



Minutes of the meeting of the **Cabinet** held in Committee Room 2 - East Pallant House on Tuesday 9 February 2016 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

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)

133 **Minutes**

RESOLVED

That the minutes of the special meeting of the Cabinet held on 26 January 2016 be signed as a correct record.

134 **Urgent Items**

There were no urgent items for consideration at this meeting.

135 **Declarations of Interests**

Mrs Lintill declared a personal and pecuniary interest in agenda item 17 (Petworth Skatepark) (see minute 149 below). She left the meeting during consideration of this item and took no part in the discussion and did not vote.

136 **Public Question Time**

No public questions had been submitted.

137 **Budget Spending Plans 2016-17**

Further to minute 97 of 1 December 2015, the Cabinet considered the report and appendices circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick introduced the report, reminding the Cabinet that the Council had approved the financial strategy in December.

Since then the Government had announced the provisional financial settlement for 2016/17 which contained yet further, steeper and deeper funding cuts, in particular

in respect of Revenue Support Grant (RSG), and introduced unforeseen new National Non-Domestic Rates (NNDR) negative tariffs by 2018/19.

This was the sixth consecutive year of funding cuts, and made balancing the Council's future financial position significantly harder to achieve. It was estimated that the Council would be £800,000 worse off by 2019/20 than had been expected at the time the financial strategy was agreed in December.

The Council had ridden the 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 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.

This low tax status provided a special opportunity this financial year. Whilst council tax freeze grants had been withdrawn, low tax councils including this Council could 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.

She 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.

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 Ward reported that the Government's final settlement had been received the previous day. This was, in a number of ways, more advantageous than the draft settlement. The Council would become eligible for additional funding through transition grant and a share of a rural funding allocation. He suggested that, as a result, the Investment Opportunities Reserve be increased further. There was no prospect of renewal of council tax freeze grant, and the Government was assuming that councils would increase council tax.

RECOMMENDED TO COUNCIL

- (1) That a net budget requirement of £15,324,900 for 2016-17 be approved.
- (2) That Council tax is increased by £5 from £140.81 to £145.81 for a band D equivalent in 2016-17.

(3) That the Investment Opportunities Reserve is increased by £1,296,400.

RESOLVED

That the following be noted:

- (a) The capital programme, including the asset renewal programme and the Infrastructure Business Plan.
- (b) The current resources position.
- (c) The position regarding the asset review (paragraph 10.2) and the requirement to keep this funding under review.
- (d) The budget variances as set out in this report (para 8.5 and 8.6) including growth items.

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

Further to minute 43 of 8 September 2015, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report, reminding the Cabinet that 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 CIL spending plan. The proposals were also supported by the Development Plan and Infrastructure Panel.

Most of the representations 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 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 and enable the Council to have more control over its spending and to ascertain what projects would be funded from CIL or other sources.

She thanked Karen Dower (Principal Planning Officer (Infrastructure Planning)) for her hard work in compiling such a detailed and informative document.

Mrs Dower answered members' questions to the effect that use of CIL funding for school places and other services outside the district (e.g. Billingshurst) would be for the benefit of residents within the district; up to 5% of levy receipts would be used for administration only if required, although it could be smoothed over a three year period; and that as parish councils became more familiar with CIL it was hoped that funding sources for projects in Table 2 would be clarified (and ward members of the District Council could assist them with this).

RECOMMENDED TO COUNCIL

- (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.
- (2) That the amended IBP including CIL Spending Plan attached as Appendix 2 be approved.

139 Surface Water and Drainage Supplementary Planning Document

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

Mrs Taylor introduced the report and the draft Surface Water and Drainage Supplementary Planning Document (SPD), explaining that in order to deliver the growth set out in the Chichester Local Plan 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.

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 2015.

Ms Payne (Planning Policy Officer) added that, in preparing the SPD, officers had worked closely with the Environment Agency and a Task and Finish Group from the Water Quality Group, which represented all relevant agencies.

The Cabinet welcomed the draft SPD as a tool to manage problems that were of acute interest to many local residents.

RECOMMENDED TO COUNCIL

- (1) That the Surface Water and Drainage Supplementary Planning Document (set out in Appendix 1 to this 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 this report.
- (3) That the Head of Planning Services be authorised to make minor editorial and typographical amendments to the document prior to its publication.

140 Senior Staff Pay Policy Statement

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

Mr Finch introduced the report, reminding the Cabinet that the Council had a legal duty to publish the Senior Staff Policy Statement in the form required by the Government in the interests of openness and transparency.

Mr Radcliffe (Human Resources Manager) added that it was necessary to include details of the ratio between the pay of the highest paid and median paid members of staff.

RECOMMENDED TO COUNCIL

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.

141 Chichester District Place Plan

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

Mr Dignum introduced the Chichester District Place plan as one of a set being produced by West Sussex County Council (WSSCC) with each Borough and District Council, and together these would comprise the West Sussex Growth Plan.

The Plan was intended to outline investment and delivery options to deliver higher Gross Value Added (GVA), jobs, homes and employment space. (GVA was the value of output in an area less the input costs, mainly materials; and was roughly equal to the sum of the wages and profits generated in the area).

The Plan had been developed by WSSCC but with comments from the District Council. It was mainly descriptive rather than rich in policy proposals but did set out the key actions that would form the basis of funding bids in the future. It noted that key infrastructure requirements were being identified through an Infrastructure Business Plan Joint Member Liaison Group.

Section 3 of the Plan provided some key statistics on demographics etc. Section 4 listed the Strategic Development Locations, described the Chichester Vision project, and described the challenges for the Manhood and other coastal and rural areas. Section 5 listed priorities, namely: delivering housing; realizing a Chichester Vision; upgrading the A27; improving both broadband and skills training; and generating business growth, partly by using productively the 27 hectares of employment land assigned in the Local Plan

The Place Plan would not have status as a statutory planning document. However it was intended to support implementation of the statutory Local Plan, relevant Economic Development strategies and key investment decisions and would support funding bids.

Mr Carvell, Mr Barratt (Strategic Manager, Economy, WSCC) and Mrs Loe (Growth Lead – Chichester, WSCC) reported a list of proposed changes and clarifications to the draft Plan and members asked for some further changes.

Mrs Lintill expressed frustration at the omission of the South Downs National Park, and Mr Barratt explained that a Rural Plan was being drawn up in conjunction with the National Park Authority and the Council would be consulted on this.

RESOLVED

That the draft Chichester District Place Plan be endorsed and the Executive Director be authorised to agree minor editorial changes.

142 Initial Project Proposals (2016/17)

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

Mrs Keegan introduced the report, explaining that part of the annual business planning cycle involved the approval of Initial Project Proposal Documents (IPPDs) in fulfilment of the objectives of the Corporate Plan.

Mr Mildred (Corporate Improvement Manager) added that, following approval of the IPPDs, a full Project Initiation Document (PID) would be brought to the Cabinet for approval for each major project. In five cases, however, some initial funding from reserves was required for consultancy advice or other start-up costs as described in paragraph 5.2 of the report.

The Cabinet then considered each of the IPPDs. In particular the following points were made:

Guildhall Improvements: The Cabinet felt that the Guildhall had great potential, not only for weddings, but also for exhibitions and performances.

The Novium Museum Options Appraisal: The Cabinet noted that a report would be made to the Overview and Scrutiny Committee in March on performance against the current business plan. It was hoped to report back to the Cabinet in September on

the options appraisal. The Cabinet asked that, if practicable, this report should be earlier.

Car Parks – Review of payments options: The Cabinet noted that the review would not only encompass “pay on foot”, but also alternatives to coins, including payments by card (including contactless card) and phone. A public consultation had just been completed and had provided useful feedback. The Chairman asked that the review should look at possibly providing more spaces, with the aim that the car parking experience should be pleasant for customers and not too expensive.

Renewing Chichester Business Improvement District (BID): Mr Over pointed out that a ballot on the future of the BID would take place, whether or not the Council supported its renewal.

RESOLVED

- (1) That the Initial Project Proposals for 2016/17 attached in the Appendices be approved.
- (2) That the following funding be approved from Council reserves as indicated in section 5.2 of the report:
 - (a) £40,000 - New Employment Land - Retaining and Attracting Businesses
 - (b) £25,000 - St James Industrial Estate
 - (c) £20,000 - Disposal of former public conveniences, store and depot Priory Road
 - (d) £30,000 - Guildhall Improvements
 - (e) £30,000 – Museum Option Appraisal

143 Shared Services

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

Mr Finch introduced the report, explaining that in view of the financial pressures on the Council, it was important to make support services as efficient as possible and ready for the later 21st century, through innovation and digital revolution. The proposed options appraisal was the first step in a change in the way services were delivered. The shared services model was used in both the private sector and the public sector, where Hampshire’s shared services organisation had proven effective.

Although the Council already shared some services with Arun District Council, the scope of the proposed study had been widely drawn to encompass a range of services listed in recommendation 2.1. In addition to Arun, Horsham District Council had also asked to participate in the study. If the appraisal supported the shared services model it could be implemented all together or phased on a modular basis. Each Council was being asked to contribute £20,000 and this had been supplemented by £6,000 from the Local Government Association. His special

adviser, Cllr Simon Lloyd-Williams, was available to contribute expertise on a pro bono basis. He drew attention to the governance arrangements set out in Appendix A. The study was expected to take about three months.

Mrs Dodsworth (Head of Business Improvement Services) added that the consultant would start work on 23 February. The study was not simply about converging systems and services in the interests of efficiency, but about innovation and alternative service delivery. Arun District Council was also considering the option of out-sourcing services to a third party provider.

Mr Finch added that it was important to minimise the uncertainty for staff, and that they should only go through such a review once. The Chief Executive agreed and drew attention to the need to continue to motivate staff.

Mrs Lintill asked about the implications for other partners if one Council out-sourced ICT services. Mrs Dodsworth explained that in the shared service model there would be one employing body for each service. If the employing body had outsourced its ICT systems, the staff employed would use the outsourced ICT.

Mrs Keegan supported the project and suggested that complexities such as that raised by Mrs Lintill would need to be clarified as part of the study.

RESOLVED

- (1) That the proposed options appraisal to investigate the business case for a shared service of Revenues and Benefits, ICT, Customer Services, HR, Legal, Internal Audit and transactional Financial Services with Arun and Horsham District Councils be approved.
- (2) That up to £20,000 is funded from reserves for Chichester District Council's share of consultancy costs associated with this project.
- (3) That Officers be instructed to provide the options appraisal and business case based on the principles identified in paragraph 2.3 of the Appendix to a future Cabinet for consideration.
- (4) That this options appraisal is pursued on the basis of approval from appropriate Cabinets at each authority.

144 Housing Strategy Review

Further to minute 654 of 14 October 2014, the Cabinet considered the report and appendices circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report, explaining that the Housing Strategy review had considered practical ways of assisting first time buyers into home ownership. However, the task was difficult in a district of high property values in relation to low wages. The Housing and Planning Bill 2015 referred to Starter Homes whereby discounts of a minimum of 20% would be given, with a cap of £250,000 on the value outside London. The average price of a new 2 bedroom house in Chichester was

£300,000. If sold to a couple at a discount of 20% with a 5% deposit, this would require a joint income of £50,677. The average salary of a Chichester resident was £25,739 (employee £22,865).

Whilst encouraging home ownership, there would always be a section of the community that would never be able to own their own property regardless of the government measures to encourage home ownership. There would always be a need for affordable rented property.

In last year's summer budget the government had introduced measures to reduce affordable housing rents by 1 % for the next four years. Since then most of the larger Registered Providers (RPs) had reassessed their development programmes and indicated a reluctance to develop small rural sites. This was a particular problem for a district such as Chichester with a large rural population. Furthermore, in order to supplement their funding, the RPs were showing a preference to develop a higher proportion of intermediate housing and in some cases even market housing. Some including Hyde had indicated that in future they would look to develop a split of 70% intermediate and 30% rent, whereas at present the Council usually required the reverse.

In future it was likely to become more difficult to develop affordable rented housing and some of the existing rental stock was likely to be lost through the Right to Buy. However, as a housing authority the Council still had a duty to provide housing and in order to fulfil its obligations alternative ways of meeting housing needs were being explored. A comprehensive list of delivery options either considered or under investigation was included in appendix 2 to the Cabinet report. There was no one easy solution and, in an ever changing and challenging housing environment, a flexible toolkit of delivery options was recommended so that opportunities could be taken up as they arise. These included encouraging Community Land Trusts, supporting smaller registered providers, working with partner organisations such as WSCC to deliver housing through a housing company, and extending the Council's Homefinder scheme by incentivising and retaining landlords to mitigate the effects of welfare reforms.

The Housing strategy review in appendix 1 to the report set out the issues and options in greater detail. 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.

The Housing Strategy Delivery Plan at appendix 3 provided details of performance to date against milestones. Generally all milestones had either been met, delayed due to circumstances beyond the Council's control or were no longer deemed relevant. New targets and actions as identified by the strategy review had been added to the delivery plan.

It was proposed to add to Priority 1, action 10 in Appendix 3 that the Council would publicise and support the DCLG initiative for small builders, the "Builders Finance Fund", in order to encourage more small-scale developments, and would investigate further the potential to support local businesses.

RESOLVED

- (1) That the review of the Housing Strategy be endorsed.
- (2) That the recommended range of options for future housing delivery as set out in section 6 of appendix 1 be approved.
- (3) That the progress achieved in delivering the existing targets in the Housing Strategy Delivery Plan at appendix 3 be noted and the new target dates be endorsed.

RECOMMENDED TO COUNCIL

That the proposed changes to the capital investment programme be approved as set out in 6 below and Appendix 1 section 7.

145 Beach Management Plan 2016-2021

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

Mr Barrow introduced the report. He welcomed Dominic Henly to the meeting and congratulated him on his appointment as Senior Engineer, following the retirement of David Lowsley.

Mr Barrow pointed out that the existing phase of the Beach Management Plan (BMP) expired in March 2016, and an application should now be made to the Environment Agency (EA) for Grant in Aid for the second phase of the BMP from 2016 to 2021, funding for which was already earmarked in the EA's medium term plan. In this phase the Council was not required to continue to provide match funding of £50,000 pa, but the coastal defences were still subject to the uncertainties of future weather conditions and coastal processes.

Mr Henly added that 2016/17 was the sixth year of a 100 year shoreline management plan. Weak spots in the sea defences had already been identified and filled in, and the next phase was to improve beach levels in order to offer better protection to local residents. Although the Council had a maintenance budget, it would not be able to do so much without the grant in aid from the EA.

RESOLVED

- (1) That officers apply to the Environment Agency (EA) for £1.25m of Flood Defence Grant in Aid (FDGiA) for the Beach Management Plan (BMP).
- (2) Subject to EA approval of grant, that funding be spent in line with the BMP 2016-21 Schedule of Works shown at table 1.
- (3) That the Head of Housing and Environment Services following consultation with the Cabinet Member for Environment be authorised to amend the BMP Schedule of Works, set out in Table 1, if required during this period.

- (4) That the Head of Housing and Environment Services be authorised to procure and award contracts for work in accordance with the BMP 2016-21 and Financial Standing Orders.

146 Birdham Parish Neighbourhood Plan

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

Mrs Taylor introduced the report, explaining that the Examiner's recommendations on the Birdham Neighbourhood Plan had been received. The Examiner had made a number of minor recommendations, which related mainly to revisions in the wording and content of policies. These had been considered and accepted by Birdham Parish Council. It was recommended that, subject to these modifications as set out in the Decision Statement, the Neighbourhood Plan proceed to referendum.

RESOLVED

- (1) That the Decision Statement as set out in the appendix be published.
- (2) That the examiner's recommendation that the Neighbourhood Development Plan proceed to referendum, subject to modifications as set out in the decision statement, be approved.

147 Tangmere Parish Neighbourhood Plan

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

Mrs Taylor introduced the report, explaining that the Examiner's recommendations on the Tangmere Neighbourhood Plan had been received. The Examiner had made a number of minor recommendations, which related mainly to revisions in the wording and content of policies. These had been considered and accepted by Tangmere Parish Council. It was recommended that, subject to these modifications as set out in the Decision Statement, the Neighbourhood Plan proceed to referendum.

RESOLVED

- (1) That the Decision Statement as set out in the appendix be published.
- (2) That the examiner's recommendation that the Neighbourhood Development Plan proceed to referendum, subject to modifications as set out in the decision statement, be approved.

148 **Car Parking Charges - Response to Consultation**

Further to minute 62 of 6 October 2015, the Cabinet considered the report circulated with the agenda and a supplementary report (copy attached to the official minutes).

Mrs Keegan introduced the report, reminding the Cabinet of their decision to formally consult on proposals for revised car parking charges. During the consultation period one representation had been received from Midhurst Town Council, repeating their comments from earlier consultation. She pointed out that the cost of maintenance of car parks in Midhurst exceeded the income from charges. Furthermore, two hours free parking was still available at The Grange car park. She felt, therefore, that the concerns about the reduction to one hour of the free parking in the North Street and Post Office car parks had been mitigated.

Mrs Keegan added that, since the consultation period closed, two representations had been received from Bosham (dealt with in the supplementary report).

With the Chairman's permission, Mrs Plant addressed the Cabinet as ward councillor. She pointed out that Bosham was the only rural car park to which a 50% increase had been applied. She accepted that there was high summer demand from the public, but pointed out that the residents of Shore Road were unable to park on street because of tidal flooding, and therefore depended on the public car park. The increase of the season ticket monthly charge from £10 to £15, combined with the removal of the facility for four vehicle registrations, increased the costs to local residents from £120 pa at present to £180 pa or to £360 pa if they had two cars.

Mrs Murphy (Parking Services Manager) pointed out that even if residents used the current facility to have more than one registration number on the season ticket, they could only park one car at a time, as the ticket had to be displayed on the parked vehicle.

The Chairman pointed out that the monthly charge for season tickets in the car parks in Chichester was around £40, compared with a proposed £15 in Bosham.

After debate, the Cabinet decided to confirm the charges as proposed.

RESOLVED

- (1) That the charges set out within the Appendix, together with those considered by Cabinet at their meeting in October 2015, be implemented from 1 April 2016.
- (2) That the Head of Commercial Services be authorised to give appropriate notice of any revised charges pursuant to the Off-street Parking Places (Consolidation) Order 2015 and the Road Traffic Act 1984.

149 **Petworth Skatepark**

(Mrs Lintill declared a personal and prejudicial interest and left the room during consideration of this item)

Further to minute 359 of 5 February 2013, the Cabinet considered the report and appendix circulated with the agenda (copy attached to the official minutes).

Mrs Keegan introduced the report, and described the history of this matter, and the safety concerns that had been expressed about the provision of a skatepark at the Sylvia Beaufoy car park site. She read representations from the Sylvia Beaufoy Youth Club (referred to in paragraph 8.5 of the report), which had been received since the report was published. These opposed this location on account of safety issues due to the steep incline from the proposed site to the main road, of potential disturbance to residential properties in Downview Road, and of the potential impact on the Youth Club's staff and reputation because of the potential perception of a close association between the proposed skatepark and the Youth Club.

Some members expressed concern about the possible loss of disabled car parking spaces, but it was pointed out that there were better located facilities for the disabled elsewhere in the town.

Mrs Keegan acknowledged that a residents' survey had shown support for a skatepark, but in her view this was the wrong location because of safety considerations.

RESOLVED

That the District Council, whilst supporting the provision of a skatepark facility for Petworth, has concerns regarding the safety of the proposed facility in this location. As a result it requests Petworth Town Council to explore alternative locations for the proposed skatepark or to look at an alternative form of youth facility provision (not wheeled sports) at the identified location at Sylvia Beaufoy Car Park, subject to planning permission, full occupational terms and site management arrangements.

150 **Developer and Partner Charter**

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

Mrs Keegan introduced the report, drawing attention to the demographic factors referred to in paragraph 3.1 and explained that other councils in West Sussex had found that a Developer and Partner Charter, as an informal agreement between the Council, developers, skills and training providers and local businesses and community groups, had succeeded in improving opportunities for local people and businesses.

RESOLVED

That the Developer and Partner Charter be approved and adopted, and that developers and associated businesses be encouraged to sign-up to the principles and objectives.

151 **Access Road to Florence Park from Pound Farm Road**

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

Mrs Keegan introduced the report, reminding the Cabinet that the unsatisfactory condition of this road, which gave access to the Florence Road recreation ground, the sea cadets hut and a number of residences had been raised at the Council meeting on 15 December 2015. The report proposed that the Council should allocate £20,000 from reserves to resurface the unmade section of road.

RESOLVED

- (1) That £20,000 is allocated from reserves for the making up of the unmade section of the access road from Pound Farm Road to Florence Park, Chichester
- (2) That the Head of Commercial Services be authorised to apply to the Land Registry to register the land in the Council's ownership.

152 **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

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

Mrs Taylor introduced the report, explaining that it was essential to ensure that rented properties were safe homes to occupy. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, made under the Energy Act 2013, had come into force on 1 October 2015. The regulations required landlords to install smoke alarms on every storey of their property and carbon monoxide alarms in any room containing a solid fuel burning appliance e.g. an open log fire. Gas appliances were already regulated under The Gas Safety (Installation and Use) Regulations 1998 which required appliances to be tested every twelve months.

Landlords had to ensure at the commencement of a tenancy that the requisite smoke and carbon monoxide alarms were installed and in good working order. During the tenancy itself it was the obligation of the tenant to ensure that they continued to be in working order and it was advisable that landlords had a clause in the tenancy agreement to this effect.

A landlord who failed to comply with the legislation would be served with a remedial notice, which had to be complied with within 28 days. Failure to comply could result in a fine of up to £5,000. The Head of Housing and Environmental Services would have discretion to issue a lower fine if satisfied that there were extenuating circumstances. Arrangements were in hand to publicise the new requirements.

RESOLVED

- (1) That the enforcement powers for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 be delegated to the Head of Housing and Environment Services.

- (2) That the statement of principles for the setting of penalty charges be approved.
- (3) That any monies received through the issuing of fines be held in reserves and used for private sector housing renewal.

153 Exclusion of the Press and Public

RESOLVED

That the public, including the press, together with councillors not on the Cabinet and officers not involved, be excluded from the meeting for the following item 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 5 (legal professional privilege) 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.

154 Westgate Leisure Centre, Carbon Trust Scheme

Further to minutes 469 of 3 September 2013 and 24 of 7 July 2015, the Cabinet considered a report, and appended advice from Counsel dated 8 December 2015, in relation to claims and the prospects of recovery of certain losses arising from the supply and subsequent failure of the Combined Heat and Power (CHP) units at the Westgate Leisure Centre. Mr Stewart (Legal Practice Manager) advised the Cabinet on the legal aspects of the report and its appendix, and Mr Bacon (Building and Facilities Services Manager) described the works that had been carried out to mitigate the problems caused by failure of the CHP units and the termination by the original suppliers of their maintenance contract and to ensure business continuity at the Westgate Leisure Centre.

The Chief Executive explained that lessons had been learned from the experience. A full audit had been carried out and scrutinised by the Corporate Governance and Audit Committee.

The Cabinet discussed Counsel's advice in detail. They considered whether to obtain further specialist advice as to liability and quantum of any claim. They also considered a number of possible courses of action.

RESOLVED

That the Executive Director, following consultation with the Cabinet Member for Support Services and legal services, be authorised to determine future action in relation to this matter.

The meeting ended at 1.00 pm

CHAIRMAN

Date:

