



Minutes of the meeting of the **Council** held in the Committee Rooms, East Pallant House on Tuesday 1 March 2016 at 2.30 pm

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 A Dignum, Mrs P Dignum, Mrs J Duncton, 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), Mrs P Hardwick, Mr R Hayes, Mr G Hicks, Mr L Hixson, Mr F Hobbs, 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 H Potter, Mrs C Purnell, Mr J Ransley, Mr J Ridd, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mrs P Tull and Mrs S Westacott

Members not present: Mr G Barrett, Mr T Dempster, Mr M Dunn, Mrs D Knightley, Mr R Plowman and Mr D Wakeham

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)

84 **Minutes**

RESOLVED

That the minutes of the meeting of the Council held on Tuesday, 26 January 2016, be signed as a correct record.

85 **Urgent Items**

There were no urgent items for consideration at this meeting.

86 **Declarations of Interests**

No interests were declared at this meeting.

87 **Chairman's announcements**

The Chairman drew attention to Note 3 on the front page of the agenda. The Council was currently consulting on proposals for new district ward boundaries to take effect for the 2019 elections. These had been approved for consultation by the Boundary Review Panel, following workshops in which many members had participated. The consultation period was short because of the Boundary Commission's deadline for submission of proposals to them by 4 April.

The Boundary Review Panel would be considering all the responses to the consultation at a meeting on 21 March. They would make their recommendations to a special meeting of the Council on Thursday 31 March, which would be preceded by a Cabinet meeting.

He asked members to make a note of this in their diaries and attend if possible.

88 Public Question Time

No public questions had been submitted.

89 Budget Spending Plans 2016-17

The Council received the report of the Head of Finance and Governance Services, circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick (Cabinet Member for Finance and Governance), seconded by Mr Dignum, moved the recommendations of the Cabinet, explaining that since the Council had approved the financial strategy in December, the Government's financial settlement for 2016/17 had been received. This contained yet further, steeper and deeper funding cuts, in particular in respect of Revenue Support Grant (RSG).

To soften the impact of the cuts, central government offered grant assistance amounting to just under £800,000 spread over the next 4 years. This comprised temporary grants to ease the transition away from reliance on RSG and rural district grants to reflect the higher costs of rural service provision.

Whilst these grants were welcome, this was the sixth consecutive year of funding cuts, and made balancing the Council's future financial position ever more challenging.

The Council had ridden previous successive funding cuts whilst maintaining front line services for the community, with only limited reductions. The main burden of cuts had so far fallen on administration and support. The aims of the Corporate Plan had been pursued: improving access to housing; supporting communities; fostering the local economy; managing built and natural environments; and all the while maintaining the council's financial resilience.

The Council had pursued, and would continue to pursue, a more commercial approach in preparation for dealing with these Government cuts and this approach and past fiscal prudence now enabled the Council to weather the central government cuts and keep the level of the council tax amongst the lowest in West Sussex.

However, an increase in council tax to at least partly offset the latest cuts could no longer be avoided.

Whilst council tax freeze grants had been withdrawn, councils could this year raise Council tax (band D) by £5 or 2%, whichever was greater, without a referendum. This reflected the special circumstances of the tough financial settlement and the trend towards local government self-reliance.

The Cabinet recommended that the Council should take this valuable opportunity, which would have lasting year on year effects by increasing the tax base by over £250,000 each year onwards.

This was consistent with the financial strategy which aimed to avoid the use of reserves to support the revenue budget, save for emergency use in the shorter term.

She commended the draft budget, which incorporated spending plans that supported the Council's values and at the same time demonstrated financial resilience and met all the tests of financial prudence.

Mr Ransley asked a number of points of clarification and, in particular, sought an assurance (having regard to Appendix 1 to the Council report) that the Council was not dramatically cutting economic development or conservation and design. Mr Ward gave such an assurance about economic development, and agreed to provide a written explanation for the difference between original budget 2015/16 and estimated budget 2016/17 for conservation and design.

