

Public Document Pack

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Notice of Meeting

To All Members of Chichester District Council

You are hereby summoned to attend a meeting of **THE COUNCIL** in the Council Chamber East Pallant House East Pallant Chichester West Sussex PO19 1TY on **Tuesday 21 November 2017** at **14:00** for the transaction of the business set out in the agenda below

A handwritten signature in black ink, appearing to read 'DS' followed by a flourish.

DIANE SHEPHERD
Chief Executive

Friday 10 November 2017

NOTES

- (1) The Council meeting will be preceded by the following arrangements for members:
 - **12:00** Air Quality Briefing Session [John Connor]
 - **12:30** Lunch
 - **13:00** Open Forum
 - **13:45** Intermission
- (2) Members are requested to bring with them to this meeting their copy of the agenda and the first agenda supplement for the meeting of the Cabinet which took place on Tuesday 7 November 2017 (the papers may also be viewed in the committee papers section of Chichester District Council's website)

AGENDA

PRELIMINARY MATTERS

1 **Approval of Minutes** (pages 1 to 23)

After an initial welcome by the Chairman, the Council will be asked to approve as a correct record the attached minutes of (a) its ordinary meeting on Tuesday 19 September 2017 and (b) its special meeting on Wednesday 27 September 2017.

2 **Late Items**

The Chairman will announce any late items which are to be dealt with under agenda item 12 (Late Items).

3 **Declarations of Interests**

Members and officers are requested to make any declarations of disclosable pecuniary, personal and/or prejudicial interests which they might have in respect of matters on the agenda for this meeting.

4 **Chairman's Announcements**

Apologies for absence will be notified at this point.

The Chairman will make any specific announcements.

5 **Public Question Time**

In accordance with Chichester District Council's public questions scheme and with reference to standing order 6 in Part 4 A and section 5.6 in Part 5 of the Chichester District Council *Constitution*, consideration will be given at this point in the meeting to questions which have been submitted by members of the public in writing by 12:00 on the previous working day. The time allocated for public question time is subject to the chairman's discretion to extend the period for each member of the public (five minutes) or the total time for public questions (15 minutes).

RECOMMENDATIONS BY THE CABINET

The Council is requested to consider the following recommendations made by the Cabinet at its meeting on Tuesday 7 November 2017.

6 **Southern Gateway Masterplan – Adoption**

The report is at item 7 of the agenda for the Cabinet's meeting on Tuesday 7 November 2017 and its five appendices are in the first agenda supplement.

The Cabinet made the following recommendations to the Council at this meeting:

That the Council:

- (a) Approves the recommended responses to the representations made as part of the public consultation on the draft masterplan (set out in appendix 1 to the agenda report).
- (b) Adopts the Southern Gateway Masterplan (set out in appendix 2 to the agenda report) as a Supplementary Planning Document, thereby replacing the existing Southern Gateway Planning Framework Supplementary Planning Guidance 2001.
- (c) Delegates authority to the Head of Planning Services, following

consultation with the Cabinet Member for Planning Services, to make minor amendments to the document prior to publication.

7 Determination of the Council Tax Reduction Scheme 2018-2019

The report is at item 5 of the agenda for the Cabinet's meeting on Tuesday 7 November 2017 and its three appendices are in the first agenda supplement.

The Cabinet made the following recommendation to the Council at this meeting:

That the proposed Council Tax Reduction Scheme for 2018-2019 be approved.

8 New Non-Domestic Rates Discretionary Scheme

The report is at item 6 of the agenda for the Cabinet's meeting on Tuesday 7 November 2017 with its appendix.

The Cabinet made the following recommendation to the Council at this meeting:

That the Non-Domestic Rate Discretionary Scheme for 2017-2021 as set out in the appendix to the agenda report be approved.

RECOMMENDATIONS BY COMMITTEES, PANELS AND FORUMS

On this occasion there is one non-Cabinet recommendation to the Council, namely by the Corporate Governance and Audit Committee.

9 Annual Report of the Corporate Governance and Audit Committee 2016-2017 (pages 24 to 35)

In accordance with a recommendation made by the Corporate Governance and Audit Committee at its meeting on Thursday 28 September 2017, the Council is requested to resolve to note the annual report of the Corporate Governance and Audit Committee on Chichester District Council's governance arrangements and the Annual Governance Statement 2016-2017 appended thereto.

OTHER REPORTS

On this occasion there is one additional report not emanating from the Cabinet or another committee for the Council's consideration.

10 Discharge of Litter Enforcement Functions (pages 36 to 49)

The Council is requested to consider the agenda report and its two appendices and to resolve to note the intention of the Chief Executive to use the power conferred by Article 10.2 (a) in Part 2 of the *Constitution* of Chichester District Council to discharge certain litter enforcement functions to East Hampshire District Council under powers granted to local authorities under section 101 of the *Local Government Act 1972*.

[**Note** Article 10.2 (a) of Chichester District Council's *Constitution* provides as follows:

'10.2 Functions of the head of paid service (the Chief Executive)

(a) Discharge of functions by the Council. The head of paid service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.']

FINAL MATTERS

11 Questions to the Executive

[**Note** In accordance with Standing Order 14.11 of Chichester District Council's *Constitution*, this item is allocated a maximum duration of 40 minutes]

12 Late Items

Items added to the agenda papers and made available for public inspection.

Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting and recorded in the minutes.

13 Exclusion of the Press and Public

There are no restricted items for consideration at this meeting.

NOTES

- (1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the *Local Government Act 1972*.
- (2) The open proceedings of this meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public enters the committee room or makes a representation to the meeting, they will be deemed to have consented to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting, please liaise with the contact for this meeting at the front of this agenda.
- (3) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intention before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting.

Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided.

MEMBERS

Mrs C Apel	Mrs J Kilby
Mr G Barrett	Mrs E Lintill
Mr R Barrow	Mr S Lloyd-Williams
Mr J Brown	Mr L Macey
Mr P Budge	Mr K Martin
Mr A Collins	Mr G McAra
Mr J Connor	Mr S Morley
Mr T Dempster	Caroline Neville
Mr A Dignum	Mr S Oakley
Mrs P Dignum	Mr C Page
Mrs J Duncton	Mrs P Plant
Mr M Dunn	Mr R Plowman
Mr J F Elliott	Mr H Potter
Mr J W Elliott	Mrs C Purnell
Mr N Galloway	Mr J Ransley
Mrs N Graves	Mr J Ridd
Mr M Hall	Mr A Shaxson
Mrs E Hamilton	Mrs J Tassell
Mrs P Hardwick	Mrs S Taylor
Mr R Hayes	Mr N Thomas
Mr G Hicks	Mrs P Tull
Mr L Hixson	Mr D Wakeham
Mr F Hobbs	Mrs S Westacott
Mrs G Keegan	Mr P Wilding



Minutes of the meeting of the **Council** held in Committee Rooms at East Pallant House Chichester on Tuesday 19 September 2017 at 14:00

Members Present

Mrs N Graves (Vice-Chairman), Mrs C Apel, Mr R Barrow, Mr J Brown, Mr P Budge, Mr J Connor, Mr A Collins, Mr A Dignum, Mrs P Dignum, Mr M Dunn, 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 J Kilby, Mrs E Lintill, Mr S Lloyd-Williams, Mr L Macey, Mr K Martin, Mr G McAra, Mr S Morley, Caroline Neville, Mr S Oakley, Mr C Page, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr A Shaxson, Mrs S Taylor, Mrs S Westacott and Mr P Wilding

Members Absent

Mrs E Hamilton, Mr G Barrett, Mr T Dempster, Mrs J Duncton, Mr J F Elliott, Mrs G Keegan, Mr J Ransley, Mr J Ridd, Mrs J Tassell, Mr N Thomas, Mrs P Tull and Mr D Wakeham

Officers Present

Mr S Carvell (Executive Director), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance and Governance Services)

246 **Approval of Minutes**

In the absence of the Chairman of the Council, the Vice-Chairman Mrs Graves chaired this meeting of the Council. First of all she welcomed and explained the emergency evacuation procedure.

The Council received the minutes of its meeting on Tuesday 25 July 2017, which had been circulated with the agenda.

There were no proposed changes to the minutes.

Decision

The Council voted unanimously on a show of hands to make the following resolution.

RESOLVED

That the minutes of the Council's meeting on Tuesday 25 July 2017 be approved without amendment.

Mrs Graves then duly signed and dated the final (twentieth) page of the official version of the aforesaid minutes as a correct record.

247 Late Items

Mrs Graves stated that there were no late items under agenda item 9 for consideration at this meeting.

248 Declarations of Interests

Declarations of personal interests were made in respect of agenda item 6 (Approval for Consultation of the Draft Infrastructure Business Plan 2018-2023 with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners) by the undermentioned who were members of the stated councils or bodies consulted about or otherwise involved with the subject matter of that item:

- Mrs Apel – Chichester City Council
- Mr Budge – Chichester City Council
- Mr Dignum – Chichester City Council
- Mr Galloway – Chichester City Council
- Mr Hayes – Southbourne Parish Council
- Mr Hixson – Chichester City Council
- Mrs Kilby – Chichester City Council
- Mrs Lintill – Chichester District Council appointed member of the Sussex Police Panel
- Mr Macey – Chichester City Council
- Mr McAra – Midhurst Town Council
- Mr Morley – Midhurst Town Council
- Caroline Neville – Lodsworth Parish Council
- Mr Oakley – Tangmere Parish Council and West Sussex County Council
- Mr Plowman – Chichester City Council
- Mr Potter – Boxgrove Parish Council

- Mrs Purnell – Selsey Town Council, West Sussex County Council and Chichester District Council appointed substitute member of the Sussex Police Panel
- Mr Shaxson – Elsted and Treyford Parish Council and Harting Parish Council
- Mrs Taylor – West Itchenor Parish Council
- Mrs Westacott – Fishbourne Parish Council

249 **Chairman's Announcements**

Mrs Graves mentioned the following apologies for absence:

Mr Barrett, Mrs Duncton, Mr J F Elliott, Mrs Hamilton, Mrs Keegan, Mr Ransley, Mr Ridd, Mrs Tassell, Mr Thomas, Mrs Tull and Mr Wakeham.

Mr Dempster was also absent from the meeting.

All other CDC members were present.

Mrs Graves made the following announcements:

(1) Change in the Running Order for Agenda Items 6 and 7

She advised first of all that she proposed a change in the running order for two agenda items in order to accommodate the availability of Mrs Hardwick who would have to leave the meeting early, namely that agenda item 7 (Committee Calendar of Meetings 2018-2019), which would be presented by Mrs Hardwick, would be taken before agenda item 6 (Approval for Consultation of the Draft Infrastructure Business Plan 2018-2023 with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners).

She invited someone to second her proposal, which Mr Dignum duly did.

In accordance with the CDC *Constitution* she put her proposal to the vote.

Decision

There was a unanimous vote in favour of the proposal with none against and no abstentions.

RESOLVED

That the published order of business in the agenda for this meeting be altered by taking agenda item 7 (Committee Calendar of Meetings 2018-2019) before agenda item 6 (Approval for Consultation of the Draft Infrastructure Business Plan 2018-2023 with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners).

(2) Death of Kevin McCoy

Mrs Graves read the following statement:

'It is with great sadness that I inform you of the death of Kevin McCoy.

