



Minutes of the meeting of the **Overview & Scrutiny Committee** held in Committee Room 2 - East Pallant House on Tuesday 12 March 2019 at 9.30 am

**Members Present:** Mrs C Apel (Chairman), Mrs N Graves (Vice-Chairman), Mr P Budge, Mrs P Dignum, Mr G Hicks, Mr S Lloyd-Williams, Mr K Martin, Caroline Neville, Mrs P Plant, Mr H Potter and Mr A Shaxson

**Members not present:** Mr M Dunn, Mr N Galloway, Dr K O'Kelly and Mr J Ransley

**In attendance by invitation:**

**Officers present:** Mrs L Rudziak (Director of Housing and Communities) and Mr D Hyland (Community and Partnerships Support Manager)

#### 269 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting.

Apologies for absence had been received from Mr Dunn, Mr Galloway, Mrs O'Kelly and Mr Ransley.

#### 270 **Minutes**

##### **RESOLVED**

That subject to an amendment to *Minute 258 – Declarations of Interest: Add "Mr Martin declared a personal interest in respect of agenda item 7 as friends of Chichester Festival Theatre"* the minutes of the meeting held on 15 January 2019 be approved and signed by the Chairman as a correct record.

*Matters Arising:* Minute 262: Cabinet at its meeting on 5 February 2019 had approved the Business Plan.

#### 271 **Urgent Items**

There were no urgent items.

#### 272 **Public Question Time**

The following public question had been submitted by Mr P Robinson who was in attendance at the meeting to ask his question:

Mr Robinson addressed the Committee. It was a delight to come and see a Committee with a very important role in the preservation of our democracy. Probably today was symbolic that Committees such as this do fulfil a vital role. On the substantive question there were many issues that we had about the report submitted to the Committee. The Chichester Vision on page 42 stated "we wish to take community with us". He made an observation that he felt slightly disappointed that this did not happen in the proceedings associated with the ice rink, which he bitterly regretted. With regard to his public question, He advised that he was a historian and spent his life searching for evidence looking for the traces of history and completing the jigsaw puzzle and trying to reach a conclusion. He was intrigued that when the alleged outcome of the ice rink was looked at, and its so called success, the promoters had declared there had been 19,072 skaters. However the following day the figure was altered to 21,000. He was intrigued about the lower figure, which contrasted with the forensic analysis carried out on the actual number of skaters day by day on S3K limited's website, as this showed that the number of skaters totalled just short of 11,000. He was also intrigued by the claim in the report that many people had watched the skaters, which did not correspond with his own observations on several occasions. Neither did the photograph published by the Chichester Observer on Thursday 7 March 2019, which did not seem to show many people on the ice rink. He was intrigued why the report before members made no reference to the concessions used to support the ice rink. He had been led to believe that none had made a profit and that three of the concessions had wanted to leave early but could not as they were boxed in.

Mr Robinson asked his question as follows which was answered by the Chairman:

*Question:* Will the Committee seek, and publish an independently verified assessment of the numbers of tickets sold to skaters at the ice-rink in Priory Park, together with information from the '*ancillary food and drink concessions*' on their evaluation of the event?

*Answer:* Mr Robinson, in response to your question can I first clarify the role of Overview and Scrutiny Committee today. We will, later in today's agenda, receive a Review report from officers regarding the temporary use of Priory Park to host an Ice skating Rink. The Committee will seek to satisfy themselves of the process officers have followed in undertaking their review, before commenting on the findings of the review. This Committee is not undertaking an evaluation of the event.

I understand that officers have received confirmation data of daily sales figures from the contractor which correspond to the overall figure of 19,072 skaters reported in the main Committee report. The contractors, S3K, are not contractually obliged to provide this or any further information.

The comments from Friends of Priory Park regarding the report have been appended for this Committee to consider, at item 6 on today's agenda.

The Chairman asked if Mr Robinson would like to add anything further.

Mr Robinson, advised that other than it was interesting that the 'traffic light' system well used in Priory Park up until this event, suspended during the event, had now been reinstated, he had no further comments.

Councillor R Plowman, addressed the Committee. He commented that the process for the ice rink had been very rushed, being evident both in the planning and also the subsequent work. The desk top noise study was performed on different equipment to that installed at the site. The process was rushed. The Planning Committee had considered the planning application before the end of the consultation period and deferred the application for one month, due to substantive issues, such as the pegs specified for the use with the marque being against the archaeology recommendations of Historic England. He asked with regard to the restoration of the grass, which he commented that those who had seen the site had seen very substantial grass damage. In many areas it had also collapsed with dense compaction now filled up with water. His background was a trained botanist, specifically in grasses, with a degree in special botany with biochemistry. He was very concerned that, without a great deal of work, the area could be restored to its former state. The large amount of composted bark laid and incorporated into the soil due to the muddy conditions was detrimental to the development of grass. Ornamental grasses were sensitive to the release of phenols that acted as a weed killer in the soil and the grass will never re-establish.

He asked the Committee to consider that a full expert independent review of the turf situation should be carried out, and use it going forward, as he felt that if the area was used for events over the next year or so there will be long term sustainable damage to this grassed area of Priory Park.

Mrs Peyman responded to Mr Plowman's question. With regard to the grass reinstatement, the planning conditions required the satisfactory reinstatement of the grass. Numerous visits had taken place on the site. The last visit had taken place the previous Friday with the contractor and Chichester Contract Services (CCS) grounds maintenance staff to review the current condition of the ground. CCS was satisfied that the grass was coming back and will regain its previous condition prior to the ice skating rink. The planning condition has not been discharged yet and further works have been agreed, to include scarifying fertilizing, over seeding and top dressing, to be carried out as soon as possible, weather permitting. CCS had no concerns about the current reinstatement or that this area of land would not be ready and suitable to use for forthcoming events.

The ground would be reviewed afterwards and should the reinstatement not be satisfactory the contractors deposit will be retained until the works are signed off. If members wished a review at that time to be undertaken that request could be taken forward. However, the Council did have qualified grounds maintenance staff at CCS, who have worked on the site for a number of years.

## 273 **Declarations of Interests**

There were no declarations of interests.

The Committee considered this report circulated with the agenda.

Mrs Hotchkiss, Mrs Peyman and Mr Whitty were in attendance.

Mrs Peyman introduced the report, providing details of the background to the provision of an ice rink in Priory Park, Chichester open to the public from 1 December 2018 to 6 January 2019, lessons learned and the procurement exercise for the ice rink. The Chichester Vision included themes aimed at providing more events in Chichester to support the night time economy and the high street. During March 2018, it was decided to explore an ice skating event further. Chichester Bid had not been able to hold its large Christmas event within the City Centre due to repair works at Chichester Cathedral. During the event 19,072 skaters took to the ice and a large number of spectators attended. A number of Council departments were involved in the process, including Licensing, Development Management, Health Protection and Culture & Sport and representatives were in the audience should any questions arise. The Culture and Sport Division was responsible for the use of the land, insurance, health and safety, and compliance monitoring. A planning application was submitted and the Environmental Protection Team had assessed the applicant's desktop noise assessment, monitored noise during the event and responded to complaints about noise. The chillers and generator initially exceeded the imposed noise limits, but was solved by the installation of additional sound proofing material, so there was no breach of the planning condition relating to noise and no statutory nuisance was identified. Due to a significant number of objections to the premises licence application, it was considered by the Alcohol and Entertainment Licensing Sub-Committee and granted. No incidents were reported concerning the sale of alcohol or regulated entertainment. Car parking tickets purchased during December 2018 increased by nearly 5,000 when compared to the previous year and the recent pattern of a fall in the use of these car parks. The use of the Christmas Park and Ride also increased slightly during this Christmas period compared to last year. Chichester Bid had reported an increase of 67,480 visitors to the City compared to the previous December, to which visitors to the ice rink are likely to have contributed.

Following the success of the event, the contractor was keen to hold the event again this year. The preferred site was Priory Park. The contractor intended to work with other partners to complement the event, such as combining it with the Christmas Market and other festive activities. With regard to the lessons learned, set out at paragraph 5.3, it was acknowledged that the timescale for the implementation of the initial event had been short. Therefore, steps had been put in place to start discussions earlier for an event this year. A land licence template had been developed for future applications, planning officers had made some comments about their requirements if the event went ahead again relating to aesthetics and investigation of a three phase electrical connection to negate the need for the use of generators. Following a procurement exercise the land was offered at a peppercorn rent, with all costs and risks with the contractor. Chichester BID and Chichester Vision had supported the proposal. The Friends of Priory Park (comments attached at appendix 1) were supportive of an ice rink but considered that Priory Park was not a suitable location. The aim of the project had been to provide a fun event for all

ages that complimented the Chichester Bid's activities and encouraged visitors to the City during the Christmas period.

The Committee asked a series of questions and received answers from Mrs Peyman, Mrs Hotchkiss and Mr Whitty to questions as follows:

- *Suggestion made that more suitable locations should be considered, such as the Northgate car park, Cattle Market car park:* Other sites looked at were not deemed suitable. Oaklands Park and New Park were not available during this time because of the winter sports provision. Chichester Cathedral land was not available due to the building works and restrictions on consecrated land. The Council's car parks had been investigated but during the Christmas period space was at a premium. Northgate car park was not suitable in the evening due to Chichester Festival Theatre performances, and the Cattle Market car park provided parking for the market traders and a car boot sale.
- *Who will make the decision if the ice rink is to go ahead?* The Council's Constitution delegates authority to staff to make decisions on the letting of Council owned land. However, high profile events were considered in consultation with the Strategic Leadership Team and District councillors.
- *Were non-Council owned sites looked at for suitable locations?* With regard to potential sites not owned by the Council, Chichester College has been considered in the past for events. The University of Chichester had not been contacted due to its location outside the City as the intention was to improve the economy and increase footfall into the City Centre. Other sites had not been identified as their size and location was not suitable. However, she advised that officers and the contractor were not closed to suggestions for other suitable alternative locations and would be happy to look into other sites if deemed appropriate. However Henty Fields, suggested by a member, was outside the City Centre.
- *Why was the hire price of £5,000 for the Real Ale and Jazz Festival, who lost their deposit, significantly higher than the £1 lease paid by the Ice Rink contractor?:* The Real Ale and Jazz Festival lost its deposit as works carried out to reinstate the grass after the event were not satisfactory. If the event went ahead again the hire charge for an ice rink would form part of the negotiations to decide the value of the land in future years.
- *During the Christmas Period Chichester Bid reported a general increase of visitors to Chichester. However, the camera count had decreased by 7.3% in East Street?:* The footfall sensors that counted mobile phones passing were located at different points in the City to the footfall camera.
- *The Friends of Priory Park had commented that a Design and Access Statement should have been submitted with the planning application:* A Statement had not been required, as although the site was located in a conservation area, the application was for a change of use and the structures were temporary.
- *Concern was raised about the condition of the land since the event:* Without any grass coverage currently on the ground in this location of Priory Park it did look uneven. However, this was the case before the event and was noted by the contractor who had carried out their own land level survey to ensure the rink was level. Some unevenness would be dealt with by grass cover in these areas. The grass was growing back but further work was

recommended to include scarifying in the small area where there was puddling in the centre, a small amount of top soil, fertilizing and over seeding. As a result of the hot weather following the archaeology dig the land was not re-instated at the time. However, due to the area being required for the cinema event, as a temporary measure, the area was back filled with wood chippings and soil in order to make the area safe. The further reinstatement work required was a result of the archaeology dig as opposed to the ice skating event.

- *Proposals for three phase electrical connection, removing the need for a generator, were welcomed:* Officers were in the process of completing an application to SSE energy supplier and if installed, the costs of supplying electricity would be charged accordingly.
- *If the event was repeated, the planning application should be submitted much earlier:* It was hoped that a pre-planning application would be submitted by the end of this month.
- *Had the deposit returned to the contractor and how expenditure would be recuperated if the remedial work exceeded the deposit?:* The organiser's £1,000 deposit would cover the cost of £700 to reinstate the whole area with grass and included an additional sum as a buffer. However, the contractor was paying for and carrying out the remedial works themselves. The ground maintenance staff were qualified to assess if the remedial works had been carried out to a satisfactory standard.
- *The marshals had been observed doing a good job, however, there was concern that the over 18 wristbands could be taken off and given to someone under the age of 18:* The wristbands were sealed, however there was a slight flaw in that they could be removed if loosely attached and she advised that this matter would be looked into to rectify this flaw.
- *Need to consider going forward on a commercial ground rent basis. Is there a figure in mind?:* Officers would work with the Estates Team to provide an evaluation of the potential income and costs for running an event. Moving forward procedures had been developed and processes were in place to reduce officer time involved. A pre-planning enquiry would streamline the process, and lessons learned from the noise monitoring and desk top assessments previously carried out would reduce time.
- *A lower boundary fence was suggested for future events:* Officers would prefer the removal of the fence, which had been erected for security and also as a sound barrier for the generator noise.

The Committee confirmed that they were happy with the approach that the decision to lease the land should remain with the Leisure and Sports Development Team under delegated powers.

Mrs Peyman acknowledged that the event had provided both positives and negatives. A record had been kept of the complaints received about the event and the officer responses. To mitigate any issues the contractor had made direct contact with the Friends of Priory Park and had provided nearby residents with contact telephone numbers in case of any issues. Subject to the outcome of the review, the contractor would be asked provided an ice rink again. She confirmed that at this early stage officers had not entered full discussions.

Mrs Hotchkiss advised that due process was followed under the Council's Constitution. The Council was also meeting the aims and objectives of the Chichester Vision by promoting family events and entertainment and increasing footfall to the City Centre. Members should be mindful that she received approaches about the impact of the high street, the decreasing footfall and how to encourage young people to visit. The Council was looking at the Vision process with its partners to deliver events and activities. During the event comments were made to her that the event brought the City to life again, provided something for the young people, had provided an entertainment event and generally lifted the atmosphere of the City during the Christmas period. She heard the comments of the Friends of Priory Park but also heard the comments residents, young people and the retailers in the City. It was important when sites and locations were looked into the impact on the High Street was considered by bringing people into the City not only to the event for fun, enjoyment and community activity as well as encouraging them to do secondary spending to support local retailers.

At the close of the debate, members were in support for the provision of an ice rink in Chichester during the Christmas period, which they agreed supported the aims of the Chichester Vision. However, some members had commented that Priory Park was not the right location and that further investigation should be carried out to see if a more suitable location close to the City Centre could be found. Two members who had visited the site had commented that it had been well attended fun event by both skaters and spectators, especially for the younger members of the community. A member commented that feedback she had heard from businesses was that they had been happy with trade during the Christmas period. They agreed that the initial effort to introduce a new event, that was complex in its nature, to the City had been a learning curve and commended officers for the work they had achieved to provide such an event with such a short lead in time. Members welcomed that if the event was repeated the arrangements would start earlier in the process. Officers, with their expertise, had monitored the event and conditions had placed on the planning permission and alcohol and entertainment licence. There was already a precedent for large music events in the Park, many of which had taken place on the grass and it had recovered. The proposal for a three way electric would deal with noise issues was welcomed by members.

A proposal by Mrs Graves that officers provide an update report to the Overview and Scrutiny Committee recording the reinstatement of the grassed area in Priory Park before any deposit is returned to the contractor was supported by the Committee.

Mr Shaxson made two proposals that were supported by the Committee requesting that the Council is provided with a thorough breakdown of all costs incurred by the Council as a result of the ice rink noting that they are offset by various fees; and that the Committee recommends to Cabinet that a future ice rink should be offered at an open-tender commercial rent at Priory Park or any other site.

A proposal by the Chairman to recommend to Cabinet that a decision should not be made on a repeat of the ice rink until the new Council, after 2 June 2019, was supported by the Committee.

**RESOLVED**

- 1) That officers provide an update report to the Overview and Scrutiny Committee recording the reinstatement of the grassed area in Priory Park before any deposit is returned to the contractor; and
- 2) That the Overview and Scrutiny Committee request that the Council is provided with a thorough breakdown of all costs that the Chichester District Council are incurring as a result of the Ice Rink, noting they are offset by various fees.

## **RECOMMENDED TO CABINET**

- 1) that if Chichester District Council officers wish to run a future temporary ice rink, Priory Park or any other site would be offered at an open-tender commercial rent; and
- 2) that no decision will be made on the repeat of an ice rink until the new Council, after 2 June 2019.

**POST MEETING NOTE: Recommendation to Cabinet 2)** - The Chairman incorrectly stated '2 June 2019' when her intention had been '2 May 2019'.

### **275 Community Safety Review Final report from the Task & Finish Group**

The Committee considered the report circulated with the agenda.

Mrs Dignum, the Community Safety Review Task and Finish Group (CSTFG) Chairman, presented the report. The CSTFG was fulfilling its annual statutory duty and had found that each year the issues were slightly different as the nature of society was constantly changing. The CSTFG received presentations from Mrs Bushby on crime from her viewpoint, and the following witnesses gave evidence Mrs Eileen Lintill (Council's representative on the Police and Crime Panel), Mrs Emily King (Principal Manager Community Safety and Wellbeing, WSCC), and Chief Inspector Kris Ottery.

Mrs Dignum reported the following amendments:

- Page 29, third line of paragraph 3: '...running at 625,...' should read '...running at 620,...'; and
- Page 26, Paragraph 5.14: '...experienced.' Should read '...expected.'

Mrs Bushby was in attendance and thanked the CSTFG for its support concerning the Council's community safety partnership (CSP) work. The Police Crime and Commissioner's office had confirmed that the Council would receive funding again for community safety for a slightly reduced amount of £38,124. However, there had been plans for the Police Crime Commissioner to take a 20% cut on all the CSP funding to top slice and put into a separate fund, but it was decided not to do that this year, which showed how much the work all the CSPs were doing was appreciated.

The Committee made the following comments and received answers from Mrs Bushby to questions, including the following:



- *Knife and drug problems in the District:* Knife crime figures were relatively low compared to other districts. The office of the Police Crime Commissioner had successfully bid for early intervention project funding and the fact that this District had not been selected for receipt of this money indicated there were no significant issues in the District relating to County Lines and knife crime. Recreational drug use affected the night time economy anecdotally and was being dealt with by the night time economy providers, ChiBAC and Sussex Police working together. Whilst not such a significant issue as in Arun District, class A drugs did attract County Lines to the District and was being addressed by the Serious Crime Group.
- *Attendance of Katy Bourne, Sussex Police and Crime Commissioner:* It was not in the Task and Finish Group's terms of reference to invite Katy Bourne to the meeting. Mrs Purnell, observing the meeting, added that it was the responsibility of the Sussex Police and Crime Panel to hold her to account;
- *Crime in the North of the District:* The Council's Community Safety Officer was involved in a number of projects in the North of the District, but it was a case of prioritising. Cross border meetings had been re-introduced. The Communities Team was keen to raise the profile of the Country Watch Scheme, which had gone quiet recently. An issue concerning where to put resources was that crime in rural areas was often unreported. Mrs Dignum mentioned the Farm Watch and suggested that a question could be put forward at the next community safety review to see how well the scheme was working in the rural areas;
- *Additional Police Officers:* It was not known how many officers would be allocated to this District, but the remaining rollout of additional officers was likely to be PCSOs. Chichester would benefit additionally from being in a hub with Arun, as they had been allocated more officers.
- *Sheep Theft National Increase:* The Communities Team was not aware of any reports of large scale theft in the District. If it did become apparent, Sussex Police would investigate and warn farmers via the Country Watch scheme.

A proposal by Mr Potter to request a detailed account of how the Police Crime Commissioner, Katy Bourne, intended to spend the increase in precepts in the Chichester District was supported by the Committee.

The Committee thanked Mrs Bushby for her work and Mrs Dignum for her report.

## **RESOLVED**

- 1) That the required level of scrutiny of the Community Safety Partnership (CSP) has been achieved;
- 2) That the performance of the CSP is good and that evidence of effective partnership working in the District had been demonstrated;
- 3) That next year's review should focus on cybercrime, drugs and the impacts of any West Sussex County Council (WSCC) budget cuts on areas the Council may be responsible for (as outlined in paragraph 5.1(e) of the report); and
- 4) That the Overview and Scrutiny Committee asks the Police Crime Commissioner, Katy Bourne, for a detailed account of how her increase in precepts is being spent in the Chichester District.

## 276 Consultations - Task and Finish Group

The Committee considered the report circulated with the agenda.

Mr Foord and Mrs Parker were in attendance and outlined the report. Mrs Parker thanked the Task and Finish Group members for their useful contribution to the process.

Mr Foord and Mrs Parker responded to members' comments as follows:

- *Consultation Focus:* After the first meeting the Group focused more on the consultation methodology;
- *Let's Talk Panel:* there was no limit to the number of people able to sign up to the Panel. 1,000 was the target membership and members were asked to encourage their constituents to join. Members welcomed the introduction of this Panel;
- *Planning Issues Consultation:* Although the Group was satisfied with the way the Council's communications were delivered, a meeting would take place on 10 April 2019 to discuss localised concerns specific to planning, to include the wider planning consultation and statutory consultation for planning consultations associated with the day to day delivery of planning applications. Officers would take advice as to whether or not a further report should be considered by the Committee on the outcomes of the meeting. The Planning Policy consultation system was a different system used to the Council's general consultation SNAP system;
- *What is the most effective way to ascertain what the public wants and needs?:* Evaluations were key and specific groups of people could be targeted to give a clear idea of what was working. An effective way to reach the public was via the Lets Talk Panel individually or generally about a whole range of issues. Panel members could be contacted on a regular basis to draw their attention to certain topics. The most popular platform depended on the target group, as some groups worked better with social media and others worked better face to face. It was key to have a range of communication channels. Since the introduction of the worldwide web 30 years ago communication had changed hugely in this time with people now expecting quick communication. *How we communicate with the public depended on the audience;*
- *Traffic issues:* Mrs Hotchkiss undertook to provide a link to the County Council's current consultation on the Parking Management Plan in the Chichester City.
- *Mr Oakley, observing the meeting, asked for clarification that the Task and Finish Group will cover both planning policy consultations and notifications of individual planning applications, and that there will be the opportunity for the wider Council membership to have an opportunity to see the agenda papers to be put before the Task and Finish Group and have an input, including a briefing paper detailing the statutory consultation requirements for individual planning applications?:* Officers were mindful there was a statutory framework for the day to day planning consultations and agreed to frame the next agenda to take into account of both planning policy and the adequacy of the statutory consultations.

There was support for a proposal by Mr Shaxson that the outcomes of the Task and Finish Group on 10 April 2019 to discuss communication and consultation and any follow up from that meeting be reported to a further meeting of the Overview and Scrutiny Committee.

## **RESOLVED**

- 1) That the report relating to the review carried out by the Task and Finish Group be noted;
- 2) That the Overview and Scrutiny Committee confirms it is satisfied with the progress made to date and are in agreement with the proposed future improvements; and
- 3) That the outcomes of the meeting of the Consultation Task and Finish Group with the planners on 10 April 2019 to discuss communication and consultation and any follow up from that meeting be reported to a further meeting of the Overview and Scrutiny Committee.

### **277 Late Items**

There were no late items.

### **278 Chairman's Closing Remarks**

The Chairman drew the Committee's attention to the fact that this was the last meeting before the District Council elections. She thanked the members of the Committee for their support.

In reply the members of the Committee thanked the Chairman for her chairmanship.

The meeting ended at Time Not Specified

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CHAIRMAN

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Date: