

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 19 January 2021** 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

8 January 2021

AGENDA

- 1 **Minutes** (Pages 1 - 14)
The Council is requested to approve as a correct record the minutes of the meeting held on 24 November 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's 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 CORPORATE GOVERNANCE AND AUDIT COMMITTEE

The Council is requested to consider the following recommendations of the Corporate Governance and Audit Committee requiring the approval of the Council.

The documents for approval are attached to this agenda with the reports giving rise to these recommendations included in the papers for the Special Corporate Governance and Audit Committee held on 26 November 2020 which are available in the committee papers section of the Council's website.

6 2019-2020 Annual Governance Statement and Corporate Governance Report (Pages 15 - 17)

The Council is requested to consider the report attached from the Corporate Governance and Audit Committee and make the following recommendation which was made by the Committee to Council at its special meeting on 26 November 2020:

That the draft Annual Report on Corporate Governance be approved.

7 Corporate Contract Procedure Rules (Pages 19 - 35)

The Council is requested to consider the report attached from the Corporate Governance and Audit Committee and make the following recommendation which was made by the Committee to Council at its special meeting on 26 November 2020:

That the amended Contract Procedure Rules be agreed.

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 8 December 2020 and 5 January 2021. These are available in the committee papers section of the Council's website.

8 Financial Strategy and Plan 2021-22

The material relevant to this item can be found on pages 9-14 of the Cabinet agenda pack for 8 December 2020 and its associated appendices.

The following recommendations were made to Council:

- a) The key financial principles and actions set out in appendix 1 of the 5 year Financial Strategy report are approved.
- b) That having considered the recommendations of the Corporate Governance and Audit Committee, the Minimum Level of Reserves remains set at £4m.
- c) That the current 5 year Financial Model detailed in appendix 2 and the Resources Statement in appendix 3 to the Financial Strategy report be noted.

9 **Climate Emergency Detailed Action Plan**

The material relevant to this item can be found in the supplement to the agenda of the Cabinet agenda pack for 5 January 2021.

The following recommendations were made to Council:

1. That the Climate Emergency Detailed Action Plan as set out in Appendix 1 be approved.
2. That the recommended Council responses to the consultation comments received as set out in Appendix 2 be approved for publication.
3. That authority be delegated to the Director for Planning and Environment following consultation with the Cabinet Member for Environment to make any minor or editorial amendments to the final version of the Climate Emergency Action Plan.

10 **Cultural Grants Funding Agreement Extension Request**

The material relevant to this item can be found on pages 13-23 of the Cabinet agenda pack for 5 January 2021.

The following recommendation was made to Council:

That a one year extension of grant funding to the 31 March 2023 be awarded to both Chichester Festival Theatre and Pallant House Gallery in line with Arts Council England funding.

11 **Initial Project Proposals 2021-2022 and Corporate Plan**

The material relevant to this item can be found on pages 25-36 of the Cabinet agenda pack for 5 January 2021.

The following recommendation was made to Council:

That the Corporate Plan 2018-2021 be extended for a period of one year.

MOTIONS PROPOSED IN ADVANCE BY MEMBERS

12 **Motion submitted by Cllr Sutton (Page 37)**

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

13 **Motion submitted by Cllr Moss (Pages 39 - 40)**

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

OTHER REPORTS

14 **Litter Enforcement Contract Renewal** (Pages 41 - 45)

The Council is requested to consider the attached report and appendix and make the following resolution:

That the Inter Authority Agency Agreement relating to the provision of Environmental Enforcement Services with East Hampshire District Council be replaced on its expiry by a Deed of Delegation and as such the Chief Executive to use her constitutional delegation to enter into a Deed of Delegation of three years duration.

15 **Questions to the Executive**

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

16 **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.

17 **Exclusion of the press and public**

The Council is asked to consider in respect of agenda item 18 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.

18 **Future Service Framework - Efficiency Savings and Policy Options**

The material relevant to this item can be found in the restricted supplement pack to the Cabinet agenda 8 December 2020.

The following recommendations were made to Council:

1. That Cabinet, having considered the policy options contained in paragraph 6.6 to 6.9, recommends all four to Council for approval.
2. That Cabinet recommends to Council that stage 3 of the Future Services Framework be deferred for a period of at least 12 months.

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
Mrs C Apel
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
Mr P Wilding

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Public Document Pack Agenda Item 1



Minutes of the meeting of the **Council** held in Virtual on Tuesday 24 November 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, 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: Mrs N Graves

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)

31 Minutes

The Chair made the following statement:

I would like to take the opportunity to clarify that at the last meeting of Full Council I made a decision not to take some public questions submitted by Mr Dicker. In error that decision was not listed to my papers to be reported at full Council. Mr Dicker has since written in raising a complaint about that error. A formal response was sent by the Chief Executive. However I would like to take this opportunity to confirm that I did reject the public questions under my powers to do so as Chairman under my general duties to manage meetings.

Mr Dicker has re-submitted the questions, along with some new questions. Again, I considered the meeting agenda including the significant business we are debating today some of which the Council is required to complete to comply with legal duties such as the membership of committees. I also considered the large number of other public questions being submitted by persons which will be responded to today. I also considered the future right of Mr Dicker to raise questions in respect of the Local Plan through its statutory processes in the future.

I have therefore decided not to take Mr Dickers questions again and instead am asking that officers respond in writing to his questions. The questions he submits, and a copy of the answer, will be placed on the public questions folders for public examination in the same way as if they had been heard at the meeting.

To give a second perspective on this decision I did consult with the Vice Chairman, Clare Apel, who agreed with my decisions on this matter.

RESOLVED

That the minutes of the Full Council meeting held on 22 September 2020 be approved.

32 Urgent Items

There were no urgent items.

33 Declarations of Interests

The following declarations of interest were made in respect of agenda item 6:

- Cllr Apel declared a pecuniary interest as a Trustee of Stonepillow and left the virtual room during the item.
- Cllr Bell also declared a pecuniary interest as a Trustee of Stonepillow and left the virtual room during the item.

The following declarations of interest were made in respect of agenda items 7 and 16:

- Cllr Duncton declared personal interests as a member of West Sussex County Council.
- Cllr O'Kelly declared personal interests as a member of West Sussex County Council.
- Cllr Oakley declared personal interests as a member of West Sussex County Council.
- Cllr Purnell declared personal interests as a member of West Sussex County Council.

Cllr Briscoe also declared a personal interest in respect of agenda item 16 as a Chichester District Council appointed member to the Police Crime Commissioner Panel.

34 Chair's Announcements

Apologies for absence were received from Cllr Graves.

The Chair announced that the motion submitted by Cllr O'Kelly had been withdrawn at this stage. She then explained that she would be taking the part II item prior to the review of political balance and committee amendments, motion submitted by Cllr Bowden and Questions to the Executive.

35 Public Question Time

The Council received the following public questions and answers:

Question from Lucia Barbato:

Do you agree that our current high food standards benefit both our local farmers and consumers and if so will you write to our MP to ask her to lobby Parliament and the

Government to ensure that they are maintained in law - including in any new trade deals - and that no food that is produced beneath them will ever be permitted in schools, hospitals or other public places that offer food in the district?

Answer from Cllr Plant:

In West Sussex, WSCC Trading Standards have a key role in ensuring food complies with food standards law together with DEFRA's Animal and Plant Health Agency which support the food and farming industry. The Animal and Plant Health Agency role is to safeguard animal and plant health for the benefit of people, the environment and the economy. The District Council's role is one of ensuring food safety through its statutory food hygiene work and therefore it is not within the Council's area of expertise to comment on whether high food standards benefit our local farmers and consumers.

The UK has some of the highest food standards and the Government's new Agriculture Bill, which is currently passing through Parliament, continues this with a key policy objective of ensuring high standards of animal health and welfare. DEFRA's "Farming for the future" document, Feb 2020, outlines a priority for a productive, competitive farming sector – one that will support farmers to provide more home grown, healthy produce made to high environmental and animal welfare standards. The District Council and its food safety team supports the continued high food safety and welfare standards as is outlined in the Government's policy documents. Should these not be incorporated into the new National Food Strategy, due to be published winter 2020, the Council through the policy consultation process will, within its remit, respond by calling for continuation of existing standards.

Question from Bruce Garrett:

Many of you can very probably bear witness to the terrible consequences of traffic and other accidents on the A27. A large lorry jackknifing across all 4 lanes early on Friday 9th October created chaos for very close to twelve hours.

