



Minutes of the meeting of the **Council** held in Committee Rooms - East Pallant House on Tuesday 14 July 2015 at 2.30 pm

**Members Present:** Mr N Thomas (Chairman), Mrs C Apel, Mr G Barrett, Mr R Barrow, Mr P Budge, Mr J Connor, Mr M Cullen, Mr A Dignum, Mrs P Dignum, Mrs J Duncton, Mr J F Elliott, Mr J W Elliott, Mr B Finch, Mr N Galloway, Mr M Hall, Mrs E Hamilton (Vice-Chairman), Mrs P Hardwick, Mr R Hayes, Mr L Hixson, Mr F Hobbs, Mr P Jarvis, Mrs G Keegan, Mrs E Lintill, Mr S Lloyd-Williams, Mr L Macey, Mr G McAra, Mr S Morley, Caroline Neville, Mr S Oakley, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr J Ransley, Mr J Ridd, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mrs P Tull, Mr D Wakeham and Mrs S Westacott

**Members not present:** Mr I Curbishley, Mr T Dempster, Mr M Dunn, Mrs N Graves, Mr G Hicks, Mrs J Kilby and Mrs D Knightley

**Officers present all items:** Mrs D Shepherd (Chief Executive), Mr S Carvell (Executive Director), Mr J Ward (Head of Finance and Governance Services) and Mr P Coleman (Member Services Manager)

## 16 Minutes

### RESOLVED

That the minutes of the annual meeting of the Council held on Tuesday, 19 May 2015, be signed as a correct record.

The Council also agreed that, in future, written answers to questions to the Executive should be appended to the minutes.

## 17 Urgent Items

There were no urgent items for consideration at this meeting.

## 18 Declarations of Interests

Mrs Apel declared a personal interest as a trustee of Stonepillow.

Mrs Duncton, Mr McAra, and Mr Oakley declared personal interests as members of West Sussex County Council in agenda item 13, Boundary Review of West Sussex County Council.

Mrs Duncton also declared a personal interest as the member of West Sussex County Council for the Petworth Electoral Division in agenda item 7, Making the Loxwood Neighbourhood Plan.

Mrs Shepherd and Mr Ward declared interests as Head of the Paid Service and Chief Financial Officer respectively in agenda item 11, Disciplinary Action against statutory officers: The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and withdrew to the public seating area while this item was discussed.

## 19 **Chairman's announcements**

The Chairman announced that he and the Vice-Chairman had between them represented the Council at over ten events since the last meeting. He particularly mentioned the following.

The Patchwork Communities Project at The Novium Museum, by which over 50 local people had created a patchwork quilt that represented the people and places involved. This artwork had twelve patches representing twelve areas, and postcards showing the areas were on sale. He encouraged members to purchase and use postcards showing their wards.

The Chichester Triathlon on the weekend of 4<sup>th</sup>-5<sup>th</sup> July organised by District Council's sport and leisure development team, with main sponsorship by Natures Way Foods. There had been a record number of entries and just under 700 adults and children had participated, including a senior management team consisting of Diane Shepherd (swim), Jane Hotchkiss (run) and Paul Over (cycle), and other staff entries encouraged by the Environmental Health, Planning, and Communities Teams. As well as positive feedback from customers, the quality of the event had been praised by the Triathlon England Referees that were in attendance.

A reception at Thorney Island

## 20 **Public Question Time**

No public questions had been submitted.

## 21 **Plot 21 Terminus Road Chichester**

Mrs Keegan (Cabinet Member for Commercial Services), seconded by Mrs Lintill, moved the recommendation of the Cabinet. She explained that the Council owned the freehold of Plot 21, Terminus Road, Chichester (not to be confused with the proposed Enterprise Gateway site on Plot 12). The Cabinet had approved acceptance of the surrender of a leasehold interest in the site, and the submission of a planning application to demolish and clear the site of buildings and redevelop it business purposes. Cabinet had agreed that £100,000 be released from Capital Reserves to enable the planning application and demolition and site clearance work to go ahead. However, detailed estimates now obtained indicated that these costs, including asbestos removal, would exceed £100,000, and additional budget of £66,000 was required to enable this work to be undertaken. Cabinet had also considered a Project Initiation Document (PID) for the scheme, which set out various options and included an estimate of total costs of a project for the demolition and redevelopment by the Council of the site (option 3). The Cabinet recommended

pursuance of this option on the basis of a pre-let agreement being in place for the replacement building, delivering a minimum return of investment, as set out in the PID.

Members asked why the need for asbestos removal had not been known earlier, and it was explained that the original estimate had been based on a general survey which had not been invasive and the presence of asbestos came to light only on a full survey being completed.

#### **RESOLVED**

That Option 3 in the Project Initiation Document (PID) be approved as the Plot 21 Terminus Road Redevelopment Project and

- (1) That funding of £66,000 is released from Capital Reserves to enable the demolition and planning matters to be progressed immediately.
- (2) That the balance of the estimated total costs set out in section 7 of the PID (Exempt Appendix to the Cabinet report) be released subject to a pre-let agreement being in place delivering a minimum return on investment as set out in section 3.8 of the PID.

## **22 Making the Loxwood Neighbourhood Plan**

Mrs Taylor (Cabinet Member for Housing and Planning), seconded by Mr Dignum, moved the recommendation of the Cabinet. She explained that approval was being sought that the Loxwood Neighbourhood Plan be 'made' in line with the Neighbourhood Planning Regulations and so became part of the Development Plan for Chichester District excluding the National Park.

The local community and local members had been involved throughout the long process of preparation of the Plan, which had required significant commitment from the Parish Council. On 25 June 2015, the Plan had been subject to a referendum. The regulations required more than 50% of those who voted to be in favour of the Neighbourhood Plan. The turnout had been 38.5% and, of those who voted, 98% were in favour of the Plan.

Throughout the process there had been extensive consultation within the community, enabling residents to express their views as to where the much needed housing should be located and enabling them to express their vision for the future development of their community.

As previously reported to the Cabinet, Judicial Review proceedings had been lodged with the High Court by Crownhall Estates Limited challenging the neighbourhood plan on a number of legal grounds. This ongoing challenge did not preclude the Council from making the Neighbourhood Plan. If the legal challenge was successful the outcome might be to quash the plan, or part of it, and if this were the case a further report would be made to Cabinet.

Nevertheless, the Loxwood Neighbourhood Plan represented localism acting for the benefit of and with the support of the Community.

Mrs Hardwick, as the previous councillor for the ward in which Loxwood parish was located, expressed her congratulations on the excellent process of community engagement that had taken place. It had not been an easy process and the community

had faced a lot of opposition from developers. She strongly supported the recommendation.

Members asked about the turnout on the previous referendum on the draft neighbourhood plan, about the cost to the Loxwood Parish Council and about the term covered by the Neighbourhood Plan.

Mrs Taylor agreed to provide a written reply to the first two of these matters, and stated that the Neighbourhood Plan covered the same period as the Local Plan, namely 15 years. Asked about the impact of the requirement to review the Local Plan within five years, Mr Carvell stated that the Neighbourhood Plan had to remain in conformity with the strategic policies of the Local Plan. The Parish Council would need to review the Neighbourhood Plan once the review of the Local Plan had been concluded to ensure that it was still in conformity with the latter's strategic policies. Mr Hayes and Mr Ransley reported that the Southbourne and Kirdford Neighbourhood Plans respectively were to be subject to a five-yearly review. At Mr Ransley's request, Mr Carvell agreed to issue guidance on how to conduct reviews of neighbourhood plans.

#### **RESOLVED**

That the Loxwood Neighbourhood Plan be made part of the Development Plan for Chichester District (excluding the area within the South Downs National Park).

### **23 Adoption of the Chichester Local Plan: Key Policies**

Mrs Taylor (Cabinet Member for Housing and Planning), seconded by Mr Dignum, moved the recommendations of the Cabinet, explaining that she was delighted to be able to recommend adoption of the Local Plan. This was the final stage in a long and arduous process.

In June the Council had been notified that the planning inspector had found the Draft Local Plan, subject to the agreed modifications, to be sound. This was the fulfilment of four years hard work. Mrs Taylor thanked the officers for their dedication and hard work in bringing this about.

She commented that it had not been easy to reconcile the localism agenda against the national planning policy that required the Council to significantly boost housing supply. A substantial amount of work to achieve this had been put in by the previous administration under the leadership of Mrs Heather Caird, and she thanked them also for their endeavours in achieving this outcome.

Following extensive public consultation the plan had now gone through its examination process and, subject to modifications, had been found sound enabling the Council now to adopt it. This would provide an up to date local plan for the part of the district outside of the national park and the Council could now demonstrate a five year housing land supply, which enabled it to resist speculative proposals for development on unallocated greenfield sites.

The Local Plan showed that the Council accepted change but, more importantly, was in control of that change and able to balance growth with other important local interests.

The District would have an up to date Local Plan which would provide certainty for investment and development and enable the Neighbourhood Plans to progress. Further, it

would allow the Council to progress with the Community Infrastructure Levy which would help provide the funds to finance the much needed supporting infrastructure.

However, the adoption of the plan was not the end of the journey. There was now a need to manage the development of the strategic locations and ensure that the infrastructure necessary to support the development in the plan was provided and put in place at the right time. Land needed to be allocated for employment, gypsies and travellers and some housing where it was not being allocated through neighbourhood plans. Finally, there was a requirement to complete a review of this plan within 5 years. So upon adoption of the plan, the Council needed to focus on the continuation of the journey to reconcile the need for development against the protection of the natural environment.

Mrs Duncton expressed delight at the proposed adoption of the Local Plan. She commented that the process had, in fact, begun in 2000, well before the four years cited by Mrs Taylor, and the Council had previously been close to completing a local plan. She strongly supported the recommendations.

Mr Plowman commented that he understood the need for a Local Plan and members' relief at being able now to adopt one. However, he pointed out that 104 modifications had been agreed, and the Council was required to review it within five years. Whilst acknowledging the hard work of officers, he did not consider the Plan one to be proud of and he could not support it. He believed that the people of Chichester would not thank the Council for it. The Plan would not deliver the low cost housing that was required, it would lead to the development of irreplaceable high quality agricultural land, it would not achieve the required improvements to the district's creaking transport infrastructure, and it would have an adverse impact on Chichester Harbour Area of Outstanding Natural Beauty. Whilst the Plan allocated land for additional housing development, the developers' past record of delivering new housing was pathetic, and the Council had no sanctions to ensure delivery.

Mrs Apel supported this viewpoint and said that the issue of infrastructure for transport, sewage and waste water treatment had not been resolved.

Other members expressed support for the Local Plan and congratulated councillors and officers on bringing it to adoption. They drew attention to the constant changes in planning law, whilst the Plan was being prepared, including another change just announced. The view was expressed that the five year review was to be welcomed as ensuring that the Plan was a living document, striking the right balance between local needs. Mr Oakley welcomed the importance attached to neighbourhood plans and the recognition that strategic sites would be master planned as a whole with the necessary infrastructure and not developed piecemeal

Mr Dignum suggested that celebration was in order. He felt that the Local Plan was an opportunity, providing a framework to benefit present and future generations.

He drew attention to the shortage of homes, both national and local, both to buy and to rent. Locally this meant high house prices and high rents. Many young people growing up here had to move elsewhere when they came to set up their own homes.

The Local Plan offered the opportunity to try and address these issues. This was a chance to work together to make sure that the District had a bright future, with a strong economy, and a thriving working age population.

Without this Plan the District would have been at risk of unwanted, unplanned development being permitted by a Government inspector.

On behalf of the Cabinet he thanked everyone for their support and input into this long and detailed process. Much of the credit went to the former Leader, Heather Caird, who had led the task of securing approval of a sound Plan; credit also went to the councillors who gave their support, and to the officers who did all the hard work. It was a huge achievement and it would help to shape the District for years to come.

#### **RESOLVED**

- (1) That the submitted *Chichester Local Plan: Key Policies 2014 – 2029*, amended to include all the main modifications recommended by the planning inspector to make the plan sound, together with other more minor modifications already agreed with the inspector, be adopted and published (including any consequential and other appropriate minor amendments) in accordance with Regulation 26 of the *Town and Country Planning (Local Planning) Regulations 2012*.
- (2) That the *Chichester's Southern Gateway* supplementary planning guidance remains as a material consideration where relevant to applications for planning permission.
- (3) That the *Sites in Chichester City North Development Brief* remain as a material consideration where relevant to applications for planning permission.
- (4) That the *Provision of Service Infrastructure related to new development in Chichester District* supplementary planning guidance remains as a material consideration until it is superseded by the *Planning Obligations and Affordable Housing SPD*, which will be adopted at the same time as the *Community Infrastructure Levy Charging Schedule*.
- (5) That it is noted that the *Interim Statement on Planning for Affordable Housing* is superseded by the adoption of the Local Plan.

#### **24 Revised Local Development Scheme 2015-2018**

The Chairman reported that the Cabinet had amended the draft recommendation as printed on the agenda by proposing the following changes to the Local Development Scheme.

Paragraph 4.1, final bullet: change the date of The Loxwood Parish Neighbourhood Plan from 2014 to 2015.

Paragraph 7.11: add bullet to read "Implementation of the Council's Business Continuity Plans.

Mrs Taylor (Cabinet Member for Housing and Planning), seconded by Mrs Lintill, moved the recommendation of the Cabinet. She explained that the Local Development Scheme (LDS) was a document available to the public which set out the timetable for the preparation and publishing of various planning documents such as Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) over a rolling three year time frame from 2015 to 2018. In due course it would include the timetable of the five year review of the Local Plan.

The main changes contained in the draft revision were:-

- The inclusion of the Chichester Harbour Development Management SPD and the Water Resources and Water Management SPD

- The revision of timescales for preparation of the Site Allocations DPD and the Gypsy, Traveller and Travelling Showpeople Site allocation DPD to take account of work on the Local Plan, emerging neighbourhood development plans and resources.

The timetable set out in the Appendix was indicative only but would be constantly kept under review and updated.

The Local Plan Inspector had recommended that the Local Plan should be reviewed within the next 5 years. Whilst the Local Plan timetable was not part of this review of the LDS, the document would need to be revised again in due course to take account of the Local Plan review timetable once the process had been agreed by Cabinet.

Mr Plowman commented that the programme was good and comprehensive. However, he expressed concern that planning applications for the development of strategic sites were already being submitted and the Council would have to work hard to keep up.

#### **RESOLVED**

That the draft revised Local Development Scheme 2015-2018 be approved for publication on Chichester District Council's web site, subject to the following changes:

Paragraph 4.1, final bullet: change date of The Loxwood Parish Neighbourhood Plan from 2014 to 2015.

Paragraph 7.11: add bullet "Implementation of the Council's Business Continuity Plans"

#### **25 Enterprise Gateway Project, Plot 12 Terminus Road, Chichester**

Mrs Keegan (Cabinet Member for Commercial Services), seconded by Mrs Lintill, moved the recommendation of the Cabinet. She reminded the Council that the Cabinet had approved a Project Initiation Document (PID) for the redevelopment of Plot 12 Terminus Road, Chichester, for an Enterprise Gateway. This would consist of around 90 business units and be expected to facilitate the creation of between 250 and 275 jobs every three years, to lead to the establishment of new businesses and to contribute to an improvement in business survival rates, as well as providing a rental income to the Council.

In May 2014, the Council had approved the allocation of £4,021,000 of capital reserves funding to the project, based on estimates by the Council's consultants.

Subsequently an architect had provided a feasibility study including a schematic design plan for the Enterprise Gateway. Subject to approval by the Council of the Cabinet's recommendation, the Cabinet had authorised release of £88,500 of the allocated budget to proceed to planning stage and tender for the construction of the Gateway. Following an EU compliant tender, an operational management company had also been selected subject to the eventual delivery of the project. This company offered the Council a guaranteed income and profit share potential that gave an attractive return on investment.

However, the total estimated cost of the project had now risen to £6,245,860, and the Council was asked to allocate the additional budget of £2,224,860 from capital reserves. The Cabinet had asked that a further report be made to them before acceptance of any tender for construction, and so the budget would not be committed (apart from the £88,500) until further work had been carried out and greater certainty about costs was available.

Members expressed concern at the very substantial increase in costs. Mrs Keegan explained that, between estimates, building costs had inflated by 23%. The original estimate had been at a high level, and Mrs Hotchkiss (Head of Commercial Services) added that more detail was now available on fit-out, access and parking.

Members also expressed concerns at the lack of detail in the Cabinet report and questioned the accuracy of other figures, such as the valuation of the completed site and the return on investment.

It was pointed out that the Cabinet had previously approved a PID which contained more detailed information. Mrs Keegan assured the Council that she and Mr Ransley, whom she had appointed as a special adviser, would meet the consultants to examine the costs and risks more closely and liaise closely with officers throughout the design stage of the project.

#### **RESOLVED**

Having noted that the total estimated cost of the project is £6,245,860 (details in appendix section 1.0 (exempt information)), that the additional budget of £2,224,860 be allocated from capital reserves.

#### **26 Disciplinary action against statutory officers: The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015**

Mrs Shepherd (Chief Executive) and Mr Ward (Head of Finance and Governance Services) declared an interest in this matter. They moved to the public seating area during consideration of this item and took no part in the discussion.

Mr Finch (Cabinet Member for Support Services), seconded by Mr Dignum, moved the recommendation of the Cabinet. He explained that the Council had a special disciplinary process applicable to the Head of Paid Service (Chief Executive), the Chief Financial Officer (Head of Finance and Governance Services) and the Monitoring Officer (Principal Solicitor).

The Government had published regulations requiring the Council to amend its Standing Orders in order to implement a change in the disciplinary procedure. Under previous regulations there had been a requirement that, if disciplinary action was contemplated against a statutory officer, a Designated Independent Person (DIP) was to be appointed by agreement with the protected officer to investigate the matter. The Council could only take action recommended by the DIP. Under the new regulations the DIP would be replaced by a Panel comprising the Council's existing Independent Persons (IPs), appointed under the Localism Act 2011. The Panel would be called upon to investigate any potential dismissal issues and could recommend to the Council what action to take. However, under the new regulations the Council would not have to follow any recommendations given.

However, the Government had not fully consulted the representative bodies of the staff affected by this change, and the previous disciplinary procedure remained part of the contractual terms and conditions of employment of some of these staff. He understood that national negotiations were currently taking place to resolve this state of affairs, but until those negotiations had been concluded the Council would need to follow both procedures in parallel, should disciplinary action be contemplated.

Mr Finch also explained the proposed streamlining of the committees and panels currently charged with disciplinary matters and the Chairman drew attention to the paper circulated at the meeting listing the party groups' nominations for appointments to the Investigation and Disciplinary Committee and the Appeals Committee

**RESOLVED**

- (1) That the provisions, extracted from 'The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015', as set out in Appendix 1 to the Cabinet report, be substituted for the current Procedural Standing Order 28.
- (2) That consideration of an updated Disciplinary Procedure for the Chief Executive, Section 151 Officer and Monitoring Officer be deferred pending the outcome of national negotiations.
- (3) That the terms of reference of the Appeals Committee be expanded, as set out in Appendix 3 to the Cabinet report, to incorporate the terms of reference of the Executive Directors and Heads of Service Disciplinary Appeal Panel and the Redundancy Appeal Panel, and that these two Panels be abolished;
- (4) That members be appointed to the Investigation and Disciplinary Committee and the Appeals Committee as listed on the circulated paper on the nominations of the political groups on the basis that one minority group member is appointed as a substantive member of each committee:-

**INVESTIGATION AND DISCIPLINARY COMMITTEE**

<b>Cabinet Member:</b> Mr Bruce Finch (C)	Mr Paul Jarvis (C)
Mrs Carol Purnell (C)	Mr Josef Ransley (C)
Mr Andrew Shaxson (IND)	-----
<b>Substitutes:</b> Mr Mark Dunn	Mr Graham Hicks

**APPEALS COMMITTEE**

<b>Cabinet Member:</b> Mrs Susan Taylor (C)	Mrs Clare Apel (LD)
Mr Peter Budge (C)	Mrs Pam Dignum (C)
Mrs Janet Duncton (C)	-----
<b>Substitutes:</b> Mr Tony Dignum (C)	Mr Mike Hall (C)

**27 Annual Report of Corporate Governance and Audit Committee**

At Mrs Tull's request, the Chairman agreed to bring forward this item on the agenda.

Mrs Tull (Chairman of the Corporate Governance and Audit Committee), seconded by Mrs Lintill, moved receipt of the Corporate Governance & Audit Committee's annual report on the Council's governance arrangements (copy attached to the official minutes).

Mrs Tull reminded the Council that it was responsible for ensuring that its business was conducted in accordance with the law and proper standards and that public money was safeguarded and properly accounted for and used economically, efficiently and effectively. The Committee had carried out a re-assessment of the strategic and organisational risk registers. Five significant risks were listed on the final page of the Committee's report, and were the subject of continuing work. She assured the Council that key systems were in place to address risks and governance issues.

**RESOLVED**

That the Corporate Governance & Audit Committee's report on the Council's governance arrangements be noted.

(Mrs Tull left the meeting)

## 28 **HR Policies Report Statement**

Mr Finch (Cabinet Member for Support Services), seconded by Mrs Lintill, moved the recommendation of the Cabinet. He explained that amendments were proposed to the Disciplinary & Contract Termination Procedure to shorten and simplify the procedure and to provide a sanction in cases where staff who work with children or vulnerable adults fail to complete a criminal record disclosure form. Amendments were also proposed to bring the Flexible Working Policy into line with current legislation. The proposed amendments had been discussed by the Joint Employee Consultative Committee and were supported by the employees' representatives.

Mrs Lintill welcomed the proposed amendment of the Disciplinary & Contract Termination Procedure, in view of the importance of proper safeguarding arrangements.

### **RESOLVED**

That the revised Disciplinary and Contract Termination Procedure and Flexible Working Policy be approved.

## 29 **Boundary Review of West Sussex County Council**

Mrs Hardwick (Cabinet Member for Finance and Governance), seconded by Mr Dignum, moved the recommendation of the Cabinet

She reminded the Cabinet that the Local Government Boundary Commission was carrying out a review of West Sussex County Council in order to rectify electoral imbalance. This was separate from any electoral review of the District Council. On 3 July 2015, the County Council had published proposals for boundary changes to some county electoral divisions in the District, as follows:-

"It is considered that the current division pattern in Chichester works well both in terms of electoral equality and in community identity, so minimum changes would be considered rather than more radical re-drawing of divisions. As Chichester East is too large at present, two proposals were put forward and agreed:

- a) "North Mundham parish (nom1 polling district) from Chichester East to Chichester South
- b) "Sidlesham parish (sid2 polling district) from Chichester South to the Witterings

"It was proposed that Bostock Road, Graylingwell Drive, both sides of Palmersfield Avenue and Kingsmead Avenue be moved from Chichester North to Chichester East to better future proof the electoral size of each division. The proposal would also make more sense for the local community, as there was not direct vehicular access to the rest of Chichester North division from those roads, but they were directly linked to Chichester East, so felt like a natural part of Chichester East. The proposal was discussed and agreed.

“It was proposed to rename the ‘Fernhurst’ division as ‘Rother Valley’ as the division covered a number of villages spread over some distance – the name ‘Fernhurst’ simply referred to the biggest settlement. The proposal was discussed and agreed.”

Mrs Hardwick explained that there was insufficient time for the Council’s usual process of consideration by the Boundary Review Panel, whose recommendations would then be reported to the Cabinet and the Council for approval. Therefore, the Council was asked to authorise the Boundary Review Panel to respond on its behalf to the County Council’s proposals. Members who wished to make comments for the Panel’s consideration should communicate them to Mr Ward (Head of Finance and Governance Services) or Mr Coleman (Member Services Manager).

Mr Shaxson expressed surprise at the proposal to change the name of the Fernhurst Electoral Division to Rother Valley, because the Rother Valley also encompassed many of the settlements in the Midhurst and Petworth Electoral Divisions.

Mr Oakley offered to explain the proposed changes to electoral division boundaries to any member, on request.

**RESOLVED**

That the Boundary Review Panel be authorised to respond to West Sussex County Council’s proposed scheme of county electoral divisions for Chichester District, to West Sussex County Council and/or to the Local Government Boundary Commission for England by the end of August 2015.

30 **Overview and Scrutiny Committee - Annual Report 2014/15 and Work Programme 2015/16**

Mrs Apel (Chairman of the Overview and Scrutiny Committee), duly seconded, moved receipt of the Overview and Scrutiny Committee’s Annual Report 2014/15 and Work Programme 2015/16 (copy attached to the official minutes)

Mrs Apel drew attention to the significant amount of work carried out by the Committee during the past year. This included scrutiny of planning enforcement and development management services, which illustrated the Committee’s willingness to scrutinise aspects of planning services, other than specific planning applications, which were of concern to members. She thanked the members of the Committee during the previous administration and the officers for their support.

**RESOLVED**

That the Overview and Scrutiny Committee’s Annual Report 2014/15 and Work Programme 2015/16 be noted.

31 **Questions to the Executive**

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

*(a) Question: Right to Buy Social Housing*

Mrs Apel reminded the Council that there were 7,890 properties owned and leased by Registered Social Landlords (RSL) in the district. In the 1980s council tenants had been

given the right to buy their homes, but councils had not been allowed to re-invest the receipts to build replacement houses, which had led to a shortage of affordable properties. She asked the Cabinet Member for Housing and Planning whether she supported the new Government's proposal to extend the right to buy to RSL tenants.

*Response:*

Mrs Taylor (Cabinet Member for Housing and Planning) replied that the devil was in the detail, and little was known at present about how the Government's proposal would work in practice. She would wait and see.

*(b) Question: Toilets in East Pallant House*

Mr John F Elliott asked why there were no paper hand towels in the toilets on the lower ground floor of East Pallant House, and whether the force and noise level of the electric hand dryers could be reduced as he believed they created a risk to health and safety.

*Response:*

Mr Finch (Cabinet Member for Support Services) replied that he would investigate and provide a written answer.

*(c) Question: Development of Amenity Sites owned by Hyde*

Mr Cullen referred to the decision by the Cabinet at their meeting on 7 July 2015 to authorise the Head of Housing and Environment Services, following consultation with the Cabinet Member for Housing and Planning, to give the Council's consent to the development of amenity sites owned by Hyde, excluding garage sites. He felt that these amenity sites were in many cases very important to local people, and Hyde had a record of poor communications. He believed that such decisions should not be delegated, but should be determined by parish councils.

*Response:*

Mrs Taylor (Cabinet Member for Housing and Planning) replied that the protocol approved by the Cabinet allowed for consultation with ward members and parish councils and tenants. She believed the Council could trust the professionalism of its officers, and the Cabinet Member had to be consulted before the delegation was exercised. The Cabinet Member could, therefore, advise against the grant of consent, if the objections were strong enough.

Mr Oakley added that the Cabinet had agreed that no deed of release would be granted unless planning permission had been obtained for the proposed development, and this and other changes Cabinet had made to the protocol mitigated the concerns that had been expressed.

*(d) Question: West Sussex County Council. Annual Internal Audit Report*

Mr Ransley asked the Leader of the Council whether, given that this Council's aspirations for economic growth were dependent on ease of access by way of road or rail to and within the district and given potential arrangements for joint funding of infrastructure

improvements, he shared his concern over the recent Annual Internal Audit Report of West Sussex County Council that stated that it was not clear how the Authority was obtaining value for money in its highways maintenance contract.

He also asked the Leader:-

Which dates he had scheduled in his diary over the next 12 months to meet with his opposite number at WSCC?

Will he seek, at such meetings, to exert influence upon our partner organisation to improve their service efficiency and provide greater transparency of process as well as a credible strategy to improve the maintenance of our roads?

Given the importance of partnership working, will he assure this Council that he considers it unacceptable for any partner, let alone an important one like WSCC, to be described as having "a complete breakdown in processes with no visibility as to how risk was considered or actively managed" and that unless such matter is remedied quickly it may not be acceptable in the short term for this Council to be involved in joint contractual arrangements or investment projects?

*Response:*

Mr Dignum (Leader of the Council) replied that he shared concern about the statements in the Internal Audit Report by the County Council's Executive Director of Corporate Services & Resources and Head of Internal Audit

All leaders of West Sussex Councils met regularly on a quarterly basis, although he did not have the dates to hand, and he and the Chief Executive had access to their opposite numbers at the County Council when required.

The report in the local Press concentrated on the bad news in the Internal Audit Report and did not refer to the remedial action described in paragraphs 2.6, 2.12 and 2.13 of the Report. The Leader of the County Council was writing to the newspaper to give reassurance that the County Council recognised the problem and was taking steps to deal with it. Given the importance of maintaining a good working relationship with the County Council he did not believe a confrontational approach on the issue would be in the Council's interests.

*(e) Question: IT equipment for members*

Having recently received his Council iPad, Mr Lloyd-Williams asked why meeting dates were not entered in the calendar, at what intervals password changes were required and how this was enforced.

*Response:*

Mr Finch (Cabinet Member for Support Services) replied that he would ask the Chief Executive to answer in writing.

*(f) Question: Infrastructure Business Plan (IBP) Joint Member Liaison Group*

Mr Oakley asked whether the Cabinet was satisfied that the IBP Joint Member Liaison Group would not overlap with the growth board being established by West Sussex County Council

*Response:*

The Chief Executive replied that West Sussex County Council was setting up a separate growth board for each district, with the exception of Chichester where they were happy with the arrangements for the IBP Joint Member Liaison Group.

*(g) Question: A27*

Mr Plowman asked whether the Highways England presentation on options for the A27 had any impact on the Local Plan.

*Response:*

The Chief Executive replied that the Highways England briefing had been confidential and should not be discussed in open Council meeting. However, Highways England was carrying out Traffic Impact Assessments of the various options. A further meeting would be held in the Autumn and then decisions would be made about which options to pursue and consult upon.

*(h) Question: Careline*

Mr Ridd referred to the open day held to celebrate the 30<sup>th</sup> anniversary of Careline. He had been impressed by the enthusiasm and leadership of Brenda Jackson, the Careline Manager, the marvellous staff, and the high regard the service was held in by partners and users.

*Response:*

Mrs Lintill (Cabinet Member for Community Services) welcomed and supported Mr Ridd's remarks and pointed out that Careline was literally a lifeline to many users and their carers.

## **32 Membership of the Licensing Committees**

**RESOLVED**

On the recommendation of Mr Dignum (Leader of the Conservative Group), seconded by Mrs Purnell, that Mr Paul Jarvis be appointed to replace Mrs Purnell on the Alcohol and Entertainment Licensing Committee and the General Licensing Committee.

## **33 Exclusion of the press and public**

The press and public were not excluded for any part of the meeting.

The meeting ended at 4.35 pm

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CHAIRMAN

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Date:

## WRITTEN ANSWERS TO QUESTIONS

### Minute 22 Making the Loxwood Neighbourhood Plan

*Question:*

Members asked about the turnout on the previous referendum on the draft neighbourhood plan, and about the cost to the Loxwood Parish Council

*Responses by Mrs Susan Taylor, Cabinet Member for Housing and Planning:*

With respect to the question you asked at the last Council meeting about the Loxwood Neighbourhood Plan, I can confirm that at the referendum on the 24 July 2014 the turnout was 41.76% and at the referendum on the 25 June 2015 the turnout was 38.35%.

At the last Council meeting you asked about how much the Loxwood Neighbourhood Plan had cost Loxwood Parish Council. I can advise you that we do not have this information and I would suggest that you may wish to contact the parish council directly. This will ensure that you receive accurate information that meets the precise terms of your enquiry.

### Minute 31 Questions to the Executive

*(b) Question: Toilets in East Pallant House*

Mr John F Elliott asked why there were no paper hand towels in the toilets on the lower ground floor of East Pallant House, and whether the force and noise level of the electric hand dryers could be reduced as he believed they created a risk to health and safety.

*Response by Mr Bruce Finch, Cabinet Member for Support Services:*

There are no plans to replace the paper towels in the East Pallant House toilets. Paper towels were removed to avoid an annual cost of £9-12,000 per annum. The hand dryers are industry standard dryers which conform to all health and safety regulations. The Facilities Manager and Health and Safety Manager have confirmed that it is not possible to alter their noise output and they do not create a health and safety risk.

*(e) Question: IT equipment for members*

Having recently received his Council iPad, Mr Lloyd-Williams asked why meeting dates were not entered in the calendar, at what intervals password changes were required and how this was enforced.

*Response by Mr Bruce Finch, Cabinet Member for Support Services:*

The Committee system (Modern.Gov) is a hosted application and does provide for users to download Committee meetings and import them into personal calendars. The Member Services team will shortly be advising Members how to do this for those that need assistance. It is also possible to download a hard copy of the calendar of meetings from the Modern.Gov application.

Password changes are set to be made every 90 days. Members will receive a prompt when these are due.