

Minutes of the meeting of the **Cabinet** held in Committee Room 2, East Pallant House on Tuesday 3 November 2015 at 9.30 am

Members Present: Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr B Finch, Mrs P Hardwick, Mrs G Keegan and Mrs S Taylor

Members not present:

In attendance by invitation:

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

76 Minutes

RESOLVED

That the minutes of the meeting of the Cabinet held on 6 October 2015 be signed as a correct record.

77 Urgent Items

The Chairman reported that agenda item 10 (Electric vehicle charging in the Council's car parks) would be deferred until the next meeting in order to enable consideration of different options and that a proposal to change the date of the Cabinet meeting in April 2016 would be considered as a late item in order to provide maximum notice for members and the public and to enable room bookings to be changed.

78 Declarations of Interests

No interests were declared at this meeting.

79 Public Question Time

No public questions had been submitted.

80 Determination of the Council Tax Reduction Scheme for 2016/17

Further to minute 32 of 7 July 2015, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick introduced the report, reminding the Cabinet that they had previously authorised consultation 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 schemes, they had made a 10% cut

in grant support for the scheme. Because pensioners were 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, it was recommended that the scheme should continue in the same way as in the current year, thus providing continuity and certainty to claimants. The actual amounts used to calculate the level of reduction would be amended to reflect changes in Housing Benefit, but these changes would not be known until after the Chancellor's Autumn Statement.

Mrs Dring (Benefits Manager) added that a national debate was currently taking place on tax credit changes. If tax credits were reduced, council tax reduction claims would increase, although the size of the increase was not yet known. However, based on the number of prospective claimants and the sums involved, the proposed scheme for 2016/17 was thought to be affordable.

Mr Ward confirmed this, drawing attention to the reduction in predicted spend for 2015/16 reported in paragraph 7.2 of the report. However, he suggested a thorough review should take place of the scheme for 2017/18, when the effects of tax credit changes were known with greater certainty.

RECOMMENDED TO COUNCIL

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

81 Future Funding for the Community Warden Service

Further to minute 372 of 7 March 2013, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Lintill introduced the report, reminding the Cabinet that the Community Warden Service had been in operation since 2005 and currently consisted of seven Community Wardens and one Senior Community Warden. The service operated on a partnership basis funded by various local partners. Chichester District Council (CDC) hosted the Service and contributed 50% of the service costs and 100% of the supervisor costs.

The wardens operated in the wards of Chichester East, West, South (part); Selsey North and South; Tangmere and Oving; East and West Wittering. They provided support to vulnerable individuals and helped people feel safe by supporting Sussex Police to reduce crime and anti-social behaviour. They regularly passed on community intelligence to Sussex Police which people were unwilling to report directly.

In 2012, the Cabinet had agreed to fund for three years each existing warden patrol to a maximum of 50%, subject to external match funding being secured, and 100% of the Senior Community Warden post.

It was now proposed to continue that arrangement for a further three years, subject to partners' funding being confirmed, and provision for this was in the base budget.

Mrs Bushby (Community Interventions Manager) reported that most partners had now confirmed their funding commitment.

Mrs Taylor enquired about the majority view from partners and the public that the wardens should be given enforcement powers (paragraph 8.3). Mrs Bushby explained that this related to fixed penalty notices for such matters as littering and dog fouling. The Steering Group would consider this and report further to the Cabinet, but it would be important to ensure equity and consistency.

Mr Finch supported the scheme, but drew attention to the consultation on the role of Police Community Support Officers (PCSOs) (paragraph 9.3) and asked whether this could increase demands on community wardens and for an extension of the service. Mrs Bushby explained that the implications could not be assessed at present. Some parishes were anxious about this and the Police and Crime Commissioner had offered parishes some funding for warden schemes. Although some patrolling PCSOs provided a reassuring presence, they did little policing work. Currently community wardens liaised well with PCSOs and the police, and fears about other local reorganisation of policing had not been fulfilled. She did not advocate extension of the community warden service to replace PCSO's, unless there was good evidence of need.

Mrs Keegan asked how the current nine wards had been selected. Mrs Bushby replied that this had originally been based on indices of multiple deprivation, which had subsequently been found to match well with Think Family neighbourhood needs. There was currently no evidence of need sufficient to justify the extension of the community warden service to other areas and if a partner organisation wanted an additional warden it would be expected to meet the full costs.

