



Minutes of the meeting of the **Council** held in Committee Rooms, East Pallant House on Tuesday 24 January 2017 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 J Brown, 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 J W Elliott, Mr N Galloway, Mr M Hall, Mrs P Hardwick, Mr R Hayes, Mr G Hicks, Mr L Hixson, Mr F Hobbs, 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 Ransley, Mr J Ridd, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mr N Thomas, Mrs P Tull, Mr D Wakeham and Mrs S Westacott

**Members not present:** Mr T Dempster, Mr P Jarvis and Mrs D Knightley

**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), Mr S Hansford (Head of Community Services), Mrs B Jones (Principal Scrutiny Officer) and Mr N Bennett (Legal and Democratic Services Manager)

## 171 Minutes

The Chairman welcomed all to the meeting including Mr J Brown, newly elected member for Southbourne ward.

Apologies had been received from Mr Jarvis and Mrs Knightley.

## RESOLVED

That the minutes of the Council meeting held on 22 November 2016 be signed as a correct record.

## 172 Urgent Items

There were no urgent items for consideration at this meeting.

## 173 Declarations of Interests

The Chairman advised that the monitoring officer had granted a dispensation to all members in respect of agenda item 8 A27 Chichester Bypass Improvement Scheme Consultation, saying:

“This is a matter where a dispensation has been granted by the monitoring officer after a great deal of consideration and following consultation with myself. The dispensation means that there is no need for any member to make a declaration in this matter but then an obligation is placed on each member to vote considering this matter purely from the evidence before them today. I know we have debated this before and many of you have strong initial opinions, but this is really a case where we should remember we are District Councillors and should put the interests of the DISTRICT first, what is best for transparency, the economy, traffic growth, and best use of public money in the long term.”

The following members declared interests in respect of agenda item 13 Cultural Grants:

- Mrs Tull declared a pecuniary interest in respect of her role as the Council's representative on Chichester Festival Theatre
- Mrs C Apel, Mrs P Hardwick, Mr M Dunn, Mrs N Graves, Mrs J Kilby, Mrs P Plant and Mr T Dignum declared a personal interest as they were 'friends' of the theatre.
- Mrs Taylor declared a personal interest as a member of the commissioning circle of the theatre.
- Mrs J Kilby declared a personal interest as a minor donor to the theatre.

#### **174 Chairman's announcements**

The Chairman advised that neither she nor the Vice-Chairman had attended any events since the start of the New Year.

She invited Mr Ridd, Chairman of the Boundary Review Panel, to give a statement on the outcome of the electoral review of Chichester District published by the Local Government Boundary Commission for England on 6 December 2016 (copy attached to the official minutes).

#### **175 Public Question Time**

The Leader advised the Council that a number of representations and questions had been received in respect of agenda item A27 Chichester Bypass Improvement Scheme.

He gave a brief description of the three representations received from Ms L Boize, Lavant Parish Council and Mr N Reynolds.

Five questions had been received from Mr A Tuffin, Mrs H McDougall, Ms Z Neal, Mr B Kirk and Mr W P Harding. Responses had been provided to these questions and hard copies of the questions and responses had been made available for members and for members of the public. He therefore proposed to take the questions as read but read out his responses (copy attached to the official minutes).

#### **176 Financial Strategy and Plan 2017/18**

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

Mrs Hardwick introduced the report, saying that the strategy and plan had been updated for the next five years from 2017-18 and set the scene for the Council's forthcoming budget in February and the setting of Council tax in March. The backdrop to this strategy was the continuing challenging economic climate in which we continued to operate, the

autumn statement and our own four year settlement with central Government. The Council's current model assumed an increase in Council Tax of £5 for 2017-18.

The five year financial model reflected the four year Government settlement and the most up to date estimates for the wider council activities including the Programme Boards and other planned savings totalling £3.9m as agreed by Cabinet and Council in the September 2016 Deficit Reduction report.

Mrs Hardwick highlighted an amendment to recommendation 3 which should read:

That having considered the recommendations from the Corporate Governance and Audit Committee **that the minimum level of general fund reserves should be maintained at £5m.**

She thanked Mr Ward and officers in the finance team for pulling together this strategy and for their continuing hard work and diligence in what were undoubtedly particularly challenging times for local authority finance.

Mr Oakley queried the Cabinet's confidence in achieving the planned levels of savings and asked whether the financial strategy made provision for continuation of the cultural grants out of revenue and if so by what figure and by what means it was covered i.e. by council tax rises and/or by diversion from other spending areas. He was concerned that the Council may be prejudging any debate on cultural grants by their inclusion in the strategy.

Mrs Shepherd (Chief Executive) responded saying that the cultural grants report was a confidential Part 2 item for later in the agenda. It was not possible to divulge that information as the discussion had not yet been held.

Mrs Hardwick stated that some figures on cultural grants were covered in the models. The Council was seeking to maximise its returns on reserves. There was a plan to continue to seek savings from support services by implementing internal changes. Her colleagues on the Cabinet had confidence that savings identified would be achieved but it would not be easy. She reminded members that revenue income, such as car parking, was used to deliver council services.

Mr Dignum (Leader of the Council) assured the Council that the Cabinet was determined to achieve the identified savings. He commended the Financial Strategy as an extremely prudent one, looking five years ahead, which was the reason this Council was solvent.

Mrs Shepherd (Chief Executive) reminded members that they were being asked to agree the principles of the Financial Strategy. The Council's budget would be coming to Cabinet for consideration in February and on to Council in March 2017. The decisions the Council made today would feed into that budget.

Mr Plowman commended the strategy adding his concern that the trend with inflation seemed to be permanently upward. This was something which needed to be borne in mind. He requested that when raising fees the Cabinet made sure they were transparent and fair.

Mr Ransley wanted reassurance that the Council would be given some budget risks models to consider. Mr Ward (Head of Finance & Governance) stated that he took risks

into account when preparing the five year projections. He had in the past produced various models but had taken the middle model which was the most likely scenario. Financial projections were also updated quarterly.

Mr Dunn commended Cabinet on a Financial Strategy with a marked strength of reserves.

Mr Cullen was concerned by the Leader's comments regarding car parking as the OSC had discussed this issue that morning. Mr Dignum advised that he would look at car parking carefully and consider all the options.

## **RESOLVED**

- 1) That the key financial principles and actions of the five-year Financial Strategy set out in appendix 1 to the agenda report be approved.
- 2) That the current five-year Financial Model in appendix 2 to the agenda report be noted.
- 3) That, having considered the recommendations from the Corporate Governance & Audit Committee, the minimum level of reserves should be maintained at £5m.
- 4) That the continuing participation by Chichester District Council in a West Sussex NDR pool for 2017-2018 be approved.
- 5) That the current resources as set out in appendix 3 to the agenda report be noted.

## **177 Southern Gateway**

Mrs Keegan (Cabinet Member for Commercial Services), seconded by Mrs Lintill, moved these recommendations to the Council.

Mrs Keegan introduced the report, saying that this report sought approval to fund specialist consultancy support in preparation for the Southern Gateway project, to enable expertise in the processes required for this project, to prepare a Compulsory Purchase Order (CPO) strategy if required and to prepare the project initiation document (PID).

The Southern Gateway masterplan would take into account the highways input and also form the basis for an application for funding to the Local Enterprise Partnership (LEP).

Mrs Apel, Mr Brown and Mrs Westacott sought support from the Council in respect of retaining the County Court in Chichester.

Mrs Tull, having been the Chairman of the Southern Gateway Panel 20 years ago, was in support and keen to see the project progressed, however she thought the Council should have a discussion about the judicial processes in the town. Mr Dunn also suggested keeping some form of court facility.

Mr Dignum advised that the Council had yet to receive the Ministry of Justice's (MoJ) decision as to whether they wished to retain the courts or not. If it was to retain the court, it would be included in the masterplan. Mrs Shepherd, echoing Mr Dignum's comments, advised that the Council had supported retaining the current provision in its response to

the consultation, and if the MoJ wished to keep the court provision in Chichester then we would work with them to retain this in the masterplan.

Mr Hixson supported the scheme but requested the Cabinet to consider a delay of 12 months to the start of the project due to the cost of consultants and the difficulties experienced with highways and current building projects. Mrs Shepherd did not recommend any delay to the project. She advised that the Council was working with partners including WSCC and the Homes and Communities Agency (HCA) had funding in place. Having an approved masterplan and Vision would enable the Council to bid for future LEP funding, without these documents it is unlikely that LEP funding would be forthcoming. The scheme would deliver much needed housing to the district. The Traffic study being carried out at present should improve traffic flows for all modes of transport in the city. It was a real once in a lifetime opportunity to get it right.

Mr Plowman, agreeing with Mr Hixson, stated that if all the developments – A27 bypass, strategic sites, Southern Gateway, projects in the Vision – all materialised at the same time, the city would become a building site. He suggested looking carefully at timing and staging so as not to affect the economy and residents of Chichester. It was very important for Chichester to retain the magistrate's court and should be a priority in the masterplan. Mrs Shepherd confirmed that it would be taken into account and WSCC would have a major say into the traffic management of the City to avoid it becoming gridlocked.

Mr Dignum stated that the project area covered 30 acres and it would not be expected that all elements of the masterplan would go ahead at the same time.

Mr Ransley, whilst supportive of the project, gave a note of caution that there was no budget attached to the report indicating the expenditure proposed for the sum of £75,000. Mr Cullen queried the figure agreed by Cabinet in June 2016 and how this related to the current request for funding on the project. Mr Over (Executive Director) advised that funding previously agreed was for the development of the masterplan and the traffic work, which was underway. The £75,000 was for specialist advice which would allow the Council to progress seamlessly with the project once the masterplan was approved. He also advised that, depending upon the nature of the partnership to implement the project, further funds might be required and would be included in the PID document.

Mr Oakley asked for the contributions from other agencies and bodies to this project to be quantified. Mr Carvell advised that the HCA had not yet confirmed detailed funding as he believed it would wish to look at individual components of the HCA bid. Funding was likely to be on an equity basis and they would look to claw back that funding where possible. A major meeting was due to be held later this month with partners to seek contributions.

On the recommendation being put to the vote, it was declared carried. Mr Hixson abstained from the vote.

## **RESOLVED**

That £75,000 capital reserves be allocated to fund specialist consultancy support for the implementation of the Southern Gateway project.

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

Mr Dignum introduced this report (copy attached to the official minutes), stating that the Council at its meeting in September 2016, had previously given support to Option 2 on the basis that Highways England (HE) gave serious consideration to important mitigation measures. The Council had written to the Secretary of State (SoS) requesting him to provide a thorough and comprehensive justification for discounting the previously considered offline routes. A response had been received from HE four months later, on 17 January 2017, and only one paragraph of the response referred to the dropping of the northern options.

The inadequate response from HE on the reasons for dropping the northern options left only one practical way of securing transparency and achieving a full and open comparison of all the options which was to request the SoS to rerun the consultation on a wider range of options.

He therefore asked the Council to agree to request the SoS for Transport to request HE, firstly, to undertake a new consultation on improvements to the A27 around Chichester with an extended range of options, including the two previously developed by-pass options and, secondly, to publish without delay the results of the consultation between July and September 2016.

Mr Dunn did not support the recommendation. He was concerned that the recommendations from Cabinet were the wrong way round, and that HE should be requested to publish the consultation first to establish the result before asking for a re-run of the consultation. He proposed an amendment to the recommendation:

**To request HE to publish, without delay, the results of the consultation held between July and September 2016’.**

He was seconded by Mr J F Elliott. Discussion then took place on this amendment.

There was concern that if the consultation was published it could be subject to a judicial review and clarification was requested before going to the vote. Mr Dignum advised that he had understood that once the proposed route was published it could not be retracted.

Mr Carvell drew attention to the statement in the penultimate paragraph of the HE letter which stated that they were on course to publish the results of the consultation.

Mr Ransley supported the amendment adding that the end of the sentence referred to by Mr Carvell stated ‘which will inform our preferred route announcement’.

Mrs Purnell did not support this amendment, saying that the publication went hand in hand with asking for a further consultation in the belief that there was no transparency in the first one.

Mr Hobbs stated that we had not yet had the level of transparency we were seeking from the SoS to satisfy our local communities. In the interests of local democracy he had supported re-running the consultation as the only mechanism we had. However, if greater

transparency was able to be achieved with the publication of the results of the consultation, then he supported Mr Dunn's proposal.

Mr Oakley, Mr Barrow and Mrs Apel did not support the amendment.

Mr Galloway requested a recorded vote and was supported by four councillors. The amendment to the recommendation was then put to the vote. On this amendment being put to the vote, it was declared not carried.

For the motion: Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr G McAra, Mr H Potter, Mr J Ransley and Mr N Thomas (7)

Against the motion: Mrs C Apel, Mr G Barrett, Mr R Barrow, Mr J Connor, Mr I Curbishley, Mr M Cullen, Mrs P Dignum, Mr A Dignum, Mr J W Elliott, Mr J Brown, Mr N Galloway, Mrs N Graves, Mrs E Hamilton, Mr R Hayes, Mr G Hicks, Mr L Hixson, Mrs G Keegan, Mrs J Kilby, Mrs E Lintill, Mr S Lloyd-Williams, Mr L Macey, Mr S Morley, Ms C Neville, Mr S Oakley, Ms P Plant, Mr R Plowman, Mrs C Purnell, Mr J Ridd, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mrs P Tull, Mr D Wakeham and Mrs S Westacott (35)

Abstained: Mrs J Duncton, Mrs P Hardwick and Mr F Hobbs (3)

Discussion then resumed on the substantive recommendation from Cabinet.

Mr Oakley, Mrs Dignum, Mr Cullen and Mr Budge, Mr Shaxson, Mr Galloway, Mr Hixson, Mr Barrett, Mr Connor, Mr Ridd and Mr Brown supported the recommendation to reopen the consultation. It was accepted that the allocated funding may be lost with a delay.

Mr Ransley did not support the current recommendation as he did not wish to place the budget for this scheme at risk. The response from HE was clear and he saw no reason to recommend a delay in proceedings.

Mr Lloyd-Williams did not support this recommendation, saying it was a waste of time and money.

Mr McAra was concerned that this revised recommendation had been brought about as a result of an informal discussion relayed to Mr Dignum by Mrs Goldsmith and that there may be no substance to this.

Mr Plowman stated that the whole process had been flawed and divisive for the whole of Chichester. He cautioned members that they needed to be sure about the decision to re-run the consultation as the funding was available now.

Mr Shaxson requested an amendment to the recommendation as follows:

That the Secretary of State for Transport be requested to request Highways England, first, to undertake a new consultation on improvements to the A27 around Chichester with an extended **and reassessed** range of options, including the two previously developed northern by-pass options, and secondly, to publish, without delay, the results of the consultation between July and September 2016.

He was seconded by Mr Plowman. On the amendment being put to the vote, it was declared carried.

A recorded vote was requested, which was supported by four members.

The substantive recommendation, including the amendment above, was then put to the vote, which was declared carried.

For the motion: Mrs C Apel, Mr G Barrett, Mr R Barrow, Mr J Connor, Mr I Curbishley, Mr M Cullen, Mrs P Dignum, Mr A Dignum, Mr J W Elliott, Mr J Brown, Mr N Galloway, Ms N Graves, Mrs E Hamilton, Mr R Hayes, Mr G Hicks, Mr F Hobbs, Mrs G Keegan, Mrs J Kilby, Mrs E Lintill, Mr L Macey, Mr S Morley, Ms C Neville, Mr S Oakley, Ms P Plant, Mr R Plowman, Mrs C Purnell, Mr J Ridd, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mrs P Tull, Mr D Wakeham and Mrs S Westacott (33)

Against the motion: Mr P Budge, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mr S Lloyd-Williams, Mr G McAra, Mr H Potter and Mr J Ransley (9)

Abstained: Mrs J Duncton, Mrs P Hardwick and Mr N Thomas (3)

## **RESOLVED**

That the Secretary of State for Transport be requested to request Highways England firstly, to undertake a new consultation on improvements to the A27 around Chichester with an extended and reassessed range of options, including the two previously developed northern by-pass options, and secondly, to publish, without delay, the results of the consultation between July and September 2016.

### **179 Woolbeding with Redford Parish Council Boundary Review**

Mr J Ridd, Chairman of the Boundary Review Panel, seconded by Mr M Cullen, moved this recommendation to the Council.

Mr Ridd introduced the report. Mrs Neville, as the ward councillor for Stedham which covers this ward, supported this recommendation.

On the recommendation being put to the vote, it was declared carried.

## **RESOLVED**

That a community governance review be undertaken with a view to reduce Woolbeding with Redford Parish Council from seven councillors to five.

### **180 Questions to the Executive**

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

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

Mr Galloway had submitted a question in advance which was circulated at the meeting as follows:

In view of growing concerns over air quality in parts of Chichester is the Cabinet member aware that in London there is an organisation supported by the Mayor called the London



Low Emission Construction Partnership? It promotes a reduction in emissions by pressing for diesel particulate filter equipment saying this can be fitted to almost any piece of machinery for on and off road use that uses a diesel engine.

When site preparation and building work starts on the Whitehouse Farm development due to the lack of a southern access, there will be a large number of construction vehicles using residential roads in the city and these will also pass a number of schools. Among the roads involved will be Orchard Street where there have been concerns for some time over air pollution.

Will she ask the developers to follow the lead of the London Partnership and insist that construction vehicles involved in the Whitehouse Farm scheme are fitted with diesel particulate filters?

**Response:**

Officers considered the content of the Whitehouse Farm, Construction and Environmental Management Plan (CEMP) prior to the determination of the planning application and the draft is still subject to approval. The draft conditions relevant to Councillor Galloway's question are:

- (d) during school term time (as defined annually by the Local Education Authority for West Sussex) no HGV movements shall be made to or leave the site between the hours of 07.45-09.00 and 14.45-15.45.
- (p) measures to reduce air pollution during construction including turning off vehicle engines when not in use, plant servicing, best endeavours to use EURO VI emission standard HGVs and transport reduction

The draft CEMP is intended to manage the air quality impact of the development phase both on and off-site. This includes not allowing HGV's to travel to or from the site at school start and finish times so as to assist in road safety, traffic flow and avoiding exposure to related vehicle emissions (condition (d)). The CEMP also encourages the applicant to use best endeavours to procure Euro VI engine technology for construction haulage services (condition (p)). Unlike similar emission tests for cars the Euro VI HGV engines are performing very well in real-world testing. HGVs fitted with Euro VI engines have been available since 31 December 2013. The final CEMP will be subject to discussion with CDC and we will push for the best CEMP possible using the draft as a start point.

Councillor Galloway's question refers to the London Low Emission Construction Partnership. The retro-fitting of Diesel Particulate Filters (DPFs) to which the partnership refers is for on-site plant and not HGVs travelling to and from sites. Under the Euro engine standards new HGVs have mandatorily been fitted with DPFs since 2007. Given the location of the site it is not considered that the Council would be able to justify requiring the developer to fit DPF to plant on site. This is as the air quality impact on receptors from such plants' emissions will be minimal.

Additionally the developer submitted a written commitment to delivering the southern access to the site 21 months after commencement. This should also assist in lowering the pollution burden on the local road system. Officers are mindful of reducing the air quality impact from any development and we are currently reviewing our responses to developers

in that regard. Whilst we are aware of London's lead in this regard, air quality in Chichester City and District is generally far better than that in London.

b) **Question:** Government funding for homelessness

Mrs Apel was concerned at the increase in rough sleepers in the district and requested details of new central Government funding for homelessness and whether this money had been received and how it would be spent.

**Response:**

A written response to this question would be provided.

c) **Question:** Southern Rail strike

Mr Plowman was concerned the Secretary of State for Transport, Mr Grayling's lukewarm response to the strike. He stated that people's lives were being hugely affected, particularly jobs, relationships, education and schools, health and non-attendance at appointments and operations. He requested that this Council write to the Prime Minister to express deep concern at the Government's lack of response to the Southern Rail situation.

Mr Oakley suggested that at the same time the Council should write to the trade unions involved.

**Response:**

Mr Dignum advised that it was an absurd situation and a complete breakdown in industrial relations and confirmed that he would liaise with the Chief Executive to write such a letter to the Prime Minister and to the trade unions.

d) **Question:** A27 Chichester Bypass Improvement Scheme

Mr Ransley asked whether, given the late reply from HE, Cabinet had reflected on their recommendation having had the option to remove the item from the agenda.

**Response:**

Mr Dignum advised that the Council's recommendation had been to write to the Secretary of State. The response we had received was from HE. The recommendation today was to write to the SoS to instruct HE to do what we wanted. Mrs Hardwick advised that she had reflected on it and had abstained from the vote today.

e) **Question:** Marketing of the development site in Midhurst

Mr Morley asked whether the development site adjacent to the Grange in Midhurst had been actively marketed.

**Response:**

Mrs Keegan advised that the site had been marketed and that a deadline had been given to the preferred tenderer to provide a more detailed tender. However that the deadline

had expired and the site would now be re-advertised. Mr Over (Executive Director) confirmed that the intention was to put the site back on the market.

f) **Question:** Chairman's attendance at Remembrance Day services

Mr J F Elliott had written to the Chairman regarding his concern that she had not fully reported her attendance at Remembrance Day services at the last meeting. He advised that he had found this disrespectful and requested an apology.

**Response:**

The Chairman stated that she in no way meant to disrespect those who had lost their lives in both world wars and in subsequent wars and apologised.

g) **Question:** tree stumps on New Park Road

Mr J F Elliott stated that there were three large tree stumps on New Park Road which were heavily diseased and should be removed. The borders which should be retained in that area have not been looked at.

**Response:**

Mr Barrow responded that he would look at these and respond in writing to Mr Elliott (copy attached to the official minutes).

h) **Question:** Rubbish on the college roundabout

Mr Hixson was concerned at rubbish collecting at the college roundabout. He asked whether there was anything that the Council could do to request major stores to put up signs asking clients to put rubbish in bins.

**Response:**

Mr Barrow responded saying that there had been challenges to rubbish collection on highways due to the change of traffic regulations which require a closure of lanes. With regard to asking stores to erect signs he stated that it may be planning matter. Mr Carvell (Executive Director) was not sure that asking stores to make provision for litter would resolve the issue, as litter thrown from moving traffic would still find its way onto roundabouts. Mr Barrow undertook to provide a written response to this question (copy attached to the official minutes).

Mr Barrow continued that an article was going into the next Initiatives magazine aiming to education people about litter. Mr Shaxson applauded the work of Chichester Contract Services (CCS) in picking litter, especially in Harting where a road closure was needed and suggested that parishes be encouraged to undertake litter picking.

i) **Question:** Support to councils for Keep Britain Tidy event

Mr Oakley wondered what support was being given to communities to support for the Keep Britain Tidy event from 3 to 5 March 2017.

**Response:**

Mr Barrow advised that the Council would help with that event and that Mr Hixson had been taking a great interest in the event.

j) **Question:** Increase in fly tipping

Mr McAra had noticed an increase of hard-core fly tipping in his locality which reflected the new WSCC charging regime for rubble at recycling sites. He wondered whether this had been noticed district wide.

**Response:**

Mr Barrow advised that a recent statement from WSCC since the closure of recycling sites had suggested that there had been no spike in fly tipping. However, the CCS team was collecting evidence which showed that fly tipping had got significantly worse. WSCC had stated that if there was an increase in fly tipping that they would reimburse the Council for any increased cost. This would be discussed at an inter-authority waste group meeting later that week.

Mr Ransley suggested that the data on fly tipping could be used to write to WSCC with the evidence when seeking recompense for increased costs in collection of fly tipping.

k) **Question:** Future waste collection arrangements

Mrs Dignum advised that fly tipping was discussed as part of the Corporate Plan task and finish group review recently. Two councils in the country had recently introduced a once a month refuse collection and had been concerned that this would have an effect on fly tipping in their areas. She wanted reassurance that it was not this Council's intention to alter the frequency of waste collection in the district.

**Response:**

Mr Barrow advised that CCS kept thorough records on fly tipping (where it was collected and how much it cost to be collected etc.) and he would be presenting this information to the inter-authority waste group. Mr Carvell, Executive Director, advised that a report was due to be considered by the Cabinet on the litter picking and cleansing regime and that further information would be added to that report on fly tipping.

l) **Question:** App for smartphone to allow fly tipping to be recorded

Mr Potter queried whether there was an app which could be used on a smartphone to record fly tipping.

**Response:**

Mrs Shepherd, Chief Executive, advised that there was a facility on the Council's website to allow fly tipping to be reported. This was usually cleared very quickly.

Mrs Shepherd reminded members that constitutionally they had the right to ask only one oral question during Questions to the Executive.

181      **Consideration of any late items**

There were no late items.

182      **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 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) 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.

183      **Cultural Grants - review of arrangements**

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

Mrs Lintill introduced the report, saying that the Overview and Scrutiny Committee had considered this issue fully at its meeting on 17 January 2017. The Arts Council were seeing reductions in arts funding across the country averaging 25%. The cultural grants were currently funded from reserves however, if agreed, it was proposed that these grants would form part of the base budget in future. It was likely that if the Council did not give grant funding to these organisations that the Arts Council would not grant fund them either.

Recommendations one and two were to grant fund the theatre and gallery subject to Arts Council funding. If the two organisations did not achieve Arts Council funding then the Council would be able to rescind its decision. Performance against funding agreements at both organisations would continue to be monitored by the Overview and Scrutiny Committee.

Mrs P Dignum declared a prejudicial interest in this matter as a Trustee of Pallant House Gallery. She was advised that she could remain in the room for the debate but may not vote.

Mr Oakley was not supportive as cultural grants were not part of central services. Other contributors to the local economy like Bunn Leisure and Goodwood had not been supported in this same manner. He questioned the need to maintain an art collection and whether the Council had had legal advice about disposing of the art collection. He wanted to see a reduction in cultural grant funding and questioned the increased incomes of the Festival Theatre's chief officers.

Mr Hansford (Head of Community Services) had considered both sets of accounts. The Council's representatives appointed to the boards of the theatre and gallery would be able to monitor the organisations' decisions regarding their management structure and remuneration. The return on investment had been established as £1:£80 for the theatre (every £1 of grant achieved £80 economic benefit to the district) and £1:£30 for the gallery (every £1 of grant achieved £30 of economic benefit to the district).

Mrs Kilby, Mr Plowman, Mrs Purnell, Mrs Dignum, Mrs Graves and Mrs Apel all supported the recommendation.

Mrs Dignum highlighted the national and international attraction of both the theatre and the gallery. The huge successes of the “Outside-In” programme had resulted in the initiative becoming so famous that it was branching out as a separate charity. The huge benefits to people on this programme meant less attendance at mental health clinics, which fitted with the Council’s priorities and support of wellbeing.

On being put to the vote, the Council

**RESOLVED**

- 1) That a grant of £187,500 per annum be offered to the Chichester Festival Theatre for four years commencing April 2018, subject to a funding agreement and confirmation of continued Arts Council England funding over that period.
- 2) That a grant of £130,000 be offered to the Pallant House Gallery for four years commencing April 2018, subject to a funding agreement and confirmation of continued Arts Council England funding over that period.
- 3) That the Head of Community Services, following consultation with the Deputy Leader and Cabinet Member for Community Services, be given delegated authority to agree the terms of the funding agreements including relevant break clauses.
- 4) That the Overview and Scrutiny Committee continues to monitor performance of these two organisations.

The meeting ended at 5.15 pm

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CHAIRMAN

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Date:

## Council 24 January 2017

### Minute 175 Public Question Time : A27 Chichester Improvement Scheme

#### Representations received.

Council should note that in respect of the above item, the following representations (submitted as questions) have been received. Please see the full statements for further detail:

**Linda Boize, Chichester**, supports the proposal for a rerun of the consultation, including northern options, which is clearly based on up-to-date traffic flows and reassessed budgets. This will fulfil the need for a consultation in which the public have confidence and which is seen to be conducted in a full and transparent manner.

**Lavant Parish Council** refer to the recent meetings with Andrew Tyrie MP and comments made by district and parish councillors, the risk of losing the budget allocation and urges the council to vote against the motion.

**Nicholas Reynolds, Lavant**, refers to the need for decisions to be based on sound up to date evidence - listing seven points, the importance of the improvement scheme to the local plan and encourages the council to respond positively to the ongoing process.

#### Questions received.

The following questions have been received and which it is proposed to take as read.

#### Anthony Tuffin, Selsey.

Highways England compiled all the data on all 7 options for the A27 but withdrew 2 of them without adequate explanation, so it would not take long merely to publish it all now and consult the public on *all* the options.

Does the Council agree that a slight delay for a *full* consultation on *all* options would be worthwhile if only to restore public confidence in the process?

The Secretary of State said at the Chichester Conservative's annual dinner that we would *not* go to the back of the queue or lose funding if there was another consultation.

#### Answer :

*Thank you for your question. Although the extent of any potential delay to the improvement scheme programme is as yet unknown, it seems likely that a full re-run of the consultation to include further options will lead to more than just a slight delay and council will wish to recognise the potential risks associated with any delay. That said, it is important that the council encourages and supports a process that results in the selection of the right option for Chichester, its residents, businesses and all those who seek to make a contribution to the continued success of the city and district and of course an improvement scheme in which the public has confidence.*

#### Heather McDougall, Chichester.

I am in support of the re-running of the A27 consultation. Transparency and facts can only be beneficial to understanding the benefits and impacts of any solution and should not be feared.

I understand that some of you will argue today that the consultation shouldn't be re-run because we risk losing the funding and nothing being done to the A27.

However, I believe it is better to do nothing than to accept a solution that does not fulfil all the objectives, commits our future generations to a road solution that is not sustainable in the long term, and will cause great disruption for years to come.

The argument that doing something now, at the detriment of doing something well, does not seem the right course of action.

What unites us is the strength of feeling that something needs to be done. The case for the A27 is strong. This should give the belief and passion to come together to ensure the funding remains, whilst we work with Highways England to find a solution that works for the majority, if not us all.

So my question is, should we not be collaborating for the right solution, not just a quick solution? This I believe starts with transparency and an understanding of all the facts through the re-running of the consultation.

*Answer:*

*Thank you for your question. The improvement scheme is a matter for Highways England to develop and promote, including the consultation arrangements. There has been consultation with the local authorities and joint technical groups have contributed to understanding the impacts of the various options and the council is ready to make further contributions as may be necessary to ensure the right scheme is identified as the preferred option.*

**Zoe Neal, Donnington.**

Do the members agree that the immediate publication of the results from the summer's consultation will help towards restoring public trust in the process? This can be done without causing any delay.

*Answer:*

*Thank you for your question. Our understanding of the process is that Highways England intends to publish responses to the consultation which will inform the announcement on a preferred route in the coming months. No doubt publication of the results will find favour with some and not with others and so it is difficult to generalise and say that publication will be sufficient to restore public confidence in the process.*

**Ben Kirk, West Lavant**

In receiving a recommendation from its cabinet to request the Secretary of State to instruct Highways England to hold a new consultation in to the A27 improvements, in light of the recent correspondence from Highways England giving an explanation as to the reasons for discounting the northern routes, can the council please list the evidence of lack of transparency on which it is relying as the basis of this request?

Is the Council certain that their Local Plan remains viable if no improvements to the A27 is the result of their impeding the planning process?

*Answer:*

*Thank you for your question. It was unfortunate that the original consultation arrangements planned for March 2016 had to be postponed. This consultation was to include two new routes to the north of the city and a hybrid option to the south. Without an adequate statement to explain the*



*postponement and deletion of the new route options some may view the consultation process as lacking in transparency.*

*The Local Plan development allocations require improvements to the A27 bypass and the council has put in place arrangements for developer contributions to enable such improvements to be undertaken whether or not a wider improvement scheme is implemented by Highways England. Clearly, if Highways England implement a wider scheme, the improvements necessary to enable local plan development to continue, will be undertaken as part of that wider scheme.*

**W.P. Harding, Chair of Westhampnett Parish Council**

The council are being asked to consider a request to the Secretary of State to undertake a new consultation with an extended range of options for the A27 improvements. Your cabinet debated this recommendation and it was made clear by your leader, Mr Dignum, that in debating the merits of requesting a re-run consultation it is **'concentrating on the principle of a further consultation to ensure there is transparency of process'**

This follows a request made in September 2016 for a detailed explanation as to why the new bypass options were discounted. An explanation that was, at the time, not received.

This position has now changed in recent days, and the council will find in the supplementary agenda, a letter from the Director of Major Projects at Highways England which sets out the reasons for reviewing in detail and then discounting these new bypass options. This letter has also been sent to many hundreds of residents and these letters make it clear that the correspondence is being sent **'on the Minister's behalf'** it is clear therefore that an explanation has now been provided on behalf of the Secretary of state

The council, in its request for an explanation, set its own test for providing transparency to residents by requesting this explanation, an explanation it is now in receipt of. The council now appears to be taking a different approach to ensure transparency of process. Does the council feel that it has now received the explanation it sought from the minister? If it feels it has not, then should the approach not be to seek further clarity through correspondence? If it feels it has received the requested explanation, then why would the council deem it necessary to call for a re run to ensure transparency of process?

Secondly, and perhaps more importantly. The council will be aware of the hard-fought campaign by local politicians to receive funding for the A27 improvements. Highways England have been clear that further funding is not available and that changing the scope of the funding would see it being reallocated in to future investment periods. The timescale and success of which are entirely unknown. In making decisions the council must assess the risks and ensure they are in receipt of the facts about the consequences of their decisions.

It looks likely that requesting a re-run of the consultation, with undeliverable options, will put the funding at serious risk of being reallocated elsewhere. At the very least the council is not in receipt of any guarantee that changing the scope will ensure the funding is protected.

Therefore, are councillors content that they **fully understand the consequences** of the request they are being asked to vote upon, and that the outcome of such a request is in the interest of the residents that they represent.

*Answer:*

*Thank you for your questions. As I have said previously, it is important that there is confidence in the process and ultimately that the right scheme is selected for Chichester. The letter from the Highways England Director does provide some insight into the reason for the removal of the off-line options but I'm not convinced that it amounts to the detailed explanation expected by council members. The matter for consideration by council is the principle of seeking a re-run of the consultation and if that is supported, I would expect Highways England and potentially the Secretary of State for Transport to consider the implications and consequences, but to be clear it is certainly not the intention of the council to place at risk the funding available for an improvement scheme.*

## **COUNCIL 24 JANUARY 2017**

### **Minute 180 – Written answers to questions**

#### **b) Question:** Government funding for homelessness

Mrs Apel was concerned at the increase in rough sleepers in the district and requested details of new central Government funding for homelessness and whether this money had been received and how it would be spent.

#### **Response:**

Currently the Homelessness Reduction bill is going through Parliament and is due to go to the House of Lords, before receiving Royal Assent and becoming legislation.

The bill seeks to prevent homelessness by place extra duties on councils to intervene at an earlier stage with households who are at risk of homelessness, provide more detailed advice on housing options for those at risk of homelessness and also make it easier for applicants to appeal a decision against them. Amendments are still being made to the bill so a full assessment of the impact on our services will be made when the final Act is passed.

The government recently announced that £48m of funding would be available for councils to fund the new duties for the initial two years. The funding will be reviewed after that period.

The Council have not received any payments to date and have yet to receive any information about how the proposed funding will be allocated, or any indication of how much the Council will receive.

#### **g) Question:** tree stumps on New Park Road

Mr J F Elliott stated that there were three large tree stumps on New Park Road which were heavily diseased and should be removed. The borders which should be retained in that area have not been looked at.

#### **Response:**

Further to your question regarding the tree stumps and borders at New Park Road, we moved away from annual bedding plants a couple of years ago and replaced them with herbaceous varieties, which stay in the ground year round (a much more cost effective and environmentally friendly approach).

The beds can look a little sparse at this time of year but in a month or two they'll start to fill out. We also have a stock of herbaceous plants at the Palace Gardens that we can use to plug gaps if necessary.

The plan is to leave the tree stumps to rot down naturally due to the cost of removal and the wildlife benefits associated with leaving them in situ.

h) **Question:** Rubbish on the college roundabout

Mr Hixson was concerned at rubbish collecting at the college roundabout, saying that this was similar to some areas on the A27 motorway which was to be dealt with. He asked whether there was anything that the Council could do to request major stores to put up signs asking clients to put rubbish in bins.

**Response:**

Mr Barrow responded saying that there had been challenges to rubbish collection on highways due to the change of traffic regulations which require closure of lanes. However, they had managed to overcome this and had done some good work on the A27. With regard to asking stores to erect signs he stated that it may be planning matter. Mr Carvell, Executive Director, was not sure that asking stores to make provision for litter would resolve the issue as litter thrown from moving traffic would still find its way onto roundabouts. Mr Barrow undertook to provide a written response to these issues.

Our Streetscene Supervisor is risk assessing the job. If it's just the roundabout we should be able to complete the task early on a Sunday morning. However if it includes the approach roads (particularly the one from Fishbourne Roundabout) we may require input from a traffic management contractor as I believe this section is high speed dual carriageway.