Kevin worked for Chichester District Council from 17 December 1983 until he retired due to ill health on 31 July 2015.

Kevin came to CDC from Havant Borough Council as a Senior Supervisor at Westgate Leisure Centre and became Assistant Manager in April 1987, Deputy Manager in June 1989, moving then to the position of Manager in December 1996.

He made many great contributions to Westgate and helped it move forward in numerous ways. Kevin was always very committed and passionate about how he, as the manager, could help customers and staff improve their health, well-being and quality of life. He was always very personable, kind and treated everyone with respect.

On behalf of the elected members and the staff of Chichester District Council I send our deepest condolences to Karen, his wife and all of Kevin's family at this very sad time.'

Members acknowledged Mrs Graves's sentiments with audible appreciation.

(3) Special Meeting of the Council

Mrs Graves pointed out that there would be a special meeting of the Council on Wednesday 27 September 2017 at 14:00 in order to consider a single item of business, namely the A27 Chichester Bypass Improvement Scheme. The agenda would be published later in the day after this meeting had concluded. She exhorted members to use their best endeavours to attend.

(4) All Parishes Meeting

This meeting would take place on Wednesday 20 September 2017 at 19:00 in the Assembly Room at Chichester City Council with a buffet from 18:00. She encouraged members to attend the evening.

(5) Housing and Economic Land Availability Assessment Member Briefing

This would be held on Tuesday 26 September 2017 at 10:00 in Committee Room 1 at East Pallant House and it was hoped that members would make every effort to attend.

(6) Southern Gateway Masterplan Member Workshop

This had been arranged for Wednesday 4 October 2017 at 09:30 in Committee Room 2 at East Pallant House and members' presence was very important.

250 **Public Question Time**

No public questions had been submitted for this meeting.

[**Note** Minute paras 251 to 255 below summarise the consideration of and conclusion to agenda items 6 to 10 inclusive but for full details please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=132&MId=923&Ver=4>]

251 **Committee Calendar of Meetings 2018-2019**

As approved by members earlier in the meeting, this item was taken before agenda item 6.

The Council considered the agenda report.

The recommendation in the report was formally proposed by Mrs Hardwick (Cabinet Member for Finance and Governance Services) and seconded by Mr Dignum (Leader of the Cabinet).

Mrs Graves indicated that there were some proposed changes to the calendar, which would be outlined by Mrs Hardwick.

Mrs Hardwick introduced the report. She explained that this was the annual report setting out the framework under which the committee meetings for the CDC administrative year May 2018 to May 2019 would be set. The aim was to plan ahead and to spread CDC's business in an effective manner during the aforesaid period. As usual it avoided insofar as possible meetings in the West Sussex County Council school holidays and the CDC elections at the start of May 2019. Start times were indicative and would be formally agreed at the first meeting in the new CDC year. There was a proposal to amend the calendar insofar as some of the dates for the Development Plan and Infrastructure Panel (DPIP) were concerned namely where its meetings were on the second Thursday of a month. In those cases meetings would now start at 14:30 instead of 10:00. The seven meetings affected were: 10 May 2018, 12 July 2018, 13 September 2018, 8 November 2018, 13 December 2018, 11 April 2019 and 9 May 2019. All DPIP members had been consulted on those timing changes and had agreed to them. She commended the framework, as amended, for members' approval.

There was no debate on this matter, although there was a short question about the usual day for Council meetings, which was confirmed to have been almost invariably a Tuesday for many years.

Decision

The Council voted unanimously on a show of hands in favour of the recommendation in the report as amended in the case of certain of the DPIP dates and is set out below.

RESOLVED

That the calendar of meetings for the Chichester District Council administrative year 2018 to 2019 be approved subject to the start times of the Development Plan and Infrastructure Panel on 10 May 2018, 12 July 2018, 13 September 2018, 8 November 2018, 13 December 2018, 11 April 2019 and 9 May 2019 being 14:30 instead of 10:00.

252

Approval for Consultation of the Draft Infrastructure Business Plan 2018-2023 with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 5 September 2017 as set out on the face of the agenda, the details in respect of which were contained in the report and its two appendices on pages 22 to 55 of the agenda for that meeting (the appendices to the first appendix were available only electronically).

Mrs Taylor (Cabinet Member for Planning Services) formally moved the recommendation of the Cabinet and this was seconded by Mr Dignum (Leader of the Cabinet).

Mrs Taylor said that approval was sought for consultation on the Infrastructure Business Plan (IBP) 2018-2023 with parish councils, neighbouring local planning authorities and key infrastructure delivery commissioners for a period of six weeks. The consultation would offer an opportunity for consultees to: (a) check that the information provided to Chichester District Council (CDC) was still up to date; (b) influence which projects were to be selected for funding from the Community Infrastructure Levy (CIL); and (c) comment on whether the projects had been correctly categorised within each year. CDC's Development Plan and Infrastructure Panel (DPIP) had reviewed the draft IBP and in relation to school places noted that since 2016 the amount requested by West Sussex County Council (WSSC) had increased by 50%. Detailed costs would be required before funds could be released and WSSC had been asked to show how existing section 106 contributions together with other sources of funding available to it would be used to offset its CIL request. With regard to Sussex Police, a number of new projects had been put forward for funding during 2018-2019 relating to new police cars and automatic number plate recognition cameras. Sussex Police had explained that it could not fund those projects out of its existing budgets and it had set out a detailed case for CIL funding. Whilst it was accepted that those projects were 'infrastructure' for CIL purposes, officers had challenged the availability of other sources of funding such as council tax receipts. Sussex Police had advised that the projects could not be funded from the growth in council tax receipts and it had confirmed that the assets were in addition to its existing approved capital budgets. The DPIP considered the Sussex Police projects to be premature, as the housing growth upon which their justification was based had not yet taken place. The projects had, therefore, been removed from the CIL spending plan for the time being. The real time passenger information screen project to be delivered in 2019-2020 and 2020-2021 had

previously been considered and rejected by members for CIL spend but WSCC had since requested that that project be reconsidered. The DPIP had duly done so and now supported it since it encouraged modal switch upon which the Chichester Local Plan depended. The CIL spending plan (page 26 of the Cabinet agenda papers) reflected the views of both the DPIP and the CDC/WSCC Infrastructure Joint Member Liaison Group (IJMLG) as to which projects should be selected for funding within the next five years. After the end of the consultation officers would report any suggested amendments to the IJMLG for consideration prior to further consideration by the DPIP, the Cabinet and the Council for approval in March 2018.

Members discussed:

- (a) The need for CDC members who represented wards in the South Downs National Park Authority (SDNPA) area, and which were therefore outside CDC's CIL jurisdiction, to have access to the SDNPA's CIL documents and information.
- (b) The advantage of requiring community groups to apply for CIL funding via parish councils.
- (c) The importance of effective scrutiny of all requests for CIL funding, which should be considered (a) on their own merits eg CCTV and real-time passenger information devices (the latter could quickly become out of date and would require maintenance by the infrastructure provider) and (b) with regard to other requests.
- (d) The deductions from CIL in respect of allocations to parish councils (which varied according to whether there was a neighbourhood development plan (NDP): a 25% share for parishes with a NDP and a 15% without one) and administrative costs.

Mrs Taylor, Mr Carvell and Mrs Shepherd responded where appropriate to members' questions and comments on points of detail about the foregoing.

At the end of the debate the following decision was made by the Council.

Decision

The Council voted with respect to the recommendation made to it by the Cabinet and on a show of hands it was in favour of making the resolution set out below, with no votes against and no abstentions.

RESOLVED

That the consultation on the draft Infrastructure Business Plan 2018-23 (in appendix 1 to the agenda report for the Cabinet meeting on 5 September 2017) with the city, town and parish councils, neighbouring local authorities including the South Downs National Park Authority and key infrastructure Delivery Commissioners be approved for a period of six weeks from 2 October to 13 November 2017 subject to the amendments (as set out in the said agenda report) recommended by the Development Plan and Infrastructure Panel.

Questions to the Executive

Mrs Graves invited members to indicate if they wished to ask questions of the Cabinet members and the names of those so desiring were noted. She reminded members that a maximum of 40 minutes was allocated for this item.

The questions asked and the responses given were as follows:

Question by Mrs Apel: The Short Agenda for this Council Meeting

Mrs Apel expressed her surprise at the short length of the agenda for this meeting with only one recommendation from the Cabinet and the fact that it had made the final decision on all of the other matters listed on the agenda for its meeting on Tuesday 5 September 2017.

Response by Mr Dignum and Mrs Shepherd

Mr Dignum (Leader of the Council) said that this merely reflected that there was only one item of business at the Cabinet's meeting earlier in the month which required the approval of the Council, the remaining matters falling within the Cabinet's jurisdiction as key or other decisions for executive determination. It should be remembered that with the August hiatus there was only one Cabinet meeting leading into this Council meeting. **Mrs Shepherd** (Chief Executive) pointed out that the respective decision-making functions were set out in CDC's *Constitution* and that most decisions were in fact made by officers under delegated powers or the Cabinet. It was open to members to challenge a Cabinet decision by invoking the call-in procedure set out in the *Constitution*. The number of recommendations made to a Council meeting varied and on this occasion there happened to be only one.

Question by Mr Shaxson: Air Pollution in North Street and Rumbolds Hill Midhurst

Mr Shaxson referred to a question he had asked of Mr Barrow (who was then responsible for the environment portfolio) at the Annual Council meeting in May 2015 with regard to air pollution in Rumbolds Hill Midhurst. These concerns had been raised by other members since then including at the Annual Council meeting in May 2017. Air quality monitoring had revealed serious pollution issues. Further investigation was required before an air quality management area (AQMA), which in his view patently was needed, could be declared. He referred to the considerable concern in the town about the number of lorries travelling to and from the Pendean Sand Quarry. CDC could and should submit comments about this issue to the South Downs National Park Authority and he requested CDC to take appropriate action to address this pollution problem.

Response by Mr Connor

Mr Connor (Cabinet Member for Environment Services) said that he was aware of the situation and he had liaised with Mr S Ballard (Senior Environmental Protection Officer) recently and he would make available his advice to members

and the press. There was not a great deal that CDC could do and it was unable to control or influence lorry movements.

[Note Here is the text of an e-mail from CDC's Environment Services to Mr Connor sent shortly after the end of this meeting with respect to whether Midhurst could be declared an AQMA and whether it could be a priority for CDC's Air Quality Working Group:

'AQ Monitoring is undertaken by CDC at a site on Rumbold's Hill, Midhurst - this site measures NO₂ from all vehicles using Rumbold's Hill, not just quarry traffic. The only part of Midhurst where CDC has evidence of non-compliant air quality is Rumbold's Hill. Previous monitoring on Midhurst High Street suggested that it was very comfortably compliant with the UK Objective. As such, and subject to a more full consideration (to possibly include computerised air quality modelling), Rumbold's Hill could be declared an AQMA. This can be a priority for discussion at the Air Quality Working Group on 29 September 2017 and was on the agenda. Any decision to declare an AQMA is supported with the appropriate evidence base including modelling, which would require further funding and therefore a report to the Cabinet to request this. It is a Full Council consideration to determine an AQMA after a report supported by the Cabinet. With any strategic piece of work, there are contributing factors to consider such as understanding the new Local Plan housing numbers. This matter was subsequently discussed at the Air Quality Working Group. Mr Ballard and Mr S Morley (one of the two CDC ward members for Midhurst) would also meet to discuss this further and to agree a briefing note. Mr Ballard was able to provide further information.']

Question by Mrs Westacott: Noise Levels on the A27

Mrs Westacott raised the issue of future traffic noise levels in the event of further improvements works being carried out to the A27 Chichester bypass. It was her understanding that CDC did not routinely measure or map noise in the area and that when the A27 was previously improved the modelling produced figures which were out of date by ten years very shortly after the road opened. She wished to know if (a) CDC intended to participate in the provision of noise information and, if so, whether it would disclose that data and (b) if CDC did not intend to do so and it was done instead by Highways England (HE), whether HE's data would be made available to the public in view of the important concerns about future noise levels which would inevitably give rise to complaints.

Response by Mr Connor

Mr Connor (Cabinet Member for Environment Services) undertook to make enquiries and provide a written reply.

[Note Here is the text of the written answer supplied by Mr Connor to Mrs Westacott and all CDC members on 3 October 2017:

'Dear Cllr Westacott,

I am responding to your enquiry at Council on 19th September about traffic noise on the A27.

Following an EC Directive, the Environmental Noise (England) Regulations 2006 require the Government to map noise from major road, rail and urban sources, and devise plans to minimise the noise. DEFRA, through the Highways Agency (now Highways England) consulted with local authorities to produce maps showing areas of major noise, and CDC took part in this work in 2012. The main outcome was that LNRS (Low Noise Road Surface) would be installed at the next major road resurfacing scheme. The 2006 Legislation requires the information to be publicly available; to that end an inter-active map showing the “Important Areas” (IAs) is available at <http://www.noiseactionplan.co.uk>

Our Environmental Health Officers are consulted on all planning applications which may have noise implications; and that, of course, includes matters involving the Local Plan. EHOs will advise on suitable mitigation measures that should be taken in this respect. CDC does not respond to complaints about traffic noise on the A27 or any other road, as traffic noise is specifically excluded by legislation from the list of matters which could be considered a statutory noise nuisance. Aircraft noise is similarly excluded. What few enquiries CDC receives about noise from traffic tends to be about specific vehicles with faulty exhausts, or where drivers are exhibiting anti-social driving behaviour. These complaints are directed to the Sussex Police “Operation Crackdown” website.

Yours sincerely

Cllr. John Connor
Cabinet Member for Environment Services’]

Question by Mr Oakley: Threat to the Chichester Local Plan by Government Housing Target

Mr Oakley referred to a recent planning appeal decision to allow the building of 100 houses at Shopwyke. The inspector had discounted quite a large part of CDC’s five-year housing land supply on the basis that many of the sites were not coming forward, although these were for legal/land ownership reasons over which CDC had no control. On Thursday 14 September 2017 the government had announced proposals to boost housing supply numbers, in the case of Chichester District 609 houses/dwellings per annum. In view of the appeal decision (permitting development outside the management of the Chichester Local Plan) and the projected higher housing target (which level had not previously been achieved in the area), he asked if there was now a significant threat to the Chichester Local Plan and the delivery of CDC’s strategic sites.

Response by Mrs Shepherd

Mrs Shepherd (Chief Executive) commented that officers would consider carefully the implications of the government consultation. CDC could not control when developers implemented planning permissions and 609 houses per annum was a high one compared with the figure in the Chichester Local Plan and what had been built previously. Local planning authorities were expected to make sites deliverable notwithstanding the targets being hard to achieve.

*Question by Mr Brown: A27 Chichester Bypass Improvement Works Scheme
Option 2*

Mr Brown asked the Leader of the Council if, in view of the forthcoming special Council meeting on the A27 Chichester bypass improvement works scheme, members could expect any indication whether there might be modifications to the online option 2.

Response by Mr Dignum

Mr Dignum (Leader of the Council) advised that the agenda papers for the special meeting of the Council would be published by the end of the afternoon and he preferred to defer any response to such a question until that special meeting, by which time members would have been able to read the papers.

[**Note** End of questions to the executive]

254 **Late Items**

As announced by the Chairman of the Council at agenda item 2 (see minute 247 above), there were no late items for consideration at this meeting.

255 **Exclusion of the Press and Public**

In the absence of any Part II items on the agenda for this meeting a resolution to exclude the press and the public was not required.

[**Note** The meeting ended at 14:46]

CHAIRMAN

DATE



Minutes of the special meeting of the **Council** held in the Committee Rooms at East Pallant House Chichester on Wednesday 27 September 2017 at 14:00

Members Present

Mr G Barrett, Mrs N Graves (Vice-Chairman), Mrs C Apel, Mrs E Hamilton (Chairman), Mr R Barrow, Mr J Brown, Mr P Budge, Mr J Connor, Mr A Collins, 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, Mr R Hayes, Mr G Hicks, Mr F Hobbs, Mrs J Kilby, Mrs E Lintill, Mr L Macey, Mr K Martin, Mr G McAra, Mr S Morley, Caroline Neville, Mr S Oakley, Mr C Page, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr J Ridd, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mrs P Tull, Mr D Wakeham and Mr P Wilding

Members Absent

Mr T Dempster, Mrs P Hardwick, Mr L Hixson, Mrs G Keegan, Mr S Lloyd-Williams, Mr J Ransley, Mr N Thomas and Mrs S Westacott

Officers present all items:

Mr M Allgrove (Planning Policy Conservation and Design Service Manager), Mr S Ballard (Senior Environmental Protection Officer), Mr S Carvell (Executive Director), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance and Governance Services)

256 Approval of Minutes

The Chairman, Mrs Hamilton, first of all welcomed everyone present and in particular members of the public to this special meeting of the Council and explained the emergency evacuation procedure.

As stated on the agenda, the minutes of the Council's ordinary meeting on Tuesday 19 September 2017 would, together with the minutes of this special meeting, be presented for approval at the next scheduled ordinary meeting on Tuesday 21 November 2017. There were, therefore, no minutes to be approved on this occasion.

257 Late Items

Mrs Hamilton stated that there were no late items under agenda item 7 for consideration at this meeting.

258 **Declarations of Interests**

Declarations of personal interests were made in respect of agenda item 6 (A27 Chichester Bypass Improvement Scheme) by Mrs Duncton, Mr Oakley and Mrs Purnell who were members of West Sussex County Council which had been a statutory consultee.

259 **Chairman's Announcements**

Mrs Hamilton had no specific announcements to make.

She mentioned the following apologies for absence:

Mrs Hardwick, Mr Lloyd-Williams, Mrs Keegan and Mr Thomas.

The following members of the Council were also absent:

Mr Dempster, Mr Hixson, Mr Ransley and Mrs Westacott.

All other members of the Council were present.

[**Note** Chichester District Council is denoted by CDC in the minute paras which follow]

260 **Public Question Time**

Mrs Hamilton said that four public questions had been received (the text of each of which had been circulated immediately prior to the start of this meeting) and she invited each person in turn to come to the designated microphone in order to read out his or her question before a response was given by either Mr Dignum (Leader of the Council) or Mr Connor (Cabinet Member for Environment Services).

The questions (with the date of submission shown with [] at the end of the text) and the answer given by the relevant Cabinet member were as follows.

Question by Mr Nick Reynolds read out his behalf by Mr Michael Tucker

Mr Reynolds was unable to attend and his question was, therefore, read out by his nominated representative, Mr Tucker.

'Every single local, regional and national policy is predicated on an online upgrade solution to alleviate the problems of the A27 congestion.

In order to properly deliver the Local Plan will the Council confirm they will accept the first option referred to in HE letter addressed to GK dated 06 Sept. This will involve selection of *a version* of the current proposed on line upgrade scheme and to enter into detailed discussions with HE on *mitigation measures and compensating measures to benefit the wider community*.

Will the council also accept that what is on offer today may never happen in the foreseeable future?'

[24 September 2017]

Response by Mr Dignum

‘Thank you for your e-mail dated 24 September and which appears to raise two questions.

1. In order to properly deliver the Local Plan will the Council confirm they will accept the first option referred to in HE letter addressed to GK dated 06 Sept? and
2. Will the council also accept that what is on offer today may never happen in the foreseeable future?

The first point to make is that the Highways England A27 Chichester Improvement Scheme is not being proposed solely to enable the delivery of development identified in the Chichester Local Plan. A separate lower grade improvement scheme within the boundary of the existing A27 highway has been designed (and agreed by Highways England) to accommodate the traffic flows that will be generated by identified growth in the Local Plan. The district council is now collecting developer contributions to help fund these improvement works. The funding is held by Highways England and at an appropriate point they will decide when to implement the scheme.

The wider Improvement Scheme for the A27 goes beyond what is necessary to support the Local Plan. Whether Council Members will accept the first approach as set out in the Highways England letter dated 6 September, will only be known following the debate this afternoon.

Obviously we cannot say with complete certainty what will happen in the future and so in that respect, yes, there is a possibility that an improvement scheme of some description may not happen in the foreseeable future but, there is clear evidence from Mr O’Sullivan’s letter of 6 September to our MP that Highways England attach, and I quote “strategic importance” to the A27 and see it as, and I quote again, “important national and regional infrastructure”.

Mr Tucker was asked if he had a supplementary question but he declined in view of the fact that he was only acting as Mr Reynold’s representative for the question just answered.

Question by Mr B Marson

‘I fail to understand why CDC, who are fully aware of the latest HE through traffic numbers (46%) and who are faced with Government housing targets which will further add to an increase in traffic movements, could even consider proceeding with RIS 1. We have had three AQAMs in the city for 7 years now and arguably if pollutants were monitored in other inner city roads eg Spitalfield Rd, Westhampnett Rd, Bradshaw Rd, St Pauls Rd the city would be more polluted than is reported. The RIS 1 Option on offer would exacerbate pollution levels during the 41 months of construction as mitigation diversionary routes will go through the inner city roads, affecting residents and school children in the area (think of Orchard Street!). This is acknowledged in the latest CDC AQ Plan.

My question therefore is in two parts:

- a. Why are CDC not putting Air Quality at the forefront of their deliberations and coming up with an aggressive AQAP, with the support of WSCC Public Health, to leverage Chichester getting a share of the additional funding announced (£255m)

in the Government July 2017 UK Plan for tackling roadside pollution in the shortest possible time, ie in the RIS2 timeframe ?

- b. Surely avoidance of an incremental public health issue from RIS1 makes sense, when during that period, CDC could invest from their reserves proactive additional pollution monitoring including PM2.5, such that a funding case for Chichester was based on facts, ahead of other councils and, could put Chi at the front of the queue for RIS2. Our LAs would however need to be innovative and capitalise on the Government's direction articulated in Sections 15-25 of the aforementioned Government Plan. Is this an approach that CDC would be prepared to invest in for the benefit of the Public Health of Chichester City Residents?

[26 September 2017]

Response by Mr Connor

Thank you for your question which concerns future growth in Chichester and air quality.

You ask two specific questions:

1. Why are CDC not putting Air Quality at the forefront of their deliberations and coming up with an aggressive AQAP, with the support of WSCC Public Health, to leverage Chichester getting a share of the additional funding announced (£255m) in the Government July 2017 UK Plan for tackling roadside pollution in the shortest possible time, ie in the RIS2 timeframe?
2. Surely avoidance of an incremental public health issue from RIS1 makes sense, when during that period, CDC could invest from their reserves proactive additional pollution monitoring including PM2.5, such that a funding case for Chichester was based on facts, ahead of other councils and, could put Chi at the front of the queue for RIS2. Our LAs would however need to be innovative and capitalise on the Government's direction articulated in Sections 15-25 of the aforementioned Government Plan. Is this an approach that CDC would be prepared to invest in for the benefit of the Public Health of Chichester City Residents?