RESOLVED

- (1) That 50% of the Community Warden Service continues to be funded for three years (as set out in paragraph 7 of the report) subject to external match funding being secured by partners.
- (2) That 100% of the Senior Community Warden post continues to be funded for three years (as set out in paragraph 7 of the report), subject to a review should more than one warden patrol fail to be funded.

82 West Sussex Families Strategic Plan 2020

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

Mrs Lintill introduced the report, drawing attention particularly to paragraphs 3.1-3.3, 4.3 and 5.1.

In answer to questions, Mrs Bushby (Community Interventions Manager) confirmed that all borough and district councils in West Sussex had been asked by West

Sussex County Council to confirm agreement in principle to the West Sussex Partnership Families Strategic Plan.

Mr Finch criticised the wording of the draft Plan. Whilst supporting the need for collaboration, he was concerned about overlap and governance arrangements possibly increasing bureaucracy in a way that would be counter-productive.

Mr Over explained that demands on services were expected to increase but resources would not. He acknowledged that processes needed further attention and that outcome measures needed firming up.

Cabinet members agreed on the benefits of early intervention and the need for inter-authority co-ordination. However, they did feel that the wording of the Plan could be improved.

Mrs Bushby agreed to report members' views to the West Sussex Start of Life Partnership Board.

The Cabinet noted an invitation from the Chairman of the Partnership Board for two elected members from across the County to represent District and Borough Councils, in addition to the current officer representation. These representatives should come from different authorities and if possible from the north and south of the county.

RESOLVED

- (1) That the adoption of the draft West Sussex Families Strategic Plan be agreed in principle.
- (2) That the Head of Community Services be authorised, following consultation with the Cabinet Member for Community Services, to formally adopt the plan, subject to changes as the plan is further consulted on and developed that do not have significant resource or other implications.
- (3) That Mrs Lintill, as Cabinet Member for Community Services, be nominated for appointment as one of the district councils' representatives on the Start of Life Partnership Board.

83 Banking Services Contract

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

Mrs Hardwick introduced the report, explaining that both the Council's corporate banking services contract and its merchant acquiring services (or card payment service) contract were due to expire on 31 March 2016. An EU compliant procurement process was in hand, as explained in paragraphs 3.2 and 3.3 of the report.

Mrs Belenger (Accountancy Services Manager) added that the market had changed since the services were last tendered in 2008. It had become necessary to split the contract between corporate banking and merchant acquiring services. For the latter

there was only one provider in the framework and so she was checking value for money and taking account of possible volume changes. The merchant acquiring services did not cover payments made on-line and, as these increased, volumes of other card transactions could be expected to decrease.

Mrs Keegan enquired why there was only one supplier of merchant acquiring services on the ESPO Banking Services Framework, as she believed there were at least three major companies in that business. Mrs Belenger did not know the answer, but offered to make further enquiries.

RESOLVED

That the Head of Finance and Governance be authorised, following consultation with the Cabinet Member for Finance and Governance, to award the corporate banking services contract and merchant acquiring services contract upon completion of the tender evaluation process.

84 Electric vehicles in the Council's fleet

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

Mr Barrow introduced the report explaining that the Government aspired that by 2040 all new cars and vans would be ultra low emission vehicles. The report proposed that the Council should purchase electric vans and cars unless there was a significant business case not to do so.

At present, electric vans required re-charging after 90 miles. A consultants' report had identified seven vans in the Council's fleet, used by Contract Services and Parking Services, whose replacement in due course by electric vehicles would be appropriate. Two of these were due for replacement in the very near future. Although the capital cost of electric vehicles was higher than conventionally fuelled vehicles, the difference in cost could be more than eliminated by plug-in grants, if obtainable. Even without grants, whole life costs for electric vehicles were lower, and there would be reductions in air polluting emissions.

In answer to a question from Mrs Hardwick, Mr Ballard (Senior Environmental Protection Officer) confirmed that there was good evidence that battery failure or falling off of battery memory was a very low risk.

Mrs Hardwick sought re-assurance that there would be no diminution of service provision to more distant parts of the district because of the range of electric vehicles. She was assured that, at present, the remainder of the fleet, beyond the seven vehicles identified, would continue to be conventionally powered. However, it was expected that, as technology developed, the range of electric vehicles would improve and the business case for replacement with electric vehicles would extend to a greater proportion of the Council's fleet.

RESOLVED

That the Council purchases electric vans and cars instead of conventionally fuelled vehicles unless there are significant business reasons why this is not appropriate.

85 Electric vehicle charging in the Council's car parks

This item was deferred until the next meeting for a revised report considering different options.

86 New Ways of Working (Phase 2) - relocation of CAB and Relate from Theatre Lane, Chichester

Further to minute 640 of 9 September 2014, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes, except for confidential appendix of financial information).

Mr Finch introduced the report, reminding the Cabinet of the New Ways of Working (NWOW) project, which made better use of the council's buildings with an accompanying cultural change. The report proposed a further phase, involving the relocation of the Citizens Advice Bureau (CAB) and Relate from their current premises in Theatre Lane to East Pallant House and Market Road respectively, enabled by some re-allocation of space within East Pallant House. This would enable the future use of the Theatre Lane premises to be reviewed on a commercial basis that would bring an income to the Council.

Mrs Taylor welcomed the proposal which, having worked at the CAB, she felt would improve the working environment for CAB staff and volunteers.

Mr Mildred (Corporate Improvement Manager) described the proposals in more detail.

Mr Barrow suggested that it was important that the CAB retained a clear separate identity within the Council Offices, so that clients did not feel that it was an agent of the Council. Mr Mildred confirmed that the CAB would have a separate reception and waiting area and meeting room, and distinctive signage. They had not asked for their reception and waiting area to be partitioned off. He was confident that they would retain a separate identity and they were very positive about the proposed relocation. Mrs Taylor added that she had worked in a number of CABs that were attached to council offices and there was no conflict of interest.

Mr Mildred confirmed that both CAB and Relate were very positive about the proposals and had agreed heads of terms.

RESOLVED

- (1) That the next phase of the New Ways of Working Project be approved, including the relocation of the Citizens Advice Bureau and Relate as set out in section 5 of the report.

- (2) That a budget of £61,000 of capital funding be approved for the required building works and alterations to the East Pallant House (EPH) and Market Road council offices.

87 **Regulation of Investigatory Powers Act (RIPA) Policy**

Further to minute 195 of 1 May 2012, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick introduced the report, explaining that the Protection of Freedoms Act 2012 had changed the rules for the use of surveillance by councils, requiring that 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 6 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 had 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. The Corporate Governance and Audit Committee had recommended the revised policy for adoption.

Mr Bennett (Litigation Solicitor) reported that the Inspector had recently stated that he would recommend the proposed revised policy as the new template for other authorities to follow. In answer to questions, it was confirmed that the Council had made no applications to the Magistrates Court.

Mr Finch referred to the current national debate on the draft Investigatory Powers Bill. The Council cherished individual freedom and the new policy was a good and comprehensive statement setting out the limitation of surveillance powers to what was necessary and proportionate.

RECOMMENDED TO COUNCIL

- (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.

88 **Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document (DPD): Review of Evidence**

Further to minute 585 of 6 May 2014, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report, explaining that Policy 36 of the approved Local Plan identified a potential need for 59 additional permanent residential gypsy and traveller pitches, of which 37 were required before 2017, and 18 additional plots for travelling showpeople, of which 11 were required before 2017. The purpose of the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document (DPD) was to identify sites to meet these needs, and work on this had progressed to the point where it was intended to go to public consultation in January 2016.

In August, after the Local Plan had been adopted, the Government had changed the definition of travellers to limit it to those who had a nomadic habit of life, meaning that those who had ceased travelling permanently should be treated no differently from the settled community. This change of definition raised a number of unresolved questions, including the growth rates used in the assessment of need.

It was, therefore, proposed to suspend work on the DPD in order to obtain further guidance from the Department for Communities and Local Government (DCLG) and a review of the Gypsy and Traveller Accommodation Assessments. This would enable revised figures to be included in the forthcoming review of the Local Plan.

Mrs Taylor pointed out that, although this would mean that the Council had a shortfall of identified sites, applicants for planning permission would have to demonstrate that they still had a nomadic lifestyle.

RESOLVED

- (1) That further work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document be delayed until a review of the background evidence has been completed.
- (2) That the Local Development Scheme which sets out the timetable for the preparation of development plan documents be amended accordingly.

89 Exclusion of the Press and Public

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

90 Consideration of late item; Date of Cabinet meeting in April 2016

The Cabinet noted that the scheduled date of their meeting in April 2016 fell in the Easter holidays.

RESOLVED

That the date of the cabinet meeting in April 2016 be moved from Tuesday 5 April to Tuesday 12 April.

The meeting ended at 11.00 am

CHAIRMAN

Date: