



Minutes of the meeting of the **Council** held in Committee Rooms - East Pallant House Chichester West Sussex on Tuesday 6 March 2018 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 A Dignum, Mrs P Dignum, Mr M Dunn, 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, Mr A Moss, Caroline Neville, Mr S Oakley, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr J Ransley, Mr J Ridd, Mr A Shaxson, Mrs S Taylor, Mrs P Tull, Mr D Wakeham and Mr P Wilding

**Members Absent**

Mr G Barrett, Mr R Barrow, Mr T Dempster, Mrs J Duncton, Mr J F Elliott, Mr J W Elliott, Mr C Page, Mrs J Tassell and Mr N Thomas

**Officers Present**

Mr M Allgrove (Divisional Manager for Planning Policy), Mr N Bennett (Divisional Manager for Democratic Services), Mr T Day (Environmental Coordinator), Mrs J Dodsworth (Director of Residents' Services), Mr A Frost (Director of Planning and Environment), Mrs J Hotchkiss (Director of Growth and Place), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Director of Corporate Services)

**1 Approval of Minutes**

The Chairman welcomed everyone present and she explained the emergency evacuation procedure.

The Council formally received the minutes of its previous meeting on Tuesday 23 January 2018, which had been circulated with the agenda for this meeting.

There was one proposed change to the minutes. With respect to minute 7 (Financial Strategy and Plan 2018-2019), Mrs Tull pointed out that in the third para on the fourth page it had been she and not Mr Dignum who had seconded the Cabinet's recommendations, acting in her capacity as the chairman of the Corporate Governance and Audit Committee. She requested that the minute be amended accordingly.

This correction was not challenged and Mrs Hamilton stated that with the Council's approval she would sign and date the minutes subject to that one amendment.

## *Decision*

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

### **RESOLVED**

That the minutes of the Council's meeting on Tuesday 23 January 2018 be approved subject to amending the third para on the fourth page by substituting after 'seconded by' in the second line 'Mrs Tull (Chairman of the Corporate Governance and Audit Committee)' in place of 'Mr Dignum (Leader of the Council)'.

Mrs Hamilton then duly signed and dated as a correct record, subject to the aforesaid amendment, the final (seventeenth) page of the official version of the minutes.

[**Note** This para and paras 2 to 19 below summarise the consideration of and conclusion to agenda items 1 to 19 inclusive but for full details of the matters summarised hereunder (save for item 19 which is a Part II confidential exempt matter) reference should be made to the audio recording facility via the link below.

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

## **2 Late Items**

There were no late items at agenda item 17 for consideration at this meeting.

## **3 Declarations of Interests**

Declarations of personal interests were made by the undermentioned members in respect of the stated agenda items:

- Mrs Apel declared a personal interest in respect of agenda item 13 (Community Governance Review – Chichester City Council) as a member of Chichester City Council.
- Mr Budge declared a personal interest in respect of agenda item 13 (Community Governance Review – Chichester City Council) as a member of Chichester City Council.
- Mr Dignum declared a personal interest in respect of agenda item 13 (Community Governance Review – Chichester City Council) as a member of Chichester City Council.
- Mr Dunn declared a personal interest in respect of agenda item 11 (South Downs Local Plan – Duty to Co-operate) as the Chichester District Council appointed member of the South Downs National Park Authority. He stated that he would speak during the discussion of that item but abstain from voting on the decision.
- Mr Galloway declared a personal interest in respect of agenda item 13 (Community Governance Review – Chichester City Council) as a member of Chichester City Council.

- Mr Hall declared a personal interest in respect of agenda item 14 (Community Governance Review – Increase in Number of Members for Westhampnett Parish Council) as a member of Westhampnett Parish Council.
- Mr Hixson declared a personal interest in respect of agenda item 13 (Community Governance Review – Chichester City Council) as a member of Chichester City Council.
- Mrs Kilby declared a personal interest in respect of agenda item 13 (Community Governance Review – Chichester City Council) as a member of Chichester City Council.
- Mr Macey declared a personal interest in respect of agenda item 13 (Community Governance Review – Chichester City Council) as a member of Chichester City Council.
- Mr Oakley declared a personal interest in respect of agenda item 12 (Update on Tangmere Strategic Development Location Compulsory Purchase Order) as a member of Tangmere Parish Council.
- Mr Oakley declared a personal interest in respect of agenda items 7 (Consideration of Consultation Responses and Modifications to Chichester District Council's Infrastructure Business Plan) and 19 (Southern Gateway Implementation) as a member of West Sussex County Council.
- Mr Plowman declared a personal interest in respect of agenda item 13 (Community Governance Review – Chichester City Council) as a member of Chichester City Council.
- Mrs Purnell declared a personal interest in respect of agenda items 7 (Consideration of Consultation Responses and Modifications to Chichester District Council's Infrastructure Business Plan) and 19 (Southern Gateway Implementation) as a member of West Sussex County Council.
- Mr Shaxson declared a personal interest in respect of agenda item 15 (Community Governance Review – Harting Parish Council) as a member of Harting Parish Council.

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

#### 4 **Chairman's Announcements**

Mrs Hamilton said that the following apologies for absence had been received:

Mr Barrett, Mr Barrow, Mrs Duncton, Mr J F Elliott, Mr J W Elliott, Mr Page, Mrs Tassell and Mr Thomas.

Mrs Hamilton made the following specific announcements:

- (1) Two CDC members had resigned: Sandra Westacott (Fishbourne) and Gillian Keegan MP (Rogate).

- (2) The Fishbourne by-election had taken place on Thursday 22 February 2018 and Mr A G F Moss (Liberal Democrat) had been elected. He had previously represented the ward until 2011. Members acknowledged with applause Mr Moss' victory and his return to CDC as an elected member.
- (3) The Rogate by-election would take place on Thursday 12 April 2018.
- (4) Two senior, long-serving and greatly appreciated officers would be leaving CDC at the end of March 2018 and on behalf of members she wished to pay tribute to them.

*Steve Carvell - Executive Director*

Mr Carvell joined CDC in 1995 from Horsham District Council where he had spent the previous nine years acclimatising to living in the south of England. His career had started in Northamptonshire in 1976 and he had spent a total of 42 years in local government. In his career at CDC he had risen from Head of Development and Building Control to Executive Director, during which time he had overseen some major changes to the way in which planning-related matters were managed and processed. He was instrumental in introducing new systems which had transformed the lives of the planners. He provided the final impetus for successfully securing approval in 2015 of the *Chichester Local Plan: Key Policies 2014-2029* and had been leading on the current Local Plan Review process, the necessity for which was stipulated by the examiner. In 2010 his responsibilities widened when he assumed the oversight of Environment Services and Chichester Contract Services (CCS). In early 2017 CCS was declared to be a highly efficient operation and, as a result, CDC retained the running of the business in-house. During his 23 years with CDC Mr Carvell had been a great ambassador for it and his wise counsel and considered approach had been greatly appreciated by many members. On their behalf she wished him a long, happy and healthy retirement.