By way of context the Council has nine air quality monitoring sites across Chichester city. The monitoring dataset for Westhampnett Road indicates that the air quality there is compliant with the UK air quality standards and objectives for Nitrogen Dioxide. Previous monitoring on Spitalfield Road indicated a similar situation such that air quality monitoring there was discontinued. CDC has a sensible number of monitoring locations that strike a good balance between providing us with a strong picture of local air quality and a prudent use public monies and officer time (to service the monitoring programme).

In answer to question 1: CDC is a member of the WSCC two-session elected member and officer task and finish group looking at air quality and the options for improving it. This group includes a representative from West Sussex Public Health. Likewise CDC's member and officer Air Quality Working Group is meeting this week. It will look at CDC's Action Plan and what actions are deliverable to tackle air pollution in the district with emphasis on the AQMAs. The additional government funding of £255M relates to the local authorities who are mandated by the government to formulate air quality plans which does not include CDC. CDC continues to seek monies from all relevant sources for the improvement of air quality. Air quality was a consideration in the formulation of the Vision for Chichester and

we are working to maximise air quality's policy presence in the Local Plan review. Likewise we will seek to maximise its place in the WSCC LTP review and the WSCC Parking Standards review.

Turning to question 2: the DEFRA guidance for Local Air Quality Management that informs all LAs practice on air quality suggests that LAs should make use of national monitoring when considering PM2.5 concentrations. Furthermore the guidance is clear that DEFRA does not anticipate authorities will carry out monitoring for this pollutant. As such, at the current time, CDC does not intend installing PM2.5 monitoring (which is in any case likely to be a significant investment). CDC is engaging with WS Public Health and WS Highways, both as described above and via a pan- Sussex LA group 'Sussex-air'.

Mr Marson thanked Mr Connor for his very full answer and was grateful that his many public health concerns were shared. He expressed the hope that the joint West Sussex/Chichester District Council Air Quality Working Group would ensure that its principal focus should be an analysis of what advice the government was giving on roadside pollution and of monitoring compliance therewith.

Mr Connor noted Mr Marson's further remarks.

Question by Mr P Ladds

'The investment potentially available through HE is naturally enough exclusively focused on A27 improvements. Previous debates have raised the wider issue of an integrated transport policy as well as concerns with the implementation detail of the options presented.

How would CDC (or WSCC) ensure that:

- Any investment (RS1) takes account of concerns raised by the community with the option finally selected by HE.
- Longer term steps are taken in parallel to develop the local infrastructure such that demand is reduced, eg park and ride, improved bus services, more local schools, etc.'

[26 September 2017]

Response by Mr Dignum

'Thank you for your question and which raises the issue of an integrated transport policy and the local effects of an implemented improvement scheme. You have specifically asked two questions:

How would CDC (or WSCC) ensure that:

1. Any investment (RS1) takes account of concerns raised by the community with the option finally selected by HE
2. Longer term steps are taken in parallel to develop the local infrastructure such that demand is reduced, eg park and ride, improved bus services, more local schools, etc.

The first thing to say in response is that the Improvement Scheme for the A27 remains the responsibility of Highways England. That said, the district and county councils have listened carefully over a considerable period to the views expressed by the community particularly in terms of what can be done to mitigate the impacts of an Improvement Scheme. Indeed, the district council set out a number of points that it wished Highways England to address including roundabout improvements, better access to the A27 for those travelling east from the B2145, safe segregated crossings for cyclists, noise abatement screens, examining the possibility of lowering the proposed flyovers and importantly using the designated fund to finance mitigation measures.

So, you will see the District Council very much has in mind the measures that are required to address community concerns and is encouraged by the statement from Highways England that they will work with us to identify compensating measures that benefit the broader community and local area.

Concerning measures to reduce travel demand, these will be factored in to the transport modelling that the district council will commission to support the Local Plan Review. This work will be undertaken in partnership with West Sussex County Council as the highways authority and with responsibility also for bus services. The measures will form part of an integrated transport package as with the current Local Plan. Local infrastructure improvements and mitigation will be identified in the Infrastructure Development Plan prepared to accompany the Local Plan Review and will be funded through developer contributions collected through section 106 and CIL. You mention schools but these are a county responsibility.

Mr Ladds did not wish to ask a supplementary question.

Question by Ms H MacDougal

'47% rejected the available options presented in Highways England 2016 consultation on the A27 Chichester Bypass Improvement Scheme. These were poor options that did not fulfil the objectives of the project. In particular, the options failed to reduce adverse environmental impacts; four of the options would lead to deterioration in air quality at the Stockbridge AQMA and one option would provide no significant beneficial effects. A report assessing the impact of air pollution on public health, published by the Royal College of Physicians and the Royal College of Paediatrics and Child Health, suggests outdoor pollution contributes to thousands of early deaths every year. The report makes recommendations including for regulators and local governments to ensure there is no inequality in exposure to pollutants between deprived and more affluent communities and that local authorities act in protecting public health where air pollution levels are high. Their expert panel states that "Real change will only occur when everyone accepts this responsibility, and makes a concerted effort." Therefore, when considering whether to re-examine the 2016 consultation options or to submit a proposal for RIS 2, can the District Council truly support any tweaking of the existing options that would continue to condemn Chichester residents to air that does not meet the national quality objectives, or will you accept your responsibility and make a concerted effort to fight for better air quality as part of a project in RIS 2?'

[26 September 2017]

Response by Mr Connor

‘Thank you for your question which concerns air quality. Your specific question is:

..... when considering whether to re-examine the 2016 consultation options or to submit a proposal for RIS 2, can the District Council truly support any tweaking of the existing options that would continue to condemn Chichester residents to air that does not meet the national quality objectives, or will you accept your responsibility and make a concerted effort to fight for better air quality as part of a project in RIS 2?

CDC had input from its air quality officers in formulating its overall response to the A27 consultation and supported the best overall option in terms of air quality. CDC is mindful that a decision by Highways England to bring forward any one of the potential options for improvement will be subject to a full air quality modelling exercise. CDC will review the outputs of such modelling and seek the best design possible for residents bearing in mind the practicalities of the situation.’

Ms MacDougal did not wish to ask a supplementary question.

This marked the end of the public questions and Mrs Hamilton emphasised that it was always appreciated when members of the public availed themselves of the opportunity presented by public question time.

[**Note** Minute para 261 below summarises the consideration of and conclusion to agenda item 6 but for full details please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=132&MId=998&Ver=4>]

261 A27 Chichester Bypass Improvement Scheme

Mrs Hamilton introduced this item by referring to the agenda report with its appendix, which requested the Council to determine CDC’s position in respect of a scheme to improve the A27 bypass at Chichester.

The Council received and duly considered the report as set out below.

In response to Mrs Hamilton’s enquiry, Mr Dignum (Leader of the Council) stated that he moved the recommendation in the report and Mr Connor (Cabinet Member for Environment Services) seconded Mr Dignum’s proposal.

Mr Dignum presented the issues in the agenda report by making the following statement:

‘Well today we are asked to make a choice between RIS1 and RIS2. We have had the community workshop on Monday evening [25 September 2017] and we have all had lots of e-mails from the public. So although I can’t answer them all personally I do thank all those who contacted me for your involvement in this huge issue for all the community.

From the 7 July 2017 meeting that Louise Goldsmith and I had with Highways England it is clear to me that Highways England has selected a variation on their Option 2 as their

preferred route. Our MP confirms this is her understanding from her own more recent discussions with Highways England.

Gillian Keegan has now been advised that there can be no extension of time because of the rules relating to RIS1. With three days left to the Highways England deadline there can therefore be no local input into the preferred route prior to publication.

Any changes to secure mitigations would have to be advanced after publication of the route during the statutory consultation period with no guarantee of success. The only certainty is that the funds are definitely there in RIS1.

The alternative to the RIS1 choice is to opt for a place in RIS2. This would give time to agree a route with Highways England through working together. But Highways England is also stating that this route would most likely be an online route. In his 7 September 2017 letter Mr O'Sullivan states:

'I think it is widely accepted that the manner in which the northern route was discussed and handled was not well communicated or managed. Such a (northern) route would heavily contravene current planning guidance due to impacts on the national park, incurs higher cost reducing the Benefit to Cost Ratio and, contrary to popular belief, has had limited development and design work done. Against all the other schemes we are looking at across the country this idea of (a northern route) has almost no probability of success.'

I will be making some further quotes from the same letter which is in your papers. Highways England has this to say about choosing RIS2, and I quote, 'Further time to consider the scheme and other possible alternatives has considerable benefits. Active stakeholder engagement generally brings greater support for the scheme and a more refined outcome that delivers enhanced user, community and environment outcomes'. However, Highways England states 'a new scheme for Chichester would most likely start in 2023'. It also states there is a risk the project will not be included in RIS2. However this could be considered a low risk bearing in mind the Highways England statement that the A27 has 'strategic importance (and) it is important national and regional infrastructure'.

The position now is that the Community workshop on Monday night opted by 32 to 22 organisations (59% to 41%) for the RIS2 approach rather than RIS1. The West Sussex County Council's decision on whether to pursue a RIS 1 or RIS 2 solution for the A27 Chichester will be taken by Councillor Bob Lanzer, Cabinet Member for Highways and Infrastructure. While Councillor Lanzer will have regard to the advice of the Environmental and Community Services Select Committee, which is meeting tomorrow, he has indicated that he is minded to support the RIS2 option.

Our MP also supports the choice of RIS2. In the circumstances our opting for RIS 1 will not achieve anything as Highways England is looking for both councils and the MP to be on the same page.

Some have suggested the workshop is unrepresentative but we do need to bear in mind the 2016 consultation results. There were 4,869 responses. We are all aware of the 47% who rejected all five options on offer. What is not widely realised is that the 47% were then asked what they did want. Eighty-five per cent responded that they wanted a northern route. So the local community divided as follows:

Northern route: 56%

Option 2: 31%

Other options on offer: 6%

No new route at all: 7%

So although only about 80 attended the workshops, the much wider 2016 consultation showed a similar result of majority opposition to the online options presented by Highways England.

Some might think we should go for RIS1 anyway and take the money and in this respect we have heard this very morning from Highways England that it has given preliminary consideration to the mitigation measures we put forward in the 2016 consultation to improve Option 2. Highways England has stated today that the main mitigations we proposed cannot be incorporated in its preferred route. These main mitigations were the lowering of roundabouts and flyovers, providing a south to east flyover for cars and vans at the Portfield roundabout, and reducing the length of the Stockbridge Link Road to just the western section. Furthermore the choice of RIS1 would not achieve anything as Highways England will move forward only with agreement between the councils. We would incur widespread hostility for no benefit by striking out on our own.

So at the end of the debate, I will be minded to propose to you that we choose RIS2 in common with county and community. A common cause between our two councils and our MP will mean we can go forward with Highways England to achieve a solution that works for the community and for all the users of the A27.'

Mrs Hamilton invited members to indicate if they wished to speak in the debate and their names were noted. A summary of the contributions is as follows:

Mrs Purnell (Selsey North) said that it was very hard to decide given the different views expressed but on balance she believed that it was important to give the community the opportunity to develop a solution which commanded majority support. Accordingly she favoured RIS 2.

Mr Brown (Southbourne) acknowledged that this was a difficult decision and that he had been very critical of the process hitherto and he continued to believe that the public had been let down and poorly served at all levels. He would strive on behalf of residents to ensure that the chosen option worked but he endorsed RIS 2.

Mr Hayes raised a point of order with respect to Mr Brown's contribution, remarking that he should not have made a political statement during it but instead have confined himself to the A27.

In reply, **Mr Brown** pointed out that he was in fact taking into account the concern arising from a point made at the public meeting on 25 September 2017 about how national politics might affect the availability of funding for the A27.

Mr Barrett said that the quarterly meeting of the Manhood Community Forum which was attended by the local parishes on the peninsular, represented in the region of 26,000 residents. From the feedback he had received in the past two or three weeks all the parishes save one fully supported **Mr Dignum's** statement.

Mr Page said that to accept RIS 1 at this stage would completely cut across the community process established by West Sussex County Council and supported by CDC.

By choosing RIS 2 there would be six to seven months to enable the community process to run its course, which would assist in contributing to the community's acceptance of the eventual solution selected, perhaps even an outcome which everyone felt able to support.

Mr Plowman said that as a CDC and Chichester City Council member for the west of the city and a former mayor who cared for the city, he had no personal agenda with regard to the A27. On balance he felt the risk of an uncertain outcome should be taken by preferring RIS 2.

Mr Galloway indicated that he favoured the recommendation which **Mr Dignum** had already intimated he was minded to make at the close of this debate. The choice to be made was akin to being between a rock and a hard place.

Mr Hobbs said that as a result of the workshops the various communities had been brought together and become so engaged in the process. As a result it was incumbent on CDC to follow through that process.

Mrs Apel spoke as a Chichester West ward member and said this was one of the most difficult decisions to have to make. There was far too little time to decide what Chichester needed and so it was important to embrace the opportunity presented by RIS 2 to identify the right scheme of improvement works for the A27 Chichester bypass.

Mr Hayes supported RIS 2. He could not see how RIS 2 would be stopped if the A27 schemes at Arundel, Worthing and Polegate were implemented since that would leave Chichester as the only bottleneck.

Mr Ridd said that he had briefly contemplated RIS 1 on the basis that there was money on the table which it would be a pity to lose. However he now favoured RIS 2.

Mr Martin said that the RIS 1 proposals were short-term measures based on out-of-date data in which a through traffic volume of 20% was cited when in fact it was now 46%. It was imperative to devise a long-term strategic solution. RIS 1 was incapable of achieving that but it was possible via RIS 2 with partnership working between West Sussex County Council, CDC, community engagement and collaboration with Highways England. RIS 2 was, therefore, the only way forward and accordingly he supported that approach.

Mr Oakley said that the RIS 2 opportunity that Highways England had presented was an opportunity not to be missed: it would enable work towards a long-term and transformational solution to the very poor performance issue of the national strategic road network at Chichester.

Mr Dunn stated that having listened to the debate with great care, he would abstain in the vote. It should be recognised that opponents of RIS 2 feared that RIS 2 would include a northern bypass option. It was extremely unlikely that by delaying the RIS 1 option making decisions would be any easier over time and indeed he feared they might become much harder. He was unable to support the case for either RIS 1 or RIS 2 and would abstain.

Mr Shaxson commented that Highways England did not emerge very well from this situation. Earlier in 2017 the Council voted in favour of RIS 1's Option 2 provided that certain very necessary mitigation measures were included. Highways England had now refused to countenance those measures and so effectively had made the decision the Council was being asked to take. He had not supported Option 2 during the previous

debate and those reasons still applied. Accordingly he would have no hesitation in voting for RIS 2.

Mr Hall said that as the ward member representing the parishes of Lavant and Westhampnett, his concern had been to examine the online options in more detail and he supported RIS 2.

There were no more contributions to be made to the debate, and Mrs Hamilton invited Mr Dignum to sum up and make a specific proposal.

Mr Dignum observed that the debate had revealed how members had arrived by many different routes to the same conclusion in favour of RIS 2 being the right solution for the councils and community at this point. If the resolution he was about to propose was passed, it would be incumbent on CDC to work very closely together with Highways England, West Sussex County Council and the community and to identify a solution which everyone was able to endorse. Self-evidently it would not be easy but with RIS 1 there was no time and the unsatisfactory Option 2 with none of the mitigations which had been sought by CDC in September 2016 and July 2017. There was an absolutely clear choice to be made by the Council.

Mr Dignum then made the following proposal:

'I propose that we adopt approach B with RIS 2 as set out in paragraph 5.1 of the officers' report.

Mr Connor seconded the foregoing proposal.

The Chairman invited members to vote on this proposal.

Decision

On a vote by a show of hands there was save for three abstentions unanimous support for the proposal. There were no votes against.

RESOLVED

That approach B namely RIS 2 (post 2020) for taking forward a scheme to improve the A27 at Chichester as set out in para 5.1 of the agenda report be approved.

262 Late Items

As stated by Mrs Hamilton during agenda item 2, there were no late items for consideration at this special meeting.

263 Exclusion of the Press and Public

As stated in the agenda, there were no restricted items for consideration at this special meeting.

[**Note** The meeting ended at 15:00]

CHAIRMAN

DATE

Agenda Item 9

Chichester District Council

Council – 21st November 2017

Report of Corporate Governance and Audit Committee

Background

The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively.

To this end members and senior officers are responsible for ensuring that proper arrangements exist for the governance of the Council's affairs and stewardship of its resources.

In March 2017 the Corporate Governance & Audit Committee considered the Strategic and Organisational risk registers to ensure the adequacy of the Council's actions to control and manage risks.

During 2016/2017 the three highest risks identified in the Corporate Risk Register were:

- **Business Continuity:** That a business continuity incident occurs and the organisation fails to respond effectively and continue to deliver services.
- **Cyber Attack Across Entire Estate:** Failure to have necessary processes and procedures in place to prevent a Cyber Attack.
- **Non Achievement of Recycling Target of 50% by 2020:** Failure to achieve a Recycling Target of 50% by 2020 could mean the Council will incur significant fines.

The five year financial model was used to help set out the action required to reduce the impact of any government funding gap on service delivery, building on savings and increased income already achieved of £8.6m from 2010-2011 to 2015-2016 after taking early action as the 2008 financial crisis started to emerge. Since May 2013, revenue savings of £2.2m have been achieved, and additional income of £1.4m has been generated. A new deficit reduction plan was approved in the autumn of 2016 to address the £3.8m funding gap anticipated over the next 5 years. The Council also signed up to the Government's four year funding settlement to give greater certainty of funding in trying to balance the Council's budget over the medium term.

Annual Governance Statement

The Annual Governance Statement as attached at appendix 1 has been prepared in accordance with the CIPFA / SOLACE guidance on "Delivering Good Governance in Local Government". The Statement is attached in Appendix 1 and clearly sets out the 7 fundamental principles of good governance (A to G) as identified below:

- A Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

- B Ensuring openness and comprehensive stakeholder engagement.
- C Defining the outcomes in terms of; sustainable economic, social and environmental benefits.
- D Determining the interventions necessary to optimise the achievement of the intended outcomes.
- E Developing the entity's capability of its leadership and the individuals within it.
- F Managing risks and performance through robust internal control and strong public financial management.
- G Implementing good practices in transparency reporting, and audit to deliver effective accountability

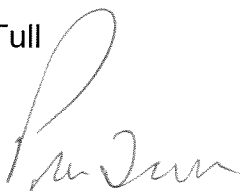
Other Potential Risk Issues

The drafting of the Annual Governance Statement has highlighted some risks that have either come to light or which are ongoing and receiving attention from those charged with governance. These can have common themes and can overlap with other areas of risk that have been identified. They are being monitored to track whether there are any changes in their risk score. The risks identified as being new or emerging are listed below:

- **Health & Safety:** Health & Safety officers carried out during 2016/2017 H&S challenges with each Head of Service (HoS) which will give a generic view of the level of compliance within teams. Action plans were put together identifying areas for improvement. The challenges resulted in an action plan for each HoS where areas of weakness were identified.
- **Breach of Data Protection Act:** Failure to keep all personal data secure leading to a breach of the Data Protection Act resulting in fines and reputational risk. To mitigate this targeted training for key officers whose role requires them to process personnel or sensitive data is to be provided by an external provider in 2017 – 2018 to refresh individuals' knowledge and increase awareness.

Other than those areas set out above, which are themselves subject of further on-going review, members of the Committee are assured that key systems are in place within the council. This is supported by the internal audit service, which has the responsibility to review independently and report to Committee.

Tricia Tull



Chairman of Corporate Governance & Audit Committee

Chichester District Council

Annual Governance Statement 2016-2017

1. Scope of responsibility

Chichester District Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. Chichester District Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, Chichester District Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

Chichester District Council approved and adopted a Local Code of Corporate Governance (March 2017), this is consistent with the principles of the Chartered Institute of Public Finance and Accountancy (CIPFA), and Society of Local Authority Chief Executives (SOLACE) framework for Delivering Good Governance in Local Government: Framework (2016) The Annual Governance Statement (AGS) sets out how the Council complied with the Code and also meets the requirements of the Accounts and Audit (England) Regulations 2015 which requires every Council to agree and publish an Annual Governance Statement. The statutory requirements across the United Kingdom for local authorities is to conduct a review at least once in each financial year of the effectiveness of its system of internal control and to include a statement reporting on this review with its Statement of Accounts.

2. The Purpose of the Governance Assurance Framework

The governance framework comprises of the systems, processes, culture and values by which the authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It also enables the authority to monitor the achievements of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate cost effective services.

The system of internal control is designed to manage risk to a reasonable level; it cannot eliminate risk completely and therefore provides reasonable and not absolute assurance of effectiveness. It is based on an on-going process designed to identify and prioritise the risks, to the achievement of the council's policies, aims and objectives, to evaluate the likelihood and impact should they be realised and to manage them efficiently, effectively and economically.

3. The Principles of Good Governance

The CIPFA/SOLACE framework was reviewed in 2015 to ensure that it remained “fit for purpose” and a revised edition was published in 2016.

The new Delivering Good Governance in Local Government Framework applies to the Annual Governance Statement prepared for the year ended 31 March 2017 and up to the date of the approval of the Annual Report and Statement of Accounts for the financial year 2016-17. The framework sets out seven core principles (A to G) of good governance, these are listed below:

A Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of Law

The culture of the organisation is founded upon good organisational performance, external recognition, staff morale and good employee attitude to internal controls. The Workforce Development Plan 2015-2018 sets the Council’s vision for providing good quality relevant services to the community, while the Constitution incorporates a Members and Employees’ Code of Conduct and a protocol on Members/staff relations. This has been updated and was adopted by the Council following the Joint Employee Consultative Panel which met in April 2015; this will cover the period 2015–2018. Members misconduct allegations are considered by an assessment sub- committee under the umbrella of the Standards Committee which also investigates allegations of misconduct by Parish Councillors. The Council’s monitoring officer will review the case together with an independent person and a decision will be made as to whether there is a case to answer. If a decision is made that there is a case to answer it would be referred to a hearing subcommittee.

There is a complaints procedure in place for the council to receive and investigate any complaints made against its Members or staff, as well as a Register of Interests to ensure that any conflict of interests are open and transparent.

Results of complaints investigated together with the report on all complaints dealt with by the Local Government Ombudsman are reported annually to the Corporate Governance and Audit Committee.

- The Council takes fraud and corruption and maladministration very seriously. The culture of the council sets the foundation for the prevention of fraud and corruption by creating an environment that is based upon openness and honesty in all council activities, and has the following policies in place, which aim to prevent or deal with such occurrences.
- The Anti-Fraud and Corruption Policy last updated in August 2017.
- The Whistleblowing Policy last updated in January 2016. There were no Whistleblowing cases in 2016-17.
- HR Policies regarding discipline of staff – During 2016-17 there were 7 dismissals.

The Council’s Anti-Fraud and Corruption Policy is reviewed and any amendments are subject to the approval of the Corporate Governance and Audit Committee, this was last updated in August 2017. The Corporate Counter Fraud Officer was appointed on the 30th November 2015, and has established himself within the Internal Audit Team.

Investigations are undertaken where fraud is suspected in relation to Council Tax Reduction, Single Person Discount and Non Domestic Rates. He has successfully brought prosecutions relating to fly tipping plus other areas under his remit. He has identified potential savings to the Council of £349,714 for the 12 month period ending March 2017.

The council has a Corporate Complaints Procedure, forms and guidance which are available on the council's website. (Results of complaints investigated together with the report on all complaints dealt with by the Local Government Ombudsman are reported annually to the Corporate Governance and Audit Committee).

The council ensures that external providers act with integrity and compliance with ethical standards as they have to comply with an Anti Bribery statement and the ethical statement policy that is contained in the relevant contract or invitation to tender.

B Ensuring openness and comprehensive stakeholder engagement

The Council's committee meetings are held in public and are recorded; these recordings are suspended when the item goes into part 2. The press and public are only excluded when the report is presented as a Part 2 item in accordance with the applicable paragraph(s) within Part 1 of Schedule 12A to the Local Government Act 1972. In addition audio recordings are also held on the Council's website.

The Council's vision and strategy is included in the Corporate Plan see <http://www.chichester.gov.uk/corporateplan>. The annual performance report on the Council's Corporate Plan is reviewed by the Overview and Scrutiny Committee mid-year and then the Annual Report of the Corporate Plan goes to Cabinet and Council for approval. The Statement of Accounts, expenditure over £500 and the Senior Staff Pay Policy is available on the Council's website.

On-line consultation methods continue to be used, webhost software enables surveys to be designed, produced and analysed electronically. These surveys are accessed via the Council's website.

On-line polls have continued to be used, which allows members of the public to provide their views on a range of topics in which the Council is involved.

Community Forums – Regular meetings with Parish Councils have continued at Forum level over the year. These meetings are held quarterly and provide a mechanism to engage with the Parishes and to communicate and review information collectively.

The Council continues with its work on youth engagement. Community wardens main areas of activity are encouraging and increasing community involvement, dealing with environmental issues (e.g. graffiti, litter, abandoned cars, dog fouling etc.) within the area by working with appropriate agencies including the police, police community support officers (PCSOs) and local communities to reduce crime, anti-social behaviour and fear of crime in the area, including providing intelligence and evidence to the police and acting as a professional witness.

C Defining the outcomes in terms of sustainable Economic, Social and Environmental benefits

The Council measures its key priorities by a range of performance indicators which are set out within the Corporate Plan and monitored through Covalent, the council's performance monitoring software. Reports on the progress of these performance indicators are available on the council's internet site.

Cabinet agreed the key financial principles of the 5 year financial strategy, which included continuing to review the council's costs in order to find further savings. A Task and Finish Group meets to discuss the budget, and reviews what is happening in the year and any impact for the new financial year.

The Council publishes its Annual Financial Accounts in accordance with the CIPFA guidelines and International Financial Reporting Standards. As uncertainty continues to surround the current economic and financial climate and in particular public sector spending plans, it is clear that central funding cuts of local councils will continue. The Council is therefore committed to delivering its own services more effectively, in the light of these planned reductions.

Following the decision for the shared service agenda with Arun DC and Horsham DC not going ahead it was necessary for the services identified to be subject to a further review in order to find savings going forward, which has resulted in service reviews being undertaken and changes in the way that services are delivered.

The Council continues to track national events, quantifying local impact and taking early action to manage the impact. The objective is to put the Council in the best possible position to deal with the financial and other challenges it faces whilst still protecting the most vulnerable members of the community. It is important that the issues and the scale of the financial position are understood and the council is committed to finding solutions and options. A five year Financial Strategy and Plan was taken to Cabinet and Council in December 2015 which detailed the challenges facing the council to provide services that meet community needs with a significantly reduced overall level of resource. The Council approved a deficit reduction programme and key financial principles in the Financial Strategy offer guidelines for making financial decisions over the next few years, and will assist the Council in achieving balanced budgets.

The Local Plan was adopted in July 2015, (this is at present being reviewed in accordance with the Council's commitment to a 5 year review) and provides greater certainty about growth and development within the plan area. The Council is also developing a Masterplan for the Southern Gateway area of Chichester as part of the emerging vision for Chichester City Centre. The Council recently undertook a consultation on the draft Masterplan.

The Council has a housing strategy in place which covers the period 2013-2018. The strategy sets out the housing priorities for the district. The strategy reflects the Council's corporate priorities and also complements the economic strategy and the local plan. The strategy will show how the Council will use their resources to best meet the housing needs of local people within the district. Some the key achievements during 2016/2017 are as follows:

- 579 households were accommodated via the Council's Housing register.

- The multi-agency steering group for the Syrian Voluntary Person Relocation Scheme, chaired by the CDC, housed and supported two Syrian families within the district.
- The Council's Landlord Accreditation Scheme was a continuing success with 58 properties being accredited during the year bringing the total number to 389.
- The Environmental Team participated in a joint project with West Sussex County Council to assist people to remain in their homes and speed up hospital discharges.
- The Council has extensively promoted community land trusts as a means of delivering affordable homes in rural areas and has received a grant of £1.39m from government to support community led housing.
- Continued progress was made during the year in meeting our affordable housing targets with 149 affordable homes delivered (96 for rent and 53 for sale).
- Over £1.07m of investment was secured by our registered provider partners from the Housing and Communities Agency.
- £352k was received in commuted sums in lieu of affordable housing on site.

D Determining the interventions necessary to optimise the achievement of the intended outcomes

The Council has responsibility to review the effectiveness of its governance framework. The review of the effectiveness is undertaken by the work of the Corporate Management Team (which is SLT and Heads of Service) who have responsibility for the development and maintenance of the governance environment. The Principal Auditor's annual report and comments made by the external auditor also adds to the effectiveness of the governance framework at the council. The process that has been applied in maintaining and reviewing the system of governance includes the following elements:-

The Council adopted a constitution to ensure it is efficient, transparent, and accountable to local people. Some of these processes are required by law; others are based on decisions made by the council. It is the responsibility of the Council's Monitoring Officer who reviews the constitution as and when required to ensure that it continues to operate effectively.

The Council is made up of 48 Council Members four of these Members take up the roles of Leader and Deputy Leader of the council, Chairman and Deputy Chairman. The Leader and Deputy Leader plus five Cabinet Members are appointed with specific areas of responsibility. (From the 10th June 2017 this changed to six). A review has been undertaken by the Local Government Boundary commission to reduce the number of Councillors from 48 to 36. The review has now completed the 40 day period for parliamentary scrutiny and so it will come into force at the next CDC election in 2019.

E Developing the entity's capacity, including the capability of its leadership and the individuals within it

A comprehensive induction and training programme exists for officers and Members. The training programme incorporates dealing with and understanding new and current legislation, understanding member's role as a ward member and developing their personal skills. Training programmes for staff are incorporated into staff appraisals and development programmes.

A workforce development scheme has been introduced to support talented individuals in their career progression and to encourage the employment and development of apprentices. These initiatives are designed to encourage retention of staff and to address succession planning. From the 1st April 2017 the council will also contribute to the Government Apprenticeship Levy and will seek to utilise this resource to support the workforce development schemes and development of its staff.

Member's attendance at meetings is recorded on the modern gov system. In the event of continual non-attendance the matter would be passed to the leader of the political group concerned for action to be taken. Performance issues relating to staff are dealt with by the Manager / Head of Service. An officer's employee specification includes competencies, and is currently included in their annual appraisal.

The Council's Constitution clearly defines the roles and responsibilities of the Chief Executive, Chief and Senior Officers, Members and Committees and outlines procedural standards, scheme of delegation and protocol on Member/Officer relations. A review of the Constitution has taken place and was taken to the Cabinet and full Council. The Leader, Cabinet Members and the Committee Chairmen and deputies receive verbal briefings from the Senior Officers on a regular basis and all Members receive pre-council briefings and participate in workshops particularly for the Local Plan. Members receive monthly bulletins through the Council's intranet site, to keep them informed of any new developments.

From the 1st May 2016 the Council appointed the post of Legal & Democratic Services Manager who took over the role of the council's monitoring officer from the Principal Solicitor. The post is responsible for legal compliance, Conduct and Compliance and working with departments to advise on legal issues across the Council.

The Head of Finance & Governance is the assigned Section 151 Officer; overall financial responsibilities for this role are detailed within the Constitution.

The Partnership Guidance to assist staff when setting up a partnership was updated in 2015 to strengthen the risk management element of partnerships. Partnership training has been undertaken with Members as part of the induction programme in 2015, guidance has also been published on the intranet for officers. There are currently 10 strategic level partnerships that the Council is involved with.

F Managing risks and performance through robust internal control and strong public financial management

All cabinet reports are authorised by the relevant Executive Director and reviewed by the Chief Executive, Head of Finance and Governance/Section 151 Officer and the Monitoring Officer, before they are presented to the Cabinet. The Monitoring Officer and Section 151 Officer will also attend Cabinet if required, to answer any specific questions, raised by Members.

The Council's risk register is reviewed regularly and presented to the Strategic Risk Group bi-annually. The group comprises of the Senior Leadership Team (SLT), 3 Members from Cabinet and 3 Members from the Corporate Governance and Audit Committee. Job descriptions of Senior Officers reflect their "Risk Management Responsibilities" and Internal Audit's Annual Audit Plan is drawn up using a risk-based approach, commenting on risk management in the area under review in their report. On a bi-annual basis the

Council's Risk Registers including any new and emerging risks are presented to the Corporate Governance and Audit Committee.. During 2016-17 the three highest risks identified in the Corporate Risk Register were:-

- Business Continuity (CRR9)
- Cyber Risk Attack Across Entire ICT Estate (CRR 97)
- Non Achievement of Recycling Target of 50% by 2020 (CRR 88)

Major projects incorporate a full risk assessment prior to action being taken. As the project progresses a risk assessment is included in the Project Initiation Document (PID) report to committee and during the project risks are reviewed with the cabinet member concerned and updated as necessary.

The Health & Safety Manager has continued to work with services to ensure that there is an adequate business continuity plan in place. A decision was made to cease using Shadow Planner and to replace it with a system called Resilience Direct. This is a storage solution and can be used to store key documents should the Council's system go down. Service functions are categorised as critical (systems up and running in 3 days) and non-critical (over 3 days). The Health & Safety Manager will continue to test the robustness of the plans. The Health & Safety Manager together with the Council's insurer, Zurich Municipal, is intending to review the existing business impact analysis during the financial year 2016-17. He has also undertaken Health & Safety Challenges with Service Managers to see that their service is adequately protected in the case of an incident.

The Council operates a shared service with Arun for the provision of its Emergency Planning service. The Emergency Planning Officer will be based between Arun and Chichester with two members of the Housing and Environment Service assisting.

G Implementing good practices in transparency reporting, and audit to deliver effective accountability

The Council's Overview & Scrutiny Committee has the power to make reports and recommendations to the Council's Executive on issues which affect the area. The Committee can require Members and Officers to attend meetings and for partner authorities to provide information. The Committee also reviews and scrutinises decisions and may call in a decision made by the council's Executive which has not yet been implemented. The Council also takes part in county wide joint scrutiny reviews on issues affecting the wider area and has a representative on the West Sussex County Council Health and Social Care Select Committee to allow the authority to contribute to health related reviews.

In addition to the responsibilities outlined within the statement, the Corporate Governance and Audit Committee also had responsibilities for:

- Control and monitoring arrangements for risk.
- Review and determination of the Internal Audit priorities based on the governance issues and the risks assessments made.
- Review progress / effectiveness and probity of corporate governance within the authority.

- Report to full Council on significant issues or any concerns raised.
- Review and make recommendations to Cabinet and the Council on the council's financial regulations and contract standing orders.
- Consider reports from the Head of Finance & Governance on the Council's financial control system, the council's insurance policies and self-insurance arrangements.
- Monitor the operation of the Members Allowance scheme; approve annually the final accounts of the council and as required to monitor the efficiency of the council's services.

The Corporate Governance & Audit Committee meets five times during the year to consider regular reports from Internal Audit on system reviews, reports from the Head of Finance & Governance and Accountancy Services Manager in addition to Annual Audit and inspection letters from (EY) the nominated External Auditor.

The Standards Committee is made up of seven members of the Council; there are two Sub Committees (Assessment Sub-Committee and Hearing Sub-Committee) made up of three Members of the Standards Committee, in addition an independent person attends in an advisory capacity. Where the complaint is against a Parish Councillor the independent person or the Parish representative must not have had close association with the accused.

The overall responsibility of Internal Audit is to continually review the adequacy of the Council's internal controls and report where necessary any recommendations to management. Internal Audit reviews are designed to assess the effectiveness of the internal controls on which the council relies for managing risk. A report is prepared annually by Internal Audit on the effectiveness of the section and the opinion of the Head of Internal Audit is contained within the Annual Audit report. Internal Audit produces a three year plan which includes the resources of the section and the number of audits to be undertaken during each year. The annual audit plan is approved by the Corporate Governance & Audit Committee and progress against this plan is reported 5 times during the year.

From 2017 – 2019 CDC will publish on the website and submit to government data relating to the gender pay gap in order to comply with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

4. Effectiveness of Governance Arrangements

The Council's governance framework included decision-making processes that are set out in the Council's Constitution; this is continually being reviewed together with the rules.

Procedures are in place for maintaining and reviewing the effectiveness of the Council's governance arrangements throughout the year, these include the following:

- **Elected Members** – Make decisions in accordance with the Constitution and on the aims and objectives of the Council and review Governance Arrangements.
- **Overview and Scrutiny Committee** – Has the ability to scrutinise decisions made and maintains an overview of Council activities.
- **Standards Committee** – Meet to consider any complaints against Councillors and to review policies and procedures for maintaining high ethical standards.
- **Internal Audit Section** - Has a three year audit plan which is flexible and enables internal audit to respond to changing risks and priorities of the organization.

- **Corporate Governance & Audit Committee** – Discuss the findings of audit reports and any other issues that relate to governance.
- **Corporate Management Team** – Review and update governance arrangements, identify and review new and emerging risks and reviews existing risks.
- **Strategic Risk Group** – Regularly reviews, updates and reports on the Risk Registers.
- **Internal Audit Annual Report & Opinion** – This will be presented to the Corporate Governance & Audit Committee on the 28th September 2017 in conjunction with this document which contains an assurance statement regarding internal control.
- **Legal & Democratic Services Manager (Monitoring Officer)** - Ensures that the Council's operations are carried out lawfully.

5. Significant Governance Issues

One issue arose during 2016/2017 which related to Car Park income reconciliation which subsequently caused delays in the closing of the accounts.

6. Risks Identified

The risks that the Council identified during 2016-17 are detailed below:

Risk	Mitigating Action	Responsibility	Target date
Business Continuity	Business Continuity (BC) - document storage solution is held off site which enables staff to access key documents in the event of loss of IT services and systems. External review of the business impact assessment has been undertaken in the year to ensure that the high priorities areas are known plus lessons learned following a strategic BC test exercise by CMT.	Chief Executive Director / Service Manager	The Health & Safety Manager will continue to test the robustness of the plans with CMT.
Cyber Risk Attack across Entire Estate	Procedures and Policies are in place to deal with the risk. Controls in place include email filtering, and Anti-Virus software.	SLT / Head of Business Improvement	Situation On-going
Non-Achievement of Recycling Target of 50% by 2020	The council is working with all other districts within West Sussex on a uniform approach to achieve the 2020 target. There is partnership working through the inter-authority waste group to consider how to reduce residual waste and increase recycling. With Brexit negotiation taking place there is uncertainty surrounding EU Targets.	SLT / Head of Service – Contract Services	1 st January 2020

The process of preparing the Annual Governance Statement has in itself added value to the Corporate Governance and Internal Control framework of the Council.

7. Certification

It is therefore our opinion that Corporate Governance, along with supporting controls and procedures, remains very strong within the Council.

Chichester District Council

THE COUNCIL

21 November 2017

Discharge of Litter Enforcement Function

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2. Recommendation

- 2.1. **The Council is asked to note the intention of the Chief Executive to use the power conferred by Article 10.2 (a) in Part 2 of the Constitution of Chichester District Council to discharge certain litter enforcement functions to East Hampshire District Council under powers granted to local authorities under section 101 of the Local Government Act 1972.**

3. Background

- 3.1. Littering and fly tipping consumes considerable Chichester District Council (CDC) resources both in terms of officers and budget. A member/officer group set up to explore this problem and discuss opportunities from the National Litter Strategy, produced a Litter and Fly Tip Action Plan for Chichester District (Appendix 1) which was approved by the Cabinet on 5 September 2017. Improving enforcement is one theme of the action plan, alongside reviewing the infrastructure for litter and publicity and campaigns to make littering and dog fouling socially unacceptable.
- 3.2. Participating in a Litter and Dog Fouling Enforcement Trial with East Hampshire District Council (EHDC) is a key action in the enforcement theme. Details of the trial are attached as Appendix 2. The trial will run from 1 November 2017 to 31 October 2018.
- 3.3. The powers to discharge certain litter enforcement functions from CDC to EHDC, rest with the Chief Executive under Article 10.2 (a) in Part 2 of CDC's *Constitution*.
- 3.4. During the enforcement trial, two to four EHDC officers will patrol areas of the district, two to three days a week, where there are known littering and dog fouling problems issuing fixed penalty notices for £80 and £100 respectively.

3.5. Prior to the campaign commencing and during the trial, CDC will be undertaking publicity and education campaigns to ensure the public has the opportunity to dispose of its litter and dog waste correctly.

4. Outcomes to be Achieved

4.1. Article 10.2 (a) in Part 2 of CDC's *Constitution* requires the Council to note the decision of the Chief Executive to discharge certain litter enforcement functions to EHDC under an agency agreement under powers granted to local authorities under section 101 of the *Local Government Act 1972*.

5. Appendix

5.1. Appendix 1 - Litter and Fly Tip Action Plan.

5.2. Appendix 2 – East Hampshire District Council Litter Enforcement Trial.

6. Background Papers

6.1. None.

'Against Litter'

A Litter and Fly Tip Action Plan for Chichester District

2017 – 2019

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Foreward by Councillor Roger Barrow, Portfolio Holder for Chichester Contract Services

Chichester District is a great place to live with beautiful countryside to enjoy and pleasant, welcoming towns and villages. The public tell us that the beautiful countryside is what they love about the area and maintaining it as such is very important to the residents of the District. However, residents are concerned about litter, dog fouling and fly tips. The Council spends significant resources and budget clearing and keeping the district clean and green. Chichester District Council has the ambition to change attitudes and behaviour to littering and fly tipping, by working with partner agencies, local businesses and each community to raise awareness by introducing a robust action plan.

I want to offer my thanks for the work already done by volunteers in cleaning up litter across the District and I am pleased to say that the contribution from communities is part of this action plan and the Council will continue to support community clear up days.

Surveys of the public consistently identify local environmental factors as being one of the most important factors in their wellbeing. When our countryside, towns and villages are blighted by litter and fly tips, our ability to enjoy our local environment is reduced and so too our well-being.

Litter is an avoidable problem and we all have a responsibility to help address the problem. I encourage everyone to come together to help us get on top of the persistent litter and fly tips that plague our District and help us release funds that could be spent on other public services.. I am optimistic about the Governments drive to make everyone accountable, to work together to make litter a thing of the past.

Summary

Chichester District Council (CDC) has produced this Action Plan to set out how we will work with communities and businesses to reduce litter and fly tips which can tarnish our countryside and towns and villages.

The facts concerning litter speak for themselves;

CDC streets budget £1,030,000 pa. Approximately 1/3rd of these costs could be avoided and money spent on vital public services. Approximate costs of clearing the city centre is £220,000, towns and villages £250,000, mechanical sweeping £145,000, highway litter picking £200,000. A significant portion of these costs will have been avoidable and the money could have been better spent on vital public services.

Highway litter picking is complex and costly due to traffic management considerations. The recent 'deep clean' of the A27 cost £56,000.

There is a big increase in the number of fly tips in the District. In 16/17 there were 988 reported fly tips, up from 618 in 15/16. The 2016/17 costs to remove fly tips was £74,300 (including £21,000 for hazardous waste fly tips).

A national survey shows that 28–30% of people perceive 'litter and rubbish lying around to be a problem in their area'. Also 81% of people are 'angry and frustrated by the amount of litter lying all over the country'.

In the 2016 Great British Beach Clean, 802 litter items were collected per 100m of beach in England.

Last year, the RSPCA received over 5000 calls about litter-related incidents affecting animals.

The Councils strategy is to apply best practice in the following areas; good infrastructure, education to build clear social expectations supported by proportionate enforcement with the aim of reinforcing social pressure on everyone to do the right thing and which will deliver a substantial reduction in litter and littering behaviour and fly tipping so that in the coming years we see demonstrable improvements against the figures above.

We will;

1. Send a clear and consistent anti-litter and fly tip message, by;

Developing, seeking funding for and delivering a number of anti-littering and anti-fly tipping strategies

Develop an anti-littering culture which aims to educate young people not to litter

Engage with local communities, and empower them to take action, including supporting communities to adopt an area

Engaging with local businesses to care about their local area and work with others to deal with local litter problems

Look for new ways to encourage more recycling and reduce litter.

2. Clean up the district, including;

Working with WSCC Highways Authority and Highways England to reduce litter on the District's roads

Lobby WSCC to make it as easy as possible for people and local businesses to get rid of their rubbish properly

Work with organisations to make sure they have the right facilities to get rid of litter

Work with parish councils in deciding where bins should be placed, what types to use and how many are needed

Use innovative ways to encourage people to report litter and fly tips

3. Improve enforcement by;

Participating in a litter enforcement trial with neighbouring local authorities

Improving resources for fly tipping enforcement

Explore technology to make enforcement action count

About this action plan

Chichester needs an action plan that reflects how the Council will work with groups and businesses to reduce litter and fly tipping. It will explain how the Council will implement the national litter and fly tip strategies within Chichester District's particularly environmental and social needs.

CDC may not be able to prevent all litter and fly tipping, nevertheless, its actions, priorities and leadership can make a difference to local residents and businesses. Together, we can influence others to work towards cost-effective outcomes, encourage others to 'do right' by waste and signal to the local community about the sort of activity and behaviour we should be encouraging.

Littering and fly tipping consumes considerable council resources in both terms of officers and budget. The aim therefore is to undertake various preventative initiatives to change public behaviour through a combination of awareness, education and enforcement to enable these resources to be diverted to deliver other vital services.

The action plan aims to balance preventative initiatives that improve awareness, including well-defined and targeted key messages with eye catching publicity material and new infrastructure to targeted enforcement against offenders who litter and fly tip.

The environmental and public health context

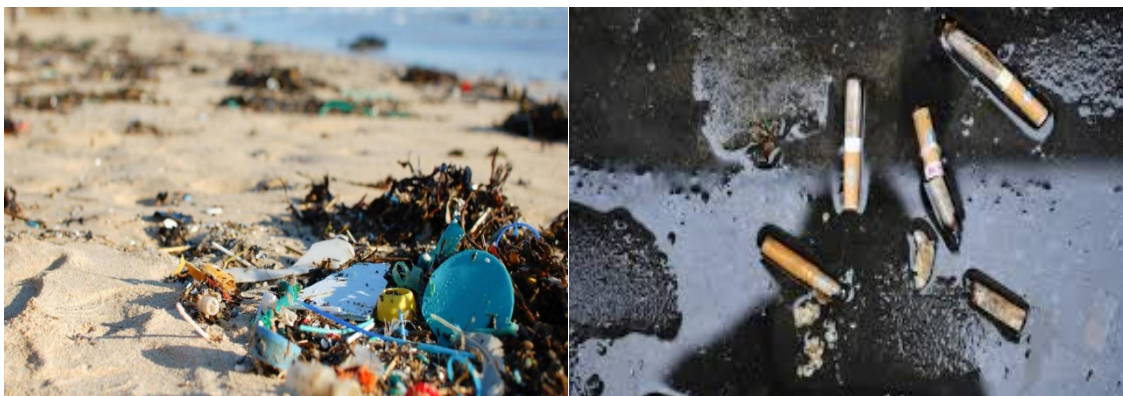
The impacts of litter and fly tips are extensive, below are a few examples but the list could be endless.

Litter and fly tips are pollution, contaminating soil or water. It looks bad and can affect the value of your home and business. It affects the local economy, particularly tourism. 'Litter breeds litter' and sends out a message that people don't care.

Litter kills and harms wildlife. The biggest source of litter is cigarette butts. Though small they can be very dangerous. The butts contain harmful chemicals that can contaminate water and soil. Humans, animals and plants all need unpolluted water to survive. Litter is a threat to public health; it attracts vermin and is a breeding ground for bacteria.

Litter in the streets and parks can clog storm-water drains and fly tips can block ditches, which and result in flooding after heavy rain. Litter and debris is thrown, blown or washed into rivers, canals and the sea, where it finds its way in to the food chain. Litter, in particular plastic is harming our aquatic ecosystems and blights coastal communities and tourism. Litter is consumed by aquatic animals, damaging their health or they become entangled in it. Litter can smother habitats, resulting in species declining or disappearing.

Litter and fly tips can be a fire hazard.



Removing litter from the environment costs everyone money. Where this is public money, it could be better spent on services for the public.

This strategy compliments the Council's recycling strategy which aims to reduce waste and maximise value from natural and material resource assets by reducing the amount of new materials we need for our products and services thereby reducing waste and improving waste management techniques. We will continue to support people being able to recycle more, including recycling 'on the go'. We will continue to lobby for free disposal of household waste at WSCC civic amenity sites and improved opening times.

Strategic alignment

Reducing litter and fly tipping and maintain a clean and pleasant place is a key aim for achieving the corporate policy of managing our built and natural environment. The action plan also fits into national strategy towards littering as outlined in the Government's National Litter Strategy of 2017.

The Council has a duty under the Environmental Protection Act 1990 to keep relevant land in the open air to which the public have access clear of litter and debris. The Code of Practice on Litter and Refuse 2006 sets a requirement on the Council to return a littered area to a satisfactory state, maintain it and keep it clean within a set time frame.

The Action Plan

The responsibility to monitor the delivery of the action plan lies jointly with the Contract Services Manager and Environment Manager.

1. Sending a clear message

	What	Who	When
Awareness and Community Involvement			
1	Continue and expand the current Communication Strategy including; Keep it Clean, Keep it Green campaign in Initiatives and other CDC literature covering - cost and impact of littering, cigarette litter, dog fouling, duty of care towards waste, fly tipping	PR Chichester Contract Services Environmental Protection	On-going
2	Deliver a Tradesman Project in partnership with retailers of trade tools and hardware including campaigns on properly sheeted commercial vehicles, duty of care towards waste	Member Officer Litter Working Group PR Chichester Contract Services Environmental Protection Relevant local trade businesses	January 2018
3	Introduce an "Adopt an Area" Initiative which incorporates themes appropriate to local needs such as community clean up days, "Paws and Pick Up" events, citizen awards, community pledges for particular problems e.g. dog fouling	Member Officer Litter Working Group PR Chichester Contract Services Environmental Protection City and Town Councils	March 2018

4	Deliver a Clean Street Pledge in Chichester, Midhurst, Selsey, Petworth towns	Member Officer Litter Working Group PR CCS Environmental Protection City and Town Councils Chichester Bid Local Chamber of Commerce	April 2018
5	Support and compliment the WSCC Highways and Highways England initiative to keep roads and verges clear of litter through social media campaigns.	CCS Manager, WSCC Highways Highways England	November 2017
6	Run Waste Buster in 5 local schools each year	Chichester Contract Services	On-going

2. Cleaning up the District

	What	Who	When
Infrastructure and Collaboration			
7	Review of Infrastructure including; <ul style="list-style-type: none"> • Litter bin & dog bin audit (right place/frequency/right messages) • 'Recycle on the go' provision • Shops / pubs to have cigarette bins • Improve clean up resources and use of external contractors • Co-ordinate highway work (grass cutting / routine maintenance) 	Chichester Contract Services	On-going, report due at Cabinet Dec 17

	<ul style="list-style-type: none"> Review of existing street cleaning schedules 		
8	Improve and expand on collaboration between internal teams and services - waste management, street cleaning, environmental protection, community wardens, legal services, including clear roles and responsibilities and efficient procedures	Chichester Contract Services Environmental Protection Community Wardens Legal Services	On-going
9	Hold quarterly Member Officer Litter Working Group meetings/workshops, including annual reporting of costs related to littering and fly tipping and enforcement action	Chichester Contract Services Environmental Protection Members PR	On-going
10	Attend county-wide strategic Member waste group	Portfolio Holder for Contract Services	On-going
11	Attend county-wide officer waste group	Contract Services Manager	On-going
12	Improved stakeholder collaboration including parish councils, Chichester City Council, Chichester BID, WSCC, SDNP, Waste Partnership.	Contract Services Environmental Protection Portfolio Holder for Contract Services	On-going
13	Attend land owners fly tip liaison meeting	Land owners WSCC Environmental Protection	On-going

3. Improving enforcement

	What	Who	When
Enforcement			
14	Participate in the Litter Enforcement Trial with East Hants District Council, targeting litter and dog fouling enforcement to towns, car parks, parks/recreation grounds, other open space, and beaches. The FPN will be set at £80, in line with other Council FPNs, with a reduction to £60 if paid within 14 days. The process will include a process of appeal.	Environmental Protection East Hants District Council Legal Services	October 2017
15	Provide additional resources for fly tip investigations	Environmental Protection	On-going
16	Plain cloth operations at problem dog fouling areas	Environmental Protection Dog Control Officers	October 2017
17	Participate in Countywide remote cameras trial for fly tipping	WSCC Communities team Sussex Police Sussex Fire and Rescue Environmental Protection Legal Services	August 2017

East Hampshire District Council Litter Enforcement Trail

The attached proposal from East Hants District Council (EHDC) outlines the litter enforcement trial. As well as East Hants, the neighbouring authorities of Herts, Arun and Havant are already participating in the trial.

The trial has been extended to run until September 2018 and subject to approval by Cabinet and agreement on legal contracts and details for the operation of the service, CDC should commence the trail by 1 November 2017. Prior to any enforcement being carried out, it is proposed that a publicity campaign will be run to raise public awareness and that any enforcement will be carried out in conjunction with ongoing education and awareness.

This will include a period of pre-trial publicity. One of the aims of the trial is to work collectively with neighbouring authorities and to learn best practice.

The aim is to keep Chichester District clean and attractive place to live and work and to provide a good quality great value service targeted at individuals who disregard the littering laws.

During the trial, it is likely that 2 or 4 EHDC officers, working in pairs will be on patrol for 2/3 days a week, utilising body worn cameras. If implemented, it is proposed that patrol officers will be given the freedom to enforce all public highway and CDC owned land, including public car parks, City and town centres, parks and recreation grounds, promenades/beaches. In addition, Parish Council, landowners where the PSPO Dog Control applies and some local businesses, will be consulted to see if they would wish the patrolling officers to enforce land within their ownership.

Litter includes the dropping of cigarette butts, chewing gum, dog fouling, dog poo bags. Patrols will target those areas where the most littering occurs.

The patrolling staff all received high levels of training and the emphasis on issuing fixed penalty notices (FPNs) is placed on quality of ticket issue rather than number of tickets.

If implemented an approach for issuing FPNs to young persons will need to be agreed. In law a local authority FPN can be issued to anyone over the age of 10. Parents and guardians are not responsible in law for paying fixed penalties issued to young offenders (in this respect FPNs differ from police issued penalty notices for disorder). However, a court before which a young person appears can order the parent/guardian to pay any fine it may impose. In East Hampshire the decision has been taken not to issue FPNs to anyone under the age of 18 years unless there are special circumstances that have been approved by the Cabinet Member. It is recommended that the same policy should be adopted in Chichester.

Alison Stevens, Environment Manager
1 August 2017

The level of fine for the trial will be that set by the legislation, currently £75 for littering and £100 for dog fouling, with an early redemption fee. There is no charge by EHDC for the trial, however, the fine is split between EHDC and CDC respectively; (littering £55/£25; dog fouling £75/£25).

There are resource implications for CDC;

- Taking payments over the phone – Contact Centre
- Payments and invoices to EHDC – Environmental Protection admin
- Contract management & monitoring – Environment Manager
- Legal action for non-payment of FPNs – Environment Manager, Legal Services.
- Complaints procedure – Environment Manager

Members and officers have visited EHDC to discuss the details of the proposal with service managers and spent some time shadowing the enforcement officers. This provided reassurance that enforcement would be carried out in a professional and efficient manner. This will be monitored by enforcement officers recording issuing of FPNS via body worn CCTV.