



Minutes of the meeting of the **Council** held in Committee Rooms - East Pallant House on Tuesday 15 December 2015 at 10.30 am

**Members Present:** Mr N Thomas (Chairman), Mrs C Apel, Mr R Barrow, Mr P Budge, Mr J Connor, Mr M Cullen, Mr I Curbishley, Mr T Dempster, Mr A Dignum, Mrs P Dignum, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr J W Elliott, Mr B Finch, Mr N Galloway, Mrs N Graves, Mr M Hall, Mrs E Hamilton (Vice-Chairman), Mr R Hayes, Mr G Hicks, Mr L Hixson, Mr P Jarvis, Mrs G Keegan, Mrs J Kilby, 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 P Tull, Mr D Wakeham and Mrs S Westacott

**Members not present:** Mr G Barrett, Mrs P Hardwick, Mr F Hobbs, Mrs D Knightley and Mrs S Taylor

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

#### 48 **Minutes**

##### **RESOLVED**

That the minutes of the meeting of the Council held on Tuesday, 22 September 2015, be signed as a correct record, subject to deletion of the word "daily" from the penultimate sentence of the second paragraph of minute 39 and the addition of the word "East" before "Chichester" in the second sentence of the third paragraph of minute 45(g).

#### 49 **Urgent Items**

There were no urgent items for consideration at this meeting.

#### 50 **Declarations of Interests**

Mr Hayes, Mr Hicks and Mr Finch declared personal and prejudicial interests in agenda item 12, Making the Southbourne Parish Neighbourhood Plan, as members of Southbourne Parish Council and members (and in Mr Hayes' case, Chairman) of the Neighbourhood Plan Steering Group. When this item was considered, they withdrew to the public seating area and took no part in the discussion or vote.

#### 51 **Chairman's announcements**

The Chairman announced:

- That apologies for absence had been received from Mr Barrett, Mr Hobbs, Mrs Taylor, and Mrs Hardwick, who had recently undergone an emergency operation. The Council recorded their best wishes to Mrs Hardwick for a full and speedy recovery.
- That, for the first time ever, this Council meeting was being recorded and that the recording would be posted on the Council's website for all to hear.
- That members who had not already done so were encouraged to complete the survey on Induction and ICT sent to them on 25 November.
- That Major Tim Peake, who had been born and educated in Chichester, was on this day undertaking his flight to the International Space Station at the start of his mission as the first British astronaut to visit the Space Station. The Council congratulated Major Peake on his achievement and recorded their best wishes for a successful mission.
- That he and the Vice-Chairman had between them represented the Council at six carol services, with more to come.
- That he had represented the Council at an outstanding arts and crafts exhibition at St Paul's Church, Chichester, organised by Cllr Richard Plowman on behalf of Chichester Rotary Club. He thanked Mr Plowman for organising the exhibition.
- That he congratulated the Council's Sport and Leisure Development Team on organising the Children on the Edge Chichester Half Marathon, which had enjoyed a record breaking year. With more runners on the start line than ever before and over 100 volunteers involved in the race, the event had gone from strength to strength. The course record had been broken, but this event was about more than the top end of the field and a number of local people new to running were supported in their training and preparation for the event. The Council's team had won the corporate team prize. The event generated income for the District Council which was invested in local sports initiatives, and the 2015 race also raised over £23,000 for Children on the Edge to support their work with marginalised and vulnerable children across the globe.

## 52 Public Question Time

Public questions about the improvement of the A27 were asked by Mr David Priscott and by Mr Ian Webster on behalf of Mr Jeremy Dry, and answered by Mr Tony Dignum (Leader of the Council) as follows:-

### 1. Question from Mr David Priscott

I understand that there are six options being considered by Highways England to solve the A27 problem – one of which will be “fast-tracked” to provide the solution. To date there has been little or no consultation with local people and businesses, or their representatives such as the parish councils. What steps will Chichester District Council take to facilitate early public consultation on the six options in order to arrive at a solution that is in the best interests of the City and surrounding areas?

### 2. Question from Mr Jeremy Dry, represented by Mr Ian Webster

Highways England is currently looking at the feasibility of a new northern expressway around Chichester as part of its strategic infrastructure plans for the United Kingdom. If

this is approved, the existing A27 will be derestricted and it is likely that no national funding would be available to improve it. With ever tightening council budgets, improvements will be hard to justify from local funding. Highways England has previously estimated\* that 80% of the traffic on the existing A27 is local and rush hour traffic jams on the existing road will remain a serious impediment to the local economy and people's daily lives. Notwithstanding the absence to date of any public consultation over the proposals, within the last week more than [900] people have signed an e-petition urging the council to support a series of upgrades and improvements to the existing A27 which will benefit the City and the wider area to both the north and south rather than the construction of a new northern expressway.  
([www.chichesterdeservesbetter](http://www.chichesterdeservesbetter))

- [See report Highways Agency and WSCC –Chichester Area and A27 transport Proposals -Public Consultation Report August 2005 paragraph 5.14]

#### **Question 1**

Does the Council believe that the improvement of the existing A27 is the better way to protect the interests of the City of Chichester and the surrounding areas and still achieve unimpeded passage of through traffic?

#### **Question 2**

Will the whole District Council have the opportunity to discuss and vote on what options for the A27 are in the best interests of the City and surrounding areas?

### **Replies by Mr Tony Dignum, Leader of the Council**

#### **To the Question from Mr David Priscott**

Thank you for raising with the Council your question about the A27 improvement project.

As you will no doubt appreciate this is a project to be delivered by Highways England, not the District Council. To date, a few senior council members and senior officers have attended presentations by consultants engaged by Highways England to outline the approach to the project, identify key objectives and to understand the delivery timeline. The latest presentation, way back in June, identified six schemes that were likely to be considered for consultation prior to the determination of the 'preferred option'. The Council had previously believed that the consultation would take place in the autumn of 2015, but clearly the timetable has slipped. It is understood that Highways England weren't ready to consult in the autumn as the traffic modelling work had not yet been completed. It is important that there is sufficient technical information to enable Highways England to choose how many of the six options should be taken forward to the consultation process.

From a recent presentation to the City Council, the consultants now anticipate that a public consultation event will take place beginning in March 2016, for a period of up to six weeks. This will be managed by Highways England and I expect that the council will respond to the consultation after a debate by members in full Council. However, you will appreciate that the precise form of that response has not yet been considered. The results of the consultation will be assessed by Highways England who will then make its choice of preferred option route in July. Various legal processes have then to be completed to allow construction to start in August 2018 with opening of the new highway expected in 2021.

I must emphasise that the project is entirely a Highways England responsibility and the District Council's role is solely that of a statutory consultee, not decision-maker. Your complaints about a lack of consultation should be addressed to Highways England.

## **To the Question from Mr Jeremy Dry, represented by Mr Ian Webster**

Thank you for your 2-part question.

As I said in my reply to Mr Priscott, the District Council knows only the broad outlines of the six route options for the A27 around Chichester. It also does not know which options will go forward to consultation. It is therefore not yet in a position to recommend which option should be selected.

On your second part-question, I fully expect the choice of option recommended by the District Council to be made by the full Council after a debate.

### **53      Petition - Chichester Traders Market**

The Council received the report circulated with the agenda (copy attached to the official minutes).

The Chairman drew attention to the petition organised by the Bognor and Chichester Green Party and to the recommendation from the Cabinet. Very sadly, the organiser of the petition, Mrs Sarah Sharp, had been seriously injured in a road traffic accident on Friday and was in hospital. The Council wished to send their best wishes to her for a full and speedy recovery. Mrs Sharp had authorised her husband, Mr Bill Sharp, to present the petition on her behalf.

At the Chairman's invitation, Mr Sharp presented the following petition:-

*"We, the undersigned, call on our Chamber of Commerce and District Council, to support the Traders' Market. Please sign below and let us know if you would like the market on the Cattle Market car park or on the city streets or if you don't mind at all"*

Mr Sharp stated that councillors might have heard that Chichester Traders Market was on the decline and full of tat. It was, indeed, in decline, but it was not full of tat. On the contrary, it was a source of vegetables, fish and eggs which were fresher and cheaper than those in shops. The issue of value for money was of particular importance, because Chichester had pockets of serious impoverishment. The market could not compete with the advertising budgets of major retailers, and it was a pressing issue to get the message of its quality and value for money out to potential customers.

The 'Save the Market' campaign was concerned that, if the market moved into the city centre pedestrian precinct, its benefits should not be lost through arbitrary controls on the size or quality of stalls. The present proposals were unclear in that respect. The market should not be 'gentrified'. Whilst it would be good to introduce new, high quality traders, it was vital that the present hard-working traders should not be excluded. Any quality standards should be objective, and should be the subject of consultation with the public, explaining the impact on current traders. Many of the existing stalls were much larger than the typical farmers market stall, and some operated from vehicles or needed vehicles close by. Customer and stall-holders car parking would be closer in the Cattle Market than if the market was relocated to the precinct. Customers valued the relaxed space and opportunities for social interaction in the current location, which were not available in the city centre markets.

The Campaign Group, therefore, urged the Council to flesh out the details before making a decision on the future of the traders market.

Mrs Keegan, seconded by Mr Dignum, then presented the recommendation of the Cabinet, which had been made following consideration of the report of a Task and Finish Group and awareness of the petition. The Task and Finish Group had considered the results of a consultation with traders and businesses in the City Centre. The operator of the existing market had made it clear that the current arrangement was unsustainable. The Cabinet, therefore, recommended that the Saturday market should remain in its present location, but that a one year trial should be undertaken of a Wednesday market in the precinct. If this was agreed, the Cabinet would then seek tenders for the market to be run by a market operator, who would be authorised to trade by way of the grant of a street trading consent.

Mrs Apel asked about the impact on the shops in North Street and East Street of a traders market in the precinct. Mrs Keegan replied that it was difficult to know without a trial period. Some retailers welcomed the expected increase in footfall; others were fearful. However, experience at Winchester was that a precinct market had brought an additional £8m to the local economy.

On a point of order, Mr Ransley asked whether the Council should vote on the acceptance of the petition, in view of the fact that it had not indisputably reached the 1,000 signatures for entitlement to a full council debate under the Petition Scheme. The Chief Executive replied that there was discretion in the Petition Scheme for any petition of over 250 signatures to be considered at a full Council meeting and this process had been agreed because a Cabinet recommendation on the same topic was being considered by the Council and the petition organisers claimed that they did have more than 1,000 signatures.

Mr Connor stated that he had visited the markets in the City Centre and he did not see how the vehicles that operated in the traders market could be accommodated in the narrow streets. He and some other members expressed opposition to the proposal.

Mrs Dignum acknowledged the valued availability of fresh produce at the traders market. However, it was the traders themselves that had sought the move because business was declining. Doing nothing was not, therefore, an option. Public buying patterns had changed and might continue to do so. She felt that a time-limited trial would give a factual basis for a decision to be made on the longer term.

Mr Ransley asked, in the light of Mr Sharp's remarks, whether it was proposed that restrictive conditions would be included in the tender documents. Mrs Keegan replied that the documents would contain criteria and standard specifications. However, it was not intended to govern whether goods would be high or low value. That was for the traders to determine. The conditions would be about the look and feel of the market. The specifications had still to be worked out and she agreed that they must not remove the ability of the market operator to run a viable market, but should rather attract traders. Mr Ransley pointed out that the specification would be critical and councillors and the public should have the opportunity to comment. Mrs Keegan agreed that councillors and the Business Improvement District would have the opportunity to comment, but it was not proposed to undertake a further public consultation.

Mr Ridd was not in favour of the market moving into the City Centre. He felt that more information was needed about the reasons for decline. Were the charges too high or the hours of operation too restrictive?

Mrs Keegan replied that simply not enough people shopped there. The traders market would continue in its present location on Saturdays, which was the prime shopping day. The trial of a Wednesday market in the precinct would be an opportunity to develop a thriving market and to provide information for future action.

Mr Shaxson commented that access for emergency vehicles must be preserved, and Mr Hayes asked that the Chichester Access group be consulted.

On a vote being taken, it was

#### **RESOLVED**

That tenders be sought for the operation of the Traders market from 1 April 2016, including the introduction, on a trial basis for one year, of a precinct traders market on Wednesdays with the Saturday market remaining at the Cattle Market Car Park location.

#### **54 Determination of the Council Tax Reduction Scheme for 2016/17**

In the absence of Mrs Hardwick, Mr Dignum (Leader of the Council), seconded by Mr Barrow, moved the recommendation of the Cabinet.

He reminded the Council that a consultation had been undertaken on a draft 2016/17 Council Tax reduction scheme. When the Government had abolished the national Council Tax Benefit scheme in April 2013, in favour of local authorities developing their own means-tested schemes, they had made a 10% cut in grant support for the scheme. Because pensioners who were half the recipients were fully protected, this left the prospect of a 20% cut for working age claimants. However, in setting their scheme for 2013/14, the Council had decided to absorb the loss of grant and to protect working age claimants, who were among the poorest in society. The scheme had to be renewed each year, but as the fundamentals had not changed, the Cabinet recommended that the scheme should continue in the same way as in the current year, so ensuring continuity and certainty to claimants.

#### **RESOLVED**

That the council tax reduction scheme for 2016/17 be approved.

#### **55 Regulation of Investigatory Powers Act (RIPA) Policy**

In the absence of Mrs Hardwick, Mr Dignum (Leader of the Council), seconded by Mrs Tull, moved the recommendations of the Cabinet.

He explained that the Protection of Freedoms Act 2012 had changed the rules for the use of surveillance by councils. The approval of the Magistrates Court was required for any directed surveillance, and covert surveillance was allowed only for matters which carried a sentence of six months imprisonment or more. As a result there were very few circumstances in which the Council would seek to use surveillance powers.

An inspector from HM Commissioner for Surveillance had suggested a number of amendments to the Council's policy and practice, and recommended that Fareham Borough Council's policy be used as a template. Officers had, therefore, adapted Fareham's policy to local circumstances and made additional changes to reflect recent guidance, with the result that the Council's proposed policy had now become the model policy used by inspectors. The Corporate Governance and Audit Committee had recommended the revised policy for adoption.

#### **RESOLVED**

- (1) That the policy, as recommended by Corporate Governance and Audit Committee, be adopted.
- (2) That the delegations in Appendix 1 of the Policy, as recommended by Corporate Governance and Audit Committee, be approved.
- (3) That the enhanced oversight process, adopted by the Corporate Governance and Audit committee as outlined at paragraph 3.2 of the report, be noted.

#### **56 Corporate Plan Annual Review**

Mr Dignum (Leader of the Council), seconded by Mrs Keegan, moved the recommendation of the Cabinet.

He explained that the Corporate Plan was the broad framework for the Council's policies and was reviewed each year. The review this year had been primarily an update of the existing Plan, in particular a careful review of the measurable targets. The four existing priorities were summarised on page 14 of the Cabinet reports. The report recommended adding a fifth this year: 'Prudent management of the council's finances'. Everything the Council did should be subject to a financial soundness test because it was being trusted with residents' money.

The objectives under each priority were also summarised on page 14, and then a series of targets were set out under each priority. Their attainment or otherwise would be a measure of whether the policies had made a useful difference.

In answer to questions, Mr Dignum stated that:

- On page 15, the 110 affordable homes to be built on market sites each year was a target for the whole district, not just the Chichester Local Plan area.
- On page 15, 37 was the total, not the additional number of gypsy and traveller pitches to be identified by 2017.
- On page 17, the target household recycling rate of 42% was aimed to be achieved by 2018; the EU target of 50% was for 2020.
- On page 19, he acknowledged that the Council's contributions to the Chichester Festival Theatre and Pallant House Gallery were financed from a fund established from reserves. This would run out in March 2018, requiring the Council to consider future funding of these establishments.

#### **RESOLVED**

That the revised Corporate Plan for 2015-2018 be approved, as set out in the appendix to the Cabinet report, subject to inclusion of a more specific target for businesses food safety

compliance (target 2.1 under “improve and support the local economy”) and clarification that “year” relates to financial year.

## 57 **Financial Strategy and Plan 2016/17**

In the absence of Mrs Hardwick, Mr Dignum (Leader of the Council), seconded by Mrs Tull, moved the recommendations of the Cabinet.

He commented that it was not the ideal time to be presenting a Financial Strategy because the Chancellor of the Exchequer had only just announced the comprehensive spending review, setting out the Government’s own plans for the next 4 years. It was not yet clear how the Council would fare compared with the average real reduction of 24% in Government funding for Local Government planned over the next 4 years. There were three components in that funding: New Homes Bonus (NHB), Business Rates and Revenue Support Grant.

NHB receipts could be cut by far more than 24%. The Government’s favoured option as it goes out to consultation was a 2/3 cut, probably from 2017/18.

Local Government as a whole would keep 100% of business rates receipts by 2020, but it was not clear what proportion the Council would retain of business rates collected by Chichester District Council.

Revenue Support Grant would, as expected, be reduced to zero by 2020 but the pace of elimination over the 4 years was not known.

Given these uncertainties, the 5 year Financial Model in Appendix 1 to the report was the best forecast that could be made at present. The underlying assumptions were that: no NHB would be received from new homes completed from 2017/18, but NHB from previous housing completions would be received for the full six years; no radical change was expected in business rates except the anticipated growth from new enterprises; Revenue Support Grant would fall steadily to zero by 2020/21.

The Model assumed no increase in Council Tax. Whether this would be sustainable in later years would depend on whether there were unforeseen cost pressures or income setbacks after 2017/18. On the current forecast, significant savings would be needed to offset a deficit in 2020/21. Major elements in the forecast included the expected gain if a decision was made to outsource leisure services, and a significant additional cost, perhaps of £700,000 per year from 2018/19, to meet the EU objective of 50% recycling by 2020.

On present forecasts, it appeared that an increase in council tax in 2016/17 would not be necessary, but no decision could be made until the Government policies were clearer. Moreover, not raising council tax had implications in later years. If the allowed 2% increase was not made then it was foregone forever; it could not be made up later.

All the Council’s policies conformed to the principles of prudent finance itemised in Sections 6 and 7 of the report.

Mr Dignum drew attention to paragraph 7.2(c) of the Cabinet report. The Corporate Governance and Audit Committee had endorsed the maintenance of a minimum level of general reserve of £5m.



Mr Plowman thanked the Council for making grants to parish councils from the New Homes Bonus. These grants had provided welcome capital for a number of projects, especially for young people, for which funds were not available from elsewhere.

Mr Dignum answered a number of questions from members, particularly in relation to business rates, and emphasised that the Chancellor's statement left a number of major uncertainties. Whilst he agreed that business rates might increase in relative importance as a component of the Council's income, he pointed out that the way business rates receipts were to be shared between local authorities was not clear. Mr Ward (Head of Finance and Governance Services) reported that currently the Council collected about £44m business rates a year, but retained only 5% of this, most of the remainder going to Government through tariffs and levies.

