

Public Document Pack

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Notice of Meeting

To All Members of Chichester District Council

You are hereby summoned to attend a meeting of **THE COUNCIL** which will be held in **Virtual** on **Tuesday 24 November 2020** at **2.00 pm** for the transaction of the business set out in the agenda below.

A handwritten signature in black ink, appearing to read 'Diane Shepherd'.

DIANE SHEPHERD

Chief Executive

16 November 2020

AGENDA

- 1 **Minutes** (Pages 1 - 10)
The Council is requested to approve as a correct record the minutes of the meeting held on 22 September 2020.
- 2 **Urgent Items**
The Chair will announce any urgent items which due to special circumstances are to be dealt with under Late Items.
- 3 **Declarations of Interests**
Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.
- 4 **Chair's Announcements**
Apologies for absence will be notified at this point.

The Chair will make any specific announcements.
- 5 **Public Question Time**
In accordance with Chichester District Council's scheme for public question time as amended by Full Council on 24 September 2019 the Council will receive any questions which have been submitted by members of the public in writing by noon two working days before the meeting. Each questioner will be given up to three minutes to ask their question. The total time allocated for public question time is 15 minutes subject to the Chairman's discretion to extend that period.

RECOMMENDATIONS BY THE CABINET

The Council is requested to consider the following recommendations of the Cabinet requiring the approval of the Council.

The reports giving rise to these recommendations are in the papers for the meeting of the Cabinet on 3 November 2020. These are available in the committee papers section of the Council's website.

6 **Allocation of Commuted Sums to Deliver Affordable Housing**

The material relevant to this item can be found on pages 7-9 of the Cabinet agenda pack for 3 November 2020.

The following recommendations were made to Council:

1. The allocation of commuted sums of £100,000 to Stonepillow to enable the acquisition of a property in Chichester to provide move-on accommodation for Rough Sleepers.
2. The allocation of commuted sums of £100,000 to Chichester Greyfriars Housing Association to support the construction of five one bedroom flats at Royal Close, Chichester.

7 **Determination of the Council Tax Reduction Scheme for 2021-2022**

The material relevant to this item can be found on pages 11-13 of the Cabinet agenda pack for 3 November 2020 (the appendix can be found in the supplementary pack for the same meeting).

The following recommendation was made to Council:

That the proposed Council Tax Reduction Scheme for 2021-2022 be approved by Full Council.

8 **Covid Recovery Grants**

The material relevant to this item can be found on pages 15-18 of the Cabinet agenda pack for 3 November 2020.

The following recommendation was made to Council:

That the merge of the Community Recovery Grants Fund and Economic Recovery Grants Fund be approved.

9 **Revised Statement of Licensing Policy 2020-2022 - Licensing Act 2003 & Revised Sex Establishment Policy 2020-2025 - Local Government (Miscellaneous Provisions) Act 1982**

The material relevant to this item can be found on pages 19-22 of the Cabinet agenda pack for 3 November 2020 (the appendices and background papers are available in the supplement packs).

The following recommendations were made to Council:

1. That the revised Statement of Licensing Policy for the period 2020-2022 and revised Sex Establishment Policy for the period 2020-2025 be approved and referred to Council for consideration on 24 November 2020.
2. That, subject to consideration of any comments referred by Cabinet, the revised Statement of Licensing Policy for the period 2020-2022 and revised Sex Establishment Policy for the period 2020-2025 is approved for subsequent publication.

MOTIONS PROPOSED IN ADVANCE BY MEMBERS

10 Motion submitted by Cllr Bowden

Having complied with the Motions Procedure as set out in the council's Constitution the motion below will be proposed by Cllr Bowden and if duly seconded it will then be discussed at this meeting:

This Council has serious concerns about the performance of the Statutory Wastewater Company for this District, Southern Water, and in particular:

- *Currently, in the light of known Wastewater Treatment capacity limitations at seven of the District's ten Wastewater Treatment Works, about Southern Water's normal response to Planning Application consultations, that it can connect the proposed unplanned developments, without apparent regard to the cumulative capacity effect of developments already permitted and planned, including those in neighbouring Districts (Havant and Arun) that share two of the Works;*
- *In the immediate future, the Council therefore has well-founded doubts about the capability of Southern Water (whether financial or otherwise) to build in good time the greatly enhanced wastewater treatment capacity that will be required to provide for the needs of the District's new residents foreseen, and required by HM Government, in the Local Plan Review;*
- *In the medium term, 1) five of the ten Wastewater Treatment works will be at risk of inundation from rising sea-levels due to Climate Change, and 2) there is a clear risk of outflow of Nitrates to Pagham Harbour; but the Council has no evidence of any plan by Southern Water to address either of these risks;*
- *and accordingly the Council requests the Leader and Chief Executive Officer to write to OFWAT to detail our concerns and call on the Regulator to intervene.*

11 Motion submitted by Cllr O'Kelly

Having complied with the Motions Procedure as set out in the council's Constitution the motion below will be proposed by Cllr O'Kelly and if duly seconded it will then be discussed at this meeting:

In 2006 the UN Principles of Responsible Investment (UNPRI) were introduced. Niche at the time, they now have mainstream adoption, with thousands of asset managers and owners from across the world signed up. The West Sussex County Council Pension scheme has recently signed up too.

This Council welcomes the fact that the United Nations Principles of Responsible Investment are being increasingly adopted, including:

- *incorporating environmental, social and governance (ESG) issues into investment analysis and decision making,*
- *being active owners,*
- *seeking disclosure of ESG issues, and*
- *promoting the principles within the industry.*

This council agreed to consider ESG options in its Treasury Management Investment Strategy for 2020/21. Signing up to UNPRI is a further, logical step on this pathway towards making ethical investment decisions.

This Council therefore calls on the Cabinet Member for Finance to ask the Council's investment advisers to ensure they follow the United Nations Principles of Responsible Investment for all of the Council's investments. This will ensure that CDC achieves a more ethical investment policy by incorporating matters like human rights and environmental issues, such as reducing reliance on fossil fuels (in line with the Council's Climate Change Strategy), into its investment decisions.

OTHER REPORTS

12 Review of Political Balance and Committee Appointments (Pages 11 - 15)

The report for this item is attached. Members are requested to agree the following recommendations:

1. the review of political balance arrangements to be submitted and settled at the meeting be approved; and
2. that membership of committees and sub committees be approved by members at the meeting; and
3. the calculations set out in this report are applied in making appointments to committees.
4. that chairman responsibilities of committees and sub committees be approved by members at the meeting.

13 Questions to the Executive

Members are invited to ask a question of a member of the Executive (maximum of 40 minutes duration).

14 Late Items

To consider any late items as follows:

- a) Items added to the agenda papers and made available for public inspection.
- b) Items which the Chair has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

15 Exclusion of the press and public

The Council is asked to consider in respect of agenda item 16 whether the public, including the press, should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government Act 1972,

as indicated against the item 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.

16 **Southern Gateway Regeneration Project**

The papers for this report will be available to members in the Special Cabinet agenda for 24 November 2020.

NOTES

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.

MEMBERS

Mrs E Hamilton	Mr T Johnson
Mrs C Apel	Mrs E Lintill
Mrs T Bangert	Mrs S Lishman
Mr G Barrett	Mr G McAra
Miss H Barrie	Mr A Moss
Mr M Bell	Mr S Oakley
Rev J H Bowden	Dr K O'Kelly
Mr R Briscoe	Mr C Page
Mr J Brown	Mr D Palmer
Mr A Dignum	Mrs P Plant
Mrs J Duncton	Mr R Plowman
Mr J Elliott	Mr H Potter
Mr G Evans	Mrs C Purnell
Mrs J Fowler	Mr D Rodgers
Mrs N Graves	Mrs S Sharp
Mr F Hobbs	Mr A Sutton
Mr K Hughes	Mrs S Taylor
Mrs D Johnson	Mr P Wilding

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Minutes of the meeting of the **Council** held in Virtual on Tuesday 22 September 2020 at 2.00 pm

Members

Present:

Mrs E Hamilton (Chairman), Mrs C Apel (Vice-Chairman),
Mrs T Bangert, Mr G Barrett, Miss H Barrie, Mr M Bell,
Rev J H Bowden, Mr R Briscoe, Mr J Brown, Mr A Dignum,
Mrs J Duncton, Mr J Elliott, Mr G Evans, Mrs J Fowler, Mrs N Graves,
Mr F Hobbs, Mr K Hughes, Mrs D Johnson, Mr T Johnson, Mrs E Lintill,
Mrs S Lishman, Mr G McAra, Mr A Moss, Mr S Oakley, Dr K O'Kelly,
Mr C Page, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mr H Potter,
Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor
and Mr P Wilding

**Members not
present:**

**Officers present all
items:**

Mr N Bennett (Divisional Manager for Democratic Services),
Mr A Frost (Director of Planning and Environment),
Miss L Higenbottam (Democratic Services Manager),
Mrs J Hotchkiss (Director of Growth and Place), Mrs L Rudziak
(Director of Housing and Communities), Mrs D Shepherd (Chief
Executive) and Mr J Ward (Director of Corporate Services)

18 Minutes

Cllr Johnson requested an amendment minute to note that some members did not support the proposal as it was understood that one Parish on the Peninsula did not support the proposal.

RESOLVED

That the minutes of the Annual Council meeting held on 21 July 2020 be approved subject to the above amendment.

19 Urgent Items

The Chair confirmed that she would be accepting no late items.

20 Declarations of Interests

The following declarations of personal interest were made in respect of agenda item 7:

- Cllr Oakley as a member of West Sussex County Council, Tangmere Parish Council and a Chichester District Council appointed member of the Portsmouth Water Customer Forum.

- Cllr Duncton as a member of West Sussex County Council and as a member of the South Downs National Park Authority Planning Committee

21 Chair's Announcements

There were no apologies for absence.

The Chair on behalf of the Council sent sincere condolences to the family of Tony French who recently passed away. Tony was a long serving district councillor who demonstrated dedication to his local community. He will be remembered for his vibrant personality and for the friendship he gave to many members present today.

Cllr Duncton and Cllr Apel also paid personal tributes to Tony French.

22 Public Question Time

The following public question was submitted by Mr Oliver English:

I think it would be fair to say that we need more provisions for cyclists, so my question has more than one part

Currently the WSCC Pop up Covid Cycle Lanes are causing huge amounts of chaos around Chi, including blocking emergency vehicles in congestion, people such as myself experiencing pollution in their homes on a regular basis since the cycle lanes are causing more congestion and more cars are sitting idling in traffic jams, to the first part of my question, aren't CDC concerned about the negative impact of this poorly thought out scheme on businesses and residents and are you talking to WSCC in order for them to make some urgent safety changes. No crossings for cyclists or pedestrians to use.

Chi seems to already have some good secretions of cycle links. Is there any plans to link up the likes of Centurion Way with the canal basin, perhaps with a provision for cyclists to use the pedestrianised centre?

Is CDC adopt a joint up approach, so that in future any out of town shops such as Lidl must include provisions for cycle and public transport links, if car journeys are to be discouraged?

Cllr Plant responded as follows:

Thank you for statement and questions. The Council agrees that greater provision for walking and cycling is important given the many health, environmental and economic advantages of these active, self-propelled, travel modes. CDC is currently out to consultation on its draft Local Cycling and Walking Infrastructure Plan, which is available on the Council's 'Let's Talk' webpages. WSCC has also produced a LCWIP, Sustainable Travel Package and Local Transport Improvement Plan for Chichester. Over the years CDC has grant funded many additional bike racks in the city centre, promoted active travel to schools through grant funded Sustrans' Bike It officers and is supporting the development of the Chichester to Selsey Greenway through grant which is delivering the necessary baseline ecological surveys.

We are aware of the diversity of views on social-media and the local press that are prevalent about the WSCC pop-up cycle scheme in Chichester. The scheme has been

delivered by WSCC following a successful bid to DfT for the government's post-Covid recovery Emergency Active Travel Fund. The scheme, as with those across the UK, is designed to provide room for social-distanced cycling and walking, facilitate safer walking and cycling as a way of locking-in the increased prevalence of those modes throughout Covid Lockdown and minimising the use of public transport to enable social-distancing.

CDC is in regular contact with WSCC who, as the local Highway Authority, have received the bulk of the feedback on the pop-up scheme and are highly aware of the many views expressed. WSCC confirm that they are liaising with Sussex Police, West Sussex Fire and Rescue and Sussex Ambulance Service to better understand any issues that may arise. There are no immediate plans to amend the scheme though a Road Safety Review is programmed for the week commencing 21 September 2020 with a wider review of the scheme to be undertaken in early October.

CDC has an air quality monitoring station on Orchard Street and we are watching the data carefully for signs that the scheme is having a significant impact which, to date, is not evident. Air quality across the city has seen improvements in recent years and in most places is compliant with UK air quality standards which are designed to protect those most vulnerable to the impact of poor air quality. Computerised air quality modelling predicts that air quality will continue to improve in the coming years. Nevertheless we are not complacent and continue to monitor air pollution in many places and are currently rewriting our Air Quality Action Plan.

There are crossing points indicated on the existing Chichester pop-up scheme. In most cases these offer a shorter pedestrian route across the road than would otherwise be the case. WSCC has bid for a second tranche of DfT monies and, should WSCC be awarded the grant, then further amendments could be made to the scheme. WSCC has set-up a member led task and finish group to agree the detail of what the second tranche monies would be spent on and crossing points is one possibility.

There are no specific plans to link Centurion Way with the canal basin. Nevertheless the Southern Gateway development includes the aspiration to make the area's regeneration walking and cycling friendly and CDC's draft CDC LCWIP includes a route along Westgate. We are working to integrate the LCWIP into planning considerations by associating it with the emerging revised Local Plan and WSCC's Local Transport Plan rewrite. Whilst CDC is the Local Planning Authority we take our transport related advice from WSCC highways who specify what any planning application should deliver by way of infrastructure and layout that will encourage non-car mode travel. For many people cycling to a supermarket is unlikely to be a viable option for shopping trips.

23 Council's Annual Report 2019-2020

Cllr Lintill was invited to introduce the report. She took the opportunity to thank Mr Buckley and Mrs Westbrook for their work in producing the report. Both Cllr Lintill and the Cabinet members also gave thanks to officers and members for all the work carried out over the past year and throughout the pandemic.

Cllr Lintill moved the recommendation which was seconded by Cllr Taylor.

Cllr Lintill then invited each Cabinet member to outline their portfolio in turn.

Members made the following suggestions:

- With reference to page 49 of the agenda pack consideration to be given to widening the notification of planning applications to include a greater number of people in the local communities that are affected by applications.
- Broadening the remit of the wellbeing service to help mitigate the effects of the pandemic.
- Given the current use of virtual meetings consideration to be given to the flexibility they offer to consider the opportunity of more flexible meeting timings.

Further to a request for the statistics on the level of enforcement notices Mr Frost confirmed that the workload had remained similar to the previous year.

Cllr Taylor then responded to comments regarding the omission of the implications of the delay on the Local Plan. She explained that all Local Plan reports are received by the Development Plan and Infrastructure Panel. Mr Frost added that the Annual Report is not a progress report. With regard to the implications of the transport modelling work in respect of the southern link road, both Cllr Taylor and Mr Frost agreed that the wait for statutory responses had contributed to the delay.

Cllr Dignum then responded to a suggestion that the council consider offering mortgages. He explained that there is currently no policy to do so but he would work with Cllr Wilding to consider the option.

Members voted virtually on the officer recommendation which was carried.

RESOLVED

That the Annual Report 2019-2020 be received.

24 Tangmere Strategic Development Location - Chichester District Council (Tangmere) Compulsory Purchase Order

Cllr Taylor was invited to introduce the report.

Cllr Taylor then moved the recommendation which was seconded by Cllr Plant.

With regard to concerns raised about delivery in excess of 1300 homes Mr Frost sought to reassure members that officers will continue to work with Countryside Properties on the quantum, form and details of the scheme.

With regard to a suggestion as to whether more needs to be done in the future at an early stage, Mr Bennett accepted that early stage conversations are helpful. He then referred members to Robin De Wreede, the council's specialist legal advisor who provided an overview of the process. Mr De Wreede took the opportunity to clarify that the 1300 new homes figure is linked to the Compulsory Purchase Order, however any planning application for those homes should be considered at the time on its planning merits.

Members voted by roll call on the officer recommendation which was carried.

RESOLVED

1. That the Council authorises the use of Compulsory Purchase powers as set out in Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire the Order Land identified within Appendix B, and in particular that the Council makes the Order;
2. that the Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to:
 - a. settle the final form and content of the Order and all associated documentation and take all action needed to pursue the Order and secure its confirmation;
 - b. negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections or undertakings not to enforce the Order on specific terms including where appropriate removing land or rights from the Order or to request the modification of the Order by the Secretary of State;
 - c. implement the Order powers following confirmation of the Order and so acquire title to and/or take possession of the Order Land.

25 Committee and Outside Body Appointments

The Chair congratulated Cllr Dignum who had re-joined the Cabinet. She explained that as a result of the appointment the Council is requested to agree changes to Committee memberships in order to maintain political balance and to comply with the Constitution which does not allow a Cabinet member to sit on Overview and Scrutiny Committee or to Chair the Corporate Governance and Audit Committee.

The first recommendation to appoint Cllr Bell to replace Cllr Dignum on Overview and Scrutiny Committee was proposed by Cllr Lintill and seconded by Cllr Taylor.

Members voted virtually on the recommendation which was carried.

RESOLVED

That Cllr Bell be appointed to the Overview and Scrutiny Committee in place of Cllr Dignum

The second recommendation to appoint Cllr Dignum to replace Cllr Bell as Chichester District Council representative on the Chichester Business Improvement Board was proposed by Cllr Lintill and seconded by Cllr Taylor.

Members voted virtually on the recommendation which was carried.

RESOLVED

That Cllr Dignum be appointed as the Chichester District Council representative on the Chichester Business Improvement Board in place of Cllr Bell.

The Chair then sought nominations for the third vote to appoint a Chair for Corporate Governance and Audit Committee.

Cllr Lintill put forward Cllr Hobbs which was seconded by Cllr Taylor.

Cllr Barrie put forward Cllr O'Kelly which was seconded by Cllr Brown.

There were no further nominations.

Cllr Brown and Cllr Lintill gave reasons for their nominations.

In line with the Constitution Mr Bennett conducted a secret virtual ballot.

Cllr Hobbs received 19 votes. Cllr O'Kelly received 16 votes. There was one abstention.

RESOLVED

That Cllr Hobbs be appointed as Chair of Corporate Governance and Audit Committee.

26 Committee Calendar of Meetings May 2021 to May 2022

Cllr Wilding was invited to introduce the report. He explained there was one amendment to change the start time of Overview and Scrutiny Committee's to 2.00pm.

Cllr Wilding then moved the amended recommendation which was seconded by Cllr Lintill.

Cllr Lintill confirmed her commitment to consider meeting timings prior to the next district elections.

Members voted virtually on the officer recommendation with the amendment of a 2.00pm Overview and Scrutiny Committee start time which was carried.

RESOLVED

That the committee calendar of meetings for May 2021 to May 2022 be approved subject to the amendment of a 2.00pm start time for Overview and Scrutiny Committee.

27 Motion submitted by Cllr Oakley

The Chair explained that she had received three motions and one amendment. One motion from Cllr Tim Johnson was not allowed due to its similarity in nature to a recently debated motion. The second a motion from Cllr O'Kelly was referred directly to the Environment Panel. The third a motion from Cllr Oakley was accepted for debate. The amendment from Cllr Brown was also accepted for debate.

Cllr Oakley outlined his motion below:

This Council calls on the Government to withdraw its proposals, contained in its consultation on Changes to the Current Planning System, for altering the Standard Methodology for calculating housing delivery targets and raising the on-site Affordable

Housing provision threshold, so that full consideration of the consequences of these proposals can be considered as part of its wider Planning for the Future White Paper.

Cllr Oakley explained that he accepted the addition of Cllr Brown's amendment as follows:

In the interim, this Council calls on the Government to genuinely support local democracy by supporting rather than undermining the Local Plan and Neighbourhood Plan making processes, recognising and allowing for genuine constraints upon development and making Ministerial interventions as required to enable meaningful community involvement and influence.

Cllr Brown seconded the motion as amended.

Cllr Taylor as Cabinet portfolio holder responded and explained that housing is the priority and as such the Cabinet fully support the motion put forward.

Cllr Moss as local ward member responded by commenting on the consultation not taking account of the proximity of the Area of Outstanding Natural Beauty or the South Downs National Park. He also noted that the consultation does not address social housing and could put the Local Plan at risk.

The wider membership provided comments of support for the motion as amended.

Members voted on the motion as amended which was carried.

RESOLVED

This Council calls on the Government to withdraw its proposals, contained in its consultation on Changes to the Current Planning System, for altering the Standard Methodology for calculating housing delivery targets and raising the on-site Affordable Housing provision threshold, so that full consideration of the consequences of these proposals can be considered as part of its wider Planning for the Future White Paper.

In the interim, this Council calls on the Government to genuinely support local democracy by supporting rather than undermining the Local Plan and Neighbourhood Plan making processes, recognising and allowing for genuine constraints upon development and making Ministerial interventions as required to enable meaningful community involvement and influence.

28 Questions to the Executive

The Chair invited Questions to the Executive.

Cllr Plowman had submitted the following question in advance:

The Development Brief for the Southern Gateway quotes "This substantial largely brown field area has a site with waterside development potential and the flexible master plan covering eight key sites.

These sites will provide:

- 365 new homes, 30% affordable; Chichester enjoys a very buoyant residential market.
- Over 20,000 square metres of mixed commercial space, including the opportunity for retail, office, hotel, leisure, entertainment, visitor and night time economy. Chichester is a successful tourist destination and there is demand for new food and beverage outlets in the City as well as potentially a new arts and multipurpose entertainment facility.
- Excellent opportunity to improve the public realm and landscaping.
- Improved transport links, creating the focus on walking, cycling and the public transport interchange.”

And later in the brief:” The scheme is the flagship project for the Chichester Vision which looks ahead over the next 20 years to see how the city centre can be enhanced, while at the same time protecting our important heritage”.

Can you inform Council realistically what the Southern Gateway will deliver and by what date? Covid -19 has not changed this only delayed the discussions I understand.

I believe the Development brief was mainly put together by the advisors, Jones, Lang and LaSalle Ltd (JLL) and in view of what will now be delivered, is it time for some fresh advisors?

Cllr Dignum provided the following response:

The Covid 19 pandemic has had an inevitable impact on progress in completing the development agreement with Henry Boot the Council’s selected developer. Market conditions are very different to where they were 9 months ago when the procurement process was being undertaken however HBD have confirmed they remain committed to signing the Development Agreement and progress the regeneration project.

The Development Agreement will include a 12 month pre condition period which follows the principles of the heads of terms agreed by this Council last year. This aim of this stage is to test the property market across all relevant uses post Covid 19. This will provide a better understanding of the emerging impact of Covid 19 which in turn will inform the overall scheme viability and phasing.

The master plan is a flexible plan. However there are some key delivery principles including calming the traffic, improving the public realm, especially the look and feel from the railway station to the city, and bringing forward a hotel and entertainment venue.

When land assembly is completed for each site within the Southern Gateway HBD will come forward with proposals for a viable scheme for that site.

This is a major regeneration project for the City over a number of years , the largest the City has seen for many years and every effort is being made to bring forward land assembly and to complete the Development Agreement to enable the progression of the project. Jones, Lang, Laselle , JLL, are international property advisors and have a wealth of knowledge of all of the sectors linked to the project delivery as well as a depth of knowledge of this particular project. Now as we near the signing of the Development Agreement is not the right time to be considering any changes which would slow the progress of the project.

Cllr O’Kelly asked how a no deal Brexit would affect businesses. Mrs Shepherd responded by explaining that the council is working on a multi-agency approach and that it already

had an plan in place that assessed the impact on the Council and this was being updated as new information came to light.

Cllr Bangert requested consideration be given to the housing options in the district specifically the lack of suitable properties for downsizers. Cllr Sutton explained that members influence lies in planning policy. He emphasised the importance of promoting new ideas to improve the future of housing the district.

Cllr Evans requested information regarding a planning enforcement case at Lagoon 3 - Crouchland Farm which Mr Frost agreed to respond to in writing. Cllr Palmer requested the information be shared with all members. (Post meeting note: this information was circulated to members on 29 September 2020).

Cllr Brown requested further information on the West Sussex County Council partnership work on electric charging points. Cllr Plant confirmed that the work was in hand.

Cllr Oakley requested clarification on whether the council is able to assess and monitor traffic queuing in relation to what air quality measures are in place on the Westhampnett Road. Cllr Plant confirmed that the council's officers are in contact with their counterparts at West Sussex County Council. She explained that monitoring takes place over a period of time in order to produce data that can be analysed.

Cllr Apel asked why residents would take part in local democracy if they are required to take development in their local areas. Cllr Taylor emphasised the importance of the Local Plan Review taking place as soon as possible. Mr Frost added that the council has prepared an Interim Planning Policy Statement which outlines the current position.

29 **Late Items**

There were no late items.

30 **Exclusion of the press and public**

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

The meeting ended at 5.08 pm

CHAIRMAN

Date:

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Chichester District Council

Full Council

24 November 2020

Review of Political Balance

1. Contact

Report Author

Nicholas Bennett – Divisional Manager for Democratic Services

Telephone: 01243 534657 e-mail: nbennett@chichester.gov.uk

2. Recommendation

2.1. That

- **the review of political balance arrangements to be submitted and settled at the meeting be approved; and**
- **that membership of committees and sub committees be approved by members at the meeting; and**
- **the calculations set out in this report are applied in making appointments to committees.**
- **that chairman responsibilities of committees and sub committees be approved by members at the meeting.**

3. Background

- 3.1. The council has a duty, under Section 15 of the Local Government and Housing Act 1989 to maintain the representation of different political groups in line with the political balance rules set out in the Act and subordinate regulations. This provides the framework for the appointments to committees. Following the setting up of an Independent Group, the membership of the Council changed and the Council is required to change allocations in line with that change.

4. Proposal - the rules and their application

- 4.1. The composition of the Council is as follows:

Conservatives = 17 (47.26%)
Liberal Democrats = 10 (27.78%)
Green = 2 (5.56%)
Labour = 2 (5.56%)
Local Alliance = 2 (5.56%)
Independent Group = 3 (8.4%)

- 4.2. Many of the seats have to be allocated in accordance with the rules of political balance. The following principles apply so far as reasonably practicable. They are applied in descending order of importance and are quoted in plain English rather than wording taken directly from the statute:
- a) Not all seats on the committee are allocated to the same political group.
 - b) The majority party has a majority of the seats on each committee.

- c) Each political group is entitled to its proportion of the total number of seats on all the ordinary committees added together, according to the proportion the group holds of seats on the Full Council.
- d) Subject to (c) each political group is entitled to its proportion of the number of seats on each individual committee.

4.3. If more than one minority group are the same size where their entitlement to seats on a committee is less than one, one or other group should take its entitlement. This means the minority groups may wish to reach agreement between themselves as to which group should take each seat. If they both put forward a nomination the Full Council will determine which nomination should be granted the seat. Members are asked to note that the entitlement to seats cannot be amended by vote - only by voluntary agreement by the party offering to forgo a seat can this occur.

4.4. The four ordinary committees concerned are:

Corporate Governance and Audit Committee	8 seats
Planning Committee	13 seats
Alcohol and Entertainment Licensing Committee and General Licensing Committee	10 seats
Standards Committee	7 seats
Total	38 seats

4.5. The total seats due per group are as follows:

Conservatives	38 x composition 47.26% = 17.95 seats (18)
Liberal Democrats	38 x composition 27.78% = 10.56 seats (11)
Green Party	38 x composition 5.56% = 2.11 seats (2)
Labour	38 x composition 5.56% = 2.11 seats (2)
Local Alliance	38 x composition 5.56% = 2.11 seats (2)
Independent Group	38 x composition 8.4% = 3.19 seats (3)

4.6. If these proportions are applied to individual committees the results are as indicated in Table 1:

Table 1	Con	LD	Green	Labour	Local Alliance	Independent Group
Corporate Governance and Audit Committee (8)	4	2	0*	0*	0*	1
Planning Committee (13)	6	4	1*	1*	1*	1
Alcohol and Entertainment Licensing Committee and General Licensing Committee (10)	5	3	1*	1*	1*	1
Standards Committee (7)	3	2	0	0	0	1
Total	18	11	2*	2*	2*	4*

4.7. The equal entitlement of the Green, Labour and Local Alliance parties means that Council needs to decide upon which of those parties has a seat on Corporate Governance and Audit Committee and the Alcohol and Licensing Committee.

Each of these parties is entitled to seats across the four committees shown above rather than having entitlement to each committee.

- 4.8. Again, the equal entitlement means that the Green, Labour and Local Alliance Parties means that Council needs to decide upon which of them takes the two seats at Planning Committee.
- 4.9. The Independent Group have seats as of right as a proportion of each committee, but this results in them holding four seats so Council needs to decide which Committee they do not hold a position.
- 4.10. The Overview and Scrutiny Committee is not included in the list above but the seats on its still need to be allocated to parties in the proportion of seats that they have on the whole Council as indicated in Table 2 below. In this case there are 2 remaining seats that need to be allocated between the three minority groups.
- 4.11. The Leader will advise Council of her recommendations as to the final make up of all Committees including Overview and Scrutiny at the meeting though other Group Leaders are of course entitled to present alternative proposals to the meeting.

Table 2	Con	LD	Green	Labour	Local Alliance	Independent Group
Overview and Scrutiny Committee (11)	5	3	TBC	TBC	TBC	1

- 4.12. The various committees and panels concerned with discipline and dismissal of senior staff are also not ordinary committees but still need to be allocated to parties in the proportion of seats that they have on the whole Council. In each case in table 3 below there is one seat available for each minority group (Green, Labour or Local Alliance) and one for the Independent Member.

Table 3	Con	LD	Green	Labour	Local Alliance	Independent Group
Investigation and Disciplinary Committee (5+2 subs)	2	1	TBC	TBC	TBC	1
Appeals Committee (5 + 2 subs)	2	1	TBC	TBC	TBC	1
Executive Directors Disciplinary Appeal Panel (3 + 2 subs)	1	1	TBC	TBC	TBC	TBC
Redundancy Appeal Panel (3 + 2 subs)	1	1	TBC	TBC	TBC	TBC

- 4.13. The political groups regulations do not apply to the Cabinet, the Alcohol and Entertainment Licensing Committee established under the Licensing Act 2003 and the Independent/Parish Remuneration Panels.
- 4.14. Generally the Council is obliged to appoint to the committees the members proposed by the respective political groups (section 16 (1) of the Local Government and Housing Act 1989). However, the Council does not have to adhere to the political groups regulations if:

- a) a political group does not use up its allocation (regulations 13 to 15).

- b) notice of alternative proposed allocations is given to all members and no member objects (Section 17 of the Local Government and Housing Act 1989 and regulation 20).
- c) an area committee covers an area or population which is less than 40% of the total and the committee members are drawn from that area (regulation 16A) (this does not apply as the council has no area committees).

5. Alternatives Considered

5.1. No alternatives were considered as this is a statutory obligation.

6. Resource and Legal Implications

6.1. The normal obligations to hold meetings were suspended by operation of the Coronavirus Act 2020 but the Council remains entitled to make decisions as to committee membership if it so decides and may make those decisions in virtual meetings.

7. Consultation

7.1. The Leader has discussed the above with all Group Leaders.

8. Community Impact and Corporate Risks

8.1. None.

9. Other Implications

Are there any implications for the following? If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		✓
Climate Change and Biodiversity Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		✓
Human Rights and Equality Impact You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		✓
Safeguarding and Early Help The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed		✓

to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		
<p>General Data Protection Regulations (GDPR) Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms eg based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		✓
<p>Health and Wellbeing</p> <p>The Council has made a commitment to ‘help our communities be healthy and active’. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.</p>		✓
Other (please specify)		✓

10. Appendices

10.1. List of amended Committee Memberships

11. Background Papers

11.1. None.

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