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Minutes of the meeting of the **Cabinet** held in Committee Room 2 - East Pallant House on Tuesday 1 October 2019 at 9.30 am

Members Present Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr M Bell, Mr R Briscoe, Mrs N Graves, Mrs P Plant and Mr P Wilding

Members Absent

In attendance by invitation

Officers Present Mr S Ballard (Senior Environmental Protection Officer), Mr L Foord (Divisional Manager for Promotion and Events), Mrs L Grange (Divisional Manager for Housing), Mrs M Grele (Housing Options Manager), Mr P Jobson (Taxation Manager), Miss L Higenbottam (Democratic Services Manager), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

45 **Chairman's Announcements**

Mrs Lintill greeted members of the public and Chichester District Council (CDC) members and officers and the two press representatives who were present for this meeting.

The emergency evacuation procedure was read out.

There were no apologies for absence.

46 **Approval of Minutes**

The Cabinet received the minutes of the meeting held on 3 September 2019 which has been circulated with the agenda.

There were no proposed changes to the minutes.

RESOLVED

That the minutes of the Cabinet meeting held on 3 September 2019 be approved.

47 **Declarations of Interests**

There were no declarations of interest.

48 **Public Question Time**

Mrs Lintill invited Mr McBride to ask his question:

How can the 500 plus Chichester district residents that responded online to the Chichester Local Plan be confident that their views will be properly taken into account in its final version, given the only people who supported the Plan were site owners and housing developers?

Mrs Taylor provided the following response:

Thank you for your question. In response to the last Local Plan consultation we received over 3200 responses from 729 business, organisations and individuals. It is the case that the majority of responses were either objections or comments. Nonetheless 486 supporting representations were received. Whilst those with a direct interest in development formed the bulk of these, supporting points were also made by other individuals and organisations, including Historic England, Natural England, the sustainable transport charity Sustrans and the Theatres Trust. Full details of all representations are available on the council's website. All of the representations received will be taken into account as the Local Plan progresses. It is the case however that the consideration of consultation responses must be made with reference to the issues raised rather than the number of objections received.

Mrs Lintill invited Mr Maber to ask his question:

Given the recent and unfortunate revocation of our Playing Out Order for South Street, Our Chichester Playing Out / Car Free Day Campaign is delighted to announce that Eco Cinema Chichester are hosting a community, multi-organisation get-together for a short film and discussion evening on Monday 4th November, at 7:00 p.m. At the time of writing, the venue is yet to be confirmed because Eco Cinema's usual home (The Friends Meeting House, Priory Road) is too small for the anticipated number of people. That includes many of the 80+ business owners and managers from the South Street area. Two representatives from WSCC have confirmed they are happy to join us on 4th November towards successful Playing Out / Car Free Events in 2020.

Question: Could CDC confirm that you are able to join us on 4th November, please? Our agenda is building on the lessons now learnt (water under the bridge) and looking forward. We are particularly keen to meet with your Events Dept., please? It would also be really helpful for someone from your Safety Advisory Group to say a few words, please? Furthermore, would CDC please consider allowing us to use the CDC Logo on our promotional material, please? I imagine there are strict guidelines but given that our volunteers are promoting so many outcomes being actively worked upon by CDC, we look to you for endorsement, please?

Mrs Graves provided the following response:

Thank you for your question. Unfortunately, we had to make the difficult decision to revoke the road closure for the Chichester Car Free Day event on South Street but like you the Council wishes to look forward. We understand that the event organisers are very disappointed and we would like to work closely with them on any future events they may wish to plan and I am pleased to confirm that the District Council's Divisional Manager for Communication, Licensing and Events as well as the District Council's Events and Promotion Officer and Cllr Martyn Bell will be attending the November meeting in order to give advice.

The Divisional Manager will be able to speak about the role of the Safety Advisory Group at that meeting but the Council would make the following comments about the role of the Safety Advisory Group (SAG).

The role of SAG is separate from the operational management of an event. It is the event organiser/management team that will ultimately be responsible for the health and safety planning. The SAG is there as an advisory capacity. It provides independent advice to event organisers, who retain the legal responsibility for ensuring a safe event. One of the important roles a SAG can perform is to bring all relevant partners together to assist and support on event planning in order that event organisers fulfil their statutory obligations and stage safe and successful events.

SAGs are delivered consistently with Guidance adopted by Local Authorities across West Sussex and in accordance with the recently revised UK Good Practice Guide published by the Emergency Planning College earlier this year. There are Strategic Objectives of the SAG and defined Terms of Reference however it is acknowledged that each Local Authority will possibly have a different administrative system in place for the notification and licensing of events and as such a single system cannot necessarily cater for every eventuality. However this Local Authority welcomes early notification and engagement with event organisers to ensure wherever possible the most appropriate advice and support is given.

With regard to the District Council's logo, the Council does not normally allow the use of its logo on events arranged by external organisations, following the meeting on the 4th of November and as further details of the event are confirmed, this can be considered further by the District Council.

Mrs Lintill invited Ms Towers to ask her first question:

No one can be in any doubt that there is a housing crisis in this country and Chichester is not immune to this. We have one of the highest ratios of house price to incomes at 14:1, a high percentage of second homes, rising numbers of homeless and an increasingly aging population as young people and families on ordinary incomes cannot afford to stay in the area. One of the respondents to our Local Housing Needs Survey said that his household income of £45k was not enough to purchase a new build with Help to Buy. He would have needed an income of £80k or a very large deposit. Last week there was an opportunity at full Council to put in

place some measures which might have gone some way to alleviate these problems.

Can you explain why you did not choose to commit to raising the minimum percentage of affordable homes from 30% when all the evidence points to that necessity? Or why you have not made a commitment in principle to building Council Houses, subject to the necessary scrutiny. Is this Council putting developer profits before the housing needs of its residents?

Mrs Graves provided the following response:

Thank you for your question

The points you raise are under consideration as part of the local plan review and renewal of the Housing Strategy. A review of the housing target sought on larger sites is underway as part of the emerging new Local Plan. Any requirement for affordable housing has to be justified by reference to evidence of need and consideration of the impact upon development viability and deliverability. It also needs to be balanced against the requirement for CIL. Technical work to investigate the impacts of seeking 40% affordable housing on larger sites has been commissioned and there was a member's workshop on 5th September which included the findings of the Housing & Economic Development Needs Assessment and the Local Plan Viability study. These will be part of the evidence base that informs the emerging Local Plan.

The emerging Local Plan is subject to debate and scrutiny by DPIP and Cabinet before being considered by full Council and therefore it is considered there is already a mechanism in place for this issue to be addressed. Ultimately the affordable housing target sought in the new Local Plan will need to be justified by evidence and considered "sound" by an independent Planning Inspector.

Regarding the building of houses the Council set up a Housing company and transferred its housing stock in 2001 to what is now Hyde Housing Association. We continue, however, to work with registered providers to deliver affordable housing by means of quota on market sites and also using commuted sums as grants to enable additional affordable homes to be delivered over and above that delivered on market sites. Our current Housing Strategy has a target of 140 affordable homes per annum so over the first four years of the strategy to March 2019, our target was to deliver 560 affordable homes. In fact we have exceeded our target and delivered 662 new affordable homes. It is expected that we will again deliver above our target this year. The Council also work proactively with community led housing groups by offering support and funding. The target for affordable homes delivery will be reviewed as part of the new Housing Strategy to be in place from April 2020. In addition the suggestion that the Council should build homes directly has been referred to the Overview and Scrutiny Committee for further consideration.

Mrs Lintill allowed Ms Towers to ask a supplementary question. Ms Towers asked whether the council would consider varying the CIL schedule. Mrs Lintill confirmed that it was already being reviewed.

Mrs Lintill invited Ms Towers to ask her second question:

One in ten Chichester houses are now second homes and the Council confirmed that 1,193 or 2 percent of all homes were left completely empty last year, including those for social rent. It is encouraging that in Agenda Item 7 you propose to tax such homes at the maximum allowed. What other measures will you take to ensure homes are brought back into use and will you be creating an Empty Homes Policy?

Mrs Graves provided the following response:

Thank you for your question.

With regard to your second question the official district statistics are published by Government using the Council Tax Base Return completed by CDC. There are:

- 57,800 properties in the district*
- 3,150 properties are second homes, approximately 5.4% or 1 in 18 homes*
- 675 properties are empty and vacant for less than 2 years*
- 75 properties have been empty for over 2 years of which 34 have been empty for over 5 years.*

Agenda item 7 is recommending that CDC charge the maximum and offer no discounts for second and empty homes and charge the maximum premiums of 100% for properties empty for over 2 years and 200% for properties over 5 years.

The Council also offers Empty Homes Assistance to property owners as an incentive to bring empty properties back into use. The amount available is 100% of the cost of works, up to a maximum of £10,000. Conditions include:

- property must be let through the Council's Homefinder Scheme*
- works cannot be part of an insurance claim*
- the property must be at least 10 years old*
- works must be completed within 12 months of assistance being approved*
- following the works being done, the Council selects the tenants for the next 10 years*

Mrs Lintill allowed a supplementary question. Ms Towers asked if Mrs Grave's response formed part of an Empty Homes Policy. Mrs Rudziak confirmed that although the council has no specific Empty Homes Policy there is an overarching Housing Strategy which is under review and will be brought before the Overview and Scrutiny Committee in the new year.

Mrs Lintill invited Mr Kerry-Bedell to ask his question:

Given the Government's commitment to mitigating the effects of two degrees Celsius global temperature increase and the 5 metre sea level rise due to climate change and, given Chichester Council's May declaration of a Climate Emergency, how many of the 4,000 houses currently allocated in the danger zone on Chichester's coastal plain, East West corridor and Manhood Peninsular will be relocated north, into the safe zone above the East West railway line?

Mrs Taylor provided the following response:

Thank you for your question. It is worth noting that the official UK sea level rise projections are between 0.53m and 1.15m by 2100 in a high carbon emissions scenario and between 0.37m and 0.83m in a medium carbon emission scenario. Nonetheless climate change and flooding are key considerations for the new Local Plan. The Council is still considering the development strategy to be proposed in its emerging Local Plan, with the intention is for a revised draft Plan to be consulted upon in March 2020.

Mrs Lintill allowed a supplementary question. Mr Kerry-Bedell asked about the South Downs National Park unmet housing need. Mrs Lintill confirmed that the council had not yet agreed to take the unmet need.

49 Increasing the provision of the Council's Temporary Accommodation at Freeland Close, Chichester

Mrs Graves introduced the item. She explained that in late 2016 a single storey building at Freeland Close was offered to the council for purchase. The Cabinet approved the purchase in March 2017. The council's temporary accommodation needs have increased over recent years resulting in a full options appraisal of the site. In December 2019 the Cabinet agreed the Project Initiation Document (PID) for redevelopment of the site to expand the accommodation offer. Subsequently it has become necessary to move a gas main through the site in order to complete the works. The decision to place the order would usually be taken by Full Council however Full Council does not sit until 26 November 2019 by which time the project would be substantially delayed. Therefore, the urgency procedure has been applied in order to continue the project without undue delay.

With reference to section 3.1 of the report Mrs Taylor requested information on what happens next to residents placed in bed and breakfast accommodation after the initial six week period. Mrs Grange explained that the council will try to move residents into Westward House or other suitable accommodation wherever possible.

Mr Wilding asked whether the works would cause disruption to the gas supply. Mrs Grange explained that the works would be carried out by the Southern Gas Network who would seek to minimise the disruption caused.

Decision

The Cabinet then voted unanimously to make the resolutions and recommendation below.

RESOLVED

1. That an order is placed with Southern Gas Network (SGN) for the relocation of the gas pipeline, shown in Appendix 1.

2. That Cabinet approves the allocation of up to £120,000 from the Housing Investment Reserve to meet the costs of this work, subject to the urgency procedure (as set out in para 5.2 of the report).
3. That delegated authority is given to the Director of Housing and Communities to make changes to the Project Initiation Document (PID), in consultation with the Cabinet Member for Housing, to accommodate approval of a final design and submission of planning application.
4. That members note the delay in the programme as set out in section 5.4 of the report.

RECOMMENDATION TO THE COUNCIL

That the urgent decision for Cabinet to approve the allocation of up to £120,000 from the Housing Investment Reserve to meet the cost of this work be noted.

50 Review of Street Trading controls in Chichester City Centre

Mrs Graves introduced the item. She explained that the report does not seek to alter the current event controls in Chichester city centre but instead seeks approval to begin a consultation process with key partners such as West Sussex County Council, Chichester BID and Chichester City Council to establish what changes, if any, could be made to the prohibitions in the city centre as these controls were last reviewed in 2016. If consultation were to be approved a final report would be taken to Full Council in January 2020. Mrs Graves then explained that currently, street trading is prohibited in the city centre apart from East Street, North Street, Crane Street and the southern part of St Martins Street. Following the council's event consultation feedback the results indicate that many residents, visitors and businesses would like to see a greater number of events in Chichester. The Chichester Vision and draft Events Strategy also support this approach and the likely subsequent increase in visitors to the city centre. Mrs Graves confirmed that each event requiring a Street Trading Consent would be subject to a consultation process with key partners of the council and if agreed would be subject to appropriate conditions. The process would not apply to general traders markets..

Mr Briscoe fully supported the proposal and linked the work to the wider goals contained in the existing Chichester Vision.

Mr Bell wished to clarify that Canon Lane is a private street and consent would be required of the owners. Mr Foord confirmed that the owners would be included in the consultation process, if the process were to be approved.

With reference to section 3.8 of the report Mrs Plant asked whether the number of events per year would be restricted. Mr Foord confirmed that there are no current plans to place a restriction on the number of events referring to the previous exercise in 2016 when Crane Street and the southern part of St Martins Street were altered although no consented events have taken place in the areas since then .

Mr Bell then clarified that the southern part of St Martins Street refers to the section from Marks and Spencer foodhall to Good News Newsagents.

Decision

The Cabinet then voted unanimously to make the resolution and recommendation below.

RESOLVED

That officers be authorised to undertake the necessary steps (as set out in paragraph 3.7 of the report) to vary the existing designation to further areas within Chichester City Centre pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 from prohibited streets to consent streets; and

RECOMMENDS TO COUNCIL

That following that process Council approves the redesignation.

51 **Council Tax Review of Locally Defined Discounts and Premia**

Mr Wilding introduced the item. He explained that the Local Government Finance Act requires the council to set a tax base from 1 December 2019 – 31 January 2020. The 2021 tax base report will then be considered by the Cabinet on 3 December 2019. The Local Government Finance Act also requires a decision on the level of council tax discount for particular dwellings (listed by class). The report proposes a 0% discount for all classes listed on page 29 of the agenda pack. The council also has the ability to increase council tax on unoccupied homes known as the empty homes premium. The maximum level of this premium is set by Government and is currently 100% for properties unoccupied between two and five years and 200% for properties unoccupied over five years. The report proposes 2021 levels be set at the maximum 100% for two to five years and 200% for over five years.

Mr Wilding confirmed that there are currently 41 homes in the district that have been vacant for two to five years and 34 homes which have been vacant over five years. Mr Jobson added that the council's inspection team regularly visit properties to establish whether they are empty homes. He explained that the reason a property may be empty can be complex and take time to resolve.

With regards to vacant properties Mrs Taylor requested clarification on the term unfurnished. Mr Jobson confirmed that for a property to be vacant it must be unoccupied and substantially unfurnished. The amount of furniture in a property should be relative to the size of the property. If an owner suggests a property is a second home the council can request proof through evidence of utility bills.

Mrs Graves requested confirmation of the next steps for empty homes. Mr Jobson confirmed that the council tax team continue to apply the relevant premium and inform other teams within the council such as the housing team as appropriate.

Mr Briscoe asked whether any premium is applied to properties vacant for up to two years. Mr Jobson confirmed that the Government has set a two year cap which cannot be varied locally.

Mrs Plant requested clarification of the term premium and whether it means penalty. Mr Jobson confirmed that a premium is essentially a penalty and where 100% council tax is applied to a property the owner must pay 100% council tax and then an additional 100% premium.

Decision

The Cabinet then voted unanimously to make the resolution below.

RESOLVED

That the Council Tax Discounts and Premia proposed in the appendix to the agenda report be applied for the 2020-2021 financial year.

52 Rumbolds Hill, Midhurst Air Quality Management Area Public Consultation

Mrs Plant introduced the item. She explained that district and borough councils have statutory air quality duties known as Air Quality Management. The Government sets a number of air quality objectives and where an authority has evidence that an area is likely to fail any of these objectives it must by order declare an Air Quality Management Area (AQMA) and produce an Air Quality Management Plan (AQMP) to work towards compliance with the objectives. To date the council has declared three AQMA's. Following air quality results recorded in the last four years for Rumbolds Hill, Midhurst the area has failed the annual mean level objective for nitrogen dioxide. The council is therefore obliged by statute to declare an AQMA but must first seek Cabinet approve to go out to consultation.

Mr Wilding requested clarification on what can be done to solve the problems. Mr Ballard confirmed that the statutory obligation is to declare an AQMA. The council would then work with West Sussex County Council (WSCC) to write an AQMP. With reference to section 9.2 of the report Mr Ballard explained that although there is no guarantee of a resolution the council would discuss any possible resolutions with WSCC as the Highways authority.

Mrs Lintill then allowed Mrs Sharp to speak. Mrs Sharp asked the Cabinet to consider section 9.2 of the report and a lack of a guarantee of any significant intervention. She then asked the Cabinet to consider the potential of court action against the council due to the effects on residents of the area. Mr Ballard explained that the council has and continues to be very proactive in tackling air pollution issues. He noted Mrs Sharp's concerns.

Mrs Lintill then allowed Dr O'Kelly to speak. Dr O'Kelly explained that the Midhurst Vision has identified significant issues with the traffic levels and environment impact of Rumbolds Hill, Midhurst. She requested that the council work closely with the Midhurst Vision in solving the problem.

Decision

The Cabinet then voted unanimously to make the resolutions below.

RESOLVED

1. That Cabinet approves in principle the proposed Air Quality Management Area, as illustrated in Appendix 1, in line with the Council's statutory Local Air Quality Management duties.
2. That Cabinet authorises commencement of a public consultation exercise regarding the proposed Air Quality Management Area.

53 Funding Brexit Planning

Mrs Shepherd introduced the item. She explained that the council is required to plan for a no deal Brexit. To date the Government has provided the council with £51,000 in order to make the relevant preparations. At the June 2019 Cabinet it was agreed to release £31,000 to pay for a fuel storage unit, leaving a remaining £20,000 unallocated. Delegation is sought to enable the release of the remaining funding and any additional funding in an efficient and timely manner.

Decision

The Cabinet then voted unanimously to make the resolution below.

RESOLVED

That delegated authority is given to the Chief Executive to use the remaining Government funding of £20,000 and any further funding that may be received, if required, to mitigate against the potential impact of a No Deal Brexit.

54 Provision of additional CCTV cameras at Westward House

Mrs Graves introduced the item. She explained that in 2014 CCTV was installed at Westward House to protect the health and safety of residents and staff, to protect the council's investment and to better manage the accommodation. Following an increase in anti-social incidents a security audit was commissioned. The audit found gaps in CCTV coverage in communal areas. In order to reduce the risk of further incidents it is proposed that an additional eight CCTV cameras should be installed in communal areas. It is also recommended that the footage be retained for 30 days as per industry standard.

Mrs Lintill confirmed that the CCTV would only cover communal areas rather than residents private space.

Decision

The Cabinet then voted unanimously to make the resolutions below.

RESOLVED

1. That Cabinet allocates £17,000 from reserves to install additional CCTV cameras at its temporary accommodation at Westward House.

2. That an additional annual sum of £1,700 is included in the Asset Replacement Programme to cover the future replacement costs and a further sum of £250 is included in the Westward House maintenance budget from the 2020/21 financial year to cover the annual maintenance costs of the CCTV system.

55 **Temporary Accommodation Out of Area Placement Policy**

Mrs Graves introduced the item. She explained that the council has a statutory duty to provide temporary accommodation to residents in certain circumstances whilst their housing need is assessed. There are occasions when temporary accommodation owned by the council is full and it is therefore necessary to house people in bed and breakfast accommodation. In those circumstances officers try to accommodate households as close to their previous home as possible (if that is appropriate to the case) but on occasion it is necessary to house people outside of the district. Following a court case councils are now required to produce a policy for placement of people out of area. Mrs Graves drew attention to the proposed policy which is attached as an appendix to the report.

Mrs Taylor requested figures relating to how often the council has to place households out of the district and which other local authorities are used. Mrs Grele confirmed that there are currently 19 households in temporary bed and breakfast accommodation. Three of those households have been placed within the district and two households have children. Of the remaining households they are either singles or pregnant women. She explained that the council aims to move households in bed and breakfast accommodation to Westward House as soon as units become available. Priority is given to those with children and pregnant women at present. Mrs Grele confirmed that the council uses bed and breakfast providers in Arun, Hampshire, Portsmouth and further afield if it is for reasons of safety.. Where accommodation is out of the area the council will aim to return the household to the area as soon as practically possible.

Mrs Lintill asked how long people stay at Westward House. Mrs Grele confirmed it can be several months and has on occasion been up to two years.

Mrs Graves requested confirmation of what happens to children who need to attend school within the district but have been placed outside of the district. Mrs Grele explained that there is a legal maximum of six weeks that a family or pregnant woman can be placed in bed and breakfast accommodation out of the district.

Mrs Grange added that as well as increasing the temporary accommodation offer the council is reviewing its allocations policy to consider ways to address the turnover rate at Westward House.

Decision

The Cabinet then voted unanimously to make the resolutions below.

RESOLVED

1. That Cabinet approves the 'Temporary Accommodation Out of Area Placement Policy' set out in the Appendix to this report.
2. That Cabinet delegates authority for the Divisional Manager of Housing, following consultation with the Cabinet Member for Housing, to make minor amendments to the policy.

56 Exclusion of the Press and Public

There was no requirement to exclude the press or public.

57 Late Items

There were no late items.

The meeting ended at 10.39 am

CHAIRMAN

Date: