



Minutes of the meeting of the **Council** held in Committee Room 2, East Pallant House on Tuesday 22 November 2016 at 2.00 pm

Members Present: Mrs E Hamilton (Chairman), Mrs N Graves (Vice-Chairman), Mrs C Apel, Mr G Barrett, 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 M Dunn, Mr J F Elliott, Mr N Galloway, Mr M Hall, 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 R Plowman, Mr H Potter, Mrs C Purnell, Mr J Ridd, Mr A Shaxson, Mrs S Taylor, Mr N Thomas, Mrs P Tull and Mr D Wakeham

Members not present: Mr T Dempster, Mr J W Elliott, Mrs D Knightley, Mr J Ransley, Mrs J Tassell and Mrs S Westacott

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), Mrs H Belenger (Accountancy Services Manager), Mrs B Jones (Principal Scrutiny Officer) and Mr N Bennett (Legal and Democratic Services Manager)

155 Minutes

Several members were concerned that the minutes did not record the points they had raised during discussions at minute 150. Mrs Shepherd advised that minutes were not a verbatim record of a meeting and that the audio recording of the meeting was available for those who required a full record of discussion.

RESOLVED

That the minutes of the Council meeting held on 20 September 2016 be signed as a correct record subject to the following amendments:

- Correcting the spelling of Mr Barrett's name (last para page 9)
- Mrs Tull moved that a recorded vote be taken (first para page 10)

156 Urgent Items

The Chairman had been notified of an urgent item which would be taken at agenda item 14 - Late Items. This related to the making of the Bosham Parish Neighbourhood Development Plan and had been circulated to members in a supplement to the agenda.

157 **Declarations of Interests**

Mr Hansford, Mr Over and Mr Ward declared a pecuniary interest in agenda item 16 and advised that they would leave the room during discussion of this item.

158 **Chairman's announcements**

The Chairman welcomed three pupils from Tangmere Primary Academy and Mrs J Losack, Youth Engagement Officer, who had been working with them on a programme called 'Ideas into Action' which challenged children to come up with ideas of how to make a difference or improve their community in some way. The Council supported the national campaign called 'I WILL', a campaign that encourages young people to make social action a part of everyday life. This was 'Show and Tell' week and youngsters all over the UK were sharing information about the community projects they had been involved in.

Members acknowledged the hard work put in by all pupils in Year 5 at the Academy and gave them a round of applause.

The Chairman and Vice-Chairman had attended a number of functions since the last meeting, one of which had been the Chichester Half Marathon on 3 October 2016 organised by Children on the Edge, a national charity based in Chichester. Over 1,000 people had taken part and the event had raised over £8,000 for the charity.

159 **Public Question Time**

Two questions about the Chichester Site Allocation Development Plan Document were asked by Mrs Sylvia McCallum and Mr Kevin Rait and were answered by Mrs Susan Taylor (Cabinet Member for Planning Services).

Question from Ms Sylvia McCallum, Chairman of Lynchmere Parish Council

My question relates to the evidence on which the Cabinet have recommended re-allocation of this site:

47 local objections to re-allocation covered environmental and highways issues. Photographs were submitted showing previous flooding, and an independent environmental assessment was submitted showing the likelihood of future flooding on the site. Many responses referred to objections made by Highways in previous planning applications and to comments made by the Planning Inspector in two instances describing access from this site as potentially dangerous. The Environment Agency has yet to re-map this area and so has not been able to give any definitive evidence or advice. Highways have produced no evidence to show that there has been any amelioration of the traffic dangers which were of concern previously.

My question is should the Council first obtain and consider independent evidence and in the absence of any independent evidence to the contrary, (and indeed against the advice of Thames Water who say that it has yet to be demonstrated that safe access to the site can be achieved,) how can the Council be satisfied that the Cabinet has addressed all these objections in an impartial and transparent way and how can the Council be confident that it can defend the soundness of this process?

Response from Mrs Susan Taylor, Cabinet Member for Planning Services

The Council has noted carefully the objections that have been received from local residents and the parish council. The potential for development to increase the risk of flooding or have an adverse impact on highway safety are planning matters which the Council takes very seriously in deciding where to allocate land for development. The Council has consulted the Environment Agency and the Highway Authority on the site allocation plan with respect to these matters. It should be noted that neither the Environment Agency nor the Highway Authority have objected to the principle of allocating this site for the proposed development at Sturt Avenue. Consequently, I believe that the Council has sought independent and appropriate views of the proposed allocation from the statutory agencies responsible for flooding and highways matters. The Environment Agency is re-evaluating the extent of the floodplain and will be able to respond before the end of the consultation period if there is any change to its position. Given the consultation responses received so far from these agencies and the further work that is to be undertaken I am confident that the Council can defend the plan as being sound at examination.

I note the environmental assessment prepared on behalf of residents, however, the Council has not received any objection to the allocation of this site from Natural England. I also note the claim that the Highways Authority and planning inspectors have rejected the access to this site on safety grounds. However, there have been no previous applications or appeals in relation to this site so these comments must relate to a different proposal on a different site.

The parish council and individual residents can pursue their objections to the allocation of this site through the public examination where they will be considered by a planning inspector.

Question from Mr Kevin Rait of 12 Sturt Avenue, Chichester

Following the review of the available land that should be considered for development, and the land behind Sturt Avenue being considered to be put back into the plan, I would like to query how the council came to a justification given that there are 4 criteria that need to be fulfilled:

- 1 - prepared based on a strategy*
- 2 - justified as against reasonable alternatives*
- 3 - effective and deliverable*
- 4 - consistent within national policy*

I would suggest that the only difference between previous assessments and now is that the first point has been addressed. The other three points that need to be addressed haven't and so how have the council come to their decision?

Response from Mrs Susan Taylor, Cabinet Member for Planning Services

It appears as though the question is framed against the 'tests of soundness' for Local Plans that are set out in the National Planning Policy Framework and I will address them in turn.

- 1) The Site Allocations plan has been prepared in accordance with the Chichester Local Plan which provides the necessary strategy – this appears to be accepted by Mr Rait.
- 2) The Site Allocations plan proposes the allocation of the land to the rear of Sturt Avenue following an extensive search for suitable sites to meet the Local Plan requirement of ten dwellings and an earlier consultation that concluded there was no suitable site. The promoters of the land to the rear of Sturt Avenue responded to that

consultation with information to demonstrate that the site could be developed and that access is possible. The Council is not aware of any other sites that would be a better alternative.

- 3) Based on information from the site promoter and consultations undertaken, it is considered that the site is deliverable within the plan period and no information has been provided in response to consultation on the proposed allocation of the site to demonstrate otherwise.
- 4) The Site Allocations plan is consistent with national policy that seeks a significant boost to housing supply in sustainable locations and does not conflict with other national planning policy.

The formal examination of the Site Allocations plan will focus on these 'tests of soundness' and, subject to the Council agreeing the recommendation from Cabinet, Mr Rait may wish to make representations at the next stage of consultation so that any objections can be considered by the planning Inspector appointed to conduct the examination.

160 **Appointment of External Auditors**

Mrs Hardwick (Cabinet Member for Finance & Governance Services), seconded by Mrs Lintill, moved these recommendations to the Council.

Mrs Hardwick introduced the report, stating that changes were required to the appointment of external auditors following the end of transitional arrangements at conclusion of the 2017-18 audits. The advantages and disadvantages of opting in to the sector-led option were set out in the report. Due to economies of scale this would be an economical option for the Council however control of the procurement process would be lost and an element of housing benefit work was not within that regime and would need to be continued in house. On balance it had been decided to opt-in to the sector-led auditor appointment.

RESOLVED

That the Council opts-in to sector-led procurement of external audit services by the appointed person, Public Sector Audit Appointments Ltd (PSAA).

161 **Fishbourne Neighbourhood Plan - Modification for the Purpose of Correcting an Error**

Mrs Taylor (Cabinet Member for Planning Services), seconded by Mr Dignum, moved these recommendations to the Council.

Mrs Taylor introduced the report, stating that there was provision for a local planning authority to make a modification to a neighbourhood plan for the purpose of correcting an error in Section 61M(4) of the Town and Country Planning Act (1990). The Map of Preferred Development Sites – Policy SD1 (page 15) of the Plan identified the area to be developed and the excluded buffer land. Site 4 had been included in error within the settlement boundary and this was also the buffer land. The omission to amend the plan was a drafting error which had now been rectified by way of a modification to the Plan as shown at Appendix 2 of the report identifying the correct line of the boundary.

RESOLVED

That the modification of the Fishbourne Neighbourhood Plan for the purpose of correcting an error be approved and the modification document in appendix 2 to the agenda report be published.

162 **Chichester Site Allocation Development Plan Document (DPD) - Proposed submission**

Mrs Taylor (Cabinet Member for Planning Services), seconded by Mr Dignum, moved these recommendations to the Council. Mrs Taylor introduced the report, encouraging those who had concerns or objections to submit their comments as part of the consultation between 1 December 2016 and 26 January 2017, following which the DPD and any minor changes would be submitted for independent Examination by the Secretary of State through the Planning Inspectorate.

There was concern regarding the re-allocation of the site at 41 Terminus Road, Chichester to employment as a result of the restrictive covenant regarding residential development and at the loss of student accommodation and the education facility. West Sussex County Council had put the site forward as it was no longer required for educational purposes.

A number of members had concerns about the proposed allocation site Land to the rear of Sturt Avenue, Lynchmere, relating to environmental constraints, flooding, drainage, traffic and access.

Mrs Hardwick had visited the site and met with residents of Camelsdale, represented by Mr Rait (who had posed the question earlier in this meeting), and she was concerned that there were too many unresolved issues that inclusion of the site would make the Development Plan Document (DPD) unsound. Mrs Graves added that the site had been discounted in the past as the proposed access route was narrow. Both Mrs Graves and Mrs Hardwick had raised objections about previous planning applications due to highways issues and these had been turned down.

Mr Oakley continued that the statutory consultees - West Sussex County Council, Thames Water and Natural England - had not responded to the consultation and suggested a need to consider other local community evidence that questioned the suitability of this site.

Mr Shaxson had visited the site 15 years ago when it had been judged unsuitable for development due to flooding issues. The development nearby in Waverley district may limit the ability for water soakaway. A figure of 10 dwellings had been allocated to Lynchmere. If the Environment Agency (EA) reviewed their modelling and this site was removed from the DPD then an alternative site would need to be found.

Mr Dignum advised that the Local Plan covered a 17 year period and included provision for nearly 8000 houses. No objections had been received from WSCC, Surrey County Council, Thames Water and Natural England. Mrs Hardwick and Mrs Graves had provided anecdotal evidence regarding planning applications received in the past on this site. Although part of the site was shown to be in a flood zone the remainder of the site would be adequate to site 10 houses. As a result of concerns at the Development and Infrastructure Panel and at Cabinet a fourth recommendation had been added that the retention of the site be approved subject to approval from the Environment Agency following flood zone modelling works that there was no objection to this site in the DPD.

He advised further that even if the site remained in the DPD individual planning applications would still need to be submitted to satisfy the Planning Committee that there were no flood risks. Current planning policy needed to be taken into account in considering planning applications and not previous iterations.

Mr Oakley asked whether, if the Lynchmere site was found at examination to be unsuitable due to potential flooding, the whole DPD would be found unsound. Mrs Taylor responded that in that instance the Inspector appointed by the Secretary of State could request that a modification be made to the DPD. However, if the site was removed following a decision made at Council today the developer could challenge the Council's decision.

Mr Barrow supported the Leader's comments regarding the addition of the fourth recommendation. There was support for leaving the site in the DPD and relying on the EA remodelling and expert advice to allow the Inspector to make a final decision.

Mr Dunn proposed that recommendation four be deleted, which was supported by Mrs Apel. Mr Shaxson queried this proposal and offered an alternative amendment which was subsequently agreed by Mrs Apel and seconded by Mrs Neville. Mr Shaxson proposed that recommendation four be deleted and that an alternative fourth recommendation be added 'That the proposed allocation site Land to the rear of Sturt Avenue, Lynchmere, be removed from the Development Plan Document'.

On the proposal being put to the vote, it was declared lost.

The original recommendations were then put to the vote and declared carried.

RESOLVED

- 1) That the Site Allocation Development Plan Document: Proposed Submission (as set out in appendix 1 to the report) and amended by (a) the revised update sheet and (b) at the meeting, be approved for an eight-week consultation from 1 December 2016 to 26 January 2107, following which it shall be sent to the Secretary of State for examination;
- 2) The proposed responses to representations received (as set out in appendix 2 to the agenda report) be approved; and
- 3) Authority be delegated to the Head of Planning Services, after consultation with the Cabinet Member for Planning Services, to enable minor amendments to be made to the Site Allocation Development Plan Document: Proposed Submission prior to and following public consultation.
- 4) That the retention of the site to the rear of Sturt Avenue, Camelsdale be approved within the Site Allocation Development Plan Document: Proposed Submission for examination, subject to confirmation from the Environment Agency that there is no objection once the flood zone modelling has been completed.

163 Implementation of Council Tax Reduction Scheme 2017/18

Mrs Hardwick (Cabinet Member for Finance & Governance Services), seconded by Mrs Taylor, moved these recommendations to the Council.

Mrs Hardwick introduced the report. The Welfare Reform Act and Local Government Finance Acts of 2012 abolished the national council tax benefit scheme and put in place a framework for local authorities to create their own local council tax reduction (CTR) schemes from 1 April 2013. The Government legislated that people of pensionable age would continue to receive support based on national rules (prescribed regulations). The Council's scheme encompassed both pensioners (over which the Council had discretion only to *improve* the statutory provision) and working age claims (over which the Council had complete discretion as to how to draw up its scheme).

The Government had laid down the process by which a local council tax reduction scheme could be put in place and renewed each year. In accordance with that process, officers had consulted WSCC, Sussex Police, stakeholders and the community and prepared the recommended scheme which needed to be approved by the Council before 31 January 2017 failing which the previous year's scheme would continue to have effect.

The cost of the scheme was by way of deduction from the tax base and shared between all precepting authorities. This Council's share was approximately 9% of the total scheme cost, with the rest funded by Sussex Police, West Sussex County Council and the Parish Councils.

RESOLVED

That the Council Tax Reduction Scheme for 2017-2018 be approved.

164 2015/16 Corporate Governance report and Annual Governance Statement

Mrs Tull (Chairman of the Corporate Governance and Audit Committee), seconded by Mr Barrett (Vice-Chairman of the Corporate Governance and Audit Committee), moved these recommendations to the Council.

Mrs Tull introduced the report. The Council was responsible for ensuring that its business was conducted in accordance with the law and proper standards and that public money was safeguarded and properly accounted for and used economically, efficiently and effectively. To this end members and senior officers were responsible for ensuring that proper arrangements existed for the governance of the Council's affairs and stewardship of its resources.

The Corporate Governance & Audit Committee considers the Council's Strategic and Organisational risk registers to ensure the adequacy of the Council's actions to control and manage risks. During 2015-16 the six highest risks identified in the Corporate Risk Register were: financial resilience, skills/capability/capacity, business continuity, cyber-attack across entire estate, non-achievement of recycling target of 50% by 2020 and devolution of public services.

The financial strategy and plan 2016-17, approved by Council in December 2015, anticipated funding reductions over the next five-years. Through this medium term modelling the Council has been able to plan ahead and implement sensible and considered efficiencies to avoid making severe service cuts and thus far it has enabled the Council to set balanced budgets.

The Annual Governance Statement had been prepared in accordance with the CIPFA/SOLACE guidance on 'Delivering Good Governance in Local Government' and

sets out the six fundamental principles of good governance. New or emerging risks had been identified in the statement as health and safety, contract management, failure of partners to deliver, staff resources to deliver projects, financial resources to deliver projects, trip dip recession and impact on income streams, termination of leisure contract either by the Council or the contractor and community tensions. These would be subject to further on-going review.

RESOLVED

That the committee's annual report on the Council's governance arrangements, including the 2015-16 Annual Governance Statement, be noted.

165 Appointments to Committees and External Organisations

Mr Dignum, seconded by Mrs Lintill, moved these recommendations to the Council.

Mr Dignum introduced the report. As a result of Mr Finch's resignation he had adjusted the Cabinet portfolio responsibilities which had resulted in a required change to the memberships of a number of committees and external organisations.

RESOLVED

That the following members be appointed a) to serve on committees and b) to represent the Council on external organisations as follows:

Committees:

- Overview and Scrutiny Committee: Mrs P Plant is replaced by Mr J Connor
- Planning Committee: Mrs C Purnell is to remain on the committee, but relinquishes the role of Vice-Chairman to Mrs J Kilby
- General Licensing Committee: Mr R Barrow is replaced by Mrs C Purnell and Mrs P Plant is replaced by Mr N Galloway
- Alcohol and Entertainment Licensing Committee: as for the General Licensing Committee
- Investigation and Disciplinary Committee: Mr B Finch is replaced by Mrs P Plant

External Organisations:

- Local Government Association – Coastal Issues Special Interest Group: Mr R Barrow is replaced by Mrs C Purnell
- South East Employers: Mr B Finch is replaced by Mrs P Plant
- Standing Conference on Problems Associated with the Coastline: Mr R Barrow is replaced by Mrs C Purnell
- West Sussex Health and Adult Social Care Select Committee: Mrs P Plant is replaced by Mrs C Neville
- iESE Transformation Limited - Mr B Finch is replaced by Mrs P Plant

166 Committee Calendar 2017-18

Mrs Hardwick (Cabinet Member for Finance & Governance Services), seconded by Mrs Lintill, moved the recommendation.

Mrs Hardwick introduced the report, advising the Council of a number of amendments to the committee calendar.

A revised hard copy of the committee calendar would be circulated to members following this meeting.

Mr Barrow advised that he proposed to align the meeting dates of the Waste and Recycling Group with the Inter-Authority Waste Group meetings to allow him to report back issues at county level to the Council group.

RESOLVED

That the calendar of meetings for the Council year 2017-2018 be approved with the following amendments:

- Delete SRG on 8 and 27 March 2018
- Delete Cabinet on 13 March 2018 and move to 6 March 2018 (to be held in the morning before Council)
- Delete Cabinet on 3 April 2018 and move to 10 April 2018
- Delete Cabinet on 2 May 2018 and move to 1 May 2018

167 **Questions to the Executive**

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

a) **Question:** air pollution in Chichester

Following a recent news report stating that not enough was being done in Chichester to reduce kerbside pollution Mrs Apel asked whether this would affect the decision regarding Whitehouse Farm.

Response: Mrs Purnell had received a letter from Dr T Coffey MP requesting information about air quality management issues, to which a response was being prepared. There were three air quality areas in Chichester – Orchard Street, St Pancras and Stockbridge – where emissions had reduced over the last five years. Rumbolds Hill was currently being monitored but needed to be under review for period of three years before it would be allocated as an air quality area.

Air quality impacts were specifically raised during the Whitehouse planning application process and addressed. Air quality required a multi-faceted approach. Slow moving and stationery/waiting traffic on the A27 traffic was a big issue along with diesel vehicles, which were still subsidised by the Government. It was suggested that an article be published in the Initiatives magazine in order that residents could understand the issues.

b) **Question:** evening car parking charges at Northgate and New Park car parks

Mr Plowman requested the Leader to consider the withdrawal of evening car parking charges at Northgate and New Park car parks in light of protests by residents.

Response: Charges had not yet been implemented. The Chichester District Parking Forum had considered an increase in car parking charges in these two city car parks to ensure that all users of car parks contributed equally to the maintenance and initiatives such as the Safer Car Park award. New machines offering different payment options were being introduced; disabled car parking spaces was free. The Cabinet had made a decision

to put the charges out to consultation and to delegate the decision to the Executive Director and the portfolio holder.

Members requested that a further report with the results of the consultation and a charging proposal be considered by Cabinet following conclusion of the consultation period.

c) **Question:** progress of devolution

Mr Oakley questioned the progress made on devolution.

Response: Little progress had been made. The mayoral model would be required to advance devolution options however this model of governance was not in favour by many of the 26 Councils involved. The Chief Executive was keeping a watching brief on this area and no further work on devolution was being resourced at this stage.

d) **Question:** poppy services attended by the Chairman and Vice-Chairman

Mr J F Elliott was concerned that the Chairman had not mentioned the poppy services which she and the Vice-Chairman had attended and asked her to name the services she had attended in early November.

Response: The Chairman advised that she and the Vice-Chairman had attended a number of events recently. A full list of these events is attached to these minutes.

e) **Question:** Despatch of printed Council papers

Mr Shaxson was concerned that committee agendas (some with exempt information) were being delivered in the post in flimsy envelopes which had split open during transit.

Response: This would be investigated.

f) **Question:** effect of appointment of additional Cabinet member on the budget

Mr Shaxson asked what impact the appointment of an additional Cabinet member had on the budget.

Response: Mr Ward advised that the cost would be absorbed into the Member Services budget this year and built into next year's budget.

g) **Question:** consultation on phone boxes in the district

Mr Shaxson asked whether the Council was taking a lead on developing a response on the consultation on phone boxes in the district.

Response: Mrs Lintill would be progressing this shortly with the Communities team.

168 **Making the Bosham Parish Neighbourhood Development Plan**

Mrs Taylor (Cabinet Member for Finance & Governance Services), seconded by Mrs Purnell, moved these recommendations to the Council.

Mrs Taylor introduced the report, which was being considered as a late item on the basis of an amendment to the Neighbourhood Planning (General) Regulations 2012 which sets out the prescribed time within which a neighbourhood plan should be made – now within eight weeks beginning with the day immediately following that on which the last applicable referendum was held. The referendum was held on 16 November 2016; the decision therefore could not wait until the next Council meeting on 24 January 2016.

Mr Cullen commented that this had been a difficult plan to progress to approval as the Inspector had turned down the original plan following which the plan leader had resigned. Mrs Taylor joined with Mr Cullen in congratulating the residents of Bosham on a successful outcome.

RESOLVED

To make the Bosham Parish Neighbourhood Development Plan part of the Development Plan for Chichester District (excluding the area within the South Downs National Park).

169 Exclusion of the Press and Public

RESOLVED

That the public, including the press, be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 by virtue of the paragraph specified against the item.

170 Succession Planning

Mr Dignum (Leader of the Council), seconded by Mrs Lintill, moved these recommendations to the Council.

Mrs Shepherd introduced the report. Mrs Belenger and Mr Bennett in their capacities as the Deputy Section 151 Officer and the Monitoring Officer were in attendance. The officers answered members' questions and commented on points of detail.

RESOLVED

That the recommendations made in paras 3.1 to 3.5 inclusive of the confidential agenda report be approved as follows:

- 3.1 The proposal for a Management Team comprising of the Chief Executive, 1 Executive Director (Regeneration) and 5 Service Directors from 1 April 2018.
- 3.2. That post holder EPH05 (Executive Director) and post holder EPH 166 (Head of Community Services) contracts of employment are terminated on the grounds of redundancy on 31 March 2018 or earlier if it is agreed between the Chief Executive and the post holders that it is mutually beneficial to bring forward the termination date.
- 3.3 That the Heads of Housing and Environmental Health, Planning, Commercial Services, Support Services and Finance and Governance are appointed as Service Directors with effect from 1 April 2018 on a fixed point salary as indicated in the report. Full responsibilities and functions will be confirmed during 2017-18.

3.4 That Council gives delegated authority to the Chief Executive to assess, during 2018, whether post EPH313 (Executive Director (Regeneration)) should continue. If she deems that the post is required after 2019 then she should report back to Council, setting out her justification for retaining this post.

3.5 That all one-off costs, as set out in section 8, are met from the Council's restructuring reserve.

The meeting ended at 5.30 pm

CHAIRMAN

Date: