



Minutes of the meeting of the **Council** held in Committee Rooms, East Pallant House on Tuesday 17 May 2016 at 2.00 pm

Members Present:	Mr N Thomas (Chairman), Mrs C Apel, Mr G Barrett, 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 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 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 R Barrow, Mr B Finch, Mrs D Knightley, Mr L Macey, 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)

107 **Election of Chairman of the Council**

The Chairman invited nominations for election as Chairman of the Council for the ensuing year.

Mr Dignum, seconded by Mrs Lintill, proposed that Mrs Hamilton be elected Chairman of the Council. No other nominations were received and it was

RESOLVED

That Mrs Elizabeth Hamilton be elected Chairman of the Council for the ensuing year.

Mrs Hamilton took the Chair and read and signed her declaration of acceptance of office in the prescribed form.

Mrs Hamilton thanked Mr Thomas for his hard work and dedication as Chairman during the past year and as Vice-Chairman for the two previous years. She thanked the Council for electing her, commenting that she felt very privileged and looked forward to doing her best for the Council and the District in the year ahead.

Mr Thomas thanked Katherine Jeram, Philip Coleman and the other staff of the Member Services team for their support during his year as Chairman. He also thanked all the members and officers of the Council. He remarked on how many favourable comments

about the Council he had received during his official duties. He drew attention to the fact that Mrs Hamilton was only the second lady chairman of the Council, and that after a forty year interval. He intended to continue to be an active member of the Council.

108 **Appointment of Vice-Chairman of the Council**

The Chairman invited nominations for appointment as Vice-Chairman of the Council for the ensuing year.

Mr Dignum, seconded by Mrs Lintill, proposed that Mrs Graves be appointed Vice-Chairman of the Council. No other nominations were received and it was

RESOLVED

That Mrs Norma Graves be appointed Vice-Chairman of the Council for the ensuing year.

Mrs Graves read and signed her declaration of acceptance of office in the prescribed form.

Mrs Graves thanked the Council for appointing her, which she considered an honour, and undertook to work hard for the Council.

109 **Minutes**

RESOLVED

That the minutes of the special meeting of the Council held on 31 March 2016 be signed as a correct record.

110 **Urgent Items**

There were no urgent items for consideration at this meeting.

111 **Declarations of Interests**

No interests were declared at this point in the meeting. Subsequently, Mrs Tull and Mr Ransley, as the Council's representatives on respectively the Chichester Festival Theatre Board and the Pallant House Gallery Trust, declared prejudicial interests in a discussion on the future of cultural grants. They moved to the public seating area and took no part in that discussion. See minute 119.

112 **Chairman's announcements**

The Chairman reminded members of the Council that the All Parishes Meeting was to take place on Thursday evening 19 May, and that the next full Council meeting on Tuesday 19 July would, exceptionally, start at 11.00 am, in order to allow time for the caretakers to re-arrange the committee rooms for the meeting of the Planning Committee on 20 July.

113 **Public Question Time**

No public questions had been submitted.

114 **Revisions to New Homes Bonus (Parish Allocations) Policy**

The Council considered the draft revised New Homes Bonus (Parish Allocations) Policy circulated with the agenda (copy attached to the official minutes).

Mrs Lintill (Cabinet Member for Community Services), seconded by Mrs Hardwick, moved the recommendation of the Cabinet. She reminded the Council that the New Homes Bonus (NHB) was paid to reward communities that had accepted additional housing. Although some councils had used NHB to supplement their revenue budgets, the Council had decided, as an experiment in 2013/14, to allocate £450,000 to parish councils for locally supported projects. The experiment was successful, and further allocations of about £280,000 and £270,000 were made in 2014 and 2015 respectively.

In 2015, a Task and Finish Group (TFG) had looked at the sustainability of the Council's general grants scheme and the NHB (Parish Allocations) scheme. The TFG had concluded that the total annual allocations should be reduced in order to extend the life of the schemes. Accordingly a revised NHB (Parish Allocations) Policy was proposed, with three main changes:

- A reduced allocation of £250,000 per annum for the NHB (Parish Allocations) scheme.
 - Parishes which have had less than five new homes built in the last three years no longer being eligible for the NHB (Parish Allocations) scheme, but still able to apply to the general grants scheme.
 - A ceiling of £100,000 per annum on grants to Chichester City Council under the NHB (Parish Allocations) scheme.
- All parish councils and members had been consulted on the proposal and there had been no negative feedback.

Mr Ransley enquired about the total NHB received by the Council to date. He suggested that the ineligibility of parishes with less than five new homes reduced the incentives to deliver new homes. He enquired whether some of the NHB could be used to encourage the delivery of new homes, perhaps through the purchase of land for a Community Land Trust.

