

# Public Document Pack

## JOHN WARD

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A meeting of the **Cabinet** will be held in Committee Room 2 at East Pallant House East Pallant Chichester West Sussex on **Tuesday 6 November 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 11 (a) or (b)

Apologies for absence will be taken at this point.

#### 2 Approval of Minutes (pages 1 to 16)

The Cabinet is requested to approve as a correct record the minutes of its meeting on Tuesday 2 October 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 **Absence Management Policy** (pages 17 to 18)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the following recommendation to the Council:

That the revised Absence Management Policy be approved.

### 6 **Determination of the Council Tax Reduction Scheme for 2019-2020** (pages 19 to 23)

The Cabinet is requested to consider the agenda report and its three appendices in the agenda supplement and to make the following recommendation to the Council:

That the Council Tax Reduction Scheme for 2019-2020 be approved.

### 7 **Non-Domestic Rates Discretionary Scheme 2017-2021** (pages 25 to 28)

The Cabinet is requested to consider the agenda report and its appendix in the agenda supplement and to make the following recommendation to the Council:

That the amended Non-Domestic Rate Discretionary Scheme for 2017-2021 be approved.

## KEY DECISIONS

NONE

## OTHER DECISIONS

### 8 **Funding of East Beach Outfall Replacement** (pages 29 to 31)

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

That £100,000 from reserves be released to replace the approved funding from the Community Infrastructure Levy with the balance funded from revenue resources to the extent that it is not otherwise met from external grant from Southern Water to fund the replacement of the East Beach surface water outfall.

### 9 **Proposed Fees and Charges for the New Animal Welfare Licensing Regime** (pages 33 to 37)

The Cabinet is requested to consider the agenda report and its appendix and to make an appropriate resolution in the light of the following recommendation:

That the Cabinet considers and makes any recommendations on the new fees and

charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for consideration by the General Licensing Committee when coming to its decision.

**10 Temporary Appointment to Bury Parish Council (page 39)**

The Cabinet will consider the draft decision of appointment circulated with the agenda, receive an oral report and be asked to make the following resolution:

That Henry Potter, the Chichester District Council member for the Boxgrove ward, be appointed pursuant to section 91 (1) of the Local Government Act 1972 as a parish councillor with the Bury Parish Council until such time as vacancies at the Bury Parish Council have been filled by election.

The following background information should be noted:

Section 91 (1) of the Local Government Act 1972 provides (insofar as is material):

‘Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council ... may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.’

The clerk and chairman of Bury Parish Council (BPC) have reported to Chichester District Council's Monitoring Officer that they are unable to operate due to being inquorate and they have verified that BPC requires the appointment of a district councillor in order to become quorate. The appointment will end once sufficient members are elected to BPC to enable it to be quorate without the district councillor's membership or on 31 December 2019, whichever comes first.

## **FINAL MATTERS**

**11 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

**12 Exclusion of the Press and Public**

The Cabinet is asked in respect of agenda item 13 (Transfer of Service) to make a resolution that the public including the press should be excluded from the meeting on the following grounds of exemption in Part I of Schedule 12A to the Local Government Act 1972 namely Paragraphs 1 (information relating to any individual) and 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.

## 13 **Transfer of Service** (pages 41 to 45)

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 recommendation to the Council:

That the terms of the proposal outlined in section 5 of the agenda report be approved and that officers be authorised to agree the proposed contract.

\*[**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 1 (information relating to any individual) and 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]

### **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 of 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 the chairman would therefore retain his discretion to allow the contribution without the aforesaid notice.

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

### **Members Present**

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

### **Members Absent**

### **Officers Present**

Mr M Allgrove (Divisional Manager for Planning Policy), Mr T Day (Environmental Coordinator), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mr A Frost (Director of Planning and Environment), Mrs L Grange (Divisional Manager for Housing), Mrs J Hotchkiss (Director of Growth and Place), Mr P Jobson (Taxation Manager), Mrs T Murphy (Divisional Manager for Place), Mr P E Over (Executive Director), Mrs M Rogers (Benefits Manager), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Legal and Democratic Services Officer) and Mr J Ward (Director of Corporate Services)

### **575 Chairman's Announcements**

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

There were no apologies for absence and all members of the Cabinet were present.

There were no late items for consideration.

Mr Dignum had no specific announcements to make.

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

[**Note** Minute paras 576 to 592 below summarise the Cabinet's discussion of and decision on agenda items 2 to 18 inclusive but for full details of the items considered in public session please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=979&Ver=4>]

**576 Approval of Minutes**

The Cabinet received the minutes of its meeting on Tuesday 4 September 2018, which had been circulated with the agenda.

There were no proposed changes to the minutes.

*Decision*

The Cabinet voted unanimously on a show of hands to approve the aforesaid minutes without making any amendments.

**RESOLVED**

That the minutes of the Cabinet's meeting on Tuesday 4 September 2018 be approved without amendment.

**577 Declarations of Interests**

Mr Dignum declared a personal and prejudicial interest in respect of agenda item 6 (Chichester BID Alteration Ballot) as he was a director on the Chichester Business Improvement District Board.

Mrs Kilby declared a personal and prejudicial interest in respect of agenda item 6 (Chichester BID Alteration Ballot) as she had been appointed by CDC as a substitute member on the Chichester Business Improvement District Board.

**578 Public Question Time**

No public questions had been submitted for this meeting.

**579 Allocation of Affordable Housing Commuted Sums**

The Cabinet received and considered the agenda report.

This item was presented by Mrs Kilby.

Ms Nicol and Mrs Grange were in attendance for this matter.

Mrs Kilby summarised the report. CDC currently held just under £1.2 m unallocated commuted sum monies, which had been received by developers when on-site affordable units were impossible to provide eg when the contribution due was for only a fraction of a unit. This commuted sum fund was set aside solely to enable affordable housing. Of the £1.2 m, just over £221,000 had been received from schemes in the parish of Chidham and Hambrook. Radian Housing Association had obtained planning permission to demolish an existing house and to develop 11 new homes. Three of those units were secured as shared ownership affordable housing within the section 106 agreement, with the rest to be market sale homes. Practical completion of the site was expected at the end of October 2018. However, due to issues of mortgage availability on the site Radian was willing to deliver all of the units as affordable rented properties. Accordingly, it had applied to vary the section



106 agreement and the usual consultations would take place before any decision was made. As the scheme was acquired as a market site, Radian needed a £165,000 grant to supplement that which had already been awarded from central government to enable the viability of an affordable housing scheme. This was a great cost-effective opportunity to provide more much-needed high quality affordable housing for local people. There were currently 17 households on CDC's housing register which claimed a local connection to the Chidham and Hambrook parish. As there were no other affordable rented units programmed for the parish up to 2029, this could be the last chance for an appreciable time for local people to be housed within that area. It was a fitting opportunity to allocate £165,000 of the sums received from the developments within Chidham and Hambrook parish, thereby enabling the parish to benefit directly from earlier development.

Ms Nicol and Mrs Grange did not add to Mrs Kilby's introduction.

Ms Nicol replied to members' questions with regard to (a) mortgage availability issues (para 3.2 of the report) and (b) nomination agreement rights (para 4.3). As to (a), this was to do with the mortgagees' reticence to lend because of the proximity of pylons to the properties notwithstanding that they did not pose any risk or danger. As to (b), the usual nomination rights arrangements would apply ie 100% of initial lets followed by at least 75% of all vacancies thereafter.

### *Decision*

The Cabinet voted unanimously on a show of hands to make the recommendation below.

### **RECOMMENDED TO THE COUNCIL**

That the Council approves 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.

## **580 Chichester BID Alteration Ballot**

[**Note** Immediately prior to the start of this item Mr Dignum and Mrs Kilby withdrew from the committee table and sat in the public seating in area, in accordance with their respective declarations of having a prejudicial interest as recorded in minute 577 above, and they played no part in the discussion of and decision on this matter]

This item was chaired by Mrs Lintill (Deputy Leader of the Council and Cabinet Member for Community Services).

The Cabinet received and considered the agenda report.

This item was presented by Mrs Lintill.

Mrs Murphy was in attendance for this matter.

Mrs Lintill summarised sections 3 and 4 of the report.

Mrs Murphy did not add to Mrs Lintill's introduction.

In reply to a member's question Mrs Murphy elaborated briefly on the court case earlier in the year which gave rise to the need now for an alteration ballot to take place.

#### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolutions and the recommendation set out below.

#### **RESOLVED**

- (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.

#### **RECOMMENDED TO THE COUNCIL**

That the Council delegates authority to the Deputy Leader to vote in accordance with Cabinet's decision in relation to the Alteration Ballot.

[**Note** At the end of this item Mr Dignum and Mrs Kilby returned to their places at the committee table, Mrs Lintill vacated the chairman's seat and Mr Dignum resumed chairing the remainder of this meeting]

#### **581 Tower Street Chichester Public Conveniences Refurbishment**

The Cabinet received and considered the agenda report and its appendix in the agenda supplement.

This item was presented by Mr Dignum.

Mrs Murphy was in attendance for this matter.

Mr Dignum summarised the report. In endorsing the recommendations to the Cabinet, he summarised sections 3 and 4.

Mrs Murphy commented on para 3.4 of the report.

Members spoke strongly in support of the need for this essential and long overdue renovation of these public conveniences, which were located in a prime tourist location.

In reply to a member's question, Mrs Murphy said that it was hoped that the works could commence in 2019 and during the refurbishment there would be redirection signs to alternative facilities.

### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolutions and the recommendation set out below.

#### **RESOLVED**

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.

#### **RECOMMENDED TO THE COUNCIL**

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

#### **582 Approval of the Draft Infrastructure Business Plan 2019-2024 for Consultation with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners**

The Cabinet received and considered the agenda report and its second, third and fourth appendices in the agenda supplement. The first appendix was available for online viewing in the second agenda supplement although one hard copy had been deposited in the Members Room at East Pallant House.

This item was presented by Mrs Taylor.

Mrs Dower and Mr Allgrove were in attendance for this matter.

Mrs Taylor summarised the report. In endorsing the recommendation to the Cabinet, she summarised sections 4 and 5 of the report (nature and objective of the consultation and the subsequent CDC decision-making process). She also explained the purpose of the Draft Infrastructure Business Plan 2019-2024 (appendix 1 in the second agenda supplement) in terms of the long list of infrastructure projects, the funding sources and the management of the funding gap and the prioritisation methodology. She referred to the West Sussex County Council (WSCC) project requests, some of which had been submitted late, in paras 3.5 and 3.6.

It was noted that there was a typographical error in the fourth bullet point in para 3.5: the reference for the newly selected project A286 Birdham Road/Selsey Tram Roundabout junction improvement should be IBP 349 and not IBP 249.

Mrs Dower referred to appendix 3 on pages 11 and 12 of the agenda supplement and advised that project IBP/293 (local land drainage East Beach Sea Outfall) would be removed from the Draft CIL Spending Plan as it was now going to be funded from CDC reserves. Mrs Shepherd said that this change to the funding arrangements would need to be approved by the Cabinet at its next meeting and that the project would remain in the Draft CIL Spending Plan for consultation purposes.

Mrs Dower drew attention to the third bullet point in para 3.5: WSCC had deferred the phasing for the three-year project IBP/656 (sustainable transport corridor city centre to Portfield and improvements to sustainable facilities on Oving Road corridor). Mr Dignum expressed regret at the delay in implementing this very important project.

Mrs Dower, Mr Frost and Mrs Shepherd responded to members' questions and comments on points of detail with respect to:

- (a) The change in the funding source for IBP/293 (local land drainage East Beach Sea Outfall) should not cause delay in implementation.
- (b) The putting back to 2020-2021 of IBP 349 (A286 Birdham Road/Selsey Tram Roundabout junction improvement) (fourth bullet point in para 3.5), whereas projects IBP/654 (area-wide parking management North-East Chichester), IBP/655 (area-wide parking management West Chichester) and IBP/665 (area-wide parking management Chichester city) were listed for 2019-2020, was a matter for WSCC to accord priority in its request for CIL funding. However, it should be noted that (i) in para 3.7 caveats had been entered against those three projects and (ii) after the consultation period had ended it was for CDC to determine the various funding requests in accordance with the CIL criteria.

#### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

#### **RESOLVED**

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.

#### **583 Award of Contract for Cleaning of Operational Buildings**

The Cabinet received and considered the agenda report and its confidential exempt appendix, the latter having been circulated to CDC members and officers only.

This item was presented by Mr Wilding.

Mr Buckley was in attendance for this matter.

Mr Wilding summarised sections 3 and 5 of the report.

Mr Buckley did not add to Mr Wilding's introduction.

Whilst this item was not discussed by the Cabinet, it was agreed that the first line in the second recommendation (para 2.2) should be amended by the insertion of the words 'after consultation with the Cabinet Member for Corporate Services' between 'Services' and 'to'.

### *Decision*

The Cabinet voted unanimously on a show of hands to make, with the aforesaid amendment, the resolution set out below.

### **RESOLVED**

- (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 after consultation with the Cabinet Member for 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.

## **584 Council Tax Review of Locally Defined Discounts and Premia**

The Cabinet received and considered the agenda report and its appendix.

This item was presented by Mr Barrow.

Mr Jobson was in attendance for this matter.

Mr Barrow summarised sections 3 and 5 of the report in terms of the present and prospective legislative situation and the proposal to leave the current council tax discounts unchanged for 2019-2020 while (subject to the relevant parliamentary bill obtaining royal assent) increasing the empty homes premium to 100% for 2019-2020.

At Mr Barrow's invitation and in reply to a question by Mrs Lintill, Mr Jobson explained how CDC identified empty homes within its area for the purposes of applying the empty homes premium and completing an annual return to the government on the quantum of empty homes within the district. CDC canvassed all property owners each year with regard to empty homes. It was acknowledged that in this large rural area there would inevitably be a very small number of empty homes (most probably in the rural parts) of which CDC would not be aware, yet in such cases the customer would still be paying 100% council tax and so there would be no actual revenue loss (even if the property was classified in the incorrect category).

Mr Jobson also responded to questions with regard to (a) properties within the district which were known to be empty for the requisite period (91), second homes

(3,221) and unoccupied and unfurnished properties (624); (b) the charging of arrears for the empty homes premium where it was subsequently discovered that a property had been unoccupied without notification by the owner and evidence was not produced to prove occupation; and (c) the table of prescribed classes for locally defined discounts and premia in the appendix (page 51): there were no exclusions from paying 100% council tax (or some in cases more), other than (i) those who had an employment restriction such as a publican, who would fall outside the prescribed classes and would pay only 50%, and (ii) those who were classed as vulnerable persons or residents of care homes, who received an exemption from paying the empty homes charge.

#### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolutions set out below.

#### **RESOLVED**

(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.

#### **585 Housing Benefit and Council Tax Reduction Risk Based Verification Policy 2019-2020**

The Cabinet received and considered the agenda report and its appendix in the agenda supplement.

This item was presented by Mr Barrow.

Mrs Rogers was in attendance for this matter.

Mr Barrow summarised the report with particular reference to sections 3, 4, 5 and 9.

Mrs Rogers did not add to Mr Barrow's introduction.

Whilst this item was not discussed by the Cabinet, it was agreed that last line in the recommendation (para 2.1) should be amended by the insertion of the words 'after consultation with the Cabinet Member for Residents Services' following the words 'Section 151 Officer' (as appears in resolution (2) below).

#### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

## **RESOLVED**

- (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 after consultation with the Cabinet Member for Residents Services.

### **586 Southern Gateway Regeneration**

The Cabinet received and considered the agenda report and its two appendices in the agenda supplement.

In his brief introduction before inviting Mr Over to comment in more detail, Mr Dignum said that all CDC members had been afforded the opportunity via a workshop on 3 September 2018 to contribute to the emerging Southern Gateway Regeneration Development Brief (the DB). The consultation stage having been completed, the DB incorporated comments made by the Overview and Scrutiny Committee, the Chichester Growth Board, Chichester City Council and the aforementioned workshop. Comments subsequently made by the Chichester BID would be taken into account via the non-material changes provision being recommended in para 3.5 of the report. The DB, the revised Project Initiation Document (PID) and the procurement process were now ready to be approved by the Cabinet.

Mr Over summarised the report by dealing with the three key areas set out in section 6.

- The DB (para 6.1 and appendix 1 at pages 33 to 47 of the agenda supplement) had undergone significant consultation and engagement with members (as outlined by Mr Dignum). The late comments from Chichester BID would be taken into account where they were relevant to the DB (the most part of its responses related to the Masterplan and so were not applicable). One of the BID's chief concerns related to ensuring that the project did not impact adversely on the city centre. This was addressed by section 5.5 of the DB (page 38 of the agenda supplement), to which could be added a reference to the development's links to the south with Canal Basin and Chichester Gate. The resultant document (maps etc still needed to be added) should be as clear and simple as possible to facilitate a development which was viable and deliverable. In addition to the DB being approved by the Cabinet, it would also need to be signed off by CDC's strategic partners, West Sussex County Council and Homes England.
- The PID (para 6.3 and appendix 1 at pages 49 to 62 of the agenda supplement). A correction was required to the total figure in the project delivery costs table in section 7 (page 55): this should be £14.63 m and not £13,655,000.

- The procurement process (para 6.20).

Questions were asked only with respect to the DB. The Cabinet did not raise any points.

Mr Dignum allowed Mr A Moss (Fishbourne) on his prior request to address the meeting.

Mr Moss commended the draft DB as a very worthy document. With reference to section 3.1 of the DB about strategic location (page 35 in the agenda supplement), he emphasised the need for the DB to be seen by third parties as more than just a CDC publication but as a self-evidently inspirational and iconic document, which conveyed Chichester as a great city and how it could offer more to residents, workers and visitors. Accordingly, he advocated the inclusion of a prominent section at the start of the document which would attract developers' attention by way of a vision and marketing statement, serving as what he called a 'placeholder'. He said that more could also be said about environmental and sustainability issues eg green spaces, cycling and walking and the city as an area for young people to visit and enjoy. He felt that this would enhance the calibre of what was already an impressive document.

Mr Over acknowledged the need for an inspirational introduction in the DB. Whilst the DB was partly a marketing document, its purpose was to inform developers what was sought for the city and area. He suggested that this introduction could be inserted at the head of the document, which had yet to be completed (page 33 in the agenda supplement).

Mr Dignum supported Mr Moss' proposal and said that a full page would be required. Mrs Lintill agreed. Mr Moss suggested that it should take the form of an executive summary.

As to Mr Moss' remarks about the addition of environmental and sustainability material, Mr Over pointed out that sustainability meant different things to different people. The Southern Gateway site was in a very sustainable location and the development would comply with the BREAM very good standard and be at the cutting edge of technology. The ability to move around the area, particularly to the north of the railway line would be improved and the visitor arriving by public transport would enjoy a far more attractive vista than was currently the case. The draft DB already addressed Mr Moss' points in several places.

Mr Dignum thanked Mr Moss for his helpful and valuable contribution. He said that the addition of an introduction would be an example of a non-material change envisaged in the recommendation in para 3.5.

### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolutions set out below.



## **RESOLVED**

- (1) That the Development Brief in appendix 1 to the agenda report be approved taking on board the feedback received at the meeting.
- (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.

### **587 North Street Car Park Midhurst Resurfacing**

The Cabinet received and considered the agenda report.

This item was presented by Mr Dignum.

Mrs Murphy was in attendance for this matter.

Mr Dignum summarised the report with reference to sections 3, 5 and 7.

Mrs Murphy said the Midhurst Vision working group had been engaged (section 8) and the proposed improvement works would make this well-used car park more aesthetically pleasing.

#### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolutions set out below.

## **RESOLVED**

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

**[Note** At the end of this item there was a short adjournment between 10:51 and 11:00]

## 588 **Reducing Single Use Plastics**

The Cabinet received and considered the agenda report and its appendix in the agenda supplement.

This item was presented by Mr Connor.

Mr Day was in attendance for this matter.

In summarising the report Mr Connor said that the subject was a timely issue of increasing concern to residents and was receiving broad public support. From litter in the streets to micro-plastics in the seas, support was growing for making some simple changes and it was apparent that these could be achieved eg the single-use plastic bag surcharge and the impact of consumer pressure against the use of non-recyclable or re-usable coffee cups. In May 2018 the Annual Council had passed a motion addressing the issue, since when an officer working group had drawn up a CDC-wide action plan, appended to the report. The Overview and Scrutiny Committee had considered the plan including CDC's own action as an organisation on reducing plastic use and removing plastic altogether wherever possible. As a result of the OSC's comments, a new drinking fountain with a bottle refilling point had been installed in the East Pallant House reception. This would enable CDC to commit to joining the REFILL scheme, which was an app enabling users to see where they could fill their water bottles for free rather than purchase a single-use plastic bottle. The plan extended beyond CDC's operations within its own buildings to set out a sustained campaign to work with residents and businesses by making them aware of the alternatives while pressing home the message of responsible disposal through CDC's recycling and litter bin services. It would build on and complement the current Against Litter campaign. Volunteer-led Plastic-Free Communities had been successfully established across the country and CDC would seek to work with, support and encourage (a) local groups which had already begun this vital work, (b) others to follow suit and (c) local businesses which were taking a lead by (i) using alternatives to single-use plastic packaging, bottles, drinking vessels, straws and cutlery and (ii) promoting the use of re-usable items. The plan set out how further progress beyond these laudable efforts could and would be achieved.

Mr Day did not wish to add to Mr Connor's introduction.

Cabinet members expressed their strong endorsement for the action plan and commended what had already been achieved. Mr Barrow pointed out the significant overlap with the Against Litter campaign which he was overseeing and said that the two schemes would work closely together. Mrs Taylor alluded to the positive benefits of children being taught this message through schools and then encouraging their parents to follow their example. Mr Dignum drew attention to the various themes in the action plan.

The following non-Cabinet members spoke with Mr Dignum's consent, some of whom had notified him in advance of their wish to contribute:

- (1) Mr A Moss (Fishbourne) commended the action plan and what had already been achieved to address this urgent priority with the many challenges which had to be faced; it was rightly gaining an ever-increasing profile in the media and in many local communities. It was vital, therefore, that CDC was seen to be a leader in tackling this subject. He extended an offer that he and other CDC members could assist in any way to help drive forward this vital project.

Mr Connor, Mr Dignum and Mr Day acknowledged Mr Moss's helpful suggestion. Mr Dignum proposed the creation of a Cabinet task and finish group to include Mr Moss.

- (2) Mr A Shaxson (Harting) referred to the Overview and Scrutiny Committee's (OSC) debate of this subject and referred in the action plan to theme reference CDC5 on page 64 within the theme of improving the Council's performance as an organisation. The OSC and he had queried the feasibility of the December 2018 timescale in action point A) for removing (as opposed to identifying) any remaining SUPS which could easily be removed or substituted from CDC buildings and that it would be more realistic to commit to removing such items in the foreseeable future.

Mr Dignum said that the OSC had acknowledged that some actions could be achieved more quickly than others and those which would take longer, for example because CDC needed to work with suppliers, would be assigned to action point B) in CDC5. He emphasised that the key point in A) was 'can be easily removed' and if that were not possible, then it would fall within B) with its longer timescale. He added that most plastics within category A) had already been removed and only one or two remained.

Mr Day advised that the text of B) could be amended if required to include SUPS which would take longer to be removed. Mr Dignum said that was a matter for officers.

- (3) Mrs L C Purnell (Selsey North) remarked that at the member tour of completed developments on 28 September 2018 plastic water bottles were provided. She had said at the time that this should have been avoided and that instead all members should be provided with a refillable water bottle which they could replenish before they arrived for such an event.

Mr Dignum said that this was a good suggestion and it was duly noted.

- (4) Mr S Oakley (Tangmere) referred to the theme of working with local businesses on pages 65 to 66 and he pointed out the need to include the horticulture and agriculture businesses in view of the use of plastic in their operations.

Mr Day said that CDC would work with a broad range of businesses. Whilst the action plan focussed on Chichester city, CDC had previously collaborated with those two industries. He was aware that there was a firm which could collect the large quantities of plastic used. It was a difficult issue to address but further work could be done.

Mr Connor acknowledged the relevance of the issue and said that there were firms which sought to tackle this problem and CDC would do what it could to encourage that.

Mr Dignum cautioned that this aim could not be achieved immediately but it would not be overlooked. The task and finish group would monitor progress with this and all actions. Officers as well as members could raise Mr Oakley's concern with the horticulture and agriculture industries.

Mrs Lintill and Mr Dignum advocated raising this matter with the Petworth Business Association and the Chichester Chamber of Commerce.

(5) Mr R Plowman (Chichester West) mentioned Nature's Way Food, a major local employer which had created a special team to address the plastics issue and he thought that horticulture had been included and was very much on board.

Mr Dignum said with agreement of the Cabinet that the recommendation in the report should be amended to include references to the establishment of a task and finish group and working with the horticulture and agriculture industries.

#### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

#### **RESOLVED**

That (a) the Single Use Plastics Action Plan in the appendix to the agenda report be approved and (b) a Cabinet task and finish group be established to monitor implementation of the Action Plan including undertaking work with the horticulture and agriculture industries.

#### **589 Late Items**

As stated by Mr Dignum during agenda item 1 (minute 575) there were no late items for consideration at this meeting.

#### **590 Exclusion of the Press and Public**

In order to consider the confidential exempt matters listed as agenda items 17 (Development of Land at Barnfield Drive Chichester) and 18 (Southern Gateway Regeneration) Mr Dignum first read out the resolution set out below, which was then duly proposed and seconded.

#### *Decision*

On a vote by a show of hands the Cabinet approved unanimously the following resolution.

## **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:

- (1) agenda item 17 (Development of Land at Barnfield Drive Chichester) 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)) in Part I of Schedule 12A to the Act and
- (2) agenda item 18 (Southern Gateway Regeneration) 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 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) in Part I of Schedule 12A to the Act

and because in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **591 Development of Land at Barnfield Drive Chichester**

The Cabinet received and considered the confidential exempt agenda report circulated to members and officers only.

A sheet was circulated with an amended version of the recommendation in para 2.1 of the report.

The report was presented by Mr Over.

The matter was discussed by the Cabinet.

Mr Over responded to members' questions and comments on points of detail.

#### *Decision*

The Cabinet voted unanimously to make the resolution on the amended version of the recommendation in the report as set out below.

## **RESOLVED**

That authority be delegated to the Director of Growth and Place after consultation with the Leader of the Council to renegotiate the ground rent arrangements with the

developer provided that there is an improved impact on Chichester District Council's income from the development, the outcome of which will be reported to a subsequent meeting of the Cabinet.

## 592 **Southern Gateway Regeneration**

The Cabinet received and considered the confidential exempt agenda report and its four appendices which were circulated to members and officers only.

The report was introduced by Mr Dignum and Mr Over.

The matter was discussed by the Cabinet.

Mr Over responded to members' questions and comments on points of detail.

### *Decision*

The Cabinet voted unanimously to make the resolutions set out below.

### **RESOLVED**

- (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) That 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 meeting ended at 12:10]

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CHAIRMAN

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DATE

**Chichester District Council**

**THE CABINET**

**6 November 2018**

**Absence Management Policy**

**1. Contacts**

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**2. Recommendation**

**2.1 That the Cabinet recommends to the Council that the revised Absence Management Policy be approved.**

**3. Background**

- 3.1 Over the last five years, the levels of sickness within Chichester District Council (CDC) have gradually increased up to a level that is not acceptable. A full review of the causes and management of sickness within CDC was taken to the June 2018 meeting of Overview and Scrutiny Committee this year. One of the recommendations of the review was that the Absence Management Policy was reviewed. As with other council HR policies, this policy needs periodically to be reviewed to respond to changing requirements, both internal and external.

**4. Outcomes to be Achieved**

- 4.1 To ensure that the policy remains compliant with legislation and employment best practice and meet CDC's own needs.

**5. Proposal**

- 5.1 That the Absence Management Policy is revised. The revised policy more clearly summarises the stages of the process, both informal and formal (section 4), sets out the roles of employees, managers and HR in the process (section 5) and provides fuller guidance about sickness absence and related matters for all concerned (sections 12 and 13). The Trigger Points for initiating the Welfare Meeting (second informal stage) and the first formal stage have been amended to enable steps to be taken at an earlier point. It is intended that this policy will remove any ambiguity and minimise variations in application therefore ensuring a fair and consistent approach to the management of all staff in relation to sickness.

## **6. Alternatives Considered**

6.1 Not applicable.

## **7. Resource and Legal Implications**

7.1 The notification requirements placed on staff, previously standing outside of the policy, are now included within it.

## **8. Consultation**

8.1 Consultation has taken place with the Staff Side via the Joint Employee Consultative Panel and with Unison.

## **9. Community Impact and Corporate Risks**

9.1 None.

## **10. Other Implications**

|   | Yes | No |
|---|-----|----|
| <b>Crime and Disorder</b>                         |     | No |
| <b>Climate Change and Biodiversity</b>            |     | No |
| <b>Human Rights and Equality Impact</b>           | Yes |    |
| <b>Safeguarding and Early Help</b>                |     | No |
| <b>General Data Protection Regulations (GDPR)</b> |     | No |

## **11. Appendix**

12.1 Revised Absence Management Policy – October 2018

## **12. Background Papers**

13.1 Equality Impact Assessment



**Chichester District Council**

**THE CABINET**

**6 November 2018**

**Determination of the Council Tax Reduction Scheme for 2019-2020**

**1. Contacts**

**Report Author**

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**Cabinet Member**

Roger Barrow - Cabinet Member for Residents Services

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**2. Recommendation**

- 2.1. That the Cabinet recommends that the proposed Council Tax Reduction Scheme for 2019-20 be approved by the Council.**

**3. Background**

- 3.1. The Welfare Reform Act and Local Government Finance Acts of 2012 abolished the national council tax benefit (CTB) scheme and put in place from 1 April 2013 a framework for local authorities to create their own local council tax reduction (CTR) schemes.
- 3.2. The government has laid down the process by which a local council tax reduction scheme should be put in place and renewed each year. In accordance with that process, officers have consulted both West Sussex County Council (WSCC) and Sussex Police, published a draft scheme, consulted stakeholders and the community, and prepared the attached recommended scheme. This scheme must be approved by the Council before 11 March 2019 or the previous year's scheme will continue to have effect.
- 3.3. The cost of CTR is by way of deduction from the tax base, which has to be set by the December 2018 Cabinet meeting. Although the legislation permits the CTR scheme to be approved by 11 March 2019 it really needs to be considered and agreed before tax base can be set.
- 3.4. The cost of the scheme is shared between all precepting authorities. This Council's share is approximately 9% of the total scheme cost, with the rest being funded by Sussex Police, WSCC and the parish councils.
- 3.5. Roll out of Universal Credit Full Service (UCFS) for Chichester District commenced (in the main part) in July 2018. From this date Universal Credit (UC) replaced all legacy benefits, including Housing Benefit administered by the Council, for all new eligible working age claimants. It was anticipated that this change would increase the cost of administration of the scheme therefore in 2018 – 19 a new Class F was introduced to the scheme. This class was for claimants in receipt of UC, entitlement for this Class is determined in

accordance with income bands rather than the means test that applies to other working age classes in the scheme.

- 3.6. Since the introduction of local schemes the Council has aimed to support those that are financially vulnerable in its communities by maintaining levels of support to claimants in comparison with the National means-tested Council Tax Benefit scheme that it replaced. Across the country this has been a different story, of the 326 local authorities across England 277 have introduced a minimum amount.

#### **4. Outcomes Achieved**

- 4.1. The delivery of a scheme that is cost effective to administer while supporting those in the community that require financial assistance in the form of a reduction in their council tax.
- 4.2. As in previous years the schemes performance will be monitored in year with a view to informing the succeeding year's scheme.

#### **5. Proposal**

- 5.1. The proposed CTR scheme for 2019-20 is broadly unchanged from last year's scheme. Some minor amendments have been introduced aimed at simplifying the scheme and reducing the cost of administration. These are:
  - (a) Introduction of a flat rate non-dependant deduction of £3.90 per week for claimant's on the banded UC scheme (Class F in the scheme document). This will be applied for all non-dependants in the household for claimants on this scheme, where the non-dependant is in remunerative work.
  - (b) Realignment of the start date of CTR with the Housing Benefit scheme. When the scheme was introduced in 2013 the Council took the decision that entitlement to CTR would start on the date that an application is received, rather than the general principle of the following Monday. However the Revenues & Benefits software supplier Northgate Public Services has never been able to deliver this. This has resulted in manual processing. Therefore it is proposed that the start date be realigned to the HB scheme which is deliverable and reduces the cost of administration.
  - (c) Any changes that have occurred in HB will also be transferred across to the 2019-20 scheme, including uprated premiums, living allowances and non-dependant deductions (for non UC claimant's) supplied by the Department for Work and Pensions that will be published later in the financial year.
  - (d) The introduction of the banded scheme for UC claimants in 2018 could result in a reduced entitlement for some claimants this will be mitigated by the discretionary hardship policy that sits within the scheme which is sufficiently flexible to ensure that claimants in Working Age Class F are not disadvantaged by the banded scheme. This hardship policy has also been updated to ensure that Care Leavers under the age of 25 are also considered to be a vulnerable group and the Council will aim to engage and support this group should it be required.

## **6. Alternatives Considered**

- 6.1. Consultation included the proposal to leave the 2017-18 scheme unchanged for 2018-19. This is not favoured by Officers as it does not give the opportunity to make the minor changes that it feels are required to ensure that the scheme is as straightforward and cost effective to administer as possible.
- 6.2. The consultation also introduced the idea of extending the banded scheme to all working age claims and the concept *De Minimus* rules. The introduction of either of these options is aimed at reducing the volume of changes to entitlement as a consequence of minor income changes that some claimants with variable incomes experience during the billing year. Both of these principles were largely supported in the consultation. However for this financial year officers feel that they would like to have the opportunity to measure the performance of the banded scheme that was introduced in 2018. UC was due to roll out in April 2018, however this was delayed until July 2018, therefore at this time there is insufficient data to measure the effectiveness of the scheme in terms of both how it supports claimants and reduces the cost of administration.
- 6.3. Banded schemes and *De Minimus* rules do the same thing in a different way. Therefore longer term the Council needs to decide how they see the long term future of the scheme. The roll out of UCFS, in particular the next stage of this process, known as managed migration (when those on existing legacy benefits transfer across to UC) is scheduled to commence from 2019. This combined with the likelihood of continued reduction of administration funding in the form of grant funding from the Department for Work and Pensions means that decisions may need to be made regarding which of these options (if any) are favoured. Therefore officers propose that these ideas form the basis of the consultation for the 2020 – 2021 scheme with consideration given to how the introduction of a banded scheme for those of UC has impacted on both the cost of administration and the cost of support. This will be in full consultation with the Director of and the Cabinet Member for Residents Services.

## **7. Resource and Legal Implications**

- 7.1. The predicted spend on CTR when tax base was set in December 2017 for 2018-19 was £7,338,771.19. The revised 2018-2019 cost is now estimated to be £7,180,886.53 (as at the end of August). This compares with £6,782,628.88 actual CTR expenditure for 2017-18, against a tax base estimate of £6,990,172.53.
- 7.2. Future CTR expenditure is difficult to predict, however it has remained constant since the introduction of local schemes. However external factors could influence expenditure, such as an economic downturn, loss of a local employer including the impact of Brexit or extended welfare reform.

## **8. Consultation**

- 8.1. A consultation with stakeholders and the public on the draft scheme for 2019/20 was carried out during July and August. A total of 107 responses were received, this is an increase on previous years. The full report can be found at appendix 2.

- 8.2. 86.9% of respondents agree that Council Tax Reduction and Housing Benefit claims should start on the same day, 7.4% were uncertain or felt strongly neither way and 5.6% disagreed.
- 8.3. 37.1% of respondents said that non-dependant deductions for UC claims should remain the same as working age deductions, 37.1% agreed that they should be introduced at a flat rate and 22.9% were unsure.
- 8.4. 36.4% of respondents said that they thought the proposed flat rate of £3.90 was about right, with 30.8% said it was too low, 24.3% said they were unsure and 8.4% said that they thought it was too high.
- 8.5. Three quarters of respondents agree that the existing banded scheme should be expanded to include all working age claims. 44.9% of respondents agreed, and 22.9% strongly agreed that it should be expanded.
- 8.6. More than four out of five respondents said they would support the introduction of *De Minimus* parameters. Most respondents (55.3%) felt that £1.00 was a suitable amount, with 19.4% saying that they thought 50p and the remaining 25.2% saying other. Of those that said other most thought that £10 would be about right.
- 8.7. 35.5% were uncertain or had no strong feelings either way and a further 35.5% did not feel that the existing CTR scheme should be kept the same. 29% of respondents agreed that the current scheme should remain unchanged.

## 9. Community Impact and Corporate Risks

- 9.1. The corporate risk to the authority is setting a CTR scheme which is unaffordable. This risk is reduced by setting a scheme which is broadly in line with the existing one so expenditure can be predicted. Should there be a downturn in the economy there is a risk that the scheme will cost more than estimated.
- 9.2. The community impact is reduced by keeping the calculation of entitlement as close to the previous CTB scheme as possible.

## 10. Other Implications

|   | Yes | No |
|---|-----|----|
| <b>Crime and Disorder</b>                         |     | No |
| <b>Climate Change and Biodiversity</b>            |     | No |
| <b>Human Rights and Equality Impact</b>           | Yes |    |
| <b>Safeguarding and Early Help</b>                |     | No |
| <b>General Data Protection Regulations (GDPR)</b> |     | No |

## **11. Appendices**

11.1 Draft Council Tax Reduction Scheme 2019-2020

11.2 Council Tax Reduction Scheme Survey 2018

11.3 Council Tax Reduction Scheme 2019-20 Equalities Impact Assessment

## **12. Background Papers**

12.1 None

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## Chichester District Council

THE CABINET

6 November 2018

### Non-Domestic Rates Discretionary Scheme 2017- 2021

#### 1. Contacts

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##### Cabinet Member

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#### 2. Recommendation

**That the Council be recommended to approve the amended Non-Domestic Rate Discretionary Scheme for 2017-2021 as set out in the appendix to this report.**

#### 3. Background

- 3.1 In March 2017, the government announced that it would make available a discretionary fund of £300 million over four years from 2017-2018 to support those businesses that faced increases in their business rates bill as a result of the 2017 revaluation of business rates. The government determined that councils would be best placed to decide how this fund should be targeted and administered to support businesses.
- 3.2 Each authority within England has been provided with a share of the £300 million fund to support local businesses.
- 3.3 The funding is not provided equally over the four year-period. Chichester District Council's allocation of the government funding is set out below:

| 2017-18           | 2018-19           | 2019-20          | 2020-21         | Total    |
|-------------------|-------------------|------------------|-----------------|----------|
| £458,000<br>(58%) | £223,000<br>(28%) | £92,000<br>(12%) | £13,000<br>(2%) | £786,000 |

- 3.4 The funding from government was front-loaded to 2017-2018 and will be reconciled each year as part of the financial year closedown.
- 3.5 The scheme was designed to limit the increase in rates for the financial year 2017-2018 to 4%, for businesses with a rateable value of less or equal to £20,000. Businesses with a rateable value of less or equal to £100,000 have had their bill increases limited to 5%. From 2018-2019 to 2020-2021 businesses receive a fixed percentage of the previous year's award.

- 3.6 Following approval of the scheme by Council on 21 November 2017, invitations to apply for assistance were sent to all 1,200 eligible customers. Reminders to apply were issued to customers in February, March and May 2018. Due to government restrictions, applications for assistance must be received before 30 September 2018. Of the eligible 1,200 customers approximately 800 applied for assistance before the deadline.
- 3.7 A total of £294,000 (64%) of the 2017-2018 allocation has now been paid out to customers.
- 3.8 Eligible businesses from 2018 to 2021 currently receive a fixed percentage of the previous year's award as long as they remain in occupation of the property. Properties that become unoccupied or change ownership will not be eligible for the reduction. A worked example is shown below and is based on a customer being awarded £500 discretionary reduction for the financial year 2017-18;

| Award due in 2018-19  | Award due 2019-20     | Award due 2020-21    |
|-----------------------|-----------------------|----------------------|
| £250 (50% of 2017-18) | £100 (40% of 2018-19) | £10 (10% of 2019-20) |

- 3.9 All eligible customers have received their 2018-2019 award. However as the 2018/19 awards are based on a fixed percentage of the 2017-2018 awards there remains an underspend for 2018-2019 of £76,000 as detailed below;

|  |          |
|--|----------|
| Government Allocation for 2018/19  | £223,000 |
| Total Fixed Percentage Awards for 2018/19 @ 50% of 2017/19 awards.(£294,000) | £147,000 |
| Balance of Allocation (underspend)   | £76,000  |

#### **4. Outcomes to be Achieved**

- 4.1 Distribution of Chichester District Council's full allocation of the national £300 m discretionary fund for 2018-19, 2019-20 and 2020-21.
- 4.2 Ensure that the additional relief is distributed to local businesses smoothly, cost effectively and quickly as possible.
- 4.3 Eligible businesses see a further reduction in their business rate bills.

#### **5. Proposal**

- 5.1 To maximise payments to eligible customers and to allow the allocation of the underspend for 2018-19, the fixed percentage award for 2018-19, 2019-20 and 2020-21 be increased as follows:

| Financial Year | Fixed Percentage (current) | Fixed Percentage (proposed) |
|----------------|----------------------------|-----------------------------|
| 2018-19        | 50%                        | 76%                         |
| 2019-20        | 40%                        | 41%                         |
| 2020-21        | 10%                        | 14%                         |

- 5.2 That the amended discretionary scheme as set out in the appendix is recommended for approval.



## **6. Alternatives Considered**

- 6.1 Leave the scheme unchanged and return all unallocated funds for 2018-19, 2019-20 and 2020-21 back to the government.

## **7. Resource and Legal Implications**

- 7.1 The Council will be compensated for any relief awarded, within allocation limits, under section 31 of the Local Government Act 2003.
- 7.2 Cost of administering the scheme has been met by central government through a New Burdens Funding's payment of £12,000.
- 7.3 Administration of the scheme will be resourced within the existing Revenues team.
- 7.4 This scheme is administered through billing authorities' discretionary relief powers under section 47 of the Local Government Finance Act 1998.

## **8. Consultation**

- 8.1 As a requirement of the funding from central government, consultation with major precepting authorities was undertaken with West Sussex County Council and Sussex Police and Crime Commissioner between 3 August 2017 and 10 October 2017.
- 8.3 West Sussex County Council agreed with the principles of the scheme and that it was simple to understand and administer. They also welcomed that the relief was targeted at small and medium businesses. Sussex Police and Crime Commissioner advised that as there were no financial implications to their authority they had no comments to make.
- 8.4 Consultation on these proposed scheme amendments was started with West Sussex County Council and Sussex Police and Crime Commissioner on 16 October 2018 and is due to end on 1 November 2018. An oral update will be reported to the Cabinet.

## **9. Community Impact and Corporate Risks**

- 9.1 The amendment to the scheme will help to further reduce the increase in the business rates bill of qualifying small and medium sized companies within the district. However larger properties with a rateable value of over £100,000 are not assisted. The majority of national companies situated in the city centre have rateable values above this £100,000 ceiling for assistance. Those businesses facing financial hardship that are not eligible for assistance under this scheme can alternatively apply for assistance under existing powers provided to the Council under section 69 of Localism Act 2011 and will be considered on a case by case basis.

| <b>Other Implications</b>               | <b>Yes</b> | <b>No</b> |
|---|------------|-----------|
| <b>Crime and Disorder</b>               |            | x         |
| <b>Climate Change</b>                   |            | x         |
| <b>Human Rights and Equality Impact</b> |            | x         |

|   |  |   |
|---|--|---|
| <b>Safeguarding and Early Help</b>                |  | X |
| <b>General Data Protection Regulations (GDPR)</b> |  | X |
| <b>Other</b>                                      |  | X |

## **11. Appendices**

11.1 Non-Domestic Rate Discretionary Rate Scheme 2017- 2021

## **12. Background Papers**

12.1 None

## Chichester District Council

THE CABINET

6 November 2018

### Funding of East Beach Outfall Replacement

#### 1. Contacts

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**Cabinet Member:**

John Connor - Cabinet Member for Environment Services

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#### 2. Recommendation

- 2.1 **That £100,000 from reserves is released to replace the approved funding from the Community Infrastructure Levy with the balance funded from revenue resources to the extent that it is not otherwise met from external grant from Southern Water to fund the replacement of the East Beach surface water outfall.**

#### 3. Background

- 3.1 At its meeting on 4 September 2018, the Cabinet resolved to award the contract for the East Beach outfall replacement with expenditure being funded from Community Infrastructure Levy funds of £100,000, approved in the Infrastructure Business Plan 2018-2019 and the balance being funded from service revenue budgets and potential external grant funding from Southern Water.
- 3.2 The Community Infrastructure Levy is required to be used for infrastructure which supports the growth of the area and although future new development in Selsey will benefit from the outfall, the present outfall has been in existence for many years and existing drainage issues which Chichester District Council (CDC) is legally obliged to address will also benefit.

#### 4. Outcomes to be Achieved

- 4.1 A functioning outfall to facilitate surface water drainage in Selsey, mitigate surface water flood risk and to achieve compliance with legal obligations.
- 4.2 Funding of the outfall in accordance with the CIL regulations.
- 4.3 Once constructed the asset will be inspected by CDC on a quarterly basis within an existing inspection programme to ensure continued satisfactory operation.

## **5. Proposal**

- 5.1 Following a review of this matter by officers, it is now considered more appropriate that the outfall is funded by reserves and not the previously approved CIL.
- 5.2 It is proposed therefore that £100,000 is released from reserves to fund the outfall replacement.

## **6. Alternatives Considered**

- 6.1 Use CIL funds as previously approved – because the outfall provides drainage for existing housing and its replacement is not solely directly related to new development this option is, on further review, no longer considered appropriate.
- 6.2 Do Nothing – The outfall pipe/structure is likely to fail in the short term and the associated flood risk to property and the additional costs of emergency works / recovery should full failure occur would be significant.
- 6.3 Patch Repair – This has been the approach for the past ten years. The outfall's condition has continued to deteriorate and this is not considered a viable or reliable approach going forward.

## **7. Resource and legal implications**

- 7.1 Finance: £100,000 will need to be released from CDC's reserves. The balance of the cost of the project (approximately £49,000) can be met from existing revenue budgets available for ordinary watercourse infrastructure. However, negotiations are on-going with Southern Water in relation to a possible contribution in recognition of the asset being used for storm overflow, which if received, will reduce the amount to be funded by the Council.
- 7.2 The outfall will need to be incorporated into the asset replacement programme which can be addressed as part of the next budget setting process.

## **8. Consultation**

- 8.1 None

## **9. Community Impact and Corporate Risks**

- 9.1 Given the objectives of the project, it is expected to have a positive community impact. There is not considered to be any significant corporate risk for the Council unless the project is not approved.
- 9.2 Timely intervention to carry out repairs reinforces the community's sense of security and wellbeing.

## **10. Other Implications**

|  | Yes | No |
|--|-----|----|
| <b>Crime and Disorder</b>              |     | X  |
| <b>Climate Change and Biodiversity</b> |     | X  |

|   |  |   |
|---|--|---|
| <b>Human Rights and Equality Impact</b>           |  | X |
| <b>Safeguarding and Early Help</b>                |  | X |
| <b>General Data Protection Regulations (GDPR)</b> |  | X |
| <b>Other</b>                                      |  | X |

## **11. Appendices**

11.1 None

## **12. Background Papers**

12.1 Cabinet Report: [Award of Contract for East Beach Outfall Replacement 4 September 2018](#)

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**Chichester District Council**

**THE CABINET**

**6 November 2018**

**Proposed Fees and Charges for the New  
Animal Welfare Licensing Regime**

**1. Contacts**

**Report Author**

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**Cabinet Member**

John Connor - Cabinet Member for Environment Services  
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**2. Recommendation**

- 2.1 That the Cabinet considers and makes any recommendations on the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for consideration by the General Licensing Committee when coming to its decision.**

**3. Background**

- 3.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 repeals and amends the existing legislation for animal licensing activities, namely; animal boarding, dog breeding, pet shops, performing animals and riding stables.
- 3.2 The new regulations aim to provide benefits for animal welfare and have amended the previous licensing regime in a number of ways. The three key changes which relate to fees are:
- Premises can have a single licence covering a number of licensed activities.
  - Performing animals, previously subject to a permitting regime administered by County Councils, are now included in this licensing regime and the licensing authority is, therefore, District Councils.
  - With the exception of performing animals, all other business will be assessed against animal welfare model standards and awarded a risk rating which determines the length of the licence. Licences can last for between 1 to 3 years. Performing animal licenses automatically run for 3 years.
- 3.3 The legislation allows licensing authorities to charge a reasonable amount to recover the cost of considering the grant, renewal or variation of a licence.

#### **4. Outcomes to be Achieved**

- 4.1 That new fees are set which are fair and reasonable based on the Open for Business: LGA guidance on locally set licence fees and which achieve recovery of the Council's costs in administering the new system. The proposed fees have regard to the reasonable anticipated costs for:
- Consideration of an application, including any inspection relating to that consideration;
  - Consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the cost of any further inspections related to compliance;
  - The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator;
  - The cost of the new requirement for officer training and the reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

#### **5. Proposal**

- 5.1 That a new fee structure is introduced (as set out in Appendix 1) which will ensure the animal licensing system achieves cost recovery, including enforcement.
- 5.2 The fees and charges proposed are based on the statutory guidance for the new regime, issued by DEFRA.
- 5.3 In addition to the Council's fees, businesses may also be required to pay for an inspection and report from the Council's authorised vet. This cost will be in addition and is recharged to the licensee at the cost to the Council. Vet inspections are required for riding establishments, the first inspection of a dog breeder and for any premises, where an officer has concerns about animal welfare and a vet's opinion is required.
- 5.4 Whilst the cost of administering this licensing regime will result in a significant increase in fees for operators, some licences will run for two or three years, instead of being renewed annually, so the cost to fully compliant businesses may, in fact, be less over the life of the licence. An estimate of the fees over a three-year period, based on current licence types and numbers, might be approximately £61,000 (£20,300/year).

#### **6. Alternatives Considered**

- 6.1 By leaving fees at the existing levels, they will not comply with the new legislation. Although the legislation provides for no transition period, the Council could introduce a sliding scale for the fees, over a period of, for example, three years as a means of supporting the transition for local businesses who may have additional costs of meeting the newer model conditions for animal welfare. This would however mean that the full cost of administering the new regulations would not be recovered.



## 7. Resource and Legal Implications

- 7.1 Changes arising out of the new regime have resource implications but it is anticipated at this stage that no new staff resources will be required to administer the new licencing system but this will be kept under review.
- 7.2 There are no additional legal implications beyond those outlined above.

## 8. Consultation

- 8.1 A Sussex-wide Animal Licensing Sub-Group produced a fee setting structure to ensure consistency in the fees across the county. The Council's proposed fees are in line with the fees proposed by neighbouring local authorities.
- 8.2 All current licence holders have been written to, explaining the changes to animal licences and the new application process. The Council's website has also been updated..

## 9. Community Impact and Corporate Risks

- 9.1 The changes in legislation may be a challenge for a regulated business although the thrust of the new legislation is to improve animal welfare standards, which should be seen as a positive move. Any increase in licensing of premises that currently operate unlicensed, will assist in achieving an even playing field for all businesses.
- 9.2 Failure to approve suitable fee levels for licensable activities will result in the Council's costs in administering the regime not being fully recovered.

## 10. Other Implications

| Are there any implications for the following?   |          |          |
|---|----------|----------|
|   | Yes      | No       |
| <b>Crime and Disorder</b> The new legislation will result in more businesses now coming under the licensing regime which have previously been unregulated e.g. hobby breeders, dog day care franchises. The legislation also requires LA to look for businesses that continue to operate animal activities without a licence. | <b>x</b> |          |
| <b>Climate Change and Biodiversity</b>  |          | <b>x</b> |
| <b>Human Rights and Equality Impact</b>   |          | <b>x</b> |
| <b>Safeguarding and Early Help</b>  |          | <b>x</b> |
| <b>General Data Protection Regulations (GDPR)</b>   |          | <b>x</b> |
| <b>Other</b> (please specify) eg health and wellbeing   |          | <b>x</b> |

## 11. Appendices

Table of proposed Animal Licence Fees

## **12. Background Papers**

12.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Procedural guidance notes for local authorities, July 2018

<http://www.cfsg.org.uk/The%20Animal%20Welfare%20Licensing%20of%20Activities%20Involvi/f.%20Defra%20Guidance%20Notes%20for%20Dog%20Boarding%20Kennels.pdf>

12.2 Open for Business – LGA guidance on locally set licence fees, Local Government Association, May/June 2017.

[https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness\\_02\\_web.pdf](https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf)

## Appendix

### Table of Proposed Animal Licence Fees

| Licence Type                               | Numbers   | Existing Licence Fee | Proposed Licence Fee |
|--|---|----------------------|----------------------|
| Pet shop                                   |   | 148.00               | 304.00               |
| Home boarding of dogs                      | 1-6   | 94.00                | 253.00               |
| Dog day care                               | 1-6   | new                  | 289.00               |
|  | 7-25  | new                  | 304.00               |
|  | 26-75   | new                  | 319.00               |
|  | 76+   | new                  | 334.00               |
| Boarding – dogs or cats                    | 1-6   | 155.00               | 304.00               |
|  | 7-25  | 155.00               | 319.00               |
|  | 26-75   | 187.00               | 334.00               |
|  | 76+   | 247.00               | 349.00               |
| Hire of horses/donkeys                     | 1   | 131.84               | 418.00               |
|  | 2-10  | 194.67               | 445.00               |
|  | 11-20   | 252.35               | 522.00               |
|  | 21+   | 375.95               | 599.00               |
| New dog breeding establishment             | 1-6   | 154.00               | 349.00               |
|  | 7-12  | 154.00               | 364.00               |
|  | 12+   | 154.00               | 394.00               |
| Renewal dog breeding establishment         | 1-6   | 154.00               | 304.00               |
|  | 7-12  | 154.00               | 319.00               |
|  | 12+   | 154.00               | 349.00               |
| Animals for exhibition<br>[3 year licence] | 1-5   | New                  | 304.00               |
|  | 6+ or<br>> 3<br>species                                 | New                  | 334.00               |
| Rescore visit                              |   | £140                 |                      |
| Vets fees (where required)                 | A recharge to the licensee of the cost to the Authority |                      |                      |

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# Temporary Appointment to Bury Parish Council

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Under **section 91 (1) of the Local Government Act 1972** ('the Act') and on hearing an oral report from the Monitoring Officer, the Chichester District Council as a Principal Authority under the Act, hereby appoints the following District Councillor:

Mr Henry Potter

To be appointed as a Parish Councillor with the Bury Parish Council until such time as vacancies at the Bury Parish Council have been filled by election.

Decision made under seal

Authorised officer

Dated this                      day of                      2018

## Notes

The Monitoring Officer has reported that the Clerk and Chairman of the Bury Parish Council have reported that they are unable to operate due to being inquorate and verified that the Bury Parish Council requires the appointment of the above named District Councillor in order to become quorate.

This appointment will end once sufficient members are elected to the Parish Council to enable the Parish Council to be quorate without his membership or on 31 December 2019, whichever comes first.

In accordance with section 91 (3) of the Local Government Act 1972 the Chichester District Council Monitoring Officer will send two copies of this order to the Secretary of State, copied to the Parish Clerk.

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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