

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 23 January 2018 at 14:00** for the transaction of the business set out in the agenda below

A handwritten signature in black ink, appearing to read 'Diane Shepherd'.

DIANE SHEPHERD
Chief Executive

Monday 15 January 2018

NOTES

(1) The Council meeting will be preceded by the following arrangements for members:

- **11:30** Open Forum
- **12:15** Lunch
- **12:45** SDNPA Activities Update – Mark Dunn
- **13:05** Housing update and Homelessness Reduction Act – Linda Grange and Marie Grele
- **13:45** Intermission

(2) Members are requested to bring with them to this meeting their copy of the agenda for the meeting of the Cabinet which took place on Tuesday 5 December 2017 and the agenda, agenda supplement and second agenda supplement for the meeting of the Cabinet which took place on Tuesday 9 January 2018 (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 24)

After an initial welcome by the Chairman, the Council will be asked to approve as a correct record the attached minutes of its meeting on Tuesday 21 November 2017.

2 **Late Items**

The Chairman will announce any late items which are to be dealt with under agenda item 18 (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 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 meetings on Tuesday 5 December 2017 and Tuesday 9 January 2018.

A - TUESDAY 5 DECEMBER 2017

6 **Chichester Growth Deal 2017-2023**

The report and its two appendices are at item 5 of the agenda (pages 1 to 15) for the Cabinet's meeting on Tuesday 5 December 2017.

The Cabinet made the following recommendations to the Council:

That the Council:

- (1) Approves the Growth Deal between West Sussex County Council and Chichester District Council as set out in appendix 1 to the agenda report, subject to the aforesaid amendments in appendix A to appendix 1 and in appendix 2.
- (2) Approves the appointment of the Leader of the Council, Susan Taylor and Simon Oakley recommended by the Cabinet to represent Chichester District Council on the Growth Board.
- (3) Dissolves the Infrastructure Joint Member Liaison Group and subsumes its role and terms of reference into the Growth Board.
- (4) Approves the terms of reference of the Growth Board (as amended) contained in appendix 2 to the agenda report subject to comments from West Sussex County Council.

7 Financial Strategy and Plan 2018-2019

The report and its first two appendices are at item 6 of the agenda (pages 16 to 32) for the Cabinet's meeting on Tuesday 5 December 2017 and its third appendix is in the first agenda supplement (page 1).

The Cabinet made the following recommendations to the Council:

That the Council:

- (1) Approves the key financial principles and actions of the five-year financial strategy set out in appendix 1 to the agenda report.
- (2) Notes the current five-year Financial Model in appendix 2 to the agenda report.
- (3) Approves that a minimum level of general fund reserves be set at £5m and the £1.3m provision for revenue support be maintained, having considered the recommendations from the Corporate Governance and Audit Committee.
- (4) Approves that Chichester District Council participates in the West Sussex 100% Business Rates Pilot for 2018-2019 if the bid is accepted by the Ministry of Housing, Communities and Local Government or continues to participate in a West Sussex Business Rates pool for 2018-2019 if the pilot bid is unsuccessful.
- (5) Notes the current resources position as set out in appendix 3 to the agenda report.

[Note Since the foregoing recommendations were made CIPFA has adopted an accounting standard which might have an adverse effect on Chichester District Council's (CDC) budget for 2018-2019 and potentially on its reserves at 31 March

2019. This new accounting standard (IFRS9) applies to certain types of investments. Unless the government issues a statutory override, the impact would potentially be a charge to the revenue budget of £565,000 and an estimated loss in March 2019 of £3.65m. A full explanation of this was issued by the CDC's Head of Finance and Governance Services by e-mail to all members on 8 January 2018. In order to address this financial risk and in the current absence of a statutory override Peter Wilding (Cabinet Member for Corporate Services) will propose at this meeting the replacement of recommendation 3 above with the following:

3 (a) That the £5m General Fund Reserve and £1.3m Revenue Support Reserve be combined to provide a £6.3m General Fund Reserve.

3 (b) That the draft 2018-2019 budget which will be considered by the Cabinet in February 2018 should provide for a £565,000 charge to revenue in respect of IFRS9 unless a statutory override is issued by the government in the meantime.

3 (c) In the event that the government issues a statutory override after the budget is approved in March 2018, officers shall review these allocations at 3 (a) and 3 (b) above and make recommendations to release potentially both the £1.3m and the £565,000 back to being available for investment purposes.]

8 New Homes Bonus (Parish Allocations) Policy

The report and its two appendices are at item 7 of the agenda (pages 33 to 40) for the Cabinet's meeting on Tuesday 5 December 2017.

The Cabinet made the following recommendation to the Council:

That the New Homes Bonus (Parish Allocations) Policy and the delegations therein be approved.

B - TUESDAY 9 JANUARY 2018

9 Revised Corporate Plan 2018-2021

The report is at item 6 of the agenda for the Cabinet's meeting on Tuesday 9 January 2018 (pages 21 to 24) and its nine appendices are in the agenda supplement (pages 1 to 32) - a copy of the supplement is enclosed with this agenda for all members who did not receive it as part of the Cabinet papers.

The Cabinet made the following recommendations to the Council:

(1) That the revised Corporate Plan for 2018-2021 as set out in appendix 1 to the agenda report (as amended) be approved.

(2) That £130,000 from Chichester District Council's General Fund Reserve be approved to fund the two projects as set out in para 5.7 of the agenda report.

[**Note** In recommendation (1) above appendix 1 was amended by the Cabinet in

two respects namely on page 4 to the Objective 2 actions for the Priority to 'Manage our built and natural environments and maintain a positive sense of place' (a) in 2.2 insert 'aim to' between 'will' and 'achieve' and (b) in 2.3 insert 'endeavour to' 'will' and 'increase']

10 **Supporting New and Existing Small Businesses**

The report is at item 10 of the agenda for the Cabinet's meeting on Tuesday 9 January 2018 (pages 35 to 39).

The Cabinet made the following recommendation to the Council:

That (a) the establishment of the Shop Front Improvement Grant Scheme and Provision of Retail Training for independent retailers as set out in sections 4.2 (as amended) and 4.3 to 4.5 of the agenda report supported by £168,800 allocated from the Pooled Business Rates Fund and £32,000 from reserves be approved and (b) the Head of Commercial Services be authorised to approve shop front improvement grants under the Scheme.

[**Note** In the recommendation above section 4.2 was amended by the Cabinet by the addition after 'Selsey' and before the full stop of ', funded from £168,000 and in addition a further £32,000 from reserves for East Wittering local centre.']

11 **Commissioning of West Sussex Community Advice Service**

The report is at item 5 of the agenda for the Cabinet's meeting on Tuesday 9 January 2018 (pages 17 to 20).

The Cabinet made the following recommendation to the Council:

That the availability of £74,000 per annum for up to two years to achieve a bridging contract with the existing provider for the Community Advice Service be approved.

12 **Revised Local Development Scheme 2018-2021**

The report is at item 7 of the agenda (pages 25 to 28) for the Cabinet's meeting on Tuesday 9 January 2018 and its appendix is in the agenda supplement (pages 33 to 43) - a copy of the supplement is enclosed with this agenda for all members who did not receive it as part of the Cabinet papers.

13 **Site Allocations - Development Plan Document 2014-2029 - Proposed Modifications Consultation**

The report is at item 8 of the agenda (pages 29 to 31) for the Cabinet's meeting on Tuesday 9 January 2018 and its two appendices are in the agenda supplement (pages 44 to 95) - a copy of the supplement is enclosed with this agenda for all members who did not receive it as part of the Cabinet papers.

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

- (1) That the Site Allocation Development Plan Document Further Proposed

Main Modifications (set out in appendix 1 to the agenda report) and the Further Proposed Minor Modifications (set out in appendix 2 to the agenda report) be approved for public consultation, subject to amending the heading to the document in appendix 1 by substituting 'Proposed' for 'Inspector's'.

- (2) That authority be delegated to the Head of Planning Services, following consultation with the Cabinet Member for Planning Services, to enable minor editorial and typographical amendments to be made to the document prior to publication.