*Steve Hansford – Head of Community Services*

Steve Hansford joined CDC in December 2005 on his first retirement, from Kent Police where he had reached the rank of Chief Inspector. He was appointed Head of Community Services in 2014 after nine years during which he had raised the profile of the Communities teams, not least through the introduction and support for the community wardens, who were now such an important part of many areas of Chichester District. His reputation amongst partner organisations was second to none. He was very highly thought of across the board for his considered approach to a wide range of situations and was recognised as a person of high personal integrity. This was most obviously demonstrated during the process of setting up the Gypsy and Traveller Transit Site at Westhampnett when he was required to secure community buy-in for the site on its doorstep. He had led his teams in a variety of other initiatives and community projects and his involvement with the project to redevelop the New Park Centre was praised by the management committee. In overseeing Careline he had supported the manager in forging strong relationships with other providers in the country and thereby gaining extra business. He and his team were involved with the negotiations to amalgamate the Chichester and Arun Citizens Advice Bureaux and their successful relocation to East Pallant House. As many members were aware, Mr Hansford had been unwell during the last couple of years but had shown exemplary determination and commitment to his work. On members' behalf she wished him a long, happy and healthy retirement.

At the end of each of the foregoing tributes members acknowledged Mrs Hamilton's sentiments and expressed their own appreciation with a warm round of applause.

## **5 Public Question Time**

No public questions had been submitted for this meeting.

## **6 Budget Spending Plans 2018-2019**

The Council considered the recommendation (as amended) made to it by the Cabinet at its meeting on Tuesday 6 February 2018. The original and amended recommendations were in the Cabinet report (pages 10 to 17 of the agenda), its appendices (pages 1 to 55 of the agenda supplement) and the third agenda supplement. The recommendation had undergone subsequent revision as shown in the Council Tax Resolution report appended to the Council agenda (pages 18 to 33). The Council agenda set out the revised and the original recommendation. There had since been one additional change to the amended recommendation and this was set out in the update sheet circulated at this meeting: recommendation (1) i., ii., iii. and iv. were supplemented by v., which appeared as (5) in the Cabinet's original recommendation and stated as follows: 'v. The capital programme including the asset renewal programme (appendix 1c and 1d) be approved.'

Mr Wilding (Cabinet Member for Corporate Services) formally moved the Cabinet's recommendation as amended and this was seconded by Mr Dignum (Leader of the Council).

In commending the draft spending plans and the recommendation (as amended) in the report, Mr Wilding explained that this was the next stage after the Council's approval on Tuesday 23 January 2018 of CDC's Financial Strategy and Plan 2018-2019, namely to set the budget and the council tax. The report focussed on the budget spending plans of each Cabinet portfolio, how they aggregated and, together with the various funding streams, underpinned the balanced budget. He acknowledged the impressive collaborative effort undertaken by budget managers and CDC's finance team and overseen by the Strategic Leadership Team whereby service delivery priorities were met within the onerous constraints on public sector financial resources. The budget would be the third year in the four-year settlement agreed by CDC and the government. The funding sources in the financial strategy set out the best estimate for funding going forward beyond 2019-2020 (the last year of the four-year settlement). Final details from the government of the local government annual financial settlement were awaited and so the draft budget was based on the draft settlement released on 19 December 2017. The final settlement had resulted in additional funding of £41,000. The balancing of the budget was undertaken in the context of a five-year financial strategy and some of the key variables and issues affecting that model were described in the report: income from fees, charges and rents; use of reserves; and council tax. It was firmly believed that CDC should once again take up central government's offer of allowing a rise in council tax by £5 for band D properties (less than 10 pence per week) and equivalent increases for other property bands. This would help to offset the continued withdrawal of central government funding eg in 2018-2019 CDC would no longer receive any Revenue Support Grant. The modest council tax increase (assumed in the five-year financial strategy) would generate an extra £264,000 per year and assist in closing the budget deficit which would otherwise emerge in the medium term. In addition there was the continuing work on the deficit reduction plan which aimed to generate further income and savings amounting to £2.3m over the next five years. Those measures would help to minimise future council tax rises. With reference to

Appendix B to the Council Tax Resolution report (page 24), he explained by way of illustration the calculation for the Band D council tax charge for Appledram.

He alluded to and summarised the following from the papers: the net revenue requirement in the income and expenditure statement; the effect any increase or decrease of the final government settlement on the amount of transfer into the Investment Opportunities Reserve; the major variances by department and service area between the 2017-2018 and 2018-2019 budgets (the service efficiency savings would more than fund the growth items); the portfolio budget summaries; the Capital and Projects Programme and Asset Replacement Programme; the Statement of Reserves (which was consistent with the Financial Strategy, remained robust and healthy and showed that the Capital Programme and Asset Replacement Programme were fully funded); and the section 151 officer's statutory report in para 14.2 of the report, in which Mr J Ward (Head of Finance and Governance Services) advised that the financial estimates were sound, the resultant estimates robust and the reserves adequate.

At the end of his presentation he acknowledged the sterling efforts of Mr Ward, Mrs H Belenger (Accountancy Services Manager), Mr M Catlow (Group Accountant), Mr D Cooper (Group Accountant) and Ms D Hobbs (Assistant Accountant) in the preparation of the budget. At his request the last four of those named officers stood up in the Council Chamber and received appreciative applause from members.

During the ensuing discussion, in which the skill of preparing this balanced budget was commended, members' questions and comments on points of details were answered by Mr Wilding, Mr Ward, Mrs Lintill and Mr Dignum. The subjects covered included: (a) the task and finish group for The Novium museum and tourist centre; (b) the variations or trends in revenue streams eg car parks, planning, the museum, and property investment, the reasons for them and how they could affect the budget; (c) the budget increases, which in turn led to a council tax increase, such as the Chichester Festival Theatre and Pallant House Gallery, pension contributions, additional cleaning of the A27 and A and B roads and clearing away fly-tipping; (c) the risk that certain funding might not continue to be available eg business rates retention and the New Homes Bonus; and (d) the assurance that CDC's capital programme was and would remain full-funded.

Mr Dignum concluded the discussion by pointing out that the budget was not merely a collection of figures but represented CDC's values and commitments with respect to, for example, helping the homeless, the health and safety of all residents, a highly efficient waste service and striving to do as much as possible to support the local economy. CDC was achieving its aims without cutting frontline services and had one of the lowest council taxes in the county. CDC was providing 80 services for just £3 a week for the average household.

As stated in the agenda, the recommendation (as amended) was required by standing order 9.5 in CDC's *Constitution* to be the subject of a recorded vote. After the amended recommendation was read out, the Chief Executive conducted the recorded vote. As shown in the table below, the 38 members present voted as follows:

- For: 38
- Against: 0
- Abstain: 0

Nine members were absent and there was one vacancy (Rogate).

<b>MEMBER</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mrs Apel	X			
Mr Barrett				X
Mr Barrow				X
Mr Brown	X			
Mr Budge	X			
Mr Collins	X			
Mr Connor	X			
Mr Dempster				X
<b>MEMBER</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
[VACANCY: ROGATE]				
Mrs Kilby	X			
Mrs Lintill	X			
Mr Lloyd- Williams	X			
Mr Macey	X			
Mr Martin	X			
Mr McAra	X			
Mr Morley	X			
Mr Moss	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			
Mr Wilding	X			
<b>TOTAL (47)</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>9</b>

### *Decision*

In accordance with the aforesaid recorded vote, the Cabinet's recommendations, as amended in the Council Tax Resolution report and the update sheet, were unanimously supported with no votes against and no abstentions.

## RESOLVED

- (1) That following consideration of the draft budget by the Cabinet the Budget for 2018-2019 be approved as follows:
  - i. The 2018-2019 Net Revenue Budget in respect of Chichester District Council's own services be approved at £13,025,600.
  - ii. The 2018-19 Council Tax Requirement in respect of Chichester District Council's own services be approved at £8,227,400.
  - iii. A Council Tax of £155.81 (Band D equivalent) be approved. This represents a £5.00 (3.32 %) increase on the Band D charge.
  - iv. The Investment Opportunities Reserve be increased by £861,300.
  - v. The capital programme including the asset renewal programme (appendix 1c and 1d) be approved.
- (2) That the Council approves the Resolutions in Appendix A to the Council Tax Resolution report.

## 7 **Consideration of Consultation Responses and Modifications to Chichester District Council's Infrastructure Business Plan**

The Council considered the recommendations made to it by the Cabinet at its meeting on Tuesday 6 February 2018, as set out in the Cabinet report (pages 18 to 21 of the agenda) and its two appendices (pages 56 to 78 of the agenda supplement - the entire version of the second appendix was only available for online viewing or as a hard copy in the Members Room at East Pallant House).

Mrs Taylor (Cabinet Member for Planning Services) formally moved the Cabinet's recommendation and this was seconded by Mrs Lintill (Deputy Leader of the Council and Cabinet Member for Community Services).

Mrs Taylor presented the Cabinet's recommendation. She referred to the nature and purpose of CDC's Infrastructure Business Plan (appendix 2) and the consultation process undertaken in autumn 2017, the details of which were set out in sections 3 and 8 of and in appendix 1 to the report. She summarised the new projects proposed by Sussex Police and West Sussex County Council and the responses thereto in the report (paras 3.9 and 3.11 respectively). She emphasised the excellent CIL collection rate to date (para 3.4) and the amount passed to parishes as at October 2017 demonstrated their active involvement in the delivery of infrastructure in their areas.

Mrs Taylor replied to a member's questions about (a) the 5% allocated for monitoring in the CIL collected (para 3.4 of the Cabinet report), which was a necessary administrative charge which was fully justified in view of the excellent CIL collection rate being achieved through officers' diligence and (b) the need for caution against spending CIL on ongoing asset maintenance and replacement items such as real-time passenger information screens (project 355 on page 77 of the Cabinet agenda supplement), which was noted.



## *Decision*

On a show of hands the members present voted in favour of the Cabinet's recommendation, with none against and one abstention (Mr Plowman).

### **RESOLVED**

- (1) That the proposed responses to the representations received and subsequent modifications to the Infrastructure Business Plan as set out in appendix 1 to the agenda report be approved.
- (2) That the amended Infrastructure Business Plan including the CIL Spending Plan attached as appendix 2 to the agenda report be approved.

## **8 Draft Treasury Management Strategy 2018-2019**

The Council considered the recommendations made to it by the Cabinet at its meeting on Tuesday 6 February 2018, as set out in the Cabinet report (pages 22 to 25 of the Cabinet agenda), its two appendices (pages 79 to 114 of the Cabinet agenda supplement) and a textual amendment identified in the Cabinet third agenda supplement.

Mr Wilding (Cabinet Member for Corporate Services) formally moved the Cabinet's recommendation and this was seconded by Mr Dignum (Leader of the Council).

Mr Wilding presented the Cabinet's recommendation, which had been supported by CDC's Corporate Governance and Audit Committee (CGAC) at its meeting on Thursday 25 January 2018. He said that the Council was required each year to approve a Treasury Management Strategy (TMS). The main regulatory reforms which affected the TMS were (a) the new Code of Treasury Management Practice issued by CIPFA early in 2018 and which updated government guidance on investments (expected imminently and in the light of which the TMS would be reviewed and brought back to the Cabinet and the Council later in 2018 if required); (b) CIPFA's recent adoption of IFRS9 into the 2018-2019 Accounting Code of Practice (this had been before the Council on Tuesday 23 January 2018) - unless the government was persuaded to issue a statutory override in relation to certain accounting aspects of IFRS9, changes in the market value of CDC's external pooled fund investments could affect the General Fund and this 'Fair value risk' was probably the most significant change in risk faced if CDC's risk appetite statement remained appropriate; and (c) European Money Market Fund reform. Notwithstanding the aforementioned changes in particular, the recommended risk appetite statement was unchanged ie CDC remained fundamentally risk adverse but accepted a modest degree of risk. He highlighted the following key updates to the TMS in appendix 1 as being of particular importance: (i) Treasury Management Practices (TMP1) (appendix 3 on page 104); (ii) the increase in the lowest credit rating proposed for CDC from BBB+ to A- (table 5 in appendix 2 on page 89); and (iii) the proposed increase in the maximum that could be invested in non-property fund pooled investments from £10m to £15m (table 7 in appendix 2 on page 93).

Mr Wilding and Mr Catlow (Group Accountant) replied to a member's question about the likelihood of whether and when the government would issue an IFRS9 statutory override.

## *Decision*

On a show of hands the members present voted unanimously in favour of the Cabinet's recommendation and with no abstentions.

#### **RESOLVED**

- (1) That the Treasury Management Policy and Treasury Management Strategy Statement for 2018-2019 as contained in appendix 2 (as amended) of the agenda report be approved.
- (2) That the Investment Strategy 2018-2019 as detailed in the Treasury Management Strategy Statement be approved.
- (3) That the Prudential Indicators and Limits for 2018-2019 included in appendix 2 of the agenda report be approved.

#### **9 Senior Staff Pay Policy Statement 2018-2019**

The Council considered the recommendation made to it by the Cabinet at its meeting earlier in the day on Tuesday 6 March 2018, as set out in the Cabinet report and appendix A and appendices 1 and 5 thereto (pages 13 to 23 of the Cabinet agenda), with the remainder of the appendices to Appendix A and a background paper being available to view online only in the Cabinet second agenda supplement.

Mr Wilding (Cabinet Member for Corporate Services) formally moved the Cabinet's recommendation and this was seconded by Mrs Lintill (Deputy Leader of the Council and Cabinet Member for Community Services).

Mr Wilding presented the Cabinet's recommendation. He explained that each year CDC was required to publish a pay policy statement (PPS) with the approval of the Council. As required by the Localism Act 2011 the purpose of the statement was to ensure that as a public body CDC was fully transparent in terms of its pay policies and pay levels for senior staff. On 22 November 2016 the Council approved a new senior management structure, which would commence on 1 April 2018. One of two executive director posts and two of the previous seven heads of service posts had been deleted. The remaining five heads of service would continue to be part of the management team with revised posts and designated as directors. Those changes would achieve annual savings of £129,100.

A member asked whether savings were in fact always necessarily achieved when management restructures occurred or whether instead they actually resulted in a series of more highly paid posts. In reply, Mrs Shepherd advised that savings were always made and further savings would be realised. Proper job evaluations were always undertaken and the members of staff concerned were fairly rewarded.

Another member asked what proportion of the total salary bill was in respect of the management team and how CDC compared with other organisations. Mr Wilding undertook to provide a written response in due course.

#### *Decision*

On a show of hands the members present voted unanimously in favour of the Cabinet's recommendation, with no votes against and no abstentions.

## RESOLVED

That the Senior Staff Pay Policy Statement 2018-2019 be published.

### 10 **Solent Recreation Mitigation Strategy**

The Council considered the recommendation made to it by the Cabinet at its meeting earlier in the day on Tuesday 6 March 2018, as set out in the Cabinet report (pages 24 to 26 of the Cabinet agenda) and its appendix (pages 1 to 28 of the agenda supplement).

The recommendation made by the Cabinet had been amended from the one which was set out in the Council agenda. An update sheet produced after the Cabinet's meeting earlier in the day and which circulated prior to the start of this meeting reported the following revised text for the recommendation:

'That the definitive Solent Recreation Mitigation Strategy be approved for use in the determination of relevant planning applications with the amendment agreed by the Cabinet.'

The aforesaid amendment related to para 4.2 in the agenda report (page 25) and substituted the words 'an initial three-year review' in place of 'a five year review'.

Mrs Taylor (Cabinet Member for Planning Services) formally moved the Cabinet's amended recommendation and this was seconded by Mrs Lintill (Deputy Leader of the Council and Cabinet Member for Community Services).

Mrs Taylor presented the Cabinet's amended recommendation. She pointed out that Chichester Harbour was one of the three designated Special Protection Areas (SPAs) in the Solent. The Solent had an internationally recognised bird wildlife significance eg as the overwintering home for waders, wildfowl and 10% of the global population of Brent Geese. This wildlife was vulnerable to the impact of the 60,000 much-needed new homes which were planned for the Solent area up to 2034. In order to minimise the impact of that extensive development, the Solent Recreation Mitigation Partnership (SRMP) had been established and had produced the appended Solent Recreation Mitigation Strategy (SRMS). It was proposed to use initiatives and education to encourage responsible dog walking and other recreational coastal activities and the SRMS would be implemented by a team of five to seven coastal rangers. It sought to provide mitigation for the duration of the impact in perpetuity (80 years after 2034). Its effectiveness would be monitored and regular strategic reviews would be undertaken: ordinarily this would be once every five years but the first one would be after three years, and if that first review indicated any uncertainty over the effectiveness of the SRMS, then a further review less than five years later could be agreed. Implementation and monitoring of the measures would be funded by developer contributions; these would be calculated according to the bedroom numbers of the property and were equivalent to an average of £564 per dwelling. This would apply to all new dwellings within 5.6 km of the SPAs. If the strategy was unsuccessful then it would be necessary to look at other regulatory measures such as the introduction of bylaws to keep dogs on leads or prevent access to parts of the coast or footpaths during the winter season. However, the SRMP preferred to promote behaviour change through positive engagement wherever possible. The SRMS had generally been well received by developers as it afforded them certainty and obviated the need for them to provide specific mitigation measures (although they were free to provide their own measures). In the case of very large developments, the developers might be required to provide other measures besides the financial contribution. CDC had taken the lead in mitigating the effects of

development on wildlife in the Graylingwell and Roussillon schemes and one of its own officers had chaired the panel that formed the SRMS.

During the discussion members in general commended the work done in producing the SRMS, although Mr Lloyd-Williams expressed his dissent on the basis that the SRMS would simply increase house prices (the resource costs listed on page 25 of the agenda supplement) and was in his opinion an extravagant waste of money; he urged that the focus should be instead on enforcing by-laws.

Mrs Taylor, Mr Frost, Mrs Shepherd and Mr Day (Environmental Co-ordinator) responded to members' questions and comments on points of detail with respect to (a) the impact on house prices of mitigation measures; (b) the review period, the effectiveness of monitoring between reviews and the need for annual appraisals of the effectiveness of the measures; (c) the damage to the eco-system which had already occurred from development occurring too close to Chichester Harbour; (d) the extent to which putting dogs on leads would work; (e) the effectiveness of the measures such as the number of rangers to cover such a wide area; (f) the absence of scientific evidence in support of the mitigation measures; (g) the reason for and the calculation of the sliding scale of the cost to developers depending on the number of bedrooms of each property (para 5.3 of the agenda report); (h) the need to enforce the soft measures in the SRMS with the enforcement of by-laws; (i) the need for the SRMS review to look at including Pagham Harbour, notwithstanding that it had its own strategy, and also Medmerry; and (j) the need for the review to examine the robustness of the in-perpetuity funding and governance arrangements

### *Decision*

On a show of hands the members present voted in favour of the Cabinet's recommendation with one vote against (Mr Lloyd-Williams) and one abstention (Mrs Tull).

### **RESOLVED**

That the definitive Solent Recreation Mitigation Strategy be approved for use in the determination of relevant planning applications with the amendment agreed by the Cabinet.

## **11 South Downs Local Plan - Duty to Co-operate**

The Council considered the recommendation made to it by the Cabinet at its meeting earlier in the day on Tuesday 6 March 2018, as set out in the Cabinet report and its appendix (pages 27 to 32 of the Cabinet agenda).

Mrs Taylor (Cabinet Member for Planning Services) formally moved the Cabinet's recommendation and this was seconded by Mrs Lintill (Deputy Leader of the Council and Cabinet Member for Community Services).

Mrs Taylor presented the Cabinet's recommendation. It was a pre-requisite for CDC's Local Plan Review (LPR) to be found sound that the duty to co-operate (DTC) obligations had been fulfilled and a statement of common ground (SCG) agreed with its neighbouring authorities. The South Downs National Park Authority (SDNPA), which would shortly be submitting its local plan for examination, had now asked CDC whether it could take some or all of its unmet housing need within Chichester District. Whereas the *Chichester Local Plan* (CLP) had to be development-led, the SDNPA's local plan was landscape-led and this meant that the SDNPA did not have to meet its full housing need within the South

Downs National Park (SDNP) and under the DTC it could request adjacent authorities to provide for the unmet need. When CDC's CLP was being examined, it was anticipated that the supply of new housing within the Chichester District part of the SDNP would be approximately 70 dpa. However, under the SDNPA's draft local plan the proposed supply was 81 dpa which gave rise to an objectively assessed need (OAN) housing shortfall in the Chichester part of the SDNP of approximately 44 dpa. The appended SDNPA letter set out why the SDNP could not meet its full OAN given the landscape protection accompanying national park status. The SDNPA's request was considered by CDC's Development Plan and Infrastructure Panel (DPIP) on Thursday 1 March 2018 and concerns were raised that (a) whilst the SDNPA had previously made CDC aware that it would not be able to meet its shortfall, it had only made a formal request to CDC to meet its unmet need after the end of the consultation period and (b) in not meeting its OAN within the SDNP, this could result in sustainability issues in the SDNP villages within Chichester District. As to (b), although CDC was not the local planning authority for the SDNP area within Chichester District, it was nevertheless responsible for supplying other services within the SDNP such as housing and insufficient new housing in the villages could make them unsustainable as well as having an unbalanced demographic. Accordingly, the DPIP had recommended a revision of the recommendation which was before it (and this was set out in the Cabinet report), namely that any decision regarding the SDNPA's request should be subject to the evidence-based work associated with the Chichester LPR and the assessment of sites to meet the identified housing needs. The DPIP was cognisant of the DTC to make the LPR sound but that recognition should be balanced with the need to ensure that the SDNP villages in the Chichester District area should remain viable.

With regard to the South Downs National Park Authority's (SDNPA) request that CDC consider assessing its ability to meet some or all of the SDNPA's unmet housing need, Mr Frost referred members (who had previously been e-mailed in this regard) to the Consultation on South Downs Local Plan Pre-Submission report which had been considered by the Cabinet on Tuesday 7 November 2017 and in particular paras 6.8 and 6.9 and appendix 2. That report had identified a shortfall in the SDNPA's housing provision against the objectively assessed housing need for the Chichester District part of the SDNP but at that time the SDNPA had not requested CDC to consider meeting its unmet need and had only done so at a very late stage in its local plan process. It should be borne in mind that the SDNP faced different constraints from those affecting the CLP area. The DTC required CDC for the sake of its own LPR to consider carefully how to respond now to the SDNPA's request.

Mrs Taylor and Mr Dignum said that the issue of the unmet need and the points made by members during the debate would be addressed in a forthcoming meeting between the SDNPA's and CDC's respective chief executives and leaders. This had to be resolved in order that CDC could sign in due course a SCG. Members were asked to e-mail Mr Dignum the points they wished him to raise at that meeting.

During the debate members asked questions and made comments on points of detail and where appropriate received responses from Mrs Taylor, Mr Frost and Mr Dignum. Among the matters covered were: (a) the unexplained and unacceptably late request by the SDNPA that CDC meet its unmet housing need within the Chichester District area of the SDNP; (b) the SDNPA did not appear to have explored sufficiently the scope for providing additional housing within the SDNP and it should be willing to share the burden of this; (c) it was incumbent on CDC notwithstanding the DTC to assess very carefully its ability to accept all or any part of the unmet housing need; (d) CDC should not enter into discussions with the SDNPA with its hands tied as it were to any particular number of

houses per year, whether it was 44 (as cited by the SDNPA in its letter) or any other figure; (e) there should be an opportunity within the SDNP for additional affordable housing (which was clearly needed for local people rather than those who were retiring from, say, London) to be provided within parishes via neighbourhood development plans and there was need for such development, together with developing employment including micro-economy options within the SDNP, to be sustainable community-led rather than landscape-led; and (f) CDC should adopt a robust and proactive approach to DTC negotiations with the SDNPA over the unmet housing need (for which there needed to be clear evidence), which should include a timeframe for a resolution.

The following question was submitted by e-mail in advance of the meeting by Mr Ransley and received an oral response by Mrs Taylor during the debate on this item:

*Question*

'Can the [Cabinet Member for Planning Services] assure the Council that [(1)] the provision of 667 units made in the [South Downs National Park Authority's] Local Plan for the SDNP area part of the Chichester District is proportional to the allocation for other districts in the SDNP? and [(2)] that by accepting the unmet SDLP housing numbers of 44 units per annum this Council is not agreeing to a higher proportion compared with the other district council areas in the SDNP?'

*Response*

'The Council and all members have had the opportunity to respond to consultation on the draft South Downs Local Plan as part of the formal consultation in November 2017. This included reference to proposed housing provision across the National Park. No additional sites were put forward by this Council for development within the National Park. Officers have not carried out a detailed analysis of the provision to be made in other districts, but it is believed that a consistent approach to development within the South Downs local plan area has been adopted.

Given the landscape-led approach to the SDNPA Local Plan and the availability of suitable land within the National Park, a detailed analysis of the proportions being allocated to each district in relation to housing needs is unlikely to help inform any Chichester District Council view of the plan. For example the presence of sites such as Syngenta and Shoreham Cement Works might lead to more development within certain parts of the National Park than would otherwise be the case. The SDNPA has advised officers that for the other districts within the National Park statements of common ground are being progressed with the other councils which will address the scope for meeting the unmet needs within these areas in the same way as is being requested of this Council.'

Mr Dignum said that although it had always been obvious that the housing figure of approximately 70 dwellings per year (dpa) for the SDNPA area within Chichester District was well short of the OAN, it had never been made clear that CDC would be expected to meet the unmet need of 44 dpa ie the difference between OAN figure of 125 dpa and the 81 dpa the SDNPA would provide. CDC was also well aware that the SDNPA was not required, unlike CDC, to have a local plan target figure. Accordingly CDC had seen no reason to object to the SDNPA's draft local plan on that basis and had looked and hoped for a parish-led approach (which was still available). He read from a written response he had received from the Planning Portfolio Holder at East Hampshire District Council (EHDC) which took issue with (a) the SDNPA's use of the landscape-led criterion as a tool to avoid meeting its housing number allocation, (b) the assumption that adjacent local

planning authorities (LPAs) would meet unmet housing need and (c) the consequence that extra unnecessary pressure was unhelpfully being put on those LPAs such as CDC.

Mrs Tull proposed an amendment to the Cabinet's recommendation made earlier in the day whereby on the face of the agenda (a) the word 'the' be replaced with the word 'its' in the third line and (b) the words in the fourth line 'of approximately 44 dwellings per annum' should be deleted. Her proposal was seconded by Mr Moss.

Mr Martin said that he was minded to propose that CDC should assess its ability to meet some, if any, of the SDNPA's unmet housing need. His proposal was seconded by Mr Budge.

In the light of Mrs Tull's prior proposal Mr Martin withdrew his proposal. At the end of the debate the Council voted on Mrs Tull's proposal.

### *Decision*

On a show of hands the members present voted in favour of Mrs Tull's proposal to amend the Cabinet's recommendation, with three votes against and one abstention. It was, therefore, carried.

### **RESOLVED**

That, subject to the completion of the ongoing evidence-based work and the assessment of sites to meet the identified housing needs associated with the Local Plan Review, Chichester District Council will assess its ability to meet some or all of the unmet housing needs arising from the part of the South Downs National Park within Chichester District via the Chichester Local Plan Review.

## **12 Update on Tangmere Strategic Development Location Compulsory Purchase Order**

The Council considered the recommendation made to it by the Cabinet at its meeting earlier in the day on Tuesday 6 March 2018, as set out in the Cabinet report (pages 33 to 36 of the Cabinet agenda).

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

Mrs Taylor presented the Cabinet's recommendation. She said that in the *Chichester Local Plan* the Tangmere strategic development location (SDL) had been identified for the provision of 1,000 homes and associated infrastructure. The parish council was supportive and had included the SDL site in the Tangmere neighbourhood development plan. Despite meetings between CDC officers and the landowners/promoters of the site, little progress had so far been made due to the consortium being seemingly unable to collaborate to deliver a comprehensive approach to the development. Since the site was essential to the delivery of the Chichester Local Plan housing requirement and a five-year housing land supply, the Cabinet had resolved in July 2017 to support the use of a compulsory purchase order (CPO) and specialist advisers had been retained. A timetable for the formal process to seek a CPO was in the report and section 16 notices had been served in order to identify ownership and interests in the land. In parallel with this work efforts would continue to be made to engage with the consortium. In view of the very specialised nature of CPO work, an additional £150,000.00 was now sought in order to engage the

appropriate experts. It was proposed that approximately £25,500 should come from the Planning Delivery Grant Reserve and £124,500 from CDC's General Fund Reserves. It might be possible to recoup the £150,000 via CDC's developer partner.

Mrs Taylor introduced Mr N Riley, Director of Citicentric Development Management, which was a firm of specialist CPO advisers engaged by CDC.

Mr Riley began by summarising the soft-market testing which Citicentric would be undertaking to identify masterplanners who were experienced in delivering this type of project. He then answered members' questions and comments on points of detail with respect to (a) the costs indemnity provisions in favour of CDC from the date the development agreement was signed; (b) the point in the timetable (para 3.4 of the Cabinet report) when (i) the additional funding of £150,000 would begin to be used and (ii) the details of the masterplanning process would become known eg the number of the houses on the site; (c) the point when the masterplan would be discussed with the community eg the parish council, in view of the compressed timetable; (d) the correlation between seeking a CPO and determining an application for planning consent; and (e) the reason for needing to seek additional funding to that approved by the Cabinet in June 2016.

Mr Frost answered questions with respect to when the details of the masterplan would be known and what alternatives existed for providing additional housing in the event that a CPO was not made.

#### *Decision*

On a show of hands the members present voted unanimously in favour of the Cabinet's recommendation, with no votes against and no abstentions.

#### **RESOLVED**

That a sum of £150,000 be allocated from the remaining Planning Delivery Grant Reserve and General Reserve to fund the continued work on the Compulsory Purchase Order in respect of the Tangmere Strategic Development Location.

### **13 Community Governance Review - Chichester City Council**

The Council considered the first of three recommendations made to it by the Boundary Review Panel (BRevP) at its meeting on Friday 23 February 2018. The recommendation and a timetable of events (if the recommendation were to be approved) appeared on the face of the Council agenda.

Mr Ridd (BRevP Chairman) formally moved the recommendation and this was seconded by Mr McAra (BRevP Vice-Chairman).

Mr Ridd summarised the background and explained that it was anticipated that the second formal consultation stage would, as with the first stage, be unlikely to elicit any responses.

There was no discussion of this item.

#### *Decision*

On a show of hands the members present voted unanimously in favour of the BRevP's recommendation, with no votes against and one abstention.



## **RESOLVED**

That the community governance review of Chichester City Council proceeds to the second consultation stage based on the Chichester City Council proposal to:

- (1) Re-ward the City Council to ensure coterminosity with the Chichester District Council wards and
- (2) Reduce the number of Chichester City Council members from 20 to 18.

### **14 Community Governance Review - Increase in Number of Members for Westhampnett Parish Council**

The Council considered the second of three recommendations made to it by the Boundary Review Panel (BRevP) at its meeting on Friday 23 February 2018. The recommendation appeared on the face of the Council agenda.

Mr Ridd (BRevP Chairman) formally moved the recommendation and this was seconded by Mr McAra (BRevP Vice-Chairman).

Mr Ridd presented the recommendation.

There was no discussion of this item.

Mr Hall, who was a member of Westhampnett Parish Council, expressed his support.

#### *Decision*

On a show of hands the members present voted unanimously in favour of the BRevP's recommendation, with no votes against and no abstentions.

## **RESOLVED**

That the number of members on Westhampnett Parish Council be increased from seven to nine.

### **15 Community Governance Review - Harting Parish Council**

The Council considered the third of three recommendations made to it by the Boundary Review Panel (BRevP) at its meeting on Friday 23 February 2018. The recommendation appeared on the face of the Council agenda.

Mr Ridd (BRevP Chairman) formally moved the recommendation and this was seconded by Mr McAra (BRevP Vice-Chairman).

Mr Ridd presented the recommendation in respect of this new request for a community governance review by explaining the proposal. In advance of a formal consultation, the indications from the owners of the three properties concerned and Rogate Parish Council were that objections were not anticipated. The rationale for the request was strengthened by the proposed new site for a Nyewood community facility within the area which it was requested should be transferred to Harting.

There was no discussion of this item.

## *Decision*

On a show of hands the members present voted unanimously in favour of the BRevP's recommendation, with no votes against and no abstentions.

### **RESOLVED**

That a community governance review be undertaken in respect of the properties and land identified by Harting Parish Council which it has requested should be moved from the Rogate Parish Council area to the Harting Parish Council area.

## 16 **Questions to the Executive**

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

*Question by Mr Plowman: Implications for Chichester District of recent government statements on need for more housing development*

**Mr Plowman** referred to two recent government statements, one by the Prime Minister on the need for a crackdown on developers who should be releasing land for housing to be built, and the other by Sajid Javid, Secretary of State for Housing, Communities and Local Government, who said that in areas where the unaffordable housing ratio was much higher ie high house prices and low wages (which was surely the case in Chichester District), many more houses would need to be built. In view of these pronouncements, he wished to hear from **Mrs Taylor** (Cabinet Member for Planning Services) about the implications for this area having to take even more development than it currently faced.

*Response by Mrs Taylor*

**Mrs Taylor** (Cabinet Member for Planning Services) said that the formula used by CDC for assessing housing need took into account the ratio of affordability of houses in Chichester District and so this issue was already being addressed.

*Question by Mr Moss: Adequacy of proposed cycle routes for the West of Chichester strategic development location site*

**Mr Moss** asked **Mrs Taylor** whether, in her role as the Cabinet Member for Planning Services, she was satisfied with the proposed cycle paths for the West of Chichester (Whitehouse Farm) strategic development location site as presented at the exhibition held at Chichester City Council on Wednesday 29 November 2017.

*Response by Mrs Taylor*

**Mrs Taylor** (Cabinet Member for Planning Services) said that at the moment the details of the cycle routes were not available and so it would be premature to comment.

*Question by Mr McAra: Assistance to parish councils in implementing and applying the new general data protection regulations*

**Mr McAra** referred to the requirement for each local authority, including parish councils, to have a data protection officer in place for the inception in May 2018 of the new European Union General Data Protection Regulation 2016/679 (GDPR). He said that this was a cause for concern in view of the advice given by, for example, SALC that parish councils

should engage consultants to perform this role, which would in the case particularly of a small parish council be unduly onerous and use up a significant amount of its precept. He invited **Mr Dignum** (Leader of the Council) to consider whether CDC would be able to create a group of data protection officers (which was permissible) to advise and assist all parishes in Chichester District with a sliding scale of fees to take into account the size and means to pay of each parish.

*Response by Mr Dignum*

**Mr Dignum** (Leader of the Cabinet) acknowledged that this was a very important matter. This would be addressed by Mr Wilding (Cabinet Member for Corporate Services) and Mr Ward (Head of Finance and Governance Services) in order to understand (a) how the GDPR would affect CDC and arrange a briefing seminar and (b) how parishes could be advised and assisted to comply with the GDPR regime, perhaps by following the example of Chichester City Council which was to appoint a consultant to be shared with several other parish councils.

*Question by Mr Lloyd-Williams: Views of the Overview and Scrutiny Committee about the East Pallant House options appraisal*

**Mr Lloyd-Williams** referred to para 478 of the minutes of the Cabinet's meeting on Tuesday 6 February 2018 (page 7 of the Cabinet agenda for Tuesday 6 March 2018) and queried the statement in the fourth para that the Overview and Scrutiny Committee (OSC) had supported option 2. He said that this did not accurately reflect the debate since options 1 and 2 were vigorously opposed by some OSC members and a minority favoured option 3. He wished to know from **Mr Dignum** (Leader of the Cabinet) if the Cabinet had been aware of the sharp division of opinion among OSC members and wondered why, given this issue affected members and officers, it had not been brought to the Council for a decision.

*Response by Mr Dignum and Mrs Shepherd*

**Mr Dignum** (Leader of the Cabinet) said that he had not attended the OSC meeting and not having seen the OSC minutes before or at last month's Cabinet meeting he had been unaware of the differing views expressed by OSC members. In any event, ultimately it had been for the Cabinet to form its own judgment. **Mrs Shepherd** (Chief Executive) said that the minutes could be checked but she assumed that the OSC by a majority approved option 2 on a vote being taken and she added that the matter was an executive decision and so was to be determined finally by the Cabinet and not the Council.

*Question by Mr Morley: Encouraging commercial development opportunities within the South Downs National Park*

**Mr Morley** said that at the imminent meeting between the leaders and chief executives of CDC and the South Downs National Park Authority (SDNPA) to discuss the SDNPA's unmet housing need request he would like CDC to make the point that more commercial development as well as residential development was needed in the South Downs National Park (SDNP). The SDNPA currently seemed to have an almost 100% residential building and development policy. This needed to be countered by encouraging the SDNPA at this meeting to devise a policy to encourage economic vibrancy of towns such as Midhurst and Petworth to thrive eg by supporting the introduction of enterprise zones and business parks, perhaps even to the extent of developing them ourselves.

### *Response by Mr Dignum*

**Mr Dignum** (Leader of the Cabinet) sympathised with **Mr Morley's** view. Notwithstanding the end of the consultation, the point would be raised at the meeting. It would have been hoped that the SDNPA would take account in the formulation of its policies of the significant number of people who were employed within the SDNP.

**Mr Ransley** followed up the foregoing response by remarking that rather than CDC becoming involved in the SDNPA's local plan, parish and town councils should be encouraged to promote commercial development through their neighbourhood development plans.

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*Question by Mr Oakley: Tackling dog fouling and commercial waste*

**Mr Oakley** referred to the large amount of rubbish collected during a recent clean in Tangmere parish, notably dog fouling and horticultural and construction site waste. He wondered what could be done to reduce the contamination of the countryside and whether the review of the litter enforcement contract could be brought forward given the clear need to expand it.

### *Response by Mr Connor and Mr Dignum*

**Mr Connor** (Cabinet Member for Environment Services) said that the points raised would be examined during the review once the trial period had ended. **Mr Dignum** (Leader of the Cabinet) obtained confirmation in this meeting from **Mrs Dodsworth** (Head of Business Improvement Services) that the one-year contract with East Hampshire District Council included dog fouling. He said that the review would address a whole range of issues including those raised by **Mr Oakley**.

*Question by Mr Ridd: Development viability and the reduction of affordable housing*

**Mr Ridd** raised the issue of developers reneging on their promises to build affordable houses in the countryside. He alluded to a very recent report in *The Times* about a study conducted by Shelter and CPRE which found that in more than 150 new housing developments confidential viability assessments had been used to cut the number of affordable houses by 48%. The report said that councils could challenge these assessments but the government had guaranteed big builders at least 20% profit. If builders could show they would make less the government would side with them. To make matters worse profits at Barratts, Wimpey and Persimmon were reported to have quadrupled to £2.2 billion since 2012. He wished to know if this had affected Chichester District either in its rural or urban areas.

### *Response by Mrs Taylor*

**Mrs Taylor** (Cabinet Member for Planning Services) said that she was aware of recent national news coverage regarding development viability but given its up-to-date *Chichester Local Plan* (CLP) and the implementation of CIL, CDC as a local planning authority was in a relatively strong position on this important issue. Development viability was a material consideration in the determination of planning applications and was acknowledged in the CLP, which set out what evidence and information CDC expected developers to submit for consideration. In recent years there had been a relatively small number of cases where developers had claimed they could not afford to provide the full affordable housing

requirement, usually where there were abnormal costs such as contamination remediation and land re-profiling or where property values were expected to be particularly low. In such cases CDC took a robust approach and used specialist advice to scrutinise such claims. It was worth noting that the proposed amendments to the National Planning Policy Framework were published on 5 March 2018 and they included changes to the references to development viability. The intention appeared to be (a) to tighten up the circumstances in which viability could be put forward as a reason to reduce affordable housing within a scheme; (b) to standardise the information provided; and (c) to make it clear that where a local plan was up to date no viability assessment should be required.

*Question by Mr Shaxson: Revised response by Chichester District Council to the South Downs National Park Authority's local plan consultation*

**Mr Shaxson** asked whether, in the light of the debate at this meeting on CDC's response to the South Downs National Park's (SDNPA) belated request with regard to its unmet housing need and in view of the imminent meeting between CDC's and the SDNPA's chief executives and leaders, CDC could now make formal representations to the SDNPA.

*Response by Mrs Taylor*

**Mrs Taylor** (Cabinet Member for Planning Services) advised that it was too late to do so as the consultation deadline had expired.

[Note End of Questions to the Executive]

#### 17 **Late Items**

There were no late items for consideration at this meeting.

#### 18 **Exclusion of the Press and Public**

In order to consider the Part II confidential exempt matter listed as agenda item 19 Mrs Hamilton read out the resolution set out below, which was duly proposed by Mrs Tull and seconded by Mr Shaxson.

*Decision*

On a vote by a show of hands the Council approved unanimously, with no votes against and no abstentions, the following resolution.

**RESOLVED**

That in accordance with section 100A of the Local Government Act 1972 (the Act) the public and the press be excluded from the meeting during the consideration of agenda item 19 (Southern Gateway Implementation) for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of 'exempt information' being information of the nature described in the following paragraphs in Part I of Schedule 12A to the Act:

- 1 (information relating to any individual)

- 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information))
- 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and
- 6 (information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment)

and because in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 19 **Southern Gateway Implementation**

The Council considered the recommendation made to it by the Cabinet at its meeting earlier in the day on Tuesday 6 March 2018, as set out in the confidential exempt Part II Cabinet report and its two appendices (pages 296 to 329).

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

The report was presented by Mr Dignum.

Mr Bennett was in attendance for this item.

Mr Dignum presented the Cabinet's recommendation. He advised that the sixth of the seven recommendations in section 3 of the report (para 3.6) had been withdrawn.

Mr Ward briefed members on each of the matters set out in para 6.1.1 of the report.

Mrs Shepherd, Mr Ward and Mr Dignum responded to members' questions on points of detail.

Mr Ransley had submitted in advance seven written questions about this item. In view of the time when this item had commenced (17:27), Mr Ransley agreed with Mr Dignum's suggestion that written responses would be circulated to all members and relevant officers only (as this was a Part II item) following the meeting.

### *Decision*

The Council voted on a show of hands in favour of making the resolution set out below, with no votes against and seven abstentions.

### **RESOLVED**

- (1) The offer of £5m of funding from the Coast to Capital LEP be accepted, and the Funding Agreement attached as appendix 1 be approved.
- (2) Chichester District Council formally requests the LEP to authorise use of Flexibility Funding, as set out in para 6.1.1.1 of the report, to enable draw down of funds to commence in 2017-2018.

- (3) In the event that Flexibility Funding is approved by the LEP, Chichester District Council's Capital Programme be amended as follows:
- £500,000 of LEP funding will be applied to the Enterprise Centre in 2017-2018.
  - £500,000 of Chichester District Council's capital reserves be transferred from the Enterprise Centre to the Southern Gateway project in 2018-2019 to supplement the £4.5m balance of LEP funding.
- (4) Should the LEP refuse Chichester District Council's request to utilise Flexibility Funding, and should Chichester District Council also be unable to draw down funding by 31 March 2018, delegated authority be given to the Executive Director to amend the funding agreement to reflect a reduction in funding to £4.5m following consultation with the Leader of the Council.
- (5) The Executive Director be given delegated authority to make other minor amendments to the funding agreement prior to signature after consultation with the Leader of the Council.
- (6) Chichester District Council is prepared, in principle, to use its compulsory purchase powers to make and promote a compulsory purchase order(s) to acquire the relevant land for a comprehensive development comprising a mix of uses as set out in the adopted Southern Gateway Masterplan area (attached as appendix 2).

**[Note** The meeting ended at 18:10]

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CHAIRMAN

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DATE