My concern is that progress on rerouting the A27 and ridding it of dangerous roundabouts appears to reveal the inability of all the concerned bodies, statutory and others, to sit down and hammer out a plan of action.

Housing targets and fragile infrastructure are the talk of the day, almost every day. What is the status and what is the timeline for the A27 project please?

Answer from Cllr Taylor:

Thank you for your question. The first thing to say is that the A27 forms part of the strategic road network and so is the responsibility of Highways England rather than the District Council.

I can however advise that the A27 Chichester Bypass is identified as a 'pipeline' project in national Road Investment Strategy 2 (RIS2). This does not mean that funding for a future national scheme is guaranteed, but the project is earmarked by government to go through the early stages of the development process for potential allocation in RIS3 and potential funding post-2025. We intend working closely with Highways England and WSCC to ensure that a major scheme to improve this key part of the strategic road network is included in RIS3.

I should add that in the absence currently of a government funded scheme for the A27, there is a need for the Council to demonstrate how the housing and employment development that is to be brought forward in the Local Plan review can be delivered without unacceptable traffic impacts. It should be noted that the draft Local Plan scheme included in the Council's published 'Preferred Approach' Local Plan is required only to mitigate against the impact of new development and not to provide significant additional capacity as a government funded scheme might do. The timescale for preparation of the next stages of the Local Plan are under review and are intended to be the subject of a report to Cabinet and Council in January 2021.

Supplementary Question submitted post meeting from Bruce Garrett:

My supplementary question relates to the A259 which is deemed to be a "resilient" road when the A27 is non-functioning for whatever reason. Specifically, latest crashmap data shows the A27 is not the only although it is the major problem. 1,200 houses have already been built along the length of the A259 West of Chichester in the last decade and as a result deaths and serious injuries on this now very busy road have increased by some 40% in the same ten year period.

Given Council's plans to impose a further 3,250 houses along the same stretch of road in the period 2020-2035, what are the Council's plans to reduce the dangers for cyclists, pedestrians and vehicles on the A259 both during normal usage and when the A27 is closed and the A259 has to move enormous articulated lorries and trucks?

Answer from Cllr Taylor:

Dear Mr Garrett

I am writing in response to your supplementary question to Full Council on 24 November, particularly with regard to the Council's plans to improve the safety of cyclists and walkers along the A259. I understand you have already received a response to your first question, regarding the A27.

The first point to note is that whilst we have a responsibility to prepare a Local Plan to accommodate identified development needs, matters relating to highway capacity and safety are for West Sussex County Council (WSSCC) as the Highway Authority, rather than for Chichester District Council (CDC) to consider. WSSCC is a statutory consultee on the Local Plan in relation to highway related issues and therefore, will need to be satisfied that development growth can be delivered in a way which maintains road safety. As you are probably aware, the Local Plan is subject to several rounds of formal consultation. At each stage, both HE and WSSCC are consulted on the proposals. However, given the significance of transport issues to the development of the Local Plan, we also engage with both bodies on a regular basis, between consultations. This is to ensure that all of the data inputs, modelling, methodology and assumptions are agreed by all parties so that the Transport Assessment, which will help inform the Local Plan, provides a robust part of the evidence base. Finally on this point, we also meet with colleagues from neighbouring authorities, including Havant Borough Council, to ensure that relevant information relating to proposed development and the road network is agreed and exchanged. This means that development outside the Chichester Plan area, but which also uses the A259, is accounted for.

As you are aware, there is a high housing need in the Chichester Local Plan area. We are currently looking at how best to address this need, by directing development to the most

sustainable locations while also seeking to reduce the impact on designated areas, such as the Chichester Harbour AONB and areas most at risk of flooding. The next version of the development strategy will be sent to key stakeholders and infrastructure providers, for their consideration. This will include HE and WSCC and we will be asking them to specifically identify any highway constraints which could affect the delivery of the proposed strategy. This will include any issues associated with safety and any with the existing or future capacity of the road network.

The Council is highly aware of the importance of the A259 corridor in relation to walking and cycling and is working towards realising its potential in that regard. The route is broadly flat and connects Chichester to Emsworth in a desire-line driven manner. As such this is a great opportunity to encourage cycling and walking amongst both the existing community and future residents, with safety being at the core of the design principles. WSCC is the Highway Authority responsible for the A259 and their Draft Local Cycling and Walking Infrastructure Plan (LCWIP) lists the route as one of the six priority schemes for the whole of West Sussex. Earlier this year Highways England funded a feasibility study for the scheme and are currently progressing a preliminary engineering design for April 2021. HE is the project lead and WSCC is the relevant Highway Authority with CDC's involvement relating strongly to its statutory role as the Local Planning Authority. HE have submitted bids to their designated funds programme for funding of the design and construction phases. The scheme will need to be affordable and offer good value for money as it will be competing against other projects nationwide for a share of a limited pot. CDC will consider bids to their planning and development related Community Infrastructure Levy funding on their merits and against other bids made to that money at that time. CDC remains supportive of this work, has on-going sight of the process and anticipates seeing the preliminary engineering design proposal from HE in due course.

CDC is also looking to enlarge the cycling network in Chichester. To this end CDC has recently commissioned an independent consultant to provide a Local Cycling and Walking Infrastructure Plan for Chichester. This document was the subject of a recent public consultation and is due for adoption by the Council in early 2021. The document provides an evidence based approach to enlarging Chichester's cycle network and augments WSCC's LCWIP and other schemes that WSCC have proposed through their Sustainable Transport Package and Local Transport Improvement Plan.

The Local Plan process is on-going and the issues you have raised will continue to be addressed as the plan progresses. Further information relating to both the Local Plan and its evidence base, which includes transport related matters, can be found here: [Chichester Local Plan Review](#).

Questions from Andrew Kerry-Bedell

Question 1:

It has been well over a year since the Hampshire PUSH group published its nitrate neutral house building policy. Everyone agrees nitrate neutral house building is essential, yet there is no clear consensus on how to deliver it. Neither Council suggestion of housing development nitrate mitigation on sites outside the parish, nor financial contributions in lieu of nitrate mitigation, are acceptable to Chichester's Parish Councils. Given we've already had developers in our own parish (Chidham and Hambrook) proposing nitrate mitigation sites in the South Downs National Park, as well as another county altogether, how are

parish concerns about the policy around the highly sensitive issue of Nitrate neutral house building going to be consulted on and incorporated into Chichester Council Policy?

Answer from Cllr Taylor:

A policy requiring nitrate neutrality, as requested by Natural England, will be included in the proposed submission (Regulation 19) version of the Local Plan Review which will be subject to full consultation.

The policy itself is unlikely to be prescriptive about how nitrate neutrality is achieved, given there is a range of solutions, including the identification of mitigation land, or potentially contributions to a nutrient mitigation scheme which may be employed if appropriate. What is important is whether the impact upon sensitive environments such as Chichester Harbour is satisfactorily dealt with – not the particular location or method of mitigation employed. Chichester District Council is working closely with PfSH and other affected authorities – and has contributed towards funding an officer to work on setting up a scheme across the wider Solent area. National government has also announced funding to set up a nutrient trading platform for the Solent area and it is expected the new officer will seek to bring these 2 projects together.

Supplementary Question submitted post meeting from Andrew Kerry-Bedell:

What work is still remaining for Chichester Council to do in order to finish its nitrate neutral house building Policy, how will the Council be engaging with Parishes to ensure they all have adequate contribution to the final policy, and when will the policy be made public?

Answer from Cllr Taylor:

Officers are currently preparing a strategic nitrate budget at the whole plan level, and drafting a policy requiring all relevant development to be nutrient neutral as advised by Natural England. Policy wording for the Local Plan Review will be published as part of the Reg 19 consultation. We need to consider appropriate mechanisms for mitigation. This may include our own scheme, if necessary.

We are also working with the Partnership for South Hampshire authorities to ensure that Chichester is included in any Solent wide scheme and to this end are joint funding an officer resource to work up a pilot scheme. This should also tie in with any MCHLG/DEFRA funded scheme. Any planning application that requires mitigation would be subject to the usual consultation.

Question 2:

Using calculation methods agreed with CDC officers, and analysing Southern Water data via the Environment Agency and results validated by them, Thornham Water Treatment works has less than 300 houses capacity. Yet there are over 3,000 new houses in total in Chichester and Havant Local Plans both feeding into Thornham, and 1,000 new houses likely to be built by 2025, based on CDC HELAA phasing and conversations with Emsworth Parish. How does Chichester Council justify its own 1,750 new houses currently in the Local Plan for Southbourne, Chidham, Hambrook and Nutbourne, especially when there will be no water treatment capacity left at all once Emsworth housing development starts in early 2021?

Answer from Cllr Taylor:

Officers are working closely with Southern Water, the Environment Agency and colleagues in Havant Borough Council in line with the Duty to Cooperate. Both the Environment Agency and Southern Water were consulted upon the previous distribution of development as set out in the Preferred Approach Plan and neither stated that new development cannot be served. However it is agreed that improvements to the capacity of the waste water infrastructure will be required. Initially Southern Water is expected to consider options for rerouting connections to works with more capacity although additional overall capacity may also be required within the Plan period. Southern Water will need to identify whether sufficient necessary improvements/ changes can be made which will inform consideration of whether phasing of development is required. As well as informing the Local Plan Review, work will inform preparation of Southern Water's next Business Plan, which will form the basis of funding bids to OFWAT to allow them to undertake any necessary works.

Supplementary Question submitted post meeting by Andrew Kerry-Bedell:

Managers at Southern Water confirmed today no work is proposed at Thornham from 2020 to 2025 to increase water treatment capacity. So can the Council confirm, after the 750 houses of current capacity is used up (likely end 2022), that there will be no more planning approvals for new housing that uses Thornham, from 2023 until 2026 at the earliest?

Answer from Cllr Taylor:

The capacity for Wastewater Treatment Works to accommodate further foul flows from residential development is part of the assessment process for major development proposals. Both Southern Water and the Environment Agency are consulted on planning applications for a net increase of 10 units or more, consideration is given to the capacity for further foul flows in the network at that time, and a response provided to the Local Planning Authority. If those consultees consider that there is insufficient capacity to deal with the Wastewater from a given development (taking account also of all known other development commitments) and that additional capacity cannot be provided prior to occupation of the proposed housing, this will likely result in an objection from either or both of the consultees, and the application would then be determined on this basis.

Questions from Jane Towers:

In the 2018 HELAA all available land was assessed as to suitability and subsequently rejected if it failed to meet the criteria. The 2020 HELAA has deemed all available land north of the A259 from Fishbourne to Southbourne as developable on the basis that it is available, regardless of constraints which made them unsuitable for development in 2018 eg land at the end of bridle paths with no vehicular access at all. Nothing in the interim has changed on those sites.

This is a nonsense and is giving carte blanche to developers to use the 2020 HELAA to justify their outline planning applications.

The Interim Policy Statement has policies which would render the sites that have been designated developable as unsuitable.

1. *Why did CDC not carry out updated assessments and what actual value does the HELAA have?*
2. *Will the IPS be robust enough to counteract the arguments put forward by developers that sites in the HELAA are suitable and sustainable?*

Answer from Cllr Taylor:

Thank you for your questions.

In response question 1, all sites in the 2020 HELAA were assessed against the updated methodology. Many sites were re-submitted with new information or updated as part of this process. The HELAA looks at potential for development in principle including whether constraints could be overcome, such as the formation of a new access. The HELAA is a technical study that forms part of an extensive evidence base used to inform the preparation of the Local Plan Review. Its principal purpose is to identify the quantum and location of available land for housing or economic development over a 15+ year period. All the evidence will be used in combination to identify the most sustainable locations for development to meet the needs of the plan area over the forthcoming plan period.

In response to question 2, the HELAA is a technical study that undertakes an assessment of land availability, and is one of the evidence base studies that will inform the Local Plan Review. The identification of housing sites within the HELAA does not imply that the Council will grant planning permission for residential development. The IPS is a material consideration for planning applications at this time, however, the acceptability of planning proposals will be assessed on a case by case basis, in relation to the economic, social and environmental dimensions of the proposals, whilst having regard to all elements of the proposal, policies in the adopted development plan, national planning policy, consultation responses and any other material considerations.

36 Allocation of Commuted Sums to Deliver Affordable Housing

As per their previous declarations Cllr Apel and Cllr Bell were placed in the virtual waiting room for the duration of the item and did not participate in the item or its vote.

Cllr Sutton was invited to introduce the report.

Cllr Sutton then moved the recommendations which were seconded by Cllr Lintill.

Members voted virtually on the recommendations which were carried.

RESOLVED

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.

37 Determination of the Council Tax Reduction Scheme for 2021-2022

Cllr Apel and Cllr Bell returned from the virtual waiting room.

Cllr Wilding was invited to introduce the report.

Cllr Wilding then moved the recommendations which were seconded by Cllr Lintill.

Members spoke in favour of the Scheme.

Members voted virtually on the recommendation which was carried.

RESOLVED

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

38 Covid Recovery Grants

Cllr Briscoe was invited to introduce the report.

Cllr Briscoe then moved the recommendations which were seconded by Cllr Lintill.

Members voted virtually on the recommendation which was carried.

RESOLVED

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

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

Cllr Bowden had to temporarily leave for part of this item.

Cllr Sutton was invited to introduce the report.

Cllr Sutton then moved the recommendations which were seconded by Cllr Lintill.

Members voted virtually on the recommendations which were carried.

RESOLVED

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.

40 **Exclusion of the press and public**

Cllr Lintill proposed that the meeting went into part II in relation to the Southern Gateway agenda item which was seconded by Cllr Taylor.

The Council then voted to go into part II.

RESOLVED

That with regard to the Southern Gateway agenda item the public including the press should be excluded from the meeting on the grounds of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

Members took a short break.

41 **Southern Gateway Regeneration Project**

Cllr Dignum was invited to introduce the report.

Cllr Dignum then moved an amended recommendation which was seconded by Cllr Lintill.

Cllr Dignum, Mrs Shepherd, Mrs Hotchkiss, Mr Frost and Mr Bennett responded to questions and comments from Cllr Brown, Cllr Moss, Cllr Plowman, Cllr Hughes, Cllr Oakley, Cllr Apel, Cllr Tim Johnson, Cllr Sharp, Cllr Briscoe and Cllr Lintill.

Members voted virtually on the recommendation which was carried.

RESOLVED

That the proposal as set out in section 4.10 as amended be approved.

Cllr Sutton then proposed that the meeting return to public session. This was seconded by Cllr Lintill. No members objected.

42 **Motion submitted by Cllr Bowden**

Cllr Bowden was invited to read his motion as follows:

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.*

The motion was seconded by Cllr Potter.

Cllr Brown was then invited to put forward his amendment as follows:

To add to the original motion:

This Council notes that the Chichester Water Quality Group (a multi-agency meeting hosted by CDC Planning and Chaired by the Environment Agency) currently includes representatives from:

*CDC Planning Policy; CDC Environment Team
The Environment Agency
Natural England
Chichester Harbour Conservancy
West Sussex County Council (as Lead Local Flood Authority), and
Southern Water*

To further the “transparent scrutiny of evidence and decision making”, that comprises part of the Group’s Terms of Reference, this Council calls for:

- A) The publication of the minutes of its meetings (noting that they may need to be ‘Part II’ confidential documents with viewing restricted to elected members), and*
- B) A representative elected by members of the Council to be afforded observer status for meetings of the Group.*

The amendment was seconded by Cllr Bangert.

Cllr Taylor as Cabinet Member for Planning was invited to respond first. Cllr Taylor agreed that writing to OFWAT was a good idea and as such she supported Cllr Bowden’s motion. With regard to Cllr Brown’s amendment Cllr Taylor explained that the Group is not chaired by the council and as such members would only be able to make a request. She explained that the Development Plan and Infrastructure Group gave members the opportunity to ask officers for progress updates of that nature.

Cllr Apel suggested the letter to OFWAT be copied to the two local MP’s and the Minister for Local Government.

In response to Cllr Brown's amendment Mrs Shepherd agreed to look into the concerns raised by members about the effectiveness of the water quality group and would report back to members with her findings and way forward to address members' concerns.

Members then gave their broad support to the principles of each motion.

Cllr Sutton proposed a curtailment motion given the level of support that had been given to the original motion. This was seconded by Cllr Purnell however the Chair used her discretionary right to refuse the motion and allow the debate to continue.

Cllr Brown then withdrew his amendment on the basis of advice from Mrs Shepherd.

Following a virtual vote the motion was carried as follows:

RESOLVED

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. The letter to be copied to the two local MP's and the Minister for Local Government.

43 Motion submitted by Cllr O'Kelly

This item was withdrawn from the agenda.

44 Review of Political Balance and Committee Appointments

Mr Bennett was invited to introduce the report. He confirmed that the document that had been circulated as an appendix to the report had been agreed by the Group Leaders in advance of the meeting.

Cllr Lintill then moved the recommendations which were seconded by Cllr Taylor.

Members voted virtually on the recommendations which were carried.

RESOLVED

1. That the review of political balance arrangements as set out in the report be approved.
2. That the calculations set out in this report be applied in making appointments to committees.
3. That membership of committees and sub committees including their Chair's and Vice-Chair's as set out in the appendix to the report be approved.

45 **Questions to the Executive**

The Chair invited Questions to the Executive.

Cllr Oakley asked Cllr Taylor the reasons for continuing with the Local Plan Review. Cllr Taylor responded by explaining the importance of working as quickly as possible to ensure a co-ordinated approach to securing the required infrastructure to support new development and preventing speculative development without certainty.

Cllr Apel asked for information on the local Test and Trace numbers. Mrs Shepherd responded and explained that Cllr Apel would need to contact the NHS for that information as it is not provided to the council.

Cllr Duncton asked Cllr Lintill for information on the new Covid Marshalls. Cllr Lintill explained that the Covid Marshalls are there to inform rather than enforce. The Covid Marshalls are made up of BID Rangers. All have security training and are DBS checked and have been advised on procedures for reporting inappropriate behaviour and rule breaking.

Cllr Evans asked Cllr Sutton about how to handle Hyde issues in his ward. Cllr Sutton explained that there are procedures in place which would be recirculated to members. He also asked members to contact him directly if they were struggling to seek a resolution for their residents.

Due to the time of the meeting the Chair asked that any further questions be submitted to Democratic Services for written response. The responses would then be collated and published online with the Council papers.

Cllr Sutton asked to wish Cllr Bangert a very happy birthday on behalf of all the members.

46 **Late Items**

There were no late items.

The meeting ended at 5.40 pm

CHAIRMAN

Date:

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Chichester District Council

Report of Corporate Governance and Audit Committee to Full Council

Background

The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively.

To this end members and senior officers are responsible for ensuring that proper arrangements exist for the governance of the Council's affairs and stewardship of its resources.

The Corporate Governance & Audit Committee considered the Strategic and Organisational Risk Registers to ensure the adequacy of the Council's actions to control and manage risks.

During 2019/2020 the six highest risks identified in the Corporate Risk Register were:

- **Southern Gateway:** Failure to deliver the outcomes of the project leading to reputational damage and financial exposure to CDC as lead partner, and potential repayment of the Local Enterprise Partnership and other funding.
- **Financial Resilience:** Failure to maintain a robust and deliverable budget will lead to a lack of resources to fund services and council priorities, leading to reactionary decision making, and reputational consequences. Failure to maximise income streams.
- **Business Continuity:** Failure to react to an incident that would adversely affect the delivery of services, including leading to a breach of the Council's statutory duties under the Civil Contingencies Act and result in both inability to service the community and reputational damage.
- **Cyber Risk across ICT Estate** Failure to protect the Council against a cyber-attack across the ICT estate resulting in service disruption and reputational damage.
- **Local Plan:** Failure to complete the Local Plan Review and achieve an adopted Local Plan by 2020. This would mean that the Council would face challenge that it does not have an up to date Local Plan and the impact it would have.
- **Brexit** The risks of Brexit and in particular of a "no deal" Brexit scenario and its impact on the council, its services and communities.

The Council has a 5 year Financial Strategy model which is underpinned by key financial principles; these determines the approach in its aim to achieve a balanced budget over the medium term, without the use of reserves, except where this is necessary on the short term.

The budget setting for 2019-20, is the final year of the four year funding offer accepted from the Government in the 2017-18 budget cycle with an assumed start from 2016-17; this helped to provide some degree of certainty during this period. Associated with that funding arrangement, the Council approved a Deficit Reduction Plan (2016), which sought to achieve savings or additional income of £3.8m. This plan is monitored regularly by the appropriate programme board; either the Commercial Board or the Business Improvement Board, and as part of the Council's quarterly revenue and capital monitoring regime. The Council has achieved £3.5m of the target set so far, with further savings anticipated; reflecting the good track record the Council has in delivering efficiencies or generating additional income.

The 5 year Financial Strategy model is currently being updated by officers to take account of known budget changes, cost pressures, and assessing any impact of other changes necessary, including those arising from legislation, functions operated and the effects of the Covid 19 pandemic.

The delay in the Fair Funding Review and the localisation of Business Rates until late next year now postpones the expected changes in future funding until 2021-22; however, the delay in resetting the Baseline for Business Rates is good news, as the growth achieved so far is retained for an extra year. The West Sussex Business Rates (BR) Pilot (75% retention) that the Council participated in for 2019-20 was for 1 year only, and this has not been extended by the Government.

Looking forward it has been reported to the Corporate Governance & Audit Committee, Cabinet and Council recently the impact of COVID 19 and a residual deficit forecast of £2m per year. Officers are currently working to deliver a COVID recovery plan that was approved by Council in July 2020.

Annual Governance Statement

The Annual Governance Statement as attached at appendix 2 has been prepared in accordance with the CIPFA / SOLACE guidance on "Delivering Good Governance in Local Government". The Statement is attached and clearly sets out the 7 fundamental principles of good governance (A to G) as identified below:

- A Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
- B Ensuring openness and comprehensive stakeholder engagement.
- C Defining the outcomes in terms of; sustainable economic, social and environmental benefits.
- D Determining the interventions necessary to optimise the achievement of the intended outcomes.
- E Developing the entity's capacity, including capability of its leadership and the individuals within it.
- F Managing risks and performance through robust internal control and strong public financial management.
- G Implementing good practices in transparency reporting, and audit to deliver effective accountability

Other Potential Risk Issues

The drafting of the Annual Governance Statement has highlighted some risks that are ongoing and receiving attention from those charged with governance. These can have common themes and may overlap with other areas of risk that have been identified. They are being monitored to track whether there are any changes in their risk score.

Other than those areas set out above, which are themselves subject of further on-going review, members of the Committee are assured that key systems are in place within the Council. This is supported by the internal audit service, which has the responsibility to review independently and report to Committee.

Cllr F Hobbs
Chairman of Corporate Governance & Audit Committee

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Chichester District Council
Revised Contract Standing Orders (Draft)

1. Interpretation
2. Status of, and Compliance with, Contract Standing Orders
3. Approval to spend
4. Contract Value and Aggregation
5. Framework Agreements, Dynamic Purchasing Systems and Suitability of Contractors
6. Publication of Notices
7. Purchasing Procedures for Contracts of a Value less than £50,000
8. Tendering Procedures for Contracts of a Value of £50,000 or greater but less than relevant EU Threshold
9. Tendering Procedures for Contracts Above EU Thresholds
10. Receipt and Opening of Tenders
11. Evaluation of Tenders and Award of Contract
12. Waiver of Contract Standing Orders

Contract Standing Order 1: Interpretation

1.1 In these Contract Standing Orders, the following terms have the following meanings:

“Advance Works Order” means an advance works order issued under CSO 11.10

“Area of Responsibility” means the function and area of responsibility for a Chief Officer as detailed in the District Council's Constitution

“Chief Officer” means the Chief Executive or any Director

“Contract” means

(i) a binding agreement on fixed terms for the supply of goods, services, or the execution of works to or for the Council, including the use of consultants;

(ii) any Framework Agreement; or

(iii) any agreement where no payment is made by the District Council but which is of financial value to the Contractor (e.g. a catering concession) but does not include (without exception)

(iv) an employment contract: or

(v) a Grant Agreement

“Contract Administrator / Lead Officer” means a District Council officer responsible for the supervision and execution of the contract, and/or nominated to deal with Contracts in accordance with CSO 3.3. An officer defined as a project officer under the Council project management guidance will also be the Contract Administrator.

“Contractor” means the party or potential party to a Contract

“Contracts Finder” means a web-based portal provided for the purposes of the UK Regulations by or on behalf of the Cabinet Office

“CSO”/ “CSOs” means Contract Standing Order/ Contract Standing Orders

“District Council” means Chichester District Council

“Dynamic Purchasing System / DPS” means an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors as defined in CSO 5.4

“EC Treaty” means the Treaty establishing the European Community signed on 25 March 1957 as amended by subsequent treaties

“EU Public Procurement Directives” means EU Directive 2014/24/EU and European Council Directive 89/665/EEC any Directives and Regulations by which it is applied, extended, amended, consolidated or replaced and any re-enactment thereof

“EU Thresholds” means the thresholds for public advertisement of goods, works and services contracts as provided for in the EU Public Procurement Directives and advised by the Government

“Evaluation Report” means a report on the evaluation of tenders prepared under CSO 11

“Framework Agreement” means an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors as defined in CSO 5.1

“Grant Agreement” means an agreement giving financial assistance to an individual or organisation with no supply of goods or services, or execution of works, in return

“OJEU” means the Official Journal of the European Union

“Procurement Network” means a formal group of officers of the District Council representing all departments and procurement teams whose main purpose is to provide leadership on procurement matters for the District Council

“Senior Officer” means a District Council officer defined as a Senior Officer in the Current Constitution.

“UK Regulations” means the Public Contracts Regulations 2015

“Works”, “Supplies” & “Services” are as defined in the EU Public Procurement Directives

Contract Standing Order 2: Status of, and Compliance with, Contract

Standing Orders

2.1 By law, the District Council is required to make standing orders with respect to contracts for the supply of goods or services or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited.

2.2 The District Council is a contracting authority for the purposes of the EU Public Procurement Directives and is thereby legally bound to comply with certain practices and procedures in the award of Contracts.

2.3 The District Council has therefore adopted these Contract Standing Orders (CSOs), setting out the procedures that must be followed in relation to the procurement and award of a Contract. CSOs provide a framework to ensure that the District Council uses its resources efficiently in making purchasing decisions to obtain best value in public services. CSOs also provide a means of safeguarding the reputation of the District Council and its staff from any implication of dishonesty or corruption.

2.4 The statutory S.151 Officer and the Monitoring Officer are the joint custodians of these CSOs and are responsible for keeping them under review. This includes giving advice on their implementation and interpretation.

2.5 Every Contract made by the District Council or on its behalf (irrespective of the source of funding) shall comply with the EC Treaty, the EU Public Procurement Directives, all other applicable EU and domestic legal requirements, CSOs and Financial Regulations. In the event that there is any conflict or inconsistency between the provisions of CSOs and any legal requirement, the legal requirement shall apply.

2.6 The EC Treaty provisions and Treaty-based principles, including non-discrimination, equal treatment, transparency and proportionality, apply generally in the award of public contracts – including those of a value below the EU Thresholds. Care must be taken at all times to ensure that nothing is done which is discriminatory, improper or which distorts competition.

2.7 It is the role of the Divisional Manager for Democratic Services XXXXX to manage procurement support and to maintain a Procurement Network on behalf of the District Council.

2.8 These CSOs supplement the Officers' Code of Conduct and a failure to comply will normally be regarded as a disciplinary offence. Where a person who is not a District Council employee is contracted to a position where they are authorised to carry out purchasing functions, it is a condition of their contract that they comply with CSOs.

2.9 These CSOs shall always be interpreted and applied in a way that supports the achievement of the District Council's identified business objectives, within relevant legal frameworks.

2.10 Any contracts procured and awarded by way of collaboration with other public bodies where a competitive process has been followed that complies with the equivalent of these CSOs of the leading organisation will be deemed to comply with these CSOs and no waiver in accordance with CSO 12 will be required.

2.11 These standing orders do not cover contracts to buy or sell land or any interest in land (e.g. lease or right of way). Where the sale of land and property (or an interest therein) is involved, the tendering procedures used must ensure transparency, fair competition and achievement of the best consideration in the circumstances and to recognise the District Council's corporate objectives.

Contract Standing Order 3: Approval to spend

3.1 The procurement of a Contract (not including a Framework Agreement) is subject to the approval of the relevant decision maker who has the authority to give approval for the relevant expenditure under the Constitution. The giving of approval is subject to the expenditure involved having been included in approved estimates and sufficient budgetary provision having been made in the District Council's capital programme or revenue budget, or has been approved via a separate report to cabinet and (depending on value) Council.

3.2 In estimating the value of the Contract, the principles of CSO 4 shall be applied

3.3 In all cases, the Chief Officer within whose Area of Responsibility the Contract falls shall designate a Senior Officer as Contract Administrator / Lead Officer for the Contract. It shall be the responsibility of the Contract Lead Officer to ensure that the processes followed in relation to the procurement and award of the Contract are compliant with these CSOs.

3.4 For spend over £10,000 the Procurement Officer is to be informed and over £50,000 the Procurement Officer is to be consulted in advance of the procurement being undertaken.

3.5 In the event that the value of the contract represents more than 25% of the company's annual turnover, the Chief Officer or Divisional Manager and the Chief Finance Officer must be advised and a further assessment undertaken to their satisfaction.

3.6 The Procurement Officer shall be responsible for management of any Frameworks created by the Chichester District Council.

Contract Standing Order 4: Contract Value and Aggregation

4.1 The estimated value of a Contract shall be the total value of the Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract by the District Council to the Contractor which shall include any option to extend the term under the contract. Where the Contract is one where no payment is made by the Council (e.g. a concession) a best estimate of the financial value to the Contractor shall be ascertained.

4.2 Where the Contract period is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be for a period of four years.

4.3 The estimated value of a Framework Agreement or Dynamic Purchasing System (DPS) is the total value of all the Contracts which have been identified as potentially to be entered into by the District Council, further to that Framework Agreement or DPS. The Procurement Officer shall keep all Framework agreements under review and advise relevant officers as to those Framework agreements.

4.4 Purchases of the same or similar goods or services must be aggregated wherever practicable. Contracts must not be artificially separated so as to circumvent the application of any part of CSOs, the EU Public Procurement Directives or UK Regulations.

4.5 Contracts which are each of a value below the relevant EU Threshold may nevertheless be subject to full EU Public Procurement Directives tendering requirements, where they constitute a series of related or repeat purchases. Advice should be sought where this is the case, in order that the relevant procurement route can be adopted.

Contract Standing Order 5: Framework Agreements, Dynamic Purchasing Systems and Suitability of Contractors

5.1 A Framework Agreement is an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Framework Agreements may be established by the District Council, by other public bodies, by public sector buying consortia or via the "Constructionline" service (originally introduced by the Department for Transport, Local Government and Regions) as arrangements through which the District Council, along with other public bodies, may make specific purchases.

5.2 Where appropriate a Framework Agreement that has been approved as suitable by the Director Corporate Services should be used for the making of the proposed purchase. The Procurement Officer shall advise the Director of Corporate Services as to whether a particular Framework Agreement shall be appropriate for the specific requirement and procured in compliance with the UK Regulations, and ensure that the terms and conditions applicable shall meet the minimum requirements of the District Council.

5.3 Provisions contained in the UK Regulations which govern Framework Agreements must be complied with when concluding a Framework Agreement or awarding a contract based on a Framework Agreement.

5.4 A Dynamic Purchasing Systems (or DPS) is a procedure available for contracts for works, services and goods commonly available on the market. It has some aspects that are similar to an electronic Framework Agreement but where new suppliers can join at any time.

5.5 A DPS has its own specific set of requirements. It must be run as a completely electronic process and should be set up using the restricted procedure and other conditions as set out in Regulation 34 of the Public Contract Regulations 2015.

5.6 In the initial setup stage, all suppliers who meet the selection criteria and are not excluded must be admitted to the DPS. The District Council must not impose any limit on the number of suppliers who may join a DPS. Individual contracts are awarded during the second stage, in which the District Council invites all suppliers on the DPS (or relevant category/lot) to bid for the specific contract.

5.7 In all cases where a Contract is awarded under these CSOs, a Contractor can only be appointed who, as a minimum:

a) meets the District Council's insurance requirements for the Contract (in respect of public liability, product, professional indemnity and/or employer's liability as appropriate, based on an assessment of risk for the Contract)

b) is registered for tax and holds a valid certificate (where appropriate)

Contract Standing Order 6: Publication of Notices

6.1 In all cases where, by virtue of these CSOs or by UK Regulations, a public notice is required, it shall be placed on the South East Shared Services In-tend Portal, on the District Council's website and on Contracts Finder.

6.2 Where the estimated total value of a proposed Contract is £50,000 or above, the notice shall additionally be placed in at least one relevant local publication and/or journal circulating among Contractors who undertake Contracts of that nature.

6.3 Where the value of the contract is £50,000 or greater the information regarding the Contract award is required to be placed on Contracts Finder.

6.4 Where the value of the Contract exceeds the relevant EU Threshold, the Contract notice and Contract award notice shall also be placed in the OJEU in accordance with the UK Regulations.

Contract Standing Order 7: Purchasing Procedures for Contracts of a Value less than £50,000

7.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is greater than £10,000 and less than £50,000 and there is a suitable Framework Agreement approved by the Director of Corporate Services under CSO 5.2, that Framework Agreement shall be used.

7.2 Where no suitable Framework Agreement is available, and/or where the estimated value of the Contract, calculated in accordance with CSO 4, is less than £50,000, then two written quotations should be obtained, one of which should normally be from a local* contractor if possible.

7.3 Where no suitable Framework Agreement is available, and the estimated value of the Contract, calculated in accordance with CSO 4, is £10,000 or greater and less than £50,000 at least three written quotations should be obtained against a written request for quotation, at least one of which should be local* if possible. If the minimum number of contractors/suppliers cannot be invited to tender, the Contract Administrator / Lead Officer shall seek the approval of the Director Corporate Services (or his appointed representative) to proceed with invitations to tender to fewer organisations.

7.4 Contractors wishing to be considered for tenders should be registered with the Contractors Health and Safety Assessment Scheme (CHAS) or equivalent and be prepared to provide membership and/or reference details. Where a contractor is not registered with CHAS the CDC Health and Safety Manager should provide advice, support and guidance to ensure that the contractor submits sufficient documentation to comply with Health and Safety legislation.

7.5 In the selection of the Contractor, the Contract Lead Officer shall bear in mind the need to seek best value for money and be able to demonstrate that they have achieved this.

7.6 The Contract shall be evidenced in writing, by submission of an order in accordance with the Framework Agreement or, where a Framework Agreement is not used, by the placing of an order on the basis that the price in the written quotation received shall apply.

* "local" is defined as meaning that the main place of business of the contractor is located in Chichester District or the adjoining Districts on its boundaries.

Contract Standing Order 8: Tendering Procedures for Contracts of a Value of £50,000 or greater but less than relevant EU Threshold

8.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is £50,000 or greater but less than the relevant EU Threshold, and there is a suitable Framework Agreement approved by the Director of Corporate Services, under CSO 5.2, the Procurement Officer shall advise as to whether a suitable Framework Agreement is available.

8.2 One of the following methodologies should be used:

- A Framework Agreement
- A DPS
- at least four written quotations against a written request for quotation under the Open Competitive Procedure;
- at least four written quotations against a written request for quotation under the Restricted Competitive Procedure;
- “Constructionline” as detailed under CSO 5.1.

8.3 The procedure requires the publication of a notice in accordance with CSO 6. The public notice shall specify (i) a time period within which interested parties may express an interest in tendering and (ii) the method by which such interest shall be expressed. At the end of this period, an invitation to tender shall be sent to all parties who have expressed an interest, specifying a reasonable period for tenders to be returned.

8.4 In all cases, every invitation to tender shall include the following:

- A statement that the tendering process will be conducted within the District Council’s corporate electronic tendering system;
- Full instructions on how to submit their tender to this system;
- Advice that tenders, once received in the system, will be anonymous until the time specified for their opening;
- Advice as to the deadline for submission of tenders to this system

8.5 In exceptional circumstances, and with the prior approval of Director of Corporate Services, an invitation to tender maybe sent to tenderers in hard copy paper form, rather than through the electronic tendering system. For such cases the Procurement Officer shall be responsible for oversight of the tender and evaluation process from receipt of tender paperwork to the evaluation process.

8.6 The invitation to tender shall state the evaluation criteria, including subcriteria and sub-sub-criteria (where used), weightings and scoring criteria that will be applied in the award of the Contract. These criteria must be capable of objective assessment, include price and any other relevant factors, and be weighted by relative importance. The invitation to tender shall also include the terms and conditions that will apply to the Contract.

8.7 Contractors wishing to be considered for tenders should be registered with the Contractors Health and Safety Assessment Scheme (CHAS) or equivalent and be prepared to provide membership and/or reference details. Where a contractor is not registered with

CHAS the CDC Corporate Health and Safety Manager should provide advice, support and guidance to ensure that the contractor submits sufficient documentation to comply with Health and Safety legislation.

8.8 Any company/organisation/individual that has been involved in the preparation of a design/scope/procurement of a project should automatically be excluded from bidding for that project, unless there are exceptional circumstances, in which case specific Cabinet approval will be required.

8.8 Contracts arising from the tender exercise(s) shall be evidenced in writing by the completion of a formal written Contract, the terms of which have been approved by the Monitoring Officer or other person authorised by him for this purpose.

8.9 All officers involved in tendering shall comply with the officer handbook, relevant policies and statutory legal duties in particular the duties of transparency. Individual Councillors shall not be involved with the tendering process and groups of Councillors given delegated responsibilities as to tendering such as being involved in evaluation processes shall comply with the Code of Conduct and the principles of good decision making set out in the Constitution of the District Council.

Contract Standing Order 9: Tendering Procedures for Contracts above EU Thresholds

9.1 The EU Public Procurement Directives set a financial threshold beyond which prescribed tendering procedures must be followed. The EU Thresholds are reviewed every two years, and the updated figures can be found on line.

9.2 Where the estimated value of the Contract is in excess of the relevant EU Threshold, the procedures set out in the EU Public Procurement Directives must be followed. In most cases, the open procedure, restricted procedure or competitive procedure with negotiation will be used, but in certain specialist cases, the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure shall apply. Advice on which procedure is appropriate to the specific case should be sought from the Monitoring Officer.

9.3 Where the estimated value of the contract is £50,000 or greater but less than EU Threshold approval of the Section 151 officer or the Monitoring Officer shall be sought to the use of the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure.

9.5 Any proposed modifications to existing contracts which have not been provided for in the initial procurement documents in clear, precise and unequivocal review clauses shall be approved by the Monitoring Officer where the value of the modification is less than [£x million] and by the Executive where the value of the modification is [£x million] or greater prior to agreement of such modification.

Contract Standing Order 10: Receipt and Opening of Tenders

10.1 Subject to CSO 10.2 – 10.3, all electronic tenders shall be opened at the same time, by an officer appropriately trained to open tenders on the electronic tendering system as soon as reasonably practicable on or after the date for return of tenders. People under contract to the District Council, but not permanent employees of the District Council shall not open tenders unless approved by a Chief Officer or the Monitoring Officer.

10.2 For a Contract of a value of £50,000 or greater, the officer opening tenders shall be certified as having completed the required training and the officer's name shall appear on a list held by the Monitoring Officer and authorised for that purpose.

10.3 The officer opening tenders shall record, in respect of each tender opened, the name of the tenderer and, where applicable, the total value.

10.4 Electronic tenders shall be used for all tendering except that for contracts under £10,000 where use of hard copy tendering has been agreed with the Procurement Officer in advance. Such contracts shall be overseen by a Divisional Manager.

Contract Standing Order 11: Evaluation of Tenders and Award of Contract

11.1 The Contract Administrator / Lead Officer (who should normally be an employee of the District Council) shall ensure that the tenders received are evaluated in accordance with the evaluation criteria that have been adopted for the Contract and stated in the invitation to tender. These criteria must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance.

11.2 The Contract Administrator / Lead Officer shall produce a written report evaluating each tender received against the evaluation criteria. The report shall identify the tenderer who has submitted the most economically advantageous tender i.e. the tender that achieves the best score in the evaluation and recommend the award of the Contract to that tenderer. This report shall be submitted to the person authorised to award the Contract under CSO 11.4.

11.3 No contract may be awarded unless the expenditure involved has been included in approved estimates and sufficient budgetary provision made in the District Council's capital or revenue accounts in accordance with CSO 3.1. The Evaluation Report shall confirm how this requirement is met.

11.4 Each Chief Officer, or the Monitoring Officer is authorised to award and sign any contract entered into on the District Council's behalf, and where the value of the Contract is less than the EU threshold. The Contract may be awarded and signed by a Senior Officer All other Contracts shall be awarded by the the Executive.

11.5 Where the value of a Contract is above the relevant EU Threshold, the Contract shall be awarded in accordance with the UK Regulations and in particular the requirements relating to a "standstill" period prior to the Contract being entered into.

11.6 All Contracts, including an arrangement subject to a purchase order, must be made in writing under English Law, and must clearly and carefully specify the supplies, services or works to be provided, the agreed programme for delivery and the price and terms for payment together with all other terms and conditions.

11.7 Where purchases of a value less than £50,000 are made for which standard terms and conditions have been approved by the Monitoring Officer those standard terms should be used. Where a Contract is estimated at a value £50,000 or above or is of an unusual or complex nature, the Monitoring Officer shall be consulted to produce a suitable set of conditions of contract or to advise on existing conditions for use under a Framework Agreement

11.8 Every contract must also include certain clauses, in a form approved by the Monitoring Officer, to protect the District Council from fraud and to ensure that Contractors understand their responsibilities when they are acting on the District Council's behalf as well as clauses required to comply with the UK Regulations.

11.9 The Chief Officer within whose area of responsibility the Contract falls shall allocate to a Senior Officer responsibility for the ongoing management of the Contract.

11.10 In exceptional circumstances, where a Contract has been awarded under CSO 11.4, but it is considered necessary in the best interests of the District Council to initiate the provision of goods or services under that Contract prior to the Contract being signed, the issue of an Advance Works Order by the Monitoring Officer may be requested. Issue will be subject to confirmation that a decision to award the Contract has been made in accordance with CSOs, the necessary funding for the Contract having been approved, and the value of the Advance Works Order not exceeding £50,000.

Contract Standing Order 12: Waiver of Contract Standing Orders

12.1 Any of the requirements of these CSOs may be waived in an individual case, by the person authorised as follows:

- Where the estimated value of the Contract is less than £10,000, the Chief Officer/Divisional Manager or senior officers so authorised by a Divisional Manager within whose Area of Responsibility the Contract falls;
- Where the estimated value of the Contract is between £10,000 and £50,000, the Chief Officer/Divisional Manager within whose Area of Responsibility the Contract falls and the Chief Finance Officer;
- Where the estimated value of the Contract is £50,000 or greater but less than the EU threshold the Section 151 Officer and the Monitoring Officer, before authorisation not to obtain tenders is sought from the relevant portfolio holder in consultation with the relevant Senior Officer prior to the award of the contract; Where the Section 151 Officer is the relevant Senior Officer then the portfolio holder shall consult with the Chief Executive;
- Where the estimated value of the Contract is [above the EU threshold, the Executive or, in respect of Non-Executive matters, the Committee with delegated responsibility for the relevant service area.

Where works are required urgently Senior Officers, the Divisional Manager for CCS may award a contract and report that award and explain the urgency which led to the award to the next meeting of Cabinet. 12.2 A request for the issue of a waiver must be made in writing to the person authorised under CSO 12.1, with full reasons as to why the waiver is required, and evidence that the issue of a waiver will not prevent best value from being obtained. The decision in response to the request must also be in writing. No action shall be taken to enter into the Contract until such request has been submitted and the decision made.

12.3 The District Council is subject to legal requirements to ensure fair competition for Contracts of a value exceeding the EU Thresholds, and subject to obligations under the EU Treaty to ensure that all Contracts (regardless of value) are awarded having regard to the need to avoid any action that is discriminatory, improper or which distorts competition.

12.4 It is understood that a waiver may be utilised where it can be demonstrated that the ability to act quickly to engage a single supplier would make economic sense and fit with service requirements, in circumstances where there is no more effective way to secure the capacity.

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Motion HIDDEN DISABILITIES SUNFLOWER SCHEME & LANYARD

A hidden disability is a disability that may not be immediately obvious. Hidden disabilities don't have physical signs and include learning difficulties, mental health as well as mobility, speech, visual or hearing impairments. They can also include asthma, COPD, and other lung conditions as well as chronic illnesses such as renal failure, diabetes, and sleep disorders when those diseases significantly impact day-to-day life.

Living with these conditions can make daily life more demanding for many people. They affect each person in different ways and can be painful, exhausting, and isolating. Without visible evidence of the hidden disability, it is frequently difficult for others to acknowledge the challenges faced and as a consequence, sympathy and understanding can often be in short supply.

I bring this Motion to the Council as someone who has been aware of the Sunflower Lanyard scheme for a number of years since its inception. It may not be known to all members but I have had a hidden disability myself from the age of 7.

This Council believes in disability equality and will accordingly commit to:

- Officially recognise the Hidden Disabilities Sunflower and will promote what it stands for and its importance in breaking stigma.
- Help promote the Hidden Disabilities Sunflower to local businesses and encourage them to formally look at recognising it
- Ensure that the Council offices are Hidden Disability friendly and promote the Sunflower on its buildings so people can identify the Council as Hidden Disability friendly
- Provide appropriate training to all staff and councillors to understand the scheme and the impact of hidden disabilities
- Actively promote and encourage local City, Town and Parish Councils to recognise the scheme

Cllr Alan Sutton

Acknowledgement is made to members of Arun District Council & the Hidden Disabilities Sunflower Scheme for content.

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Motion submitted by Cllr Moss

This Council resolves to establish an Officers and Members Working Group to review the operational model of the Council. The Working Group shall review the Centre for Governance and Scrutiny's 'Rethinking Council Governance for the 20s' paper and consider how to:

- maximise councillor involvement in decision making
- build upon the experience of the Recovery Groups to promote consensual working
- offer continued financial acumen
- provide a strong role for scrutiny and governance
- ensure speed of decision making
- provide open and accountable democracy
- make the most of opportunities to work effectively with residents and local partners

The Working Group shall make initial recommendations for enhancements to the role of existing Committees and Panels to be introduced at the Council's 2021 Annual Meeting.

Recognising that a change from a 'Leader and Cabinet' model of governance to a formal Committee System may be complex, resource-intensive and undesirable given our circumstances, the Working Group will also make recommendations to consult upon more far-reaching changes that could be introduced to deliver a 'best of both worlds' 'Hybrid' model in the following year(s).

Governance Motion

Commentary

This motion invites Council to consider the most effective and **inclusive** way for Chichester District Council to operate.

The aim is to develop a more consensual operational model that encourages all Council members to be involved in the decision-making process and providing more participation by residents in Council processes.

There are multiple ways in which the Council can operate including a hybrid model that retains the Leader and Cabinet model and therefore **require** minimal **formal** governance changes.

The two main systems of governance **available** under current legislation are:

- Executive arrangements – Including our own leader and cabinet
- Committee system – reintroduced as part of the Localism Act of 2011

The hybrid model operates under the Executive model, providing for executive ratification but includes **some of the flexibility and inclusiveness** of a committee system.

Under a hybrid model the Council can operate:

- Committees which are legally Scrutiny Committees acting as decision making committees
Or
- Politically balanced Cabinet Advisory Committees which in effect operate as sub-committee of Cabinet

The proposal is for this council to review current governance and provide a recommendation for the Council to move forward without an initial major change to governance arrangements but providing increased decision making by all Council members

More information on options are available at:

<https://www.cfgs.org.uk/?publication=rethinking-governance-for-the-20s>

<https://www.cfgs.org.uk/?publication=rethinking-governance-for-the-20s-appendix>

Chichester District Council

FULL COUNCIL

12 January 2021

Litter Enforcement Contract Renewal

1. Contacts

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2. Recommendation

- 2.1 That the Inter Authority Agency Agreement relating to the provision of Environmental Enforcement Services with East Hampshire District Council be replaced on its expiry by a Deed of Delegation and as such the Chief Executive to use her constitutional delegation to enter into a Deed of Delegation of three years duration.**

3. Background

- 3.1 The Council is a Principal Litter Authority and has a duty to keep relevant land in the open air, to which the public have access, clear of litter and debris (as per the Environmental Protection Act 1990). Litter includes the dropping of cigarette butts, chewing gum, dog fouling and dog poo bags.
- 3.2 In April 2017 Central Government produced a Litter Strategy for England, encouraging action from local authorities and other organisations to improve the environment; using communication campaigns, targeted enforcement and a review of infrastructure.
- 3.3 Following a successful pilot trial in 2017/2018 the Council entered into an inter-authority agency agreement (a 'Section 101 Agreement') with East Hampshire District Council (EHDC). This agreement effectively out-sourced the Council's litter enforcement and enforcement in relation to the Public Space Protection Order Dog Control. EHDC provide a similar service to seven other local authorities and an audit of litter levels in Chichester before and after the Agreement witnessed a significant drop in the amount of litter picked up by Chichester Commercial Services.
- 3.4 In order to enable officers of EHDC to enforce within Chichester District, Cabinet resolved to; note the intention of the Chief Executive to use her s.10 (2) constitutional delegation to discharge certain litter enforcement functions to the East Hampshire District Council under powers granted to the authority under s.101 of the Local Government Act 1997. The current Agreement will terminate on 28 February 2021

and as such the recommendation to Council is that the Agreement be replaced on its expiry by a Deed of Delegation (DoD) and, that, the Chief Executive again uses her constitutional delegation, as described above, to enable a DoD of three years duration. The new DoD is substantively the same as the existing Agreement and Legal Services advise that it makes no difference to the effect of the agreement between the authorities.

- 3.5 The Agreement provides for two trained, uniformed EHDC enforcement officers, working as a pair, to carry out enforcement in Chichester District three days/week with the flexibility to increase the number of enforcement days on request. The business model (described at para 3.6) for this work means that the service is designed to be revenue neutral to the Council. As such it has provided an effective enforcement presence, dealing mainly with littering and dog fouling, that would otherwise not be possible within existing Council resources (without significant detriment to other aspects of service delivery). Suitably empowered officers of the Council also retain the ability to offer enforcement in this regard. The Appendix details the numbers of FPNs issued under the current Agreement.
- 3.6 On witnessing littering or dog fouling EHDC enforcement officers issue a Fixed Penalty Notice (FPN) to the offender. The FPN is £75 for littering and £75 for dog fouling per offence with the cost rising to £100 after 14 days unpaid. The Council pay EHDC £250 per day per officer but by way of payment for service provision CDC keeps the first four FPN payments per day per officer and for any FPN's issued in excess of four per officer per day EHDC receives £25/FPN and the Council receives the balance.
- 3.7 The EHDC enforcement officers receive high levels of training which is under constant review informed by lessons learnt from reviewing the footage from body-worn video cameras that they wear. All complaints are dealt with by EHDC and the Council has a minimum age of 18 years old for any person who can be issued an FPN. EHDC also provide the enforcement and prosecution of offenders who fail to discharge the offence via the FPN.
- 3.8 The emphasis of the agreement is on the provision of enforcement during week days and within office hours. Nevertheless there is flexibility to request for out of hours and weekend work and to target specific locations both in a programmed way and real-time on a day to day basis. This arrangement has worked well, for instance we have targeted the beaches and a specific 'Covid related' issue at Bosham Hoe during summer 2020 in this way.
- 3.9 EHDC enforcement officers are also empowered to enforce the PSPO Dog Control and have been used in this capacity. The officers can also be directed to softer, more educational, interactions with the public.

4. Outcomes to be Achieved

- 4.1 The new DoD with EHDC will enable an effective enforcement presence so reducing littering and dog fouling and contributing to a cleaner environment across the Chichester district.
- 4.3 This work supports the Corporate Plan priority that CDC will 'manage our built and natural environments to promote and maintain a positive sense of place'.

5. Proposal

- 5.1 It is proposed that the Agreement, for EHDC to provide two enforcement officers for three days/week, is extended for a further 3 year period and, as such, the Chief Executive to use her constitutional delegation, as described above, to enable a further Agreement of this duration.

6. Alternatives Considered

- 6.1 An alternative would be for the Council not to sign the new DoD with EHDC. This would lead to significantly lower levels of litter and dog fouling enforcement and might predicate increased levels of littering and dog fouling in the district.
- 6.2 Alternative providers for the service could also be sought, including providing an in-house service. Due to the need to provide IT infrastructure, management, enforcement and support staff and legal support for prosecutions, it is not possible to build an attractive business case for an in-house service.
- 6.3 The Council is not aware of another non-commercial provider for this service. The service is currently run at zero cost to CDC and as such a similar enforcement service provided by a commercial operator would be an additional cost to the Council which brings with it the potential for reputational risk and the enforcement seen as a money generating scheme.
- 6.4 The current Agreement does not include any binding requirement on EHDC to provide out of hours or weekend enforcement, instead this is provided by contractual clauses that imply the flexibility for such work to occur by arrangement. Officers have discussed with EHDC hardening up this contractual arrangement such that there is more certainty as to how such weekend and out of hours work will be provided. Nevertheless EHDC has, to date, always responded positively to requests for such work and changing this aspect of the contract might imply amending the, currently successful, business model. As such it is proposed to leave this aspect of the Agreement as it is.
- 6.5 The Agreement currently provides for three days/week of enforcement (two EHDC officers working as one team each day). Since August 2020 the Council has instructed EHDC to provide four days of enforcement per week as a pilot. The evaluation of this suggests that the contract is still revenue neutral at this level of provision. Nevertheless EHDC indicate that they will be able to be flexible in this regard and so, to reduce contract risk, it is proposed to remain at three days/week contractually.

7. Resource and Legal Implications

- 7.1 To extend the agreement by the DoD is within existing staffing and budgetary resources and is at zero cost to the Council.

8. Consultation

- 8.1 No formal consultation has been carried out or is proposed for the DoD as this is essentially a continuation of 'business as normal'. Nevertheless the proposal was considered by the Environment Panel which resolved:

That Environment Panel recommends to Cabinet that the Inter Authority Agency Agreement related to the provision of Environmental Enforcement Services with East Hampshire District Council be extended and, as such, the Chief Executive to use her constitutional delegation to enable a further Agreement of three years duration.

9. Community Impact and Corporate Risks

- 9.1 To not provide adequate litter enforcement is both a reputational and financial risk to the Council. Enforcement is key to tackling littering and to not deliver effective enforcement is to risk higher volumes of litter and an accompanying negative narrative in the community and press. When the Agreement was originally entered into there was a substantial national and local evidence base to support the rationale for the service. Signing the DoD allows the Council to continue to be demonstrably tackling littering.
- 9.2 There is the potential risk that EHDC withdraw the service. Nevertheless EHDC are signing up new authorities to provide the service to and as such look set to build a stable, long-lasting and respected offer.

10. Other Implications

	Yes	No
Crime and Disorder Effective litter and dog control enforcement and enforcement presence help to keep Chichester District a low litter environment and where dogs are safely managed by their owners.	✓	
Climate Change and Biodiversity		✓
Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing		✓
Other		✓

11. Appendices

- 11.1 Appendix: FPN data 2017 - 2020.

Appendix: EHDC Litter Contract Renewal

FPN data 2017 - 2020:

2017		2018		2019		2020*		2017 - 2020*	
Area of issue	No of FPNs	Area of issue	No of FPNs	Area of issue	No of FPNs	Area of issue	No of FPNs	Area of issue	No of FPNs
Midhurst	1	Bracklesham	3	Birdham	2	Bosham	1	Birdham	2
Selsey	1	Witterings	6	Bracklesham	3	Bracklesham	9	Bosham	1
Westbourne	1	Midhurst	5	Witterings	2	Easebourne	1	Bracklesham	15
Witterings	1	Selsey	24	Fishbourne	1	East Ashling	1	Chichester	3973
Chichester	409	Singleton	1	Hermitage	2	Witterings	14	Easebourne	1
TOTAL:	413	Southbourne	3	Hunston	1	Fishbourne	1	East Ashling	1
		Chichester	1129	Midhurst	18	Midhurst	8	Fishbourne	2
		TOTAL:	1171	Nutbourne	1	Petworth	1	Hermitage	2
				Petworth	5	Selsey	4	Hunston	1
				Selsey	61	Southbourne	2	Midhurst	32
				Southbourne	2	Stockbridge	1	Nutbourne	1
				Tangmere	1	Tangmere	2	Petworth	6
				Chichester	1433	Tillington	1	Selsey	90
				TOTAL:	1532	Chichester	1002	Singleton	1
						TOTAL:	1048	Southbourne	7
								Stockbridge	1
								Tangmere	3
						* year to date		Tillington	1
								Westbourne	1
								Witterings	23
								TOTAL:	4164

Note: Many visits, especially to some of the smaller settlements, do not result in the issuing of FPNs though this data should not be read to indicate that the service doesn't visit those locations.

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