Mr Oakley expressed the view that the Government's very late announcements of the provisional and final settlements were not acceptable, as these required complex decisions to be made with very little time. He also referred to future pressures and uncertainties, including British membership of the EU, which placed requirements on local authorities in respect of waste recycling and air pollution. He supported increasing the council tax, and felt that the Council needed to reconsider aspirational items of its spending plans.

Members enquired whether the spending plans were sustainable given the expectation of continuing cuts in Government grant.

Mrs Hardwick replied that the Council had planned with prudence and the five year budget had built-in reserves and deficit reduction plans. Mr Dignum added that the Cabinet would be seeking to increase efficiency, make the most of the Council's assets, and increase income. There would be no need to dip into reserves.

Mr Cullen welcomed the partial recognition by the Government of the costs of providing services in rural areas.

In accordance with the Standing Order 9 as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken as follows:-

For the recommendations: Mrs Apel, Mr Barrow, Mr Budge, Mr Connor, Mr Cullen, Mr Curbishley, Mrs Dignum, Mr Dignum, Mrs Duncton, Mr J F Elliott, Mr J W E Elliott, Mr Finch, Mr Galloway, Mrs Graves, Mr Hall, Mrs Hamilton, Mrs Hardwick, Mr Hayes, Mr Hicks, Mr Hixson, Mr Hobbs, Mr Jarvis, Mrs Keegan, Mrs Kilby, Mrs Lintill, Mr Lloyd-Williams, Mr Macey, Mr McAra, Mr Morley, Ms Neville, Mr Oakley, Ms Plant, Mr Potter, Mrs Purnell, Mr Ransley, Mr Ridd, Mr Shaxson, Mrs Tassell, Mrs Taylor, Mr Thomas, Mrs Tull, Mrs Westacott (42)

Against the recommendations: None

Abstained: None

RESOLVED

- (1) That the revenue estimates for 2016-17 and the five year capital programme for the years 2016-2021, as attached, be approved.
- (2) That a net budget requirement in respect of the Council's own services of £15,324,900 for 2016-17 be approved.

- (3) That the Council Tax Requirement 2016-17 in respect of the Council's own services be approved at £7,470,946.
- (4) That a Council Tax of £145.81 (band D equivalent) be approved for 2016-17. This represents an increase of £5 (3.55%) from £140.81 in 2015-16.
- (5) That the Investment Opportunities Reserve is increased by £1,296,400.
- (6) That the Council Tax Resolution as set out in Appendix A to the Report by the Head of Finance and Governance Services be passed.

90 **Consideration of Representations, Proposed Responses to Representations and Associated Modifications to the Council's First Infrastructure Business Plan**

Mrs Taylor (Cabinet Member for Housing and Planning), seconded by Mr Dignum, moved the recommendations of the Cabinet.

She reminded the Council that, following its meeting on 22 September 2015 (minute 40), parish councils, neighbouring authorities, including the South Downs National Park Authority, and key infrastructure delivery commissioners had been consulted on the draft Infrastructure Business Plan (IBP) from 1 October to 12 November 2015. The responses to the draft IBP had been considered by the Joint Members Liaison Group on 2 December who agreed to the recommended modifications to the IBP including the modifications to the Community Infrastructure Levy (CIL) spending plan. The proposals had also been supported by the Development Plan and Infrastructure Panel.

By minute 75 of 26 January 2016, the Council had adopted the CIL Charging Schedule and Regulation 123 list, which came into effect on 1 February 2016 and gave greater certainty over income to meet infrastructure spending plans.

Most of the representations in respect of the IBP had related to minor amendments, but Mrs Taylor drew attention to the completion of the Chichester North Ambulance Community Response Post, without requirement for Community Infrastructure levy (CIL) funding, and to the matters relating to West Sussex County Council services described in paragraphs 3.8 to 3.13 of the Cabinet report.

