose of assessing claims for Housing Benefit and Council Tax Reduction.
- (2) That delegated powers be granted to the Director of Residents Services to approve future amendments to the RBV Policy in consultation with the Section 151 Officer.

**12 Southern Gateway Regeneration (pages 57 to 61)**

The Cabinet is requested to consider the agenda report and its two appendices in the agenda supplement and to make the resolutions set out below:

- (1) That the Development Brief in appendix 1 to the agenda report be approved.
- (2) That the revised PID and timescales contained therein in appendix 2 to the agenda report be approved.
- (3) That a procurement process governed by the Public Contracts Regulations 2015 via the Official Journal of the Economic Union (OJEU) to secure a development partner be approved.
- (4) That the Deputy Chief Executive, after consultation with the Leader of the Council, be delegated to conduct the procurement, select bidders with suitable financial standing and experience, invite tenders and take all steps

up to but not including selection of preferred bidder

- (5) That the Deputy Chief Executive, after consultation with the Leader of the Council and Cabinet Member for Growth and Place, be authorised to make any non-material changes to the Development Brief and finalise the OJEU procurement documentation.

[**Note** There is a background paper which is confidential exempt material (Paragraphs 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information) and/or 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and/or 6 (information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment)) and this is published in the third agenda supplement for online viewing only by members and officers]

### **OTHER DECISIONS**

**13 North Street Car Park Midhurst Resurfacing** (pages 63 to 64)

The Cabinet is requested to consider the agenda report and to make the following resolution:

That the release of £55,000 from reserves to resurface and re-line the Midhurst North Street car park be approved.

**14 Reducing Single Use Plastics** (pages 65 to 67)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the resolution set out below:

That the Single Use Plastics Action Plan in the appendix to the agenda report be approved.

### **FINAL MATTERS**

**15 Late Items**

- (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

**16 Exclusion of the Press and Public**

The Cabinet is asked in respect of agenda items 17 (Development of Land at Barnfield Drive Chichester) and 18 (Southern Gateway Regeneration) to make a resolution that the public including the press should be excluded from the meeting on the following grounds of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraphs 3 (information relating to the financial or business

affairs of any particular person (including the authority holding that information)), 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and 6 (information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

**[Note** If the Cabinet wishes to discuss the confidential exempt appendix to agenda item 9 (Award of Contract for Cleaning Operational Building) it will need first to pass a resolution to exclude the press and the public from the meeting on the following ground of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information]

**17 Development of Land at Barnfield Drive Chichester (pages 69 to 72)**

The Cabinet is requested to consider the agenda report, which is confidential exempt\* material with a restricted circulation to Chichester District Council members and relevant officers only (printed on salmon-coloured paper), and to make the following resolution:

That authority be delegated to the Director of Growth and Place to renegotiate the ground rent arrangements with the developer provided that there is no overall adverse impact on Chichester District Council's anticipated income from the development, the outcome of which will be reported to a subsequent meeting of the Cabinet.

\***[Note** The ground for excluding the public and press during this item is that it is likely that there would be a disclosure to them of 'exempt information' of the description specified 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 Local Government Act 1972]

**18 Southern Gateway Regeneration (pages 73 to 78)**

The Cabinet is requested to consider the agenda report and its four appendices in the agenda supplement, which are confidential exempt\* material with a restricted circulation to Chichester District Council members and relevant officers only (printed on salmon-coloured paper), and to make the following resolutions:

- (1) That the Council entering into a Collaboration Agreement with Homes England (HE) and West Sussex County Council, on the terms set out in appendix 1 to the agenda report be approved.
- (2) That the Deputy Chief Executive, after consultation with the Leader of the Council, be authorised to make any non-material changes to the Collaboration Agreement.

- (3) That the Risk Register and any further mitigation that is required (appendix 2 to the agenda report) be noted.
- (4) To the purchase of the freehold interest in the land identified in paragraph 6.3.4.2 (shown on drawing no 5586 appendix 3 to the agenda report) be authorised, using LEP funding, for the purposes of relocating one of the non-conforming uses out of the Masterplan area based on the Heads of Terms set out in appendix 4 to the agenda report.
- (5) That land as detailed in paragraph 6.3.4.1 of the agenda report be reserved sufficient to accommodate the relocation needs of Royal Mail and that a separate report be brought to the Cabinet to approve the refurbishment/redevelopment of the land in due course.

\*[Note The ground for excluding the public and press during this item is that it is likely that there would be a disclosure to them of 'exempt information' of the description specified in Paragraphs 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)), 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and 6 (information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment) of Part I of Schedule 12A to the Local Government Act 1972]

#### NOTES

- (1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
- (2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless they contain exempt information.
- (3) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. 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. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's *Constitution*]
- (4) A key decision means an executive decision which is likely to:
  - result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or

function to which the decision relates or

- be significant in terms of its effect on communities living or working in an area comprising one or more wards in the Council's area or
- incur expenditure, generate income, or produce savings greater than £100,000

#### **NON-CABINET MEMBER COUNCILLORS SPEAKING AT THE CABINET**

Standing Order 22.3 Chichester District Council's *Constitution* provides that members of the Council may, with the chairman's consent, speak at a committee meeting of which they are not a member, or temporarily sit and speak at the Committee table on a particular item but shall then return to the public seating area.

The Leader of the Council intends to apply this standing order at Cabinet meetings by requesting that members should *normally* seek his consent in writing by email in advance of the meeting. They should do this by noon on the day before the meeting, outlining the substance of the matter that they wish to raise. The word normally is emphasised because there may be unforeseen circumstances where a member can assist the conduct of business by his or her contribution and where he would therefore retain his discretion to allow the contribution without notice.