## **RESOLVED**

- (1) That the key financial principles and actions of the 5 year financial strategy be as set out in paragraph 6 of the Cabinet report.
- (2) That the current 5 year Financial Model at Appendix 1 is noted.
- (3) That a minimum level of general fund reserves of £5m be set, having considered the recommendations from the Corporate Governance & Audit Committee.
- (4) That this authority continues to participate in a West Sussex Non-Domestic Rates (NDR) pool, until such time as the government fully localise NDR, at which point the situation will be reviewed.
- (5) That the current resources position, as set out in Appendix 2, be noted.
- (6) That a decision on the level of Council Tax for 2016/17 be deferred until the details of the Local Government settlement are known.

## **58 Chichester Site Allocation: Consultation Draft Development Plan Document**

In the absence of Mrs Taylor, Mr Dignum (Leader of the Council), seconded by Mr Hayes, moved the recommendations of the Cabinet.

He explained that the Policies in the Chichester District Local Plan, which had been adopted in July 2015, identified strategic development locations and also provided the framework for site specific proposals as set out in the draft Site Allocation Development Plan Document (DPD) which had been considered by the Cabinet on 1 December 2015. The primary purpose of the Site Allocation DPD was to deliver the small scale residential sites and employment sites required by the Local Plan.

The Site Allocation DPD would identify potential sites for development within the city of Chichester and the parishes. Parishes that had neighbourhood plans which had reached pre-submission stage by mid-August 2015 were not included. Parishes that had not reached pre-submission stage by mid-August were included. However, if by the end of March 2016 a neighbourhood plan reached pre-submission stage, then any identified sites, if different within the draft DPD, would be removed.

Only sites with a minimum size of 0.25 hectare or capable of accommodating at least five dwellings had been considered. The methodology for choosing the sites was set out in the Site Allocation Methodology (Background Paper).

If approved, the draft Site Allocation DPD would go out for consultation from 7 January until 18 February 2016. The responses to this consultation would be evaluated and reflected in the Pre-Submission Site Allocation DPD which would then be subject to a further round of consultation for a period of six weeks.

The Site Allocation DPD would then be formally submitted for Examination by an independent planning inspector to consider the soundness of the document in the light of representations arising from the Pre-submission stage.

In addition to assessing potential sites for residential and employment development, the draft DPD reviewed the Settlement Boundaries from the 1999 Chichester Local Plan, with the exception of those Parishes undertaking a neighbourhood plan and parishes which had a strategic development location.

Therefore, throughout the process there were opportunities for the parishes and other parties to comment on the contents of the Site Allocation DPD.

Mr Oakley pointed out that sites CC4, CC8 and CC9 were actually in Oving parish and not Chichester city; he would be interested in the County Council's comment on the proposed development of site CC6 at Chichester High School for business units, given the projected increase in number of secondary school pupils; he also questioned the implications for other Strategic Development Locations of the increase in numbers on site CC4.

#### **RESOLVED**

- (1) That the draft Site Allocation Development Plan Document, as set out in Appendix 1 to the Cabinet Report as amended by the update circulated on 24 November 2015, be approved for consultation for a period of six weeks from 7 January until 18 February 2016.
- (2) That authority is delegated to the Head of Planning Services to enable minor editorial and typographical amendments to be made to the document prior to its publication.

#### **59 Making the Southbourne Parish Neighbourhood Plan**

Mr Finch, Mr Hayes and Mr Hicks withdrew to the public seating area and took no part in discussion of this item and did not vote.

In the absence of Mrs Taylor, Mr Dignum (Leader of the Council), seconded by Mr Barrow, moved the recommendation of the Cabinet.

He explained that the Southbourne Neighbourhood Plan now arrived at its final stage following those for Kirdford and Loxwood. The turnout in the referendum on 5 November 2015 had been 27.38% and, of those who voted, 87% were in favour of the Plan. This exceeded 50% and was, therefore, sufficient for the Neighbourhood Plan to be made part of the Development Plan. The turnout of 27% had been a little below Loxwood at 38% and

Kirdford at 42% but Southbourne was a three times larger parish in numbers than either of the others and the weather had been atrocious.

He drew attention to the huge effort by Southbourne residents that went into developing the plan which aimed to deliver 300 new homes at Southbourne, plus a further 50 elsewhere in the parish.

District and Parish Cllr Bob Hayes and a group of around 40 volunteers had spent two years crafting the plan, receiving 2,000 responses to a range of public exhibitions and consultations. He congratulated the Southbourne Parish Council and all those who had contributed to the drafting of the Plan on the successful result of their hard work.

#### **RESOLVED**

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

#### **60 Approval of Chichester District Council's Statement of Licensing Policy (Licensing Act 2003) for the period 2016 - 2021**

The Council received the report circulated with the agenda (copy attached to the official minutes). Mr Barrow (Cabinet Member for Environment), seconded by Mr Ridd, introduced the debate.

He explained that the Licensing Act 2003 required every local Licensing Authority to publish a Statement of Policy with respect to its licensing functions every five years. The Council's current Policy expired on 7 January 2016 and a new policy must be approved and published before the Council carried out any licensing functions under the Act.

A public consultation exercise on a draft Policy had been undertaken between 27 July and 5 October 2015, responses to which were appended to the report. In consequence, some minor changes to the draft were proposed for the Council's approval.

Mr Shaxson drew attention to response LA1 from Ballards Brewery in respect of the notice period for Temporary Event Notices. Whilst acknowledging that the 28 days notice period was a recommendation, he hoped that the minimum statutory requirements of ten or five working days would not become a default position that was used too often.

#### **RESOLVED**

That the revised Statement of Licensing Policy 2016 – 2021, incorporating the changes referred to in Appendix A, be approved and published.

#### **61 Questions to the Executive**

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

##### *(a) Question: Repairs to entrance of Florence Park*

Mr Hixson reported that a short length of road off Pound Farm Road giving access to Florence Park was in a dangerous condition. However, the land was unregistered and all

councils declined responsibility. He asked whether the District Council would adopt the length of road and repair it.

*Response:*

Mrs Keegan (Cabinet Member for Commercial Services) replied that the situation was complicated and the road was not owned by the District Council.

Mr Over confirmed that the road did not appear to be owned by anybody. It gave access not only to Florence Park but also to a number of voluntary organisations' premises and to some residences that were former council houses. It had been understood that West Sussex County Council (WSSCC) had allocated some Section 106 monies for its repair, with Chichester City Council acting as project manager. However, some complications had arisen over drainage, and the City Council no longer felt able to manage the project. Meanwhile, WSSCC was reviewing its S106 policy and had put the project on hold. The ideal solution would be for the S106 monies to be released and the repairs carried out.

Mr Oakley declared a personal interest as a member of West Sussex County Council. He stated that WSSCC had decided that the project was not a priority for S106 funding, and it might be in the best interests of the District Council to take control of the situation.

A number of members commented that the District Council should seek to take over ownership and carry out the works. However, others claimed that there was at least one similar parcel of land in the City and there was a risk of setting a precedent.

The Chief Executive replied that the officers would investigate the matter and report to a future meeting of the Cabinet.

*(b) Question: A27 Chichester By-Pass Improvement*

Mr Hall asked who would make the final decision on the A27 Chichester By-pass improvement,

*Response:*

Mr Dignum (Leader of the Council) replied that consultants acting for Highways England were believed to be considering six options. A public consultation was expected to take place in 2016, the results of which would be considered by Highways England, although any decision to undertake the improvement would be signed off by the Secretary of State for Transport.

Mr Dunn said that there was a lack of clarity about the procedure to be followed. Councillors had been told that the six options were confidential. Local people feared that only a single preferred route would be published for consultation.

Mr Dignum replied that the number of options for consultation was not known. He and the Cabinet Members for Environment and Housing & Planning and Mrs Purnell, together with the Chief Executive, would be meeting representatives of Highways England at the end of January. The process was not under the control of the District Council, whose involvement was as a statutory consultee.

Mr Dunn suggested that pressure should be put on the relevant Minister to clarify the process. Mr Lloyd-Williams added that the final decision would affect the District for decades to come.

*(c) Question: Dwellings with outstanding planning permission*

Mr Ransley referred to the table in the written answer to Mr Hall's question, printed on page 14 of the council minutes, which showed 2,680 dwellings with outstanding planning permission. He asked if and how that number would be updated and how the Council was performing on delivery.

*Response:*

Mr Frost (Head of Planning Services) replied that he did not think the numbers in the table would affect the overall housing trajectory in the Local Plan. However, he would provide a written response.

*(d) Question: Bus shelter, Farris Field, Chichester*

Mr Oakley referred to the reservation of £25,000 in a Section 106 Agreement for the provision of a bus shelter at Farris Field, Chichester. He asked why the shelter had not been provided and whether it was true that the funds had been returned to the developer..

*Response:*

Mr Over confirmed that the money had been returned to the developer and a report on the circumstances had been made to the Corporate Governance and Audit Committee. The money had been required by West Sussex County Council but the deliverer was to be the District Council. However, difficulties had arisen over the location and future maintenance of the shelter, which had led to it not being provided. He would provide a written answer. Mr Oakley asked about a written answer to a question by West Sussex County Council, which blamed the District Council for the failure. Mr Over replied that he was aware of this and would comment on it in his written answer.

## 62 **Committee Timetable 2016/17**

The Council received the report circulated with the agenda (copy attached to the official minutes). Mr Coleman (Member Services Manager) introduced the report and the appended calendar of meetings, which he explained was provisional because it was always possible that an extraordinary meeting might need to be called, or a meeting with insufficient business might be cancelled, or even that a date might be changed because of circumstances.

Mr Coleman pointed out some errors in the calendar (corrected in the copy attached to the official minutes). He also drew attention to the proposal that there should be no scheduled meeting of the Council in January 2017 and that the Council meeting on 19 July 2016 should commence at 11.00 am.

### **RESOLVED**

That the calendar of meetings for the Council year 2016/17 be approved.

**63 Membership of the Licensing Committees**

**RESOLVED**

On the recommendation of the Leader of the Conservative Party Group, that Cllr Nick Thomas be appointed to replace Cllr Ian Curbishley on the Alcohol and Entertainment Licensing Committee and the General Licensing Committee.

**64 Parish Council representation on the Standards Committee**

The Council noted that the Constitution provides for three parish councillors to be co-opted to the Standards Committee in a non-voting capacity. At an election at the All Parishes Meeting on 30 September, the following three councillors had been nominated by representatives of parish councils and meetings for co-option to the Standards Committee.

**RESOLVED**

That the following be co-opted to the Standards Committee:-

Mr Ray Cooper (Lurgashall Parish)  
Mrs Liz Kenney (Hunston Parish)  
Mr David Ribbens (Plaistow & Ifold Parish)

**65 Exclusion of the press and public**

**RESOLVED**

That the public, including the press, be excluded from the meeting on the grounds of exemption under paragraph 3 of Schedule 12A of the Local Government Act 1972, 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.

**66 Authorised Testing Facility (ATF) at Westhampnett Depot for Heavy Goods Vehicle and Public Service Vehicle MOT tests**

Mr Barrow (Cabinet Member for Environment), seconded by Mr Dignum, moved the recommendation of the Cabinet. He referred to previous consideration on 4 March 2014 when the Council had agreed the release of £250,000 from reserves to carry out the necessary works to set up an Authorised Testing Facility (ATF) at the Westhampnett Depot and to release of a further £110,000 to establish a second ATF test lane if the Cabinet was satisfied with the business case for this.

Since that time, space at the Depot had been reduced by the establishment of the gypsy and travellers transit site, and a re-appraisal of the ATF project had concluded that the Depot's operations could be compromised by a two-lane ATF. In consequence an in-line ATF was proposed by extending the existing 20 metre building by a further 10 metres. This would increase the estimated costs to £515,000, and the Council was asked to release a further £155,000 from reserves.

The scheme was expected to generate new income to the Council, resulting in a payback within three years. It would also benefit the Council and local haulage companies and bus and coach operators by providing a local testing station, whereas the nearest was currently at Lancing and that was expected to close.

## **RESOLVED**

That a further £155,000 be released from reserves to construct an Authorised Testing Facility (ATF) at Westhampnett Depot.

### **67 Chichester Contract Services - Recruitment and Retention of Staff**

Mr Barrow (Cabinet Member for Environment), seconded by Mr Dignum, moved the recommendation of the Cabinet.

He explained that there was a serious problem in recruiting and retaining suitably qualified and good calibre HGV drivers in the waste collection service. This arose because HGV drivers' salaries had fallen well behind local market rates and those paid in neighbouring authorities' areas.

He explained that driving a Waste Collection vehicle was a skilled job, and nothing like that of a long distance lorry driver, requiring safely stopping and starting in narrow streets, and reversing into difficult places. In addition, the HGV drivers were responsible for the management of their crew and working with in-cab information and communication technology. Waste collection was one of the four most dangerous occupations in the UK.

Nine drivers had left in 2014/5, stating pay as the main reason for leaving, and while some had been recruited many had only stayed a short while. Agency drivers to cover unplanned shortfalls cost considerably more, and were not always available.

The recommendation was to increase drivers pay with an additional market supplement, amounting to an increase of 18.9%. At the same time, drivers of road sweep vehicles, which did not require the same level of skill, would be increased by a lesser amount. These increases would be paid as a 'market supplement' and not an increase in basic wage.

The recommendations would add £128,286 to the annual pay budget. Current year budget projections indicate that the overall cost can be met by departmental savings, with the Council's 5 year financial projections indicating that the cost can be accommodated without significant risk to the Council's overall position.

Members expressed concern that HGV wages at Chichester Contract Services had fallen so far behind market rates. They felt that wages should be kept under review to ensure this situation did not arise again.

Mr Budge asked whether payment as a market supplement, rather than as part of the basic wage would have any impact on drivers' pensions. The Chief Executive replied that she thought it would not, but she would check and let members know.

## **RESOLVED**

That, in order to address HGV driver recruitment and retention difficulties, the CCS employee budget be increased as set out in paragraphs 5.1 and 7.1 of the confidential Cabinet report, with effect from 1 January 2016, to be funded from virement in 2015/16, and from base budget thereafter.

### **68 Planning Services - Recruitment and Retention of Staff**

In the absence of Mrs Taylor, Mr Dignum (Leader of the Council), seconded by Mr Hayes, moved the recommendation of the Cabinet.

He pointed out that the Council had just approved one set of market supplements to pay, in order to address difficulties in recruitment and retention. A similar position applied in the Planning service, which was one of the Council's most visible services, not only in the processing of planning applications but in the implementation and enforcement of planning regulations to ensure that Chichester District continued to be an attractive and pleasant place to live.

With the end of the recession the work load of this service had increased substantially and over the last eighteen months it had been very difficult to recruit and retain planning officers. In the Development Management team alone there had been a turnover of staff of 60%. Recently the service has experienced a number of staff resignations, so increasing the work load on already overstretched planning teams. This had recently been reflected in the performance of the Planning service which hitherto had met its performance targets. Some residents have been expressing dissatisfaction at the length of time that some applications or enforcement matters had been taking.

The staff retention problems developed very quickly over the last year as the region and the building industry emerged from the recession, and it was clear that pay levels were the principal cause of the increased turnover.

The recruitment problems had also been experienced by the Council's South Downs National Park (SDNP) team, resulting in lower performance. The contract with the SDNP Authority, which provided considerable income for the Council, was due to be renewed in 2017, and it was essential to show that a high quality service could be delivered.

Two benchmark studies had been carried out to compare the Council's remuneration rates for professional planning staff with those of other authorities. One was a comparison with the remuneration rates of 14 adjacent or near adjacent authorities and the second was carried out by South East Employers (SEE) which covered 16 authorities in the South East not including London. Compared to both, Chichester was found to be uncompetitive. It was important that remuneration in Chichester should be more than the average for the region in order to attract experienced and high quality staff. Therefore, it was proposed that supplements should be paid to those grades as set out in the Cabinet Report, as amended by a revised table circulated to members on 10 December.

The total cost of implementing the proposed revised pay levels, including on-costs, would be £170,940 per annum.

Mr Shaxson pointed out that other authorities in the South East were experiencing similar problems and there was a risk of them also increasing pay levels. He and other members sought assurance that other options for staff recruitment and retention were being considered, including consideration of housing costs, apprenticeships and training, and the benefits of the pension scheme. The Chief Executive confirmed that a review of pay across the Council was being undertaken. However, each 1% increase in pay cost £180,000, and necessitated a search for savings elsewhere. Other aspects, such as job design and digitisation were also being examined.

**RESOLVED**



That the revised pay levels set out in the table in paragraph 5.2 of the Cabinet report, as revised and circulated to members on 10 December 2015, take effect from 1 January 2016 based on market supplements for professional planning staff to be funded by virement in 2015/16 and from base budget in future years.

The meeting ended at 1.55 pm

---

CHAIRMAN

---

Date:

## WRITTEN ANSWERS TO QUESTIONS

**Minute 61 Questions to the Executive**

*(d) Question: Bus shelter, Farris Field, Chichester*

Mr Oakley referred to the reservation of £25,000 in a Section 106 Agreement for the provision of a bus shelter at Farris Field, Chichester. He asked why the shelter had not been provided and whether it was true that the funds had been returned to the developer.

*Response by Mrs Eileen Lintill, Cabinet member for Community Services*

Following the question you asked at the last Council meeting on the above matter I have now liaised with officers and can provide you with the written response promised.

CDC sport and leisure officers were first made aware of contribution for a bus shelter as a result of the planning application number CCE/00/01073/FUL in June 2011 when an exceptions report was presented to Corporate Governance and Audit Committee. Following this, we tried to establish who was responsible for the delivery and maintenance of the bus shelter as the request for the funding and shelter had not been made by the District Council but by WSCC. CDC Officers liaised with WSCC to identify their involvement in the project and WSCC confirmed that they do not take on the responsibility for any shelters in West Sussex as part of their role as local transport authority

Later that year, work commenced with WSCC to identify if there was a need for a shelter as CDC had no records of requests from the community. WSCC undertook consultation with local residents and identified potential locations for the shelters. This work was completed by WSCC in March 2013. Site visits with contractors and WSCC Highways teams were undertaken and quotations for the shelters obtained. Results identified that only one shelter was possible due to the narrowness of footpaths in Swanfield Drive.

Alongside this work, discussions were taking place with Chichester City Council to investigate transferring the existing bus shelters within the City to them. CDC has an existing contract with Clear Channel for installation and maintenance of bus shelters which expires in 2018. Work was being undertaken with the contractor to establish options and costs for maintenance post 2018.

The deadline for the expenditure had by then expired and our Legal Team advised that we should write to the developer to explain that the deadline for expenditure had passed but ask for their permission to spend it. The developer did not agree to the expenditure and asked that the money be returned.

We are aware that the lack of a robust monitoring procedure has in the past led to things being overlooked. However, this has now been resolved but we feel that the lack of clarity over the responsibility for future maintenance was the cause of this project not being deliverable rather than any oversight.

**Minute 67 Chichester Contract Services - Recruitment and Retention of Staff**

**Question:** Mr Budge asked whether payment as a market supplement, rather than as part of the basic wage would have any impact on drivers' pensions.

*Response by Chief Executive:* Market supplements are pensionable and hence will form part of the drivers' pensionable pay.