Mrs Taylor explained that the IBP was a living document which would be rolled forward annually. The projects within the IBP would be monitored and reported on each year in the annual Authority's Monitoring Report. Parish councils would also have to publish annually their CIL spend.

The IBP would provide transparency to residents and developers, demonstrate good governance, and enable the Council to have more control over its spending and to ascertain what projects would be funded from CIL or other sources.

Mr Ransley complimented the Cabinet and the Planning Policy Team on producing such a framework. He drew attention to the large proportion of the CIL spending plan that would be handled by West Sussex County Council (WSSCC) and asked the Cabinet Member to arrange for a representative of WSSCC to provide a briefing for members on the County Council's future spending of CIL and to answer questions. Mrs Taylor agreed to do so.

Mr Oakley pointed out that CIL and the IBP was a new and evolving complex process. The Council would be responsible for collecting CIL, deciding what projects it should be spent on and handing it over to other authorities to spend. The Council owed it to local residents to be very clear about the use being made of these funds.

Mr Shaxson referred to project IBP/582 'Railway crossing improvements at Basin Road and Southgate/Stockbridge Road', for which no cost was quoted. Mr Carvell pointed out that this project had been advanced by Chichester in Partnership and not by Network Rail. It was not identified as a priority in the five-year CIL spending plan. Members supported this project as solving a serious bottleneck in the road system which generated significant air pollution.

RESOLVED

- (1) That the proposed responses to the representations received and subsequent modifications to the Infrastructure Business Plan be approved as set out in Appendix 1 to the Cabinet report.
- (2) That the amended IBP including CIL Spending Plan attached as Appendix 2 be approved.

91 Surface Water and Drainage Supplementary Planning Document

Mrs Taylor (Cabinet Member for Housing and Planning), seconded by Mr Dignum, moved the recommendations of the Cabinet.

She explained that, in order to deliver the growth set out in the Chichester Local Plan (which did not include areas within the South Downs National Park), there had to be proper management of the water environment and assessment of whether the existing infrastructure could cope with the increase in demand.

Chichester District was fortunate in having access to a special water environment, much of which was subject to national and international designations. Unfortunately, this environment was already threatened by pollution. Therefore, it was important to ensure that the quality of the water environment did not deteriorate further as a result of new development. Accordingly, particular attention had been given to the proposals for foul and surface water drainage and the capacity within existing networks to accommodate any increase in flow.

Evidence for the Supplementary Planning Document (SPD) had been supplied by The Wastewater Position Statement January 2014 and the Update to Apuldram Wastewater Treatment Works July 2014. These documents were updated on a regular basis taking account of planning permissions granted.

The SPD would be a material consideration when assessing planning applications or appeals and would be reviewed and updated on a regular basis. The information in the SPD would provide useful advice to developers and consultants when preparing planning applications. It would also be a useful source of information for residents. If approved, the draft SPD would go out for consultation for six weeks from 10 March 2016.

Mr Ransley referred to inadequate ditch and watercourse management in rural areas, which created local flooding and road dangers. Planning permissions frequently required drainage to local ditch networks, which failed further downstream, thus exacerbating problems. West Sussex County Council appeared not to take enforcement action, and the Environment Agency had stopped maintaining certain rivers.

Mr Barrow and Mr Carvell asked members to let them know about problems with ditch and watercourse maintenance, because the Council had an agency arrangement with WSCC to try to resolve local problems.

Mr Oakley referred to the ability of water companies to enter into separate drainage agreements with developers, which were not subject to control by the Council as planning authority

RESOLVED

- (1) That the Surface Water and Drainage Supplementary Planning Document (set out in Appendix 1 to the Cabinet report) be approved for public consultation.
- (2) That, in respect of a screening opinion for the Surface Water and Drainage Supplementary Planning Document, a Strategic Environmental Assessment is not required. The screening opinion is set out in Appendix 2 to the Cabinet report.
- (3) That the Head of Planning Services be authorised to make minor editorial and typographical amendments to the document prior to its publication.

92 Senior Staff Pay Policy Statement

Mr Finch (Cabinet Member for Support Services), seconded by Mr Dignum, moved the recommendation of the Cabinet.

He explained that since 2012 the Council had had a legal duty under the Localism Act 2011 to approve and publish the Senior Staff Policy Statement in the form required by the Government in the interests of openness and transparency.

RESOLVED

That the Senior Staff Pay Policy Statement be published, subject to the inclusion in paragraph 7 of the ratio between the pay of the highest paid and median paid members of staff, which is 5.8.

93 Housing Strategy Review

The Council received a report on the Housing Strategy Review – Proposed allocation of capital funding (copy attached to the official minutes). Mrs Taylor (Cabinet Member for Housing and Planning), seconded by Mrs Lintill, moved the recommendation of the Cabinet.

Mrs Taylor explained that the Cabinet had carried out a review of the Housing strategy. It concluded that the current four priorities were still relevant and that the affordable housing targets should be retained. A review of the use of capital funds had also been undertaken and she described the proposals set out in the report circulated with the agenda.

RESOLVED

That the proposed changes to the capital investment programme be approved as set out in the attached report.

94 Questions to the Executive

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

(a) Question: Expert Planning Advice

Mr Ransley stated that, although he was not a member of the Planning Committee and so did not benefit from a district wide view, from reviewing some applications in his Ward it was apparent that officers were refraining, in the case of minor applications, from seeking specialist or expert advice to inform their reports. Was this approach a matter of financial management in the department or one to speed up processing minor applications or simply to provide a proportional response based on utilising officers' experience of similar applications?

Response:

Mrs Taylor (Cabinet Member for Housing and Planning) replied that officers continued to seek specialist advice on technical matters arising from planning applications where it was considered to be necessary to enable a full planning assessment to be completed. The use of external specialist or expert advice was based on a proportional approach and so was not generally sought as a matter of course for minor or straightforward proposals, recognising the experience available within the Planning Service. Common examples where external expertise was more likely to be sought included the agricultural adviser in relation to applications for agricultural dwellings; landscape consultants where the impact of new development on the wider surroundings was a key issue and retail consultants where the potential retail impact of major new development needed to be carefully assessed.

Mr Ransley enquired about the propriety of using a proportional approach. He felt that the law was the same for major and minor applications and it appeared that different standards were being applied.

Mrs Taylor replied that it depended on the complexity of the case. Expert specialist advice was not needed where the application was straightforward. Mr Carvell added that this was not a matter of law, but the exercise of judgment. Planning officers would be able to apply their experience and professional expertise.

(b) Question: Planning Enforcement

Mr Ransley further asked for an update on the Enforcement team's current ability to deal with their caseload, as members had been advised that cases were being prioritised due to a lack of staff.

Response:

Mrs Taylor replied that cases were still being prioritised in accordance with the approved enforcement strategy. At the start of February, two agency staff had been recruited to cover for the two vacant planning officer posts and this had enabled the backlog of work to be reduced by some 50 cases to just under 400 cases currently on hand. The vacant posts were now being advertised with the addition of the premium payments agreed by Council and it was hoped that these would soon be filled.

(c) Question: Devolution

Mr Oakley asked where the recent Government announcements on devolution proposals in Hampshire and Oxfordshire left the Three Southern Counties (3SC) devolution bid.

Response:

Mr Dignum (Leader of the Council) replied that he did not know. Whilst personally he thought it made sense to reduce the size of the area, a lot of work and senior officers' time had gone into the 3SC bid and the uncertainties about the Government's policy and what might be on offer were unhelpful. It would be unfortunate if the 3SC bid was found unacceptable by Government after so much time and effort had been spent on it.

(d) Question: Refuse Derived Fuel

Mr Shaxson thanked the Cabinet Member for Environment for facilitating visits by the Waste and Recycling Panel to the Ford Materials Recovery facility and to the Brookhurst Wood Mechanical Biological Treatment plant, near Horsham. He had visited Brookhurst Wood some 29 months previously. He understood that the plant had become fully operational only seven months ago and that almost all the material was being landfilled and subject, therefore, to landfill tax. The operators had stated that there was no market for Refuse Derived Fuel in the South of England, and that costs similar to landfill tax would be incurred in otherwise disposing of it. He felt that this was quite unacceptable to council taxpayers in the district and asked the Cabinet Member whether he would consider, with the Waste and Recycling Panel, what action should be taken and whether the Council should continue to participate in the scheme.

Response:

Mr Barrow (Cabinet Member for Environment) replied that Mr Shaxson had had the opportunity to raise this at the Panel's meeting on 8 March. However, he agreed that the scheme had not worked and that the Panel should explore what should be done in the future. He would pursue the matter.

(e) Question: Chichester Court House

Mr Galloway stated that the Member of Parliament for Chichester had made representations to the Ministry of Justice asking that the proposed closure of the courts in Chichester be put on hold. He asked whether the Leader of the Council would write to the Ministry of Justice in support of the MP's representations.

Response:

Mr Dignum (Leader of the Council) agreed to do so.

(f) Question: A27 Chichester By-pass improvement

Mr Lloyd-Williams referred to the Council's intention to collect contributions from developers for mitigation of additional traffic congestion on the Chichester By-pass. He asked whether, if the Government decided to carry out an on-line improvement scheme, this would free up a potential £12.8m.

Response:

Mr Dignum (Leader of the Council) replied that he understood that Highways England would require these contributions to be paid over towards whatever improvement scheme was carried out. However, the Council still did not know when the consultation period would start. It was understood that the consultation period would last for seven weeks, and include all seven routes that had been reported in the local newspaper. This would be followed by a further consultation on the preferred route.

The Chief Executive added that it was part of the Local Plan policies to obtain developers contributions to mitigate additional traffic generated by development on the Chichester By-pass. How this was used would depend on the final improvement scheme undertaken by Highways England.

Mr Hall asked what weight would be given to the consultation in the final choice of scheme.

It was pointed out that the Secretary of State for Transport would make the final decision on the scheme and, although the local consultation would carry considerable weight, issues such as cost/benefit analysis and the degree of disruption during the construction period would also be taken into account.

(g) Question: British Membership of the European Union (EU)

Mrs Apel asked what thought had been given to the long-term effect on local government if the UK left the EU.

Response:

Mr Dignum (Leader of the Council) replied that this was not known at present. The remit of the EU had expanded since the UK joined it. He was sure all members would want to preserve local government, whether the UK stayed in or left the EU.

The Chief Executive added that the Local Government Association was considering the issues, but it was difficult to carry out an analysis when so many details remained unclear.

(h) Question: Council Tax and Business rates

Mr Ransley asked whether, in the light of the Council's decision on the Council Tax for 2016/17, the Cabinet Member for Finance and Governance could provide an indication of

the average cumulative Council Tax increase in the District in % and cash terms for a Band D property?

Further, could she provide an approximate figure of the total monies that were collected for and paid to central government in the district area (business rates, etc.) and advise how much the government granted or paid back into the District? If possible could that latter value also be expressed as a cash value for an average Band D property in the District.

Response:

Mrs Hardwick (Cabinet Member for Finance and Governance) replied as follows:

The Council's share of the 2016/17 band D council tax of £145.81 represents a 3.55% increase from last year.

When you bring into account the West Sussex County Council further precept of £1,207.89 (representing an increase of 3.95%), the Sussex Police authority's £148.91 (representing an increase of 3.47%), and the average parish precept of £53.12 (representing an increase of 8.94%), the total average band D council tax within the district increased from £1,495.47 (in 2015/16) to £1,555.73 (for 2016/17), an overall increase of 4.03%.

She quoted the average parish's contribution to council tax since parish precepts ranged from zero, to £118.34 at the highest. (These were all set out on page 29 of Council papers). The parish increases in 2016/17 as a percentage varied widely, from a reduction of over 20% by Bepton, to an increase of over 71% by Easebourne. Thus far the Government had not imposed referendum limitations on parish councils ability to raise their precepts, although they had powers to do so.

In terms of Business rates, the total collectable debt for 2016/17 was estimated to be £45.7m of which it was estimated that the Council would retain just over £3m or 6.6%. This was roughly worth £58.80 per band D property.

In addition to the Council's retained share of £3m from business rates a further £1m that would have been paid over to the government would instead be diverted to the West Sussex business rates pool that had been created with other West Sussex authorities to be used for local economic development projects.

This equated to receiving total business rates of £892 per Band D property in the district, and of this, £724 (81%) would go back to central government, £90 to WSCC, £59 to CDC and £19 into the West Sussex economic development pool.

(i) Question: West Sussex Business Rates P

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Mr Oakley asked what projects had been approved for funding from the West Sussex business rates pool.

Response:

The Chief Executive replied that projects included a Coastal West Sussex Tourism project, in which the Council was participating, a contribution to the Local Enterprise Partnership (LEP), contributions to the Spatial Partnership, technical work on the 3SC devolution bid, and an EU funding officer employed by the County Council.

95 **Exclusion of the press and public**

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

The meeting ended at 4.05 pm

CHAIRMAN

Date:

WRITTEN ANSWERS TO QUESTIONS

Minute 89 Budget Spending Plans 2016-17**Questions from Mr J Ransley**

Mr Ransley asked a number of detailed questions, which could not be answered at the time, and he was promised a written answer. These questions are set out below, together with an answer provided by John Ward, Head of Finance and Governance Services.

1. Economic Development (line 1.3 of Appendix 1, page 31). Why has the total cost changed from £-£182,300 in the original budget 2015/16 to -£47,500 in the estimated budget 2016/17?

Answer: Mr Ward did explain that because these are negative figures they show an increase, rather than a decrease in spending.

A review of timesheet records held by the Estates and Legal Services Teams has identified that more of the teams' working time and associated costs should be allocated to the Economic Development budget heading. These revised allocations now reflect a more accurate and fairer reflection of where the teams actually spend their time. It is quite normal for staff time allocations to differ between financial years as staff resources are allocated to meet the Council's corporate priorities.

In addition, a post of Rural Town Coordinator that was previously funded 50% from Local Authority Business Growth Incentive Scheme grant and 50% from the Council's base budget is now funded 100% from our base budget.

Furthermore, the revaluation of council assets at St James' and Terminus Road Industrial Estates has seen depreciation charges increase for this budget heading.

2. Conservation & Design (line 4.3 of Appendix 1, page 31). Why has the spend reduced from £91,100 in the original budget 2015/16 to £4,000 in the estimated budget 2016/17?

Answer: A review of timesheet records held by the Conservation & Design Team has identified that more of the team's working time and associated costs should be allocated to the Development Management budget heading. This revised allocation now reflects a more accurate and fairer reflection of where the team actually spend their time. It is quite normal for staff time allocations to differ between financial years as staff resources are allocated to meet the Council's corporate priorities.

3. Public Conveniences (Asset Replacement Forecast 2015/16 to 2020/21, Appendix 3, page 39). Why is there just under £1m to be spent on public conveniences in the next five years.

Answer: CDC operates 19 public conveniences throughout the district. In addition there are 3 public conveniences in Fernhurst, Selsey and West Wittering managed by the relevant Town / Parish Council.

A refurbishment programme commenced 12 years ago, with four of the CDC sites redeveloped to provide uni-sex facilities. Of the remaining 15 CDC conveniences, many were built in the 1950s – 60s and several are in desperate need of modernising / upgrading.

Following a survey carried out by Building Services, a refurbishment priority list has been produced and included on the Asset Management Plan. Individual schemes will be brought to Cabinet for approval.