Mr Dignum replied that total NHB received up to and including 2016/17 was £11.143m (of which £3.665m was in 2016/17 alone). About £1.4m had been spent through the Parish Allocations scheme or on other projects of community benefit. The Council had decided not to mainstream the NHB but reserve it for community benefit projects of a capital nature. The unspent sum was being held in reserves, in view of the facts that there was a large infrastructure deficit in the district, that there was no other significant source of reserves until the Community Infrastructure Levy receipts built up, and that the Government had announced its intention of reducing NHB by two thirds.

Mrs Lintill added that the five homes rule had been debated at length by the TFG. The indicative amounts of NHB available to parishes with less than five homes were not great - in the range £384 to £1,400. She would prefer to wait for clarification of the future of NHB before considering further policy changes.

Mr Dignum and Mrs Taylor further pointed out that there was a separate fund of £2.5m specifically to support rural housing delivery throughout the district, including via community land trusts. Members who wished to seek support for such schemes should contact the Cabinet Member for Housing and Planning.

Mr Oakley asked what weight was given to projects that were in the Infrastructure Business Plan and for an assurance that there was no intention to use NHB for revenue support for cultural institutions.

Mrs Lintill explained that there was a shorter application form for projects that were identified in the Infrastructure Business Plan and confirmed that there was no intention of using NHB to support revenue spending.

RESOLVED

That the revisions to the New Homes Bonus (Parish Allocations) Policy as appended be approved.

115 Revised Local Development Scheme 2016-2019

The Council considered the draft Revised Local Development Scheme 2016-2019 circulated with the agenda, and the update sheet circulated at the meeting (copies attached to the official minutes).

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

She explained that the Local Development Scheme (LDS) contained information about the current Development Plan for Chichester District and the timetable for the future production of planning policy documents. It was an important document for keeping the community informed and as such was published on the Council's website.

The LDS had last been updated and approved by the Council in July 2015. It had to be subject to constant review to take account of new documents, not least the review of the Local Plan. It covered a rolling three year time frame from 2016 – 2019.

The LDS enabled residents and interested parties to know the timetables of the documents and when they could participate in the planning process. The LDS gave the profile of each document, setting out its scope and the proposed timetable. The timings were indicative and would be kept under review.

Mrs Taylor drew attention to the update sheet and explained that the content of the Bosham and the East Wittering and Bracklesham Neighbourhood Development Plans was expected to change and a site in the parish of Lynchmere, which was previously discounted, was now considered to be deliverable. Further consultations on these issues delayed the key milestones for the Site Allocation Development Plan Document by about six months.

The timetable for the Chichester Harbour Supplementary Planning Document had also been revised and extended by six months to take account of the continued joint working and collaboration with the Chichester Harbour Conservancy and Havant Borough Council.

Mr Shaxson referred to the cessation of work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document, because of a change by the Government to the planning definition of "travellers". He asked whether new age travellers were included in the new definition, and what impact the change would have.

Mrs Taylor replied that the change in the planning definition now excluded those who had permanently ceased travelling. The Chief Executive pointed out that different legislation gave different definitions of “travellers”, and suggested that a written answer be given to Mr Shaxson’s question.

RESOLVED

- (1) That the revised Local Development Scheme, as updated, be approved.
- (2) That the Head of Planning Services be authorised to make typographical and other minor amendments to the Scheme before it is published.

116 Local Plan Review - Project Initiation Document (PID)

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

She pointed out that the Local Plan was the foundation for the determination of planning applications. The current Local Plan had been adopted in 2015, but the Planning Inspector who conducted the examination into the soundness of that plan indicated that it could only be found sound and therefore be adopted if it was subject to an early review to be completed within five years.

She appreciated that a review raised anxieties and expectations in the community and, therefore, it was important to have a transparent programme, with a clear timetable, costs and resources.

The review would require a range of background evidence. As far as possible the evidence base for the current plan would be used, as well as other studies in progress such as the A27 and tourism. The Coastal West Sussex and Greater Brighton Strategic Planning Board would be undertaking a review of the Local Strategic Statement. However, a number of other studies would need to be carried out by outside consultants.

The total estimated budget for the review was £800,000. From 2017/18, the annual draft revenue budget would contain a base budget contribution to reserves of £160,000 to fund future reviews of the Plan.

If the review was not undertaken, the Council would have to spend resources to handle speculative planning applications and appeals instead of retaining a plan led process.

Mr Ransley acknowledged the importance of an up-to-date Local Plan. He asked whether guidance would be issued to parish councils on whether neighbourhood plans would require revision if housing numbers in the Local Plan were to increase, and whether the costs of revising neighbourhood plans was included in the budget.

Mrs Taylor replied that neighbourhood plans had to be in conformity with the Local Plan, and if changes in housing numbers affected their areas they would need to be revised. The Chief Executive added that the Council’s Neighbourhood Planning Officer was funded in the base budget, and if further provision for neighbourhood plans was required this could be considered.

RESOLVED

That a total budget of £800,000 be allocated from reserves to fund the Local Plan Review.

117 Review of Street Trading controls in Chichester city centre

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

In the absence of Mr Barrow (Cabinet Member for Environment), Mr Dignum (Leader of the Council), seconded by Mr Ridd, moved the recommendation of the Cabinet.

He explained that the Chichester City Partnership, representing the City's Business Improvement District, wanted to bring more vibrancy and increased trade in some of the City Centre side streets. The partnership had, therefore, requested the Council to review the trading restrictions in place for Crane Street and part of St Martins Street.

Following consideration of the request by officers and Cabinet at the end of last year, agreement had been given to follow the relevant statutory procedure to allow the restrictions to be eased. The easing would involve converting both streets from Prohibited Streets to Consent Streets with effect from 1 August 2016.

Following publication of a statutory notice in the Observer Series newspapers in March, the public had had the opportunity to submit comments on the Council's intention to pass a resolution making the changes.

No adverse comments had been received. Therefore, the Council was now requested to agree to the changes, following which two further statutory notices would be published informing the public of the commencement date later this year.

He pointed out the intention of the re-designation was not an extension of 'general traders' markets into these side streets but to generate increased vibrancy and an enhanced shopping experience. It was hoped to attract boutique and specialist markets into these areas. Any subsequent Street Trading Consent applications for either location would be vetted by the licensing team and follow their standard consultation process.

Members expressed concern about the activities of peddlers and illegal street traders. Their attention was drawn to the current consultation by the Council on a potential Public Spaces Protection Order, as discussed by the Cabinet on 12 April 2016.

RESOLVED

That Crane Street and the part of St Martin's Street that runs in a northerly direction from its junction with East Street to adjacent number 4 St Martin's Street, Chichester be re-designated from 'prohibited streets' to 'consent streets' to take effect from 1 August 2016.

118 Proposed Sexual Entertainment Venues Policy and Statement of Licensing Policy under the Gambling Act 2005

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

In the absence of Mr Barrow (Cabinet Member for Environment), Mr Dignum (Leader of the Council), seconded by Mr Ridd, moved the recommendation.

He explained that, in order to minimize corporate risks and community impact, it was very important that the Council adopted clear and transparent licensing policies relating to gambling activities and sexual entertainment venues. The existing Sexual Entertainment Venues Policy expired in April and the Gambling Act Policy was due to expire in June.

Both policies provided a useful platform to potential applicants and business operators across the district in relation to each regime. They also provided the Council with a suitable framework to achieve the outcomes set out at paragraphs 5.2 and 5.3 of the report.

The draft policies had been presented to the Licensing Committees in March who had approved them for public consultation with a recommendation to seek subsequent approval from the Council.

No significant changes were proposed to the policies. The required consultations had been undertaken, and neither attracted any adverse comments.

In response to a question, it was confirmed that the policies applied to the whole district.

RESOLVED

That the Sexual Entertainment Venues Policy and Statement of Licensing Policy under the Gambling Act 2005 be approved.

119 Questions to the Executive

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

(a) Question: Chairman's Casting Vote

Mrs Apel referred to discussion of a controversial matter at a recent meeting of the Planning Committee that had been determined by the Chairman's casting vote after a tied vote. The Chairman had voted in favour of the officers' recommendation to grant permission. She asked whether it was, in fact, the case that the Chairman ought to exercise the use his casting vote in favour of no change. Mr Hixson added that there had been 11 tied decisions on planning, and in each case the officers' recommendation had been supported on the casting vote. He asked that guidance should be issued.

Response:

The Chief Executive replied that the Constitution was clear that the Chairman had a second or casting vote and there was no restriction on how it should be exercised. The presumption that a casting vote should be exercised in favour of the status quo was an outdated convention and not binding. Mr Hayes (Chairman of the Planning Committee) explained that he would not pre-determine how he voted. His practice was to make up his mind on the merits of a proposal and vote accordingly. If, in the event of a tied vote, he exercised his casting vote, he would vote the same way.

(b) Question: Chairman of the Council

Mr Shaxson drew attention to the fact that Mr Thomas had served for only one year as Chairman of the Council and asked whether this set a precedent for the future.

Response:

Mr Dignum (Leader of the Council) pointed out that the Constitution was clear that the Chairman and Vice-Chairman of the Council were elected annually for a 12 month term. The Conservative Party Group had amended its procedures whereby its nominees for these appointments were selected by secret ballot. The nominations were not determined by the Leader.

(c) Question: Development at the former Portfield Football Ground, Church Road, Chichester

Mr Potter asked how an additional roundabout at the junction of Church Road and Westhampnett Road would work, given the volume of traffic through the eastern gateway to Chichester.

Response:

At the request of Mrs Keegan (Cabinet Member for Commercial Services), Mr Over replied that the proposed roundabout had planning permission, which had been granted after a full and detailed traffic impact assessment. A detailed planning application would now need to be made, which would need to be supported by an updated traffic impact assessment by the prospective developer.

(d) Question: Proposals for changes to West Sussex County Council Household Waste Recycling Sites

Mr McAra drew attention to West Sussex County Council's (WSSCC) current consultation on proposals for changes to its Household Waste Recycling Sites. He asked whether this matter would be considered by the Cabinet, and whether the consequences for the Council of potentially having to deal with more incidences of fly-tipping would be taken into account.

Response:

In the absence of Mr Barrow (Cabinet Member for Environment), Mr Dignum replied that WSSCC's consultation expired on 12 June, and all members had been invited to send their comments to Mr Barrow, who would co-ordinate a response on behalf of the Council. Parish councils would also be encouraged to make representations.

Mr Connor added that he had attended a meeting of the inter-authority waste group, where WSSCC had explained its proposals and advised that benchmark testing elsewhere had suggested that an increase in fly-tipping would not be a consequence.

Mr Dunn suggested that a calculation should be made of the financial consequences to the District Council of an increase in fly-tipping and whether this would outweigh savings to WSSCC in reducing the availability of Household Waste Recycling Sites.

Mr Connor added that he was sure that WSCC had no intention of reducing recycling. Some of the household material deposited at these sites could be recycled through the Council's red bins, and this should be encouraged.

(e) Question: Cultural Grants

Mr Oakley asked about a meeting with Arts Council England about the timing of decision-making on its future funding of the Chichester Festival Theatre and the Pallant House Gallery and the implications for the Council's own decision-making on cultural grants, given current uncertainties about the financial situation.

Mrs Tull and Mr Ransley, as the Council's representatives on respectively the Chichester Festival Theatre Board and the Pallant House Gallery Trust, declared prejudicial interests. They moved to the public seating area and took no part in this discussion.

Response:

Mr Dignum (Leader of the Council) replied that he, and the Cabinet Member for Community Services, the Chief Executive and the Executive Director were involved in a series of negotiations with the gallery and theatre. These negotiations were concerned with the level of grants that the Council should make when the present arrangement for the grants ran out in March 2018.

There were four main sets of considerations to bear in mind in framing recommendations to the Council for the next four years from 2018:

First, the cultural benefit of the high quality productions at the Theatre and of the temporary and permanent exhibitions at the Gallery. No one making a study of their respective outputs could doubt their quality, which had given both bodies national renown.

Secondly, the economic impact of both institutions to the District, not just in terms of employment but also associated visitor spending. Both bodies had been asked to provide updated economic impact studies.

Thirdly, the social impact. The reports the Gallery and Theatre had made to the meeting of the Overview & Scrutiny Committee on 10 May 2016 showed the extensive scope of their work for the community, like the Youth Theatre and the Outside In programme supporting disadvantaged artists. Not given such prominence was the charging policy of the Theatre, set deliberately below a level that would maximise revenue in order to avoid being socially exclusive, and of the Gallery's concessions, including the free Thursday evenings and three free weekends per year.

Fourthly, the effect of any grant by the Council on the amounts Arts Council England would be willing to contribute by way of its own grant. Arts Council England had made it clear that they require a local financial commitment to underpin their next 4 year grant settlement.

Both organisations would be requested to submit their 'bids' based on those four principles. The negotiating team would review the bids and set some parameters for the following negotiations, the outcome of which would be reported, with recommendations, to the Cabinet and Council.

Mr Oakley asked whether, given uncertainties about the Council's future finances, the need for judgement about the priority of these grants in comparison with the full range of service demands on the Council would be taken into account.

Mr Dignum replied that local authorities had been promised a four-year funding settlement by the Government, so that there should be reasonable certainty about the Council's finances for the first two years of the cultural grants agreements, which would be in the base budget. There might need to be scope for reconsideration in the second two years, if the Council's financial situation worsened.

(f) Question: Pay on Foot in public car parks

Mr Jarvis asked whether the introduction of 'pay on foot' in the Avenue de Chartres car park had been successful and whether there were plans to extend it to other car parks.

Response:

Mrs Keegan (Cabinet Member for Commercial Services) replied that the introduction of pay on foot had required considerable investment. It had been expected from experience elsewhere that income would increase because people would stay longer. However, there had been no significant increase in income. Other car parks had been studied to see what engineering works would be required to introduce pay on foot and what the traffic impacts would be. Consideration had also been given to other payment options, such as the use of credit/debit cards, especially contactless, and telephone payment. It was now intended to focus on widening availability of these options, rather than extend pay on foot.

120 Review of Political Balance

The Council considered the report circulated with the Agenda (copy attached to the official Minutes). The Chairman pointed out that the position was unchanged from the previous year.

RESOLVED

That the review of political balance arrangements set out in the report be approved and Tables 1, 2 and 3 be applied in making appointments to committees.

121 Appointment and Membership of Committees and their Chairmen and Vice-Chairmen

The Council considered the report circulated with the agenda (copy attached to the official minutes). It was noted that the only change proposed was that Mr Barrett replace Mr Hicks as Vice-Chairman of the Corporate Governance and Audit Committee.

Mr Dignum pointed out that, under the Constitution, the Chairman of the Council could not be a member of the Overview and Scrutiny Committee. He proposed that Mr Thomas replace Mrs Hamilton as a member of that Committee.

RESOLVED

That appointments to Committees for 2016/17, including their chairmen and vice-chairmen, be made as shown in the appended report, subject to Mr Thomas replacing Mrs Hamilton as a member of the Overview and Scrutiny Committee.

122 Appointments to External Organisations

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

Members of the Council noted the absence of a nomination for appointment to the West Sussex Pensions Panel. They were informed that there was only one representative on the Panel from all the borough and district councils in West Sussex, and that there was no vacancy this year. It was agreed that written information be sent to members about who currently represented the borough and district councils and the appointment process.

RESOLVED

That appointments to external organisations be made as shown in the appended report.

123 Exclusion of the press and public

RESOLVED

That the public, including the press, be excluded from the meeting for the following items on the grounds that it is likely that there would be a disclosure to the public of 'exempt information' of the description specified in Paragraph 1 (information relating to an individual) of Part I of Schedule 12A to the Local Government Act 1972 and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

124 Appointment of Monitoring Officer

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

The Chief Executive reported that, as a consequence of the impending retirement of the Member Services Manager, a new managerial post had been created of Legal and Democratic Services Manager, reporting to the Head of Finance and Governance Services, to oversee the Legal Service, Member Services and Electoral Services teams. Mr Nicholas Bennett had been appointed to that post.

It was her view that Mr Bennett, as the holder of this post, should also be designated the statutory role of Monitoring Officer. No objection had been made to this proposal by any member of the Cabinet.

RESOLVED

That Nicholas Bennett, the current Legal and Democratic Services Manager, be appointed as the Council's Monitoring Officer with immediate effect.

The meeting ended at 3.51 pm

CHAIRMAN

Date:

WRITTEN ANSWERS TO QUESTIONS

Minute 115 Revised Local Development Scheme 2016-2019

Mr Shaxson referred to the cessation of work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document, because of a change by the Government to the planning definition of “travellers”. He asked whether new age travellers were included in the new definition, and what impact the change would have.

Answer: The change in definition derives from the DCLG publication “Planning Policy for Traveller Sites”, issued in August 2015, and accessible by the following link:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf

Annexe 1 at the back of the document provides the definition and it is worth noting refers simply to persons of a nomadic habit of life including those that have temporarily ceased travelling. It is therefore a matter for the council as local planning authority to determine in the particular circumstances of each case whether an individual(s) falls within the definition. The term ‘New Age Traveller’ is not necessarily therefore all that helpful. The decision would essentially rest on the evidence to support a claim of a nomadic habit of life.

Minute 122 Appointments to External Organisations

Members of the Council noted the absence of a nomination for appointment to the West Sussex Pensions Panel. They were informed that there was only one representative on the Panel from all the borough and district councils in West Sussex, and that there was no vacancy this year. It was agreed that written information be sent to members about who currently represented the borough and district councils and the appointment process.

Answer: The Districts and Boroughs are represented on the West Sussex Pensions Panel by Cllr Brian Donnelly, Horsham DC (Pulborough & Coldwaltham). His appointment is for a term of 4 years from 2015 and expires in November 2019.

Further details regarding the panel can be found here:

https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/statutory-committees/pensions-panel/#what-the-panel-does_tab