14 **Statement of Community Involvement**

The report is at item 9 of the agenda (pages 32 to 34) for the Cabinet's meeting on Tuesday 9 January 2018 and its appendix is in the agenda supplement (pages 96 to 112) with an amended version of page 101 in the second agenda supplement (page 1) - a copy of the two supplements are enclosed with this agenda for all members who did not receive them as part of the Cabinet papers.

That the Statement of Community Involvement (with the diagram on page 101 of appendix 1 being replaced by the amended version in the second agenda supplement) be adopted.

QUESTIONS TO THE EXECUTIVE

15 **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]

OTHER BUSINESS

16 **Amended Appointments to Committees 2017-2018** (page 25)

The Council is requested to consider the attached agenda report and to make the following resolution:

That the following two appointments be approved:

- (1) Mrs S Taylor replaces Mr N Thomas on the General Licensing Committee and the Alcohol and Entertainment Licensing Committee.
- (2) Mr M Dunn replaces Mrs J Tassell on the Overview and Scrutiny Committee.

17 **Planning Policy Team Resources** (pages 26 to 28)

The agenda report for this item is for the Council to note the urgent decision made to recruit two new principal planning officer posts and one additional planning

officer post to the Planning Policy team prior to the annual budget setting process being considered by the Cabinet and the Council.

FINAL MATTERS

18 Late Items

- (a) Items added to the agenda papers and made available for public inspection.
- (b) 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.

19 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 the Committee Rooms at East Pallant House Chichester West Sussex on Tuesday 21 November 2017 at 14:00

Members Present: Mrs E Hamilton (Chairman), Mrs N Graves (Vice-Chairman), Mrs C Apel, Mr J Brown, Mr P Budge, Mr J Connor, Mr A Collins, Mr T Dempster, Mr A Dignum, Mrs P Dignum, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr J W Elliott, Mr N Galloway, Mr M Hall, Mrs P Hardwick, Mr R Hayes, Mr G Hicks, Mr L Hixson, Mr F Hobbs, Mrs 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 J Ransley, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mr N Thomas, Mrs P Tull, Mr D Wakeham, Mrs S Westacott and Mr P Wilding

Members Absent: Mr G Barrett, Mr R Barrow, Mrs G Keegan and Mr J Ridd

Officers Present: Mr M Allgrove (Planning Policy Conservation and Design Service Manager), Mr N Bennett (Legal and Democratic Services Manager), Mr S Carvell (Executive Director), Mr A Frost (Head of Planning Services), Mr P Jobson (Taxation Manager), Miss R Oozeerally (Public Relations Officer), Mr P E Over (Executive Director), Mrs M Rogers (Benefits Manager), Mrs D Shepherd (Chief Executive), Ms A Stevens (Environment Manager), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance & Governance Services)

1 **Approval of Minutes**

The Chairman welcomed everyone present to this final Council meeting of 2017 and explained the emergency evacuation procedure.

There were two sets of minutes for approval: the ordinary meeting on 19 September 2017 and the special meeting on 27 September 2017.

The Council formally received those two sets of minutes, both of which had been circulated with the agenda papers.

There were no proposed changes to either set of minutes.

It was noted, however, that Mr Brown was a member of Southbourne Parish Council and ought, therefore, to have been included in the list of members who were making a declaration of interest in para 240 of the minutes of 19 September 2017 ordinary meeting.

Decision

The Council voted unanimously on a show of hands to make the two resolutions below.

RESOLVED

- (1) That the minutes of the Council's ordinary meeting on Tuesday 19 September 2017 be approved without amendment.
- (2) That the minutes of the Council's special meeting on Wednesday 27 September 2017 be approved without amendment.

After each resolution was made Mrs Hamilton then duly signed and dated respectively as a correct record the final (eleventh) page of the official version of the minutes in (1) and the final (twelfth) page of the official version of the minutes in (2).

[**Note** This para and paras 265 to 276 below summarise the consideration of and conclusion to agenda items 1 to 13 inclusive. For full details of the matters summarised in paras 264 to 270 only please refer to the audio recording facility via the link below. However, for technical reasons the audio recording for this meeting shortly before the making of the resolution at the end of agenda item 7 (Determination of the Council Tax Reduction Scheme 2018-2019) and does not resume thereafter.]

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

2 Late Items

There were no late items under agenda item 12 for consideration at this meeting.

3 Declarations of Interests

Declarations of personal interests were made in respect of agenda item 6 (Southern Gateway Masterplan - Adoption) by the undermentioned who were members of West Sussex County Council, which was a partner with Chichester District Council in the Southern Gateway project:

- (1) Mrs Duncton
- (2) Mr Oakley
- (3) Mrs Purnell

[**Note** Hereafter in these minutes Chichester District Council is denoted by CDC]

4 Chairman's Announcements

Mrs Hamilton mentioned the following apologies for absence:

Mr Barrett, Mr Barrow, Mrs Keegan and Mr Ridd.

All other CDC members were present.

Mrs Hamilton made the following announcements:

(1) Local Government Association's Our Day Twitter Campaign

The date of this meeting coincided with the Local Government Association's *Our Day* Twitter campaign which was an opportunity for local authorities to promote during the day via Twitter their activities. Rehannah Oozeerally (Public Relations Officer) was present to take photographs of the Council in session for publication on Twitter.

(2) New Exhibition at The Novium

Having recently viewed the *Cutlasses and Contraband – A Smuggling Story* exhibition at The Novium, Mrs Hamilton praised this excellent new event. She encouraged all members to make every effort to visit The Novium to learn about the fascinating history of the Chichester District coastline.

5 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 read out his question before a response was given by Mrs Taylor (Cabinet Member for Planning Services).

The questions (with the date of submission in []) and the answers are set out below.

Question (1) by Mr Martin Winch

'Vision. Perhaps an over-used word which raises expectations? Not when it comes to successful regeneration. There are countless examples of projects where, with vision, areas have been transformed. From mega-projects like London Docklands to the regeneration of declining market towns, vision is the ingredient which creates the difference.

Commitment, confidence and creativity are also needed, alongside the practical need to secure funding. And master-planning is where it should all start. Creating a viable and visionary masterplan which can inspire communities and deliver both social and economic value. Public and private sector investors should see a tangible return. Key stakeholders want to manage risk. Communities want to see action and deliverables.

So how does this all relate to the Southern Gateway Regeneration in Chichester? For anyone who has managed to plough through over 300 pages of the master planning report prepared by the District Council's appointed consultants, it can be summarised in one word. Frustration. Not just in the lack of commitment shown to effective public consultation, where the report should have invited comment and debate. Not even in the fact that the masterplan has cost over £200,000 to produce. No, the real frustration is in its conclusions.

For anyone living in the Manhood Peninsular and attempting to reach the centre of Chichester, those dreaded flashing lights at the level crossings, cause a similar frustration.

And, with over 20,000 working days lost each year, local people expected a report which, at the very least, explored the option of closing the crossings. Whether a tunnel or a bridge, this surely deserved further evaluation within the costly master planning study? Apparently not. All of which led us, two local people living in Birdham, to respond. Encouraged by a presentation to Councillors in the summer, the Freeflow concept entered the public realm. And that is where we still are. It is only a concept, but one which is at least being debated. Whether through the media or at a public meeting, people are being engaged to discuss the merits or otherwise of Freeflow.

Freeflow may or may not be viable but one thing it is not lacking is vision. When Chichester Vision was adopted by the Council on 25 July, we were told by the Council Leader no less that it “looks at what untapped opportunities there are in the City”. Well the Southern Gateway is an untapped opportunity and deserves a lot more vision than shown to date. Do the Council really believe that the recommended masterplan shows the vision required to unlock the potential without removing the level crossings?’

[16 November 2017]

Response (1) by Mrs Susan Taylor

‘Thank you for your question which asks whether the Council really believes that the recommended masterplan shows the vision required to unlock the potential without removing the level crossings.

The question appears to be predicated on a premise that unless the level crossings can be removed, the masterplan cannot be visionary. We disagree. The Council has only recently adopted the Chichester Vision – its objectives include creating a more accessible and attractive City Centre; calming and reducing traffic flows and reversing the priority from vehicles to pedestrians. We believe that the draft masterplan accords with these objectives. Importantly, the masterplan will provide the means to enable regeneration of this part of the city in a comprehensive and planned way, delivering a range of public realm improvements and significant alterations to the adjoining highway network. Without an adopted masterplan, development of this important area of the city will occur on a piecemeal and un-coordinated basis with opportunities for related improvements to the public realm likely to be missed.

The draft masterplan does not incorporate a bridge or tunnel over the level crossings. Our consultants feasibility work identified that the cost of a bridge would be significant (at least £10m); that there would be a substantial land-take either side of the railway line to accommodate a bridge and that there would be adverse impacts on the character of the area and conservation area and the many heritage assets nearby, including views towards the cathedral. Other options such as tunneling were considered and ruled out on the basis that they would be prohibitively expensive.

The process of preparing a masterplan that is based on real evidence is necessarily a costly exercise. The draft masterplan is the result of 18 months’ work by our masterplanning and transport consultants, working closely with the member/officer steering group which included representatives of this Council, WSCC, the Homes and Communities Agency and Network Rail. The draft masterplan has been prepared thoroughly and is supported by considerable technical transport, viability and feasibility evidence.

In addition to assessing the viability and feasibility of a bridge across the level crossings, a total of 11 different options for changing the road network in the Southern Gateway area have been considered, ranging from small scale improvement schemes to more fundamental changes to the existing gyratory. The proposed option to restrict general traffic from using the Stockbridge Road level crossing and the rerouting of Basin Road will provide opportunities to bring suitable development forward and, as already mentioned, to achieve significant improvements to the public realm, especially in the area around the railway station, leading up to South Street and the main shopping area.

This significant regeneration project will take a number of years. We believe that the draft masterplan provides the right vision to make this happen in a way that is appropriate to the sensitive context of this part of the city and importantly in a way that is both technically feasible and deliverable.'

Supplementary Question by Mr Martin Winch

Mr Winch said those involved in the Freeflow and Freeflow 2 proposals had spoken with Network Rail (NR), one of the stakeholders, and it had said that eventually all level crossings had to be closed and the decision as to when that should occur was based on the magnitude of the risk posed by a particular crossing. The city's level crossings were currently assessed by NR as being a low grade risk. His question was whether Chichester District Council was waiting for an accident to happen.

Supplementary Response by Mrs Susan Taylor

Mrs Taylor replied that that was certainly not the case.

Mr Winch expressed his gratitude for being given the opportunity to ask his question at this meeting and thanked Mrs Taylor for her responses.

Point of Order

Mr Ransley remarked that Mr Winch's question sought to explore the option of closure of the level crossings, an outcome which the original masterplan had proposed but which had, for an unexplained reason since, been set aside on the basis that it would have an adverse impact on the city's adjacent highway network.

Mrs Shepherd replied that Mr Ransley's point was noted and could be pursued in the subsequent debate.

Question (2) by Mr Trevor Tupper

Mr Tupper prefaced his submitted question as follows. He said that he was the chairman of the Brampton Court Residents Association and a Chichester City Council member for the South Ward. Although the Southern Gateway Masterplan proposals were supported the residents were very concerned about the impact on them if a bridge were to be built in the Freeflow area as some were advocating. He described how the amenity of his fellow resident, Roger Keyworth, who was present at this meeting as an observer, would be affected by such a bridge. He alluded also to (a) the noise which would be generated from the Basin Road direction as vehicles approached on an upward gradient and (b) the overhead electrification infrastructure. In short, a bridge would be a hideous intrusion and seriously detract from residents' quality of life. There was an alternative location for a

bridge, namely to the west crossing Terminus Road and Avenue de Chartres, affording incidentally a safe route for students to use. The point of his question was to secure reassurance that a bridge over the level crossing would be expressly and finally ruled out.

The text of his submitted question was as follows:

'As Chairman of the Brampton Court Residents' Association and a Chichester City Councillor for South Ward, I would like to speak at the meeting on Tuesday about the Cabinet's recommendation to adopt the Southern Gateway Masterplan. In general we support the proposals, but I would like to ask for confirmation that the Freeflow scheme with its bridge over the railway has been finally dismissed. This bridge would go within a few metres of the Brampton Court retirement apartments and at such a level that noise and nitrogen dioxide pollution would be totally unacceptable.

The main reason for supporting the adoption is that current pollution in Stockbridge Road outside our apartments is dangerously high, well in excess of EU limits and the removal of HGVs, in particular, and the absence of 3 lanes of stationary traffic at peak times all with engines running will benefit us all.'

[19 November 2017]

Response (2) by Mrs Susan Taylor

'Thank you for your question which asks for confirmation that the Freeflow scheme with its bridge over the railway has been finally dismissed.

As you may be aware, the work undertaken by the Council's consultants looked at the possibility of either a bridge or a tunnel over the level crossings in order to enable their closure. The technical work carried out demonstrated that a bridge would be neither technically feasible nor viable and that it would result in harmful impacts on both the surrounding area and the amenities of the occupiers of nearby property. The draft masterplan which is proposed for adoption (later in the Council agenda) does not, as a consequence, include a bridge over the level crossings.

Your question cannot of course be fully answered until Council has debated Item 6.'

Supplementary Question

Mr Tupper did not ask a supplementary question.

Question (3) by Mr Richard Hutchinson

'The original masterplan brief for the southern gateway should have been open to ideas of how to resolve the problems of the Southern Gateway with imagination and technical solutions. Instead, the masterplan became focussed on maximising development space at the expense of finding a solution to the traffic problem. Basically the team didn't have the vision, or the stomach for investigating what is a complex problem.

They took the easy route which resolves nothing.

Having failed at finding a solution to the level crossings, the masterplan team decided that “well it’s alright because we don’t want cars in the City centre anyway”. The proposed masterplan states that it wants to encourage cyclists and pedestrians, but the level crossings stops them entering the city as well as cars.

Freeflow proposes not only a road bridge for cars and buses but also a dedicated pedestrian, cycle and mobility scooter ramped bridge which will provide a positive encouragement for people to use alternative means of transport. The current masterplan proposes that massive congestion will stop people using their cars. This is not the way to plan cities.

Yes, Freeflow will be expensive, but we have shown that there is massive potential for development that will more than pay for the infrastructure improvements. Developers are queueing up to invest in Chichester, and so let’s be ambitious and go for the best, not just settle for a few housing estates surrounded by traffic gridlock.

The Southern gateway is an issue that has been ducked by the Council for decades, and each year the problem gets worse as there are more cars, trains, and the surrounding development sites are built on. The options narrow and this is the last chance to do something positive. If the council masterplan goes ahead the development will make it impossible to resolve the level crossing issue, and future generations will curse us for neglecting to grasp the nettle now and sort it out.

Isn’t this why we have councils and planning departments. They can look at the big picture and have powers to resolve major planning problems for the good of the overall community. To do that however they need vision, an open mind and the will to come up with something that will make the City a better place. Instead the plan proposes worse congestion and a few more housing estates.

Level crossings are a major safety issue and Network rail want to remove them wherever possible. The masterplan states that because these crossings are low priority for closure then it is OK to keep them. It isn’t, we’ve all seen chilling incidents of risks taken by schoolchildren and unwitting drivers caught in the mayhem of a closing barrier by a busy train station. It is regrettably only a matter of time before there is a serious incident. Why wait for that to happen before we do something?

Whether Freeflow is the right solution or not, we need to reject this flawed masterplan and look again at the options. While there is uncertainty over the A27 it would be prudent to wait until the proposed solution is clearer, as the design of the junctions and connections will have a critical bearing on how people from the peninsular enter the City.

There is pressure to push ahead as a lot of money and time has been spent so far. To implement the masterplan will cost millions, so we need to be sure that we are doing the right thing. The current masterplan is looking like a vanity project being pushed through in order to try and achieve SOMETHING, however flawed. It is a cut and paste plan derived from others prepared for countless county towns in the UK. Chichester is unique, and the plan should reflect this and resolve the specific problems. The masterplan is poorly conceived, based on lazy thinking, and Chichester deserves better.

My question is why don’t we reject this masterplan and instead commission a fresh study from a new team with the brief of how can we remove the level crossings and resolve the

traffic issues of the southern gateway with vision, imagination and technical skill that has been sadly lacking so far?’

[20 November 2017]

Response (3) by Mrs Susan Taylor

‘Thank you for your question which asks for the masterplan to be rejected and a fresh study commissioned from a new team with the brief of how can we remove the level crossings and resolve the traffic issues of the Southern Gateway with vision, imagination and technical skill that has been sadly lacking so far?’

Firstly, we do not accept that there is any justification for a new study. Our masterplanning and transport consultants are specialists in their fields and competent in such work. The draft masterplan is the result of 18 months’ work by them, working closely with the member/officer steering group which included representatives of this Council, WSCC, the Homes and Communities Agency and Network Rail. The brief included looking at all of the possible options for addressing the existing problems of congestion at the level crossings and we are satisfied that the draft masterplan has been prepared thoroughly and that it is supported by considerable technical transport, viability and feasibility evidence.

The draft masterplan does not incorporate a bridge or tunnel over the level crossings. That is because our consultants feasibility work identified that the cost of a bridge would be significant (at least £10m); that there would be a substantial land-take either side of the railway line to accommodate a bridge and that there would be adverse impacts on the character of the area and conservation area and the many heritage assets nearby, including views towards the cathedral. The Freeflow proposals would also result in significant additional costs in the acquisition of 3rd party land to accommodate the proposed bridge and access ramps which would further undermine deliverability. Other options such as tunneling were considered and ruled out on the basis that they would be prohibitively expensive.

We should adopt a masterplan that is both technically feasible and likely to be deliverable. Our assessment supported by evidence is that a bridge is not feasible or viable. We also consider a bridge to be contrary to the thrust of government advice in the NPPF concerning sustainable transport objectives and to be contrary to the recently adopted Chichester Vision. It would also be unacceptable in this sensitive location, with adverse impacts on the environmental qualities of the area and the amenities of nearby occupiers.’

Supplementary Question by Mr Richard Hutchinson

Mr Hutchinson said that none of the original 11 Southern Gateway options included closure of the level crossings. He wished to know if studies had been carried out prior thereto and, if so, whether they examined locations other than Stockbridge Road/Basin Road.

Response by Mr Phil Brady

One of the consultants present for the following agenda item (Southern Gateway Masterplan - Adoption), Phil Brady of Peter Brett Associates, the transport consultants engaged to advise with respect to the Southern Gateway Masterplan, responded. He

confirmed that some of the options had looked at the closure of the Stockbridge Road and Basin Road level crossings.

Question (4) by Mr Peter Evans

Mr Evans, who was the Mayor of Chichester, said that the text of his question had undergone slight grammatical amendments since its submission. His question was:

‘On the question of the Chichester Freeflow propositions.

Back in August of this year I, as the Mayor of the City of Chichester, chaired a public meeting in the Assembly Rooms to look at the Freeflow proposals and to discuss options that had been put to me in my role as Mayor.

The output from that meeting was that the majority of attendees wished to progress the idea of a road Bridge spanning the railway line and obviating the need for two vehicle level crossings, delivering traffic into an already congested area of the city. A road bridge would allow vehicles to pass into and through the city with minimal impact on pedestrians, cyclists and the environment and at the same time improve traffic wait times and resulting pollution at these existing pinch points.

Bearing in mind the *Observer* newspaper’s poll of 357 people that produced a 85% return in favour of a road bridge, followed by the public meeting of around 130 residents which produced a similar result.

Therefore would the Council please explain the outcome of the feasibility study that was promised looking into both the economic cost and build viability of the Chichester Freeflow?’

[20 November 2017]

Response (4) by Mrs Susan Taylor

‘Thank you for your question which asks that the Council explains the outcome of the feasibility study that was promised, looking into both the economic cost and build viability of a bridge across the railway line to enable closure of the level crossings.

As part of the Council’s brief for the Southern Gateway study, the appointed consultants carried out feasibility work into the options to address congestion caused by the level crossings. They identified a number of significant constraints to a bridge which included that the cost of a bridge would be significant (at least £10m); that there would be a substantial land-take either side of the railway line to accommodate a bridge and that there would be adverse impacts on existing heritage assets, including the conservation area and views towards the cathedral and on the amenities of nearby residents as a result of the bridge structure.

It was concluded as a result of this assessment that a bridge would be neither technically feasible nor viable and it has not therefore been considered further as part of the masterplan. The assessment is set out at paragraphs 2.78-2.82 of the draft masterplan document.

We have also looked in detail at the feasibility and viability of the Freeflow proposal as originally presented and our consultants have prepared a review paper which is attached as Appendix 4 to agenda item 7 on the November cabinet agenda. We believe (as summarised in the covering report) that in addition to the technical concerns and harmful impacts already raised, that the Freeflow proposal would result in significant additional costs in the acquisition of third party land to accommodate the proposed bridge and access ramps which would undermine deliverability of the masterplan.

Fundamentally, we also consider that:

firstly, the Freeflow proposal would be contrary to the objectives of the recently adopted Chichester Vision which include creating a more accessible and attractive City Centre and calming and reducing traffic flows; and

secondly that it also fails to meet many of the masterplan objectives and the thrust of government advice in the NPPF concerning sustainable transport objectives, due to its focus on motorised transport via a bridge into the area.'

Supplementary Question by Mr Peter Evans

On being asked if he had a supplementary question, Mr Evans said that it was interesting to note the reference to the loss of third party land and the cost of acquiring land to build a bridge when in fact the maps showed that much of the land was already in local authority control and so he doubted that the cost would be that great. He exhorted that a further opportunity be taken to think carefully again how to construct a bridge which avoided the concerns expressed about run-ups etc.

Supplementary Response by Mrs Susan Taylor

Mrs Taylor said that she did not share Mr Evans' opinion and pointed out that the sites of the former magistrates court, the crown court and the county court were in third party ownership, namely the Home and Communities Agency.

[**Note** The immediately foregoing response by Mrs Taylor marked the end of Public Question Time]

6 **Southern Gateway Masterplan – Adoption**

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 7 November 2017 as set out on the face of the agenda, the details in respect of which were contained in the report on pages 21 to 28 of the Cabinet agenda and in its five appendices on pages 53 to 242 of the first agenda supplement for that meeting.

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

Mr Dignum provided a detailed introduction. He explained the aim of the Southern Gateway Masterplan (SGM) project, which would be the largest regeneration scheme in the city in living memory and was jointly backed by the three main partners: West Sussex County Council (WSCC), CDC and the Homes and Communities Agency (HCA). He summarised what the SGM area was expected to provide once fully developed. In order to commence the project a masterplan for the whole area was required and its detailed

proposals would help to achieve the aims of the already approved *Chichester Vision*. Part of the SGM brief was to explore options for reducing traffic congestion and improving safety at the Southgate Gyratory. Once adopted the SGM would have the status of a supplementary planning document, which meant that it would possess significant weight in the planning process as a material consideration in the determination of planning applications and would provide a degree of certainty for potential developers. He addressed the case put by the Freeflow group for a bridge in place of the city's two level crossings and listed the five main reasons given by the consultants for rejecting the feasibility of any kind of bridge, which equally applied he said to the Freeflow 2 proposal. There would also be additional viability issues as more land would be given over to highway, third party land would have to be acquired and the land available for development further reduced, and the amenities of nearby residents would be adversely affected. A planning application for a bridge would be most unlikely to succeed. The Freeflow proposals, if investigated, were very likely to demonstrate that by making access over the railway easier it would encourage an increase in traffic using and travelling through the city centre, which would have significant adverse traffic and environmental consequences for the city centre and the quality of life for those lived, worked and visited the city. This would conflict with the principles of the approved *Chichester Vision* which aimed to reduce city centre traffic. The proposed Freeflow bridge was not supported as a highways scheme by WSCC as highways authority. From all points of view a bridge was neither appropriate nor achievable nor affordable. If the SGM was not adopted at this meeting the prospect of securing the government funding needed to prepare some of the key sites for development would be prejudiced. This in turn would result in development in the area occurring on a piecemeal basis and probably only housing with limited infrastructure and public realm improvements.

During the ensuing debate members expressed opposing views on whether now was the right time to adopt the SGM and they considered an alternative proposal to the Cabinet's recommendations. A summary of the debate appears below.

At the outset of the discussion Mr Shaxson intimated that he wished to propose an amendment to the Cabinet's recommendations, namely:

'That the Council:

- (a) Notes the responses to the representations made as part of the public consultation on the draft masterplan (set out in appendix 1 of the Cabinet agenda report).
- (b) Supports the concept of the Southern Gateway Masterplan, that the whole area should be developed as an integrated scheme.
- (c) Before proceeding any further will commission an independent review, which will not only scrutinise the proposed David Lock Associates scheme but consider all other details and options, including the feasibility of alternative ways of addressing the railway crossings.'

Mr Plowman seconded Mr Shaxson's proposal.

Mr Shaxson said that his proposal sought to address the outstanding concerns expressed by members and the general public which were too important to be ignored. If carried, para (b) of his proposal emphasised the need to identify and provide 'adequate new sites' for Royal Mail and Stagecoach. Unless both businesses were relocated, Southern Gateway

could not be built as an integrated whole site and the opportunity to reorganise the layout of buildings and infrastructure in that area in the way CDC desired could not be accomplished and the SGM would have lost its *raison d'être*. His proposal did not say that there must be a railway bridge or tunnel but only that the feasibility of alternative ways of addressing the railway crossings should be examined and all other relevant facts taken into account eg the impact of projected population increases in order to develop this area for the long-term benefit of the city and the surrounding area. His proposal was intended to facilitate for justifiable reasons a constructive postponement in the implementation of this important project.

Mr Plowman said that it was apparent that the consultants appointed by CDC had not in fact examined all options for overcoming the traffic congestion caused by the city's level crossings and the Freeflow 2 proposal was a viable option worthy of serious consideration as part of a review by experts.

Members asked questions and made comments on points of detail. Where appropriate they received replies from Mr Carvell, Mr Over, Mrs Shepherd and the masterplanning consultants and transport planners, whose representatives were present for the entirety of this item. These points included the SGM's status as a supplementary planning document, proposed changes to the current Southgate gyratory, improving bus services and resolving the current congestion at the Stockbridge roundabout.

Mr Carvell pointed out at the outset that a further review of the draft SGM would need to be justified in planning terms having regard to the time constraints governing the masterplan process, the delay which would be caused to commencing development on site and the fact that CDC possessed a satisfactory masterplan document.

A majority of members expressed support for the SGM. Among the views expressed were:

- The proposal for a review would cause further delay to no advantage and would be neither proportionate nor necessary.
- The negotiations between CDC and both Stagecoach and Royal Mail had made pleasing progress during the previous 12 months in identifying alternative relocation sites for those two businesses.
- The SGM had been very well conceived and designed. It was an ideal and exciting opportunity to develop the city with much-needed houses and commercial sites and it should be adopted and implemented as soon as possible. A bridge would clearly have a deleterious impact on residents' amenities, city views, the environment and the ability to develop the SGM site to its full potential.

Some members did not favour adoption of the SGM in its current form and among the views they expressed were the following:

- Rather than part (c) of Mr Shaxson's proposal being put forward creating a risk of a piecemeal development of the SGM site, it would in fact facilitate a city-wide approach by analysing all details and options, which was very desirable. The *Chichester Vision* with its accompanying masterplans such as the SGM would not safeguard against a piecemeal development of the city.

- A review with a specific brief to address the feasibility of a road bridge (or tunnel) to circumvent the railway line need not cause serious or significant delay to the SGM and arguably some parts of it could proceed in any event during the review.
- Residents clearly wished to have the level crossing issue resolved and Mr Shaxson's proposal would afford the opportunity for doing so.
- The SGM was an example of facilitating developers' aspirations to create dysfunctional urban sprawl with scant regard for the best interests of its residents, workers and visitors and how this historical cathedral city should plan holistically for growth in a changing world. The prospects of attracting private sector funding were aspirational at best and lacked any meaningful assessment of potential economic, conservation or sustainability issues resulting from this proposed development. The SGM had not been considered in the context of the wider city area and was not fit for purpose.

Mr Ransley made a proposal that 'the Council takes pause to reconsider the process and methodology utilised to develop the SGM and clarify its objectives for the Southern Gateway in the context of the Vision for Chichester and a related city-wide plan, yet to be developed, for the growth of the city as a whole and defers the SGM until a city-wide plan based on Chichester has been adopted'. However, his proposal was not seconded.

Mr Dunn proposed that members should vote first on the Cabinet's recommendations. Mr Potter seconded Mr Dunn's proposal. There was no vote on that proposal.

In the light of the debate and following advice from Mrs Shepherd and Mr Carvell about the wording of his original proposal, Mr Shaxson proposed the following amended proposal, which was seconded by Mrs Apel:

'That the Council:

- (a) Approves the recommended responses to the representations made as part of the public consultation on the draft masterplan (as set out in appendix 1 to the Cabinet agenda report).
- (b) Supports the Southern Gateway Masterplan (as set out in appendix 2 to the Cabinet agenda report) as a Supplementary Planning Document, thereby replacing the existing Southern Gateway Planning Framework Supplementary Planning Guidance 2001 subject to commissioning work to further study the feasibility of alternative ways of addressing the railway crossings.
- (c) Following consideration of the work commissioned by the Council, 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.'

Mrs Shepherd said that if the amended proposal was carried adoption of the SGM would be deferred until the results of the further commissioned work were known.

Prior to the start of the voting process, Mr Plowman, with the requisite degree of support in accordance with standing order 9.5 in CDC's *Constitution*, requested that a recorded vote be taken.

As shown in the table below, members voted in respect of Mr Shaxson's amended proposal, which was not carried as follows: for: 7; against: 33; abstain: 3; absent: 5

MEMBER	FOR	AGAINST	ABSTAIN	ABSENT
Mrs Apel	X			
Mr Barrett				X
Mr Barrow				X
Mr Brown	X			
Mr Budge		X		
Mr Collins		X		
Mr Connor		X		
Mr Dempster		X		
Mr Dignum		X		
Mrs Dignum		X		
Mrs Duncton		X		
Mr Dunn		X		
Mr J F Elliott		X		
Mr J W Elliott		X		
Mr Galloway		X		
Mrs Graves		X		
Mr Hall		X		
Mrs Hamilton			X	
Mrs Hardwick		X		
Mr Hayes		X		
Mr Hicks		X		
Mr Hixson		X		
Mr Hobbs		X		
Mrs Keegan				X
Mrs Kilby		X		
Mrs Lintill		X		
Mr Lloyd- Williams		X		
Mr Macey		X		
Mr Martin		X		
Mr McAra	X			
Mr Morley	X			
Caroline Neville		X		
Mr Oakley		X		
Mr Page		X		
Mrs Plant		X		
Mr Plowman	X			
Mr Potter		X		
Mrs Purnell				X
Mr Ransley			X	
Mr Ridd				X
Mr Shaxson	X			
Mrs Tassell			X	
Mrs Taylor		X		
Mr Thomas		X		
Mrs Tull		X		
Mr Wakeham		X		
Mrs Westacott	X			
Mr Wilding		X		
TOTALS	7	33	3	5

The Council then voted on the Cabinet's recommendations as set out on the second and third pages of the agenda, without a recorded vote being taken.

Decision

On a show of hands, which were counted by Mrs Shepherd, a clear majority of the members present voted in favour of the Cabinet's recommendations. Nine members voted against and there was one abstention.

The Cabinet's recommendations were, therefore, carried.

RESOLVED

That:

- (a) 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) be approved.
- (b) The Southern Gateway Masterplan (as set out in appendix 2 to the Cabinet agenda report) be adopted as a Supplementary Planning Document, thereby replacing the existing Southern Gateway Planning Framework Supplementary Planning Guidance 2001.
- (c) Authority be delegated 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.

Mrs Hamilton announced that there would a short adjournment of the meeting before agenda item 7 was considered.

[**Note** The Council meeting was adjourned between 16:09 and 16:18]

7 Determination of the Council Tax Reduction Scheme 2018-2019

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 7 November 2017 as set out on the face of the Council agenda, the details in respect of which were contained in the Cabinet report on pages 8 to 12 and its three appendices on pages 1 to 52 of the agenda supplement for that meeting.

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

Mrs Hardwick said that CDC had maintained the same level of support for its communities under the Council Tax Reduction Scheme (CTRS) since the localisation of the CTRS for working age people in 2013. The full implementation of the roll out of Universal Credit (UC) would start in Chichester District in April 2018 and as a result CDC had undertaken a review of its CTRS in order to ensure it was up-to-date, well-targeted, minimised disincentives to work and provided the best value for money for the benefit of all tax payers. The revised CTRS would continue to provide the all-important safety net for those on low incomes and retain important protections for war widows' and widowers' pensions and war disablement pensions and offer earned-income disregards and a taper for removing support. The main change was a proposed new Class F category for claimants

in receipt of the new UC. By introducing banding, the administration would be simpler, more economic and as straightforward for the claimants as possible. The consultation on the review had received broad support. The major financial impact of the CTRS was the resulting deduction from the tax base. In the 2017-2018 financial year the scheme was costing in the order of £6.9m overall in terms of tax base deductions having remained fairly constant since the local scheme's introduction in 2013. It was recognised that wider economic downturns and welfare reform might raise CTR demand. The cost of the local CTR was shared by all the precepting authorities. CDC's share was approximately 9% with the rest being funded by West Sussex County Council, Sussex Police and parish councils. The revised scheme had to be approved by the Council by 31 January 2018. She acknowledged the work done by Mrs M Rogers (Benefits Manager) on the CTRS.

Mrs Hardwick, Mr Dignum, Mrs Rogers and Mr Ward (Head of Finance and Governance Services) responded to members' questions and comments on points of detail such as (a) what impact, if any, the proposed changes to the scheme and the consequent effect on the council tax base of customers joining or leaving the CTR scheme might have on parish councils; (b) whether housing associations had been involved in the consultation, since their tenants were likely to be recipients of the CTRS (a question raised at the Cabinet earlier in the month and subsequently answered by Mrs Rogers); (c) clarification of paras 9.2 and 9.3 in the community impact and corporate impact section of the Cabinet agenda report; (d) how, if at all, the roll-out of UC might affect the CTRS; (e) the commendable approach taken by CDC since to ensure that residents in its area who were on the lowest incomes would remain protected; (f) the reason for the introduction by CDC of a banding system; (g) CDC's recently adopted Housing Benefit and Council Tax Reduction Risk Based Verification Policy 2018-2019; and (h) the annual cost to CDC of the CTRS.

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 one abstention.

RESOLVED

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

8 New Non-Domestic Rates Discretionary Scheme

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 7 November 2017 as set out on the face of the Council agenda, the details in respect of which were contained in the Cabinet report and its appendix on pages 13 to 20 of the Cabinet papers for that meeting.

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

Mrs Lintill summarised section 3 of the report, which set out the background details of the national discretionary fund of £300m over four years which had been established by the government in March 2017 to provide assistance to businesses facing non domestic rates (NDR) increases as a result of the 2017 revaluation. CDC's total allocation for the four years 2017-2018 to 2020-2021 was £786,000. The details of how the scheme would operate to benefit eligible businesses over the four-year period and the conditions for remaining entitled were set out in section 3 of the report. Any surplus from 2017-2018

would have to be returned to the government. This local scheme would complement the national scheme by reducing further the increased limits set by the government. The consultation details were set out in section 8 of the report. Immense gratitude was due to Mr Jobson for his hard work in devising this scheme.

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 one abstention.

RESOLVED

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

9 Annual Report of the Corporate Governance and Audit Committee 2016-2017

The Council received the recommendation made to it by the Corporate Governance and Audit Committee (CGAC) at its meeting on Tuesday 28 September 2017 as set out on the face of the Council agenda, the details in respect of which were contained in the CGAC annual report and the Annual Governance Statement 2016-2017 appended to it which were circulated with the Council agenda.

Mrs Hamilton pointed out that this item was purely for noting by the Council.

Mrs Tull (Chairman of the CGAC) formally moved the CGAC's recommendation of the Cabinet and this was seconded by Mrs Kilby (Cabinet Member for Housing Services).

Mrs Tull summarised the CGAC's annual report with particular reference to (a) the three highest risks identified in CDC's Corporate Risk Register, namely (i) business continuity, (ii) cyber attack across the entire estate and (iii) non-achievement of the 50% recycling target by 2020 and (b) the seven principles of good governance, which were summarised in the report and set out in greater detail in the annual governance statement.

On behalf of the Council Mrs Hamilton confirmed that the annual report of the CGAC on CDC's governance arrangement and the Annual Governance Statement 2016-2017 appended to it were formally noted.

10 Discharge of Litter Enforcement Functions

The purpose of the report and its two appendices for this item was for the Council to note that the Chief Executive had used the power conferred on her by Article 10.2 (a) in Part 2 of CDC's *Constitution* to discharge certain litter enforcement functions to East Hampshire District Council under powers granted to local authorities by section 101 of the Local Government Act 1972.

Mrs Shepherd summarised the report for members' information.

On behalf of the Council Mrs Hamilton confirmed it was duly noted by the Council that the Chief Executive had used the power conferred on her by Article 10.2 (a) in Part 2 of CDC's *Constitution* to discharge certain litter enforcement functions to East Hampshire District Council under powers granted to local authorities by section 101 of the *Local Government Act 1972*.

11 Questions to the Executive

The questions asked by members and the responses given were as follows:

Question by Mr Lloyd-Williams: Decision by the Chief Executive to Transfer Certain Litter Enforcement Functions to East Hampshire District Council

Mr Lloyd-Williams asked why this decision had been taken and what cost, if any, there would be to CDC.

Response by Mrs Lintill

Mrs Lintill (Cabinet Member for Community Services) explained that East Hampshire District Council had been operating a very successful scheme in its own area and for Arun District Council and that it had invited CDC to engage its services. This had been approved by the Cabinet on a one-year trial basis without cost to CDC.

Question by Mrs Plant: Recent Planning Appeal Decisions and Chichester District Council's Five-Year Housing Supply Position

Mrs Plant asked about two recently allowed planning appeal decisions which would have far-reaching implications for the whole of Chichester District's plan area. She mentioned in particular the more recent of the appeal decision letters which referred specifically to para 49 of the *National Planning Policy Framework*, namely '...that when the five-year housing supply cannot be demonstrated, the decision reverts to para 14 on the presumption of sustainable development, unless the adverse impacts effects outweigh the benefits....'. She asked what positive action was being taken by CDC to speed up the five-year housing land supply (FYHLS) and thereby to minimise the potential impact of those local appeal decisions on the wider community.

Response by Mrs Taylor

Mrs Taylor (Cabinet Member for Planning Services) said that there were sufficient sites which had been identified in the *Chichester Local Plan* and which were being granted planning permission to maintain CDC's FYHLS. CDC faced two problems at planning appeals: (a) some sites were taking longer to come forward due to various constraints eg land ownership (such as in the case of the Tangmere strategic development location site) or complex infrastructure requirements and (b) slow build-rates which could be affected by a variety of factors including the economy. Officers were currently reviewing the expected build-rates.

Question by Mr Ransley: Chichester District Council's Five-Year Housing Supply Position

Mr Ransley asked whether CDC's five-year housing land supply (FYHLS) was viable and also if the policies in the *Chichester Local Plan* were capable of implementation.

Response by Mrs Taylor

Mrs Taylor (Cabinet Member for Planning Services) said that as far as CDC was concerned, it had at the time of the planning appeals and continued to have a FYHLS.

Question by Mr Brown: Southbourne Neighbourhood Development Plan

Mr Brown said that many Southbourne residents were asking where the village's neighbourhood development plan (NDP) now stood following the appeal decision with respect to SB/16/03569/OUT - Land East of Breach Avenue Southbourne. He wished to know (a) what response was being considered regarding that decision, (b) whether the decision had implications for other NDPs in Chichester District and (c) what might be done to strengthen NDPs and residents' faith in them. He expressed his gratitude to Mrs R Jones and other CDC officers who had worked so hard in their defence of Southbourne's NDP at the planning appeal.

Response by Mrs Taylor

Mrs Taylor expressed her great disappointment at the planning inspector's decision on the Southbourne planning appeal. She said that in the light of that outcome CDC's Planning Committee had made the following resolution on Wednesday 15 November 2017 namely that (1) the decision to send a letter before claim in respect of a potential challenge of the decision letter be ratified; (2) an application be made to the High Court for a declaration (in the event that the parties agree) or to lodge a claim to quash the inspector's decision letter; and (3) any further decisions necessary in the process be delegated to Andrew Frost, Head of Planning Services, in consultation with Legal Services. CDC was seeking independent legal advice regarding the appeal decision. She emphasised that NDPs were a part of CDC's Development Plan and CDC accorded them great importance. She added that CDC robustly defended planning appeals.

Question by Mr Ransley: Secretary of State's Approach to Neighbourhood Development Plans

Mr Ransley asked if the Secretary of State was still upholding policies in adopted neighbourhood development plans (NDPs).

Response by Mr Frost

Mr Frost (Head of Planning Services) said that for a couple of years the Secretary of State had routinely called in at the appeal stage all planning applications which affected a NDP.

Question by Mr Dunn: Chichester District Council's Prospective Involvement in the Examination of the South Downs National Park Authority's Local Plan

Mr Dunn referred to the apparent intention by various parish councils to challenge the soundness of and the consultation process with respect to the South Downs National Park Authority's (SDNPA) draft Local Plan and asked if CDC would be attending the public examination of the SDNPA's draft Local Plan.

Response by Mrs Taylor

Mrs Taylor (Cabinet Member for Planning Services) said that the Cabinet had approved at its recent meeting CDC's response to the SDNPA's consultation on its Local Plan Pre-Submission.

Question by Richard Plowman: Restructuring of Chichester District Council's Conservation and Design Services

Mr Plowman asked the following question on behalf of the Chichester Conservation Area Advisory Committee (CCAAC) in his capacity as CDC's appointed representative on the CCAAC:

'Introduction

At its meeting of 5 July 2017 the Cabinet approved a paper entitled Design Management Service Strategy that covered a restructuring of the Council's planning services. What that paper did not include was a parallel major restructuring of the other section of planning, namely Conservation and Design. This restructuring has, from 10 November, resulted in the net loss of one post in an already over-stretched section. That lost post is the Historic Buildings Advisor (HBA).

Chichester District has four concentrations of listed buildings, planning applications for which frequently require expert advice. In addition the District requires the preparation of conservation area character appraisals and the implementation of Article 4 Directions. All this was carried out by the Senior HBA and the HBA with input from the Conservation and Design Manager which ceased at the beginning of the year when Lone le Vay resigned. That post, or its equivalent, has still not been filled. At present four character appraisals are incomplete and overdue and the long-awaited and much needed Article 4 Directions for Chichester have still not been implemented, all of which is not surprising given the impossible workload falling on two people.

Prior to the reorganisation it was directed that, in order to speed up response times, case officers were encouraged not to refer a listed building application to the HBA unless they felt it was necessary. To fit them for this, case officers were supposed to have undergone training in historic buildings and conservation but this did not happen, and it is still outstanding. This has already resulted in the despoiling of an important historic timber-framed building in North Street Chichester

The Council is contracted to provide historic buildings advice to the South Downs National Park Planning Authority, which service the HBA and Senior HBA were also providing. The Senior HBA was also seconded to Arun District Council for one day per week but it is understood that this is to cease.

This cutting back of conservation staff reflects a regrettable national trend – Historic England reported a 2% reduction in the last 12 months and a 36% reduction since 2006, demonstrating that conservation is seen by local planning authorities as a soft target for staff cuts.

I would ask the following questions:

- (1) Why, in the light of the above, was the Conservation and Design Service restructuring not included in the paper that Cabinet approved on 5 July?
- (2) Why were case officers given *carte blanche* to determine applications for historic buildings before the necessary training was given?
- (3) How and when will that training be implemented?
- (4) In the light of the reduction in staff, how and when will the outstanding character appraisals and Article 4 Directions be completed and implemented?
- (5) How, in the light of the reduction in staff, will the Council's contractual obligation to provide historic buildings advice to the South Downs National Park Authority be honoured?
- (6) Why is no review of the efficacy of the restructuring planned to be carried out?

Response by Mrs Taylor

Mrs Taylor (Cabinet Member for Planning Services) thanked Mr Plowman for his courtesy in giving her advance notice of the foregoing questions and provided the following response:

'Thank you for your questions concerning the restructure of the Council's Conservation and Design service. I will make some general comments first which may help to explain the background and implications of the review.

Firstly, the Council carries out periodic reviews of all its services and there have, as a consequence, been reviews of the Development Management, Enforcement and Planning Policy teams over the last few years with changes to the staffing structure made, to ensure that the provision of those services continues to meet the needs of the Council. Such reviews are carried out by the senior managers of the affected services.

The new service structure for Conservation and Design retains the Archaeology Officer and Senior Historic Buildings Advisor posts unchanged with the Conservation and Design Manager and Historic Buildings Advisor posts deleted. A new Principal Conservation and Design Officer post has been created. Whilst this has resulted in the net loss of one post, this needs to be seen in the context of some substantial adjustments to the responsibilities for the team. These changes include:

- The cessation of the provision of historic building advice to Arun District Council which previously took a significant proportion of the Senior Historic Building Advisor's time;
- Changes to the way public art and Section 106 planning obligations monitoring is handled and a reduction in management duties – all of which took a large part of the Conservation and Design Manager's time and have now been removed from the team's area of responsibility.

Cabinet members were regularly briefed about the proposed changes to the structure of the Conservation and Design team and were fully aware of them.

In terms of your specific questions:

- (1) The report to Cabinet on 5 September to which I think you refer concerned changes to the staffing of the Development Management teams and in particular, proposals to add three additional posts to the service. As this amounted to budget growth, it was necessary for the proposals to be formally reported to Cabinet for its consideration.
- (2) There is a great deal of expertise in conservation and design matters amongst the senior officers of the DM Service and it is not necessary to refer all applications for development within the conservation area to the Conservation and Design team. Case officers have continued therefore to receive appropriate advice and support in making recommendations on planning proposals – they do not of course make the decision. Whilst we have experienced some difficulties in dealing with current workloads in the interim situation whilst recruitment takes place to the new principal officer post, this is expected to be temporary and short term only. We have already appointed a temporary conservation officer to deal with more complex cases and expect to fill the new permanent post shortly.
- (3) Additional training for DM staff is being arranged where required to ensure that the wider Planning service can operate effectively. This will comprise short focused sessions both for officers on an individual basis and in group sessions, e.g. via webinars arranged by Historic England.
- (4) As explained, the reduction in the size of the team is largely offset by adjustments to its work and responsibilities. Once the new principal officer post has been filled, I expect that the outstanding character appraisal work will be prioritised for completion.
- (5) I have already outlined how the reduction in the size of the team is largely offset by the work it will in future carry out. In fact, there will actually be an increase in the seniority of the posts dealing with conservation and design work as the new principal officer post will be expected to deal with some historic building work, alongside design and other conservation work. Given also that DM Officers will be better trained to deal with many historic and conservation matters themselves, it is not anticipated that there will be any noticeable reduction in the service provided to the SDNPA.
- (6) Whilst I do not envisage a formal review of progress, the effectiveness of service delivery will be kept under review to ensure that it meets the needs of the Council. If it is evident that an issue needs to be addressed after the new service has had sufficient time to settle down, then we will clearly give it proper consideration.'

She said that she would arrange for her answer to be copied to all members.

Supplementary Question by Mr Plowman: Training Offer by Chichester Conservation Area Advisory Committee

Mr Plowman remarked with regard to the need for training that some historic buildings decisions had already been taken by officers without the requisite training having first been given. He said that the CCAAC, which had a very good knowledge of the city, had previously offered to provide training for officers.

Supplementary Response by Mrs Taylor

Mrs Taylor acknowledged with gratitude the CCAAC's helpful offer. She said that any decision about training would need to be made by Mr A Frost (Head of Planning Services).

Observation by Mr Ransley: Scrutiny Review of the Conservation and Design Service

Mr Ransley expressed appreciation for the response given by Mrs Taylor, which he said helped to explain some of the issues he had encountered in the last four months. He said that he intended to ask Mrs Apel as the Chairman of the Overview and Scrutiny Committee (OSC) to schedule a review of the Conservation and Design Service in a year's time and whether the proposed new arrangements were working.

Question by Mr Oakley: Progress with the Tangmere Strategic Development Location Site, Inclusion of Student Accommodation in the Calculation of the Five-Year Housing Land Supply and the Need for the Government to Accept that the Principal Risk to Maintaining a Five-Year Housing Land Supply was Caused by Landowners and Developers

Mr Oakley's question related to the aforesaid three matters. He wished to know what actions could be taken to tell the government that a local planning authority's five-year housing land supply (FYHLS) was mainly put in jeopardy by the failure of land owners and developers either to bring land forward for development or to implement planning permissions. He asked to be given some idea of the timetables for having usable evidence about student accommodation and seeking a compulsory purchase order (CPO) for the Tangmere site.

Response by Mrs Taylor and Mr Frost

Mrs Taylor (Cabinet Member for Planning Services) and **Mr Frost** (Head of Planning Services) said that work was ongoing with regard to seeking a CPO in respect of the Tangmere strategic development location site and a further meeting was scheduled for later in the week with CDC's specialist advisers. More officer time would be available now that the Southern Gateway Masterplan had been adopted at this Council meeting. Consideration was being given as to how best to ensure that student accommodation could be included as part of the FYHLS and to persuade the government that a local planning authority's FYHLS could be significantly affected by developers' build-rates. The work required on student accommodation could be undertaken within a reasonable period of time and would be given a priority. It was hoped that members could be given details about a timetable for the Tangmere CPO process after the aforesaid meeting.

[**Note** This concluded Questions to the Executive]

12 **Late Items**

There were no late items for consideration at this meeting.

13 **Exclusion of the Press and Public**

There were no restricted Part II items for consideration at this meeting.

[**Note** The meeting ended at 17:23]

CHAIRMAN

DATE

Chichester District Council

THE COUNCIL

23 January 2018

Amended Appointments to Committees 2017-2018

1. Contacts

Cabinet Member:

Tony Dignum - Leader of the Council

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Report Author:

Bambi Jones - Principal Scrutiny Officer

Telephone: 01243 534657 E-mail: nbennett@chichester.gov.uk

2. Recommendation

The Council is requested to approve:

- 2.1. **That Mrs S Taylor replaces Mr N Thomas on the General Licensing Committee and the Alcohol and Entertainment Licensing Committee.**
- 2.2. **That Mr M Dunn replaces Mrs J Tassell on the Overview and Scrutiny Committee.**

3. Background

- 3.1. The Council is responsible for appointing the membership of its main committees.
- 3.2. Mr N Thomas has stepped down from the General Licensing Committee and the Alcohol and Entertainment Licensing Committee and will be replaced by Mrs S Taylor.
- 3.3. Mrs J Tassell has stepped down from the Overview and Scrutiny Committee and will be replaced by Mr M Dunn.
- 3.4. Political balance is retained.

4. Appendices

- 4.1 None

Chichester District Council

THE COUNCIL

23 January 2018

Planning Policy Team Resourcing

1. Contacts

Report Author:

Andrew Frost - Director of Planning and Environment

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Cabinet Member:

Susan Taylor - Cabinet Member for Planning Services

Telephone: 01243 538585 E-mail: tdignum@chichester.gov.uk

2. Recommendation

That the Council notes the urgent decision made to recruit two new principal planning officer posts and one additional planning officer post to the Planning Policy team prior to the annual budget setting process being considered by the Cabinet and the Council.

3. Background

- 3.1 The timescale for review of the current Local Plan requires the process to be completed and a new plan adopted by July 2020 in order that the plan remains up to date and the Council remains in control of the delivery of new sites for housing and other development. The Local Plan timetable is therefore challenging with milestones at key stages of the process that will need to be met.
- 3.2 An 'Issues and Options' consultation was carried out during 2017 but as a result of expected changes to national policy and legislation e.g. concerning the methodology for measuring housing need together with other important work associated with the Site Allocations DPD, Southern Gateway masterplan, Brownfield Register and Planning Inquiries, resources have at times been diverted away from the Local Plan review. As a consequence, there has been some slippage to the current programme. At its meeting on 9 January 2018, Cabinet agreed to recommend to Council that it approves a revised Local Plan programme as part of the Local Development Scheme (see separate report in this agenda). That report identifies slippage of five months between the Issues and Options consultation referred to above and the next key stage, consultation on the Preferred Approach Plan. Adoption of the new Local Plan is, as a consequence, anticipated 4 months later than was previously envisaged, i.e. by March 2020. This timescale is nevertheless within the period that the Inspector who examined the current Local Plan expected the Council to commit to.
- 3.3 The Planning Policy Team is managed by the Planning Policy Divisional Manager, supported by three principal planning officers, responsible for Strategic planning; Local/Neighbourhood planning and Infrastructure (CIL/S106) planning. A dedicated neighbourhood planning officer and 3 planning officers support the

work within these sub areas. Following a senior officer review of staffing levels within the Planning Policy Team it is considered that further staff resources as detailed below are now necessary to enable effective progress to be made on the development of the Local Plan evidence base, studies and associated work.

4. Outcomes to be Achieved

- 4.1 That the Council achieves adoption of a new Local Plan by July 2020 to ensure that local planning policies, particularly for housing development remain up to date and defensible at planning appeals.

5. Proposal

- 5.1 Three additional posts are required to support the work of the team. These additional posts comprise two principal officer posts to support strategic and local planning work and one additional planning officer.

6. Alternatives Considered

- 6.1 The alternative is not to add these additional posts to the establishment. This will increase the risk that the programme to adoption of a new local plan in 2020 will not be achieved.

7. Resource and Legal Implications

- 7.1 The cost of these new posts would be £156,400 p/a although this would be reduced by the remaining unallocated additional estimated planning fee income (£32,000) as a result of the government's forthcoming increase in planning application fees. The net cost of the new posts would therefore be £124,400 p/a and would have formed part of the proposed budget to the Cabinet in February 2018 and the Council in March 2018. The cost of the posts for 2017-2018 is not likely to be significant and can be met from either the Local Plan budget or existing service budgets.

8. Consultation

- 8.1 The urgent decision was made in consultation with the Leader of the Council and the Chairman of Overview and Scrutiny Committee together with relevant senior officers in accordance with the Council's *Constitution*.

9. Community Impact and Corporate Risks

- 9.1 The timely production of the Chichester Local Plan Review will require appropriate consultation with a wide range of stakeholders at key stages in the plan making process and help ensure that community impacts can be positively managed.

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		✓
Climate Change		✓

Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
Other		✓

11. Appendices

11.1 None.

12. Background Papers

12.1 None.