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Minutes of the meeting of the **Cabinet** held in Committee Room 2 - East Pallant House on Tuesday 3 March 2020 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 J Bacon (Building & Facility Services Manager), Mr T Ayling (Divisional Manager for Planning Policy), Mr N Bennett (Divisional Manager for Democratic Services), Mr I Brightmore (Divisional Manager for Health Protection and Wellbeing), Ms H Chivers (Planning Policy Officer), Mr D Cooper (Group Accountant), Dyer (Health Protection Manager), Mr A Frost (Director of Planning and Environment), Mrs L Grange (Divisional Manager for Housing), Miss L Higenbottam (Democratic Services Manager), Mr T Radcliffe (Human Resources Manager), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Western (Housing Delivery Manager) and Mr J Ward (Director of Corporate Services)

## 111 **Chairman's Announcements**

Mrs Lintill greeted Chichester District Council (CDC) members, officers and all those present.

Mrs Lintill then read out the emergency evacuation procedure.

There were no apologies for absence.

## 112 **Approval of Minutes**

The Cabinet received the minutes of the meeting held on 4 February 2020 which had been circulated with the agenda.

There were no proposed changes to the minutes.

## **RESOLVED**

That the minutes of the Cabinet meeting held on 4 February 2020 be approved.

### **113 Declarations of Interests**

Mr Bell declared a personal interest in respect of agenda item 8 as a Board Member of Stonepillow.

Mrs Shepherd confirmed that members would not be required to declare an interest in respect of agenda item 11 as the item relates to all members.

### **114 Public Question Time**

The following public questions were read with the responses indicated in italics:

#### **Question 1 from Mr Kerry-Bedell:**

*Reviews with our planning consultants Troy, as well as AECOM, and also raised at our meeting with Council Planners on 14<sup>th</sup> January, show that the Chidham and Hambrook Parish Neighbourhood Plan cannot accommodate its Council imposed 500 new house allocation that is currently in the Local Plan. We need guidance on which, and in what priority order, we should decide to A) build new houses in the AONB B) build houses over the new CDC Wildlife corridors or C) build houses outside our agreed settlement boundary, all three options of which contravene the Council's own policies and development principles.*

#### **The following answer was provided by Cllr Taylor:**

*Thank you for your question. It should be said that the previous proposed allocation of 500 homes in the Preferred Approach Plan was informed by a technical report on land availability in accordance with government guidance. That document identified sites within the parish that were outside the AONB and the proposed wildlife corridors, with a total capacity of 565 dwellings.*

*Although work undertaken on behalf of the Parish Council has been seen by officers, this does not appear to clearly show that the figure of 500 homes is unachievable.*

*However, the Parish Council's concerns relating to the suitability of the proposals in the Preferred Approach Plan for 500 homes in Chidham and Hambrook Parish are noted and were recognised in the report 'Local Plan Review - Responses to Preferred Approach Consultation and Way Forward' considered by Council in December 2019. At that time the Council endorsed the statement that further consideration will need to be given to the capacity of this service village to accommodate significant additional development.*

*I can confirm that work is ongoing to carefully consider the distribution of development across the Local Plan area and a proposed revised option will be*

*brought to District Council members to consider in due course, before being advised to Parish Councils.*

Mr Kerry-Bedell was permitted a supplementary question. In relation to the Natural England methods for nitrate neutral house building mitigation he asked for advice with regard to what those working on Neighbourhood Plans should do.

Mrs Taylor explained that there are ongoing discussions with Natural England regarding mitigating the nitrates issue. Mr Frost added that individual parishes are not expected to come up with the solutions at this stage. He confirmed that officers have offered meetings with parish councils to advise further.

**Question 2 from Mr Kerry-Bedell:**

“CDC should be applauded for confirming Wildlife Corridors in the new Local Plan. However, for the detail required for Neighbourhood Plans, Parishes can’t plan out their housing sites or work out the exact overlaps between many of our housing allocation sites and the Wildlife Corridors. This will require large scale high resolution maps of all five wildlife corridors, together. When will these be made available to all Parishes?”

**The following answer was provided by Cllr Taylor:**

*High resolution maps of the corridors proposed in the Preferred Approach Local Plan can be provided. Further evidence is being gathered to support the identification and confirmation of the wildlife corridors and any amendments to the boundaries will be communicated to parishes in due course.*

Mr Kerry-Bedell was permitted to ask a supplementary question regarding the timing and availability of the maps.

Mr Frost explained that the maps can be made available. He clarified that the boundaries may be subject to adjustment which in turn could affect the final boundaries of the wildlife corridors.

**115 Allocation of Commuted Sums to Deliver Affordable Housing**

Mrs Graves introduced the report. She explained that in certain circumstances the council accepts commuted sums from developers in lieu of the provision of affordable housing. The funding is used to support alternative schemes which Registered Providers are able to bring forward. She confirmed that the council is keen to support schemes which deliver homes at social rent levels which both the schemes recommended do. The Worthing Homes scheme in Bracklesham will provide nine homes for rent including one wheelchair accessible unit. The Chichester Greyfriars’ scheme will provide eight new homes for older people as part of their existing development at Royal Close, Chichester. Both schemes will also attract Homes England funding.

Mr Western and Mrs Grange responded to members questions. Regarding the time limit on S106 Commuted Sums Mrs Grange confirmed most commuted sums are now accepted on the basis that they will be used within ten years. With regard to the tenancy arrangements he explained that they would initially be fixed term. With regard to whether grants are subject to satisfactory nomination agreement with the council Mrs Grange clarified the levels are 100% for nominations completion and 75% thereafter for voids.

Cllr Moss then read the following statement out on behalf of Cllr Sharp:

*These homes are desperately needed by local people. In the last few weeks Greyfriars have been working with the Homeless team at the Council and have had several nominations that are from people in their 70s that are threatened with homelessness or indeed have been homeless and previously been living on the streets and have gone through Stonepillow/the Council.*

*Greyfriars' rents are affordable and within benefit levels as social rents and they include two flats that are wheelchair standard. There are also some features to deal with the climate change emergency eg solar PV. So I wholeheartedly support the allocation of a grant to this project.*

*However, the Council needs to be made aware that there is concern among local residents in Royal Close and surrounding areas about the difficulty people of all ages have crossing the Bognor Road to get to the Coop. In the West of the City considerable work is being put in by developers to add extra crossings on Sherborne Road for example. This work needs to be replicated in the East. Bognor Road is an arterial road with a speed limit of 30mph and a huge level of traffic that will only go up with more building in the East and closing of Oving Road Crossroads. A safe crossing of this road must be a priority for our LCWIP.*

Mrs Grange drew attention to section 5.6 of the report and explained that there would be only one wheelchair accessible unit rather than two due to planning requirements for the adjacent properties.

## **Decision**

The Cabinet then voted to make the recommendations below:

### **RECOMMENDED TO THE COUNCIL**

1. The allocation of grant of £438,750 to Worthing Homes to support the development of 9 social rented homes on a site at Middleton Close, Bracklesham, funded from commuted sums.
2. The allocation of grant of £160,000 to Chichester Greyfriars Housing Association to support the development of 8 social rented homes at Royal Close, Chichester, funded from commuted sums.

Mrs Graves introduced the report. She explained that the purpose of the Housing Strategy is to set out a long term vision of the council's aspirations for meeting housing need over the next five years. The strategy replaces a number of separate documents which have been produced in the past, the intention being to provide a single comprehensive housing strategy covering:

- Homelessness
- Private sector renewal
- The delivery of new affordable housing

Mrs Graves then clarified the aim to provide a concise statement of the council's priorities, indicating the reasons why these priorities had been chosen and setting them in the context of the resources opportunities and constraints. She explained that the Strategy aims to strike a balance between producing something which is detailed enough to be meaningful but concise enough to be readable and accessible. The strategy is the product of work with a variety of stakeholders and partners and has been the subject of consultation with members including the Overview and Scrutiny Committee. It represents an ambitious but achievable plan to respond to the pressing housing issues so many residents face.

Mr Western then provided details of the key elements of the Strategy as follows:

The strategy is in four parts:

The first section provides an introduction to the purpose and role of the strategy and the national and local policy context. The second section provides an overview of the local housing market identifying the key pressures primarily associated with the high cost of housing in relation to local earnings. Much of this data reflects research which is been carried out to support the Local Plan Review. The third section examines the background to the three Corporate Plan Objectives for housing. These are:

- To Provide Support for those that Need It (e.g. reducing homelessness and rough sleeping)
- Ensure Housing is Used Effectively and is Fit for Purpose (e.g. Private sector renewal and the allocation of social housing)
- Increase the Supply of Suitable Housing in the Right Location (increasing the provision of new affordable housing)

The narrative within this section explains why the priorities have been set and provides a little more background to the specific opportunities and constraints in relation to each. The fourth section provides a matrix in which eight strategic housing objectives are set out which support the Corporate Plan objectives previously described. Within the matrix the left hand column sets out broad objectives which can be used to measure progress over the next five years.

Mr Western added that for each of the eight objectives the current position and the overall objective are outlined. The left hand column represents strategic actions, long term actions against which we can measure success over the period. The right hand column provides an Action Plan defining specific actions which contribute to

each of the objectives. The actions are likely to change over the life of the strategy and will form the basis of annual service plans which measure progress.

### **Decision**

The Cabinet then voted to make the recommendations below:

### **RECOMMENDED TO THE COUNCIL**

1. That the Housing Strategy 2020-25 be adopted.
2. That the Director of Housing and Communities is granted delegated authority to make modifications to the Strategy in order to align with the emerging Local Plan Review.

### **117 Request for delegated authority - Carry forward requests**

Mr Wilding introduced the report. He explained that the report seeks permission for an update to be made the Council's Financial Regulations for the approval of budget carry forward requests. The current approval process for budget carry forward requests is now considered to be an inefficient use of both officer and member time as outlined in paragraph 3.1 of the report. It is proposed that the Council's Financial Regulations are updated to delegate authority for the approval of budget carry forward requests to the S151 Officer following consultation with the Chief Executive. These senior officers will scrutinise each request to ensure that there is a genuine reason for slippage on the budget and guarantee that the funds are used for the same purpose as was originally agreed by members when the budget was set. In order to maintain transparency of this new procedure with members, it is proposed that the details of all carry forwards agreed by the S151 officer are included in the Statement of Accounts outturn report considered annually by the Corporate Governance and Audit Committee. This new approach will allow officers of the Council to manage the resources made available to them by members in a more efficient and effective way in order to deliver the Council priorities, and free up member time in Committees considering reports on topics that could be dealt with more efficiently by senior officers.

### **Decision**

The Cabinet then voted to make the recommendations below:

### **RECOMMENDED TO THE COUNCIL**

1. That the Council's Financial Regulations are updated in order to delegate authority for the approval of budget carry forward requests to the Director of Corporate Services (the Council's S151 officer) following consultation with the Chief Executive.
2. To ensure transparency of budget carry forwards to members, the details of all carry forwards agreed by the S151 Officer to be included in the draft Statement of Accounts outturn report considered annually by the Corporate Governance and Audit Committee.

## 118 **Rough Sleeper Initiative Grant**

Mrs Graves introduced the report. She explained that the Strategy requires collaboration from central and local government as well as the local community. She confirmed that the council has received a total allocation of £230,465 to deliver rough sleeper services in Chichester. The Grant requires the funds to be spent on specific activities in line with the guidance. It is therefore proposed that funding be spent on the following:

- Retention of the Navigator post appointed by Stonepillow last year on a 12 month contract
- Retention of Lettings Officer post appointed by Stonepillow last year on a 12 month contract
- Additional staffing resources to extend the council's support of rough sleepers
- Extending the opening hours of Stonepillow's day services and hub
- A new Duel diagnosis Worker post to be appointed by Stonepillow

Mrs Grange responded to members questions. With regard to what happens after 2021 she explained that negotiations are underway for a three year programme. She also clarified that the grant would provide a Supported Lettings Officer and Stonepillow are also investigating the possibility of additional tenancy support.

### **Decision**

The Cabinet then voted to make the recommendations below:

### **RECOMMENDED TO COUNCIL**

1. That delegated authority is given to the Director of Housing and Communities, following consultation with the Cabinet Member for Housing Services, to spend the Rough Sleeper Initiative (RSI) Grant set out in para 5.1 of the agenda report in accordance with the terms of the grant.
2. That Council accommodate receipt and spending of the Rough Sleeper Grant when considering the annual Budget Spending Plan report 2020-21.

## 119 **Senior Staff Pay Policy Statement 2020-2021**

Mr Wilding introduced the report. He explained that each year the Council is required to publish a Pay Policy Statement as part of the requirements of the Localism Act 2011. The statement must be agreed by Full Council. The intention of the statement is to ensure that as a public body the council is fully transparent in terms of our pay policies and levels of pay for senior staff.

The Council publishes the Senior Pay Policy Statement (attached at Appendix A) and the associated appendices (1 to 9). Appendix 1 shows senior staff pay on 1 April 2020 and clarifies that during the last year the number of Directors has reduced from six to four with their responsibilities reallocated to the remaining Directors with an additional reduction in two Divisional Managers. In Appendix 6, relocation expenses have increased in line with CPI. The rest of the appendices remain unchanged since last year's report and so have not been included but they are available on the council's website.

Mr Wilding confirmed that the County Adaptions Manager role manages the Disabled Facilities Grants across West Sussex. The role is hosted by the council with the salary costs split across the West Sussex partnership.

## **Decision**

The Cabinet then voted to make the recommendation below:

### **RECOMMENDED TO COUNCIL**

That the Senior Staff Pay Policy Statement 2020-2021 be agreed for publication.

#### 120 **Tangmere Strategic Development Location - Chichester District Council (Tangmere) Compulsory Purchase Order 2020**

Mrs Taylor introduced the report. She explained that the current Local Plan makes provision for the delivery of 7,388 homes over the period 2012-2029. Of the 7,388 homes, 3,250 are to be provided at the Strategic Development Locations, the second largest of which at 1,000 dwellings at the Tangmere Strategic Development Location (TSDL). It represents approximately 14% of the total housing need for the Local Plan Area and 31% of the total housing need to be provided by the Strategic Development Locations. In addition the emerging Local Plan makes provision for 1,300.00 dwellings. Therefore delivery of the Tangmere TSDL is critical to delivery of the Council's housing target. The land comprises approximately 76 hectares and is shown coloured pink in Appendix 2. The site has been identified for residential development since 2010 and was formerly allocated for residential development since 2015 after adoption of the current Local Plan.

Mrs Taylor further explained that the land has a number of land owners and promoters. Despite the council being assured by the landowners and site promoters over the past ten years that there was a progress in terms of commitment to jointly deliver the residential development and associated infrastructure there has been no material progress in terms of comprehensive delivery of the site. It is essential that development comes forward comprehensively in order to provide certainty over delivery of the infrastructure requirements for the planned residential development and to guarantee that such infrastructure be delivered in a cohesive and co-ordinated manner. Comprehensive development is also necessary if best and most efficient use is to be made of the TSDL. A piecemeal approach could render some parcels unviable, resulting in the risk that the TSDL fails to come forward in its entirety and fails to provide the necessary infrastructure required. By taking a piecemeal approach it is highly unlikely the TSDL would deliver the 1000 homes or the 1,300 homes in the emerging Local Plan. Paragraph 6.8 of the report sets out in greater detail the reasons why a piecemeal approach is inappropriate.

Mrs Taylor confirmed that as a result of the lack of progress the council has no alternative but to make use of the Compulsory Purchase Order (CPO) powers available to it and after a tender exercise appointed a development partner in 2018 and subsequently entered into a Development Agreement with Countryside Properties (UK) Limited on 5 February 2019. A Masterplan of the proposed

development was presented to and endorsed by the Planning Committee on 8 January 2020. Countryside are planning to submit a planning application for 1,300 dwellings in April 2020. Table 1 on page 48 sets out the current timetable for progress of the CPO.

Mrs Taylor added that although work is progressing on the CPO there will continue to be engagement with the landowners to provide for the possibility of voluntary agreements to enable comprehensive development of the site. However, due to the lack of progress with the owners and promoters of the site despite engagement over a ten year period the council considers that it has no alternative but to progress with the CPO as the TSDL is a major contributor to the delivery objectives of both the Local Plan and the emerging LP and to the contribution of the achievement of social, environmental and economic development and wellbeing of the community.

Miss Chivers referred members to section 4.35 of the report. She explained that it refers to the agreement which was part of the original 2018 order plan which has since been amended as a result of land referencing and masterplan processes. The development agreement will be amended to include an addendum to refer directly to the 2020 order plan.

Mr Bennett responded to members questions. With regard to the purpose of the CPO he referred members to section 6 of the report. He confirmed that the council had sought specialist legal advice. With regard to the timescale he explained that it had been unavoidable as the council is required to demonstrate a full level of engagement and evidence as part of the process. Once agreed the CPO will have a further 22 week window.

## **Decision**

The Cabinet then voted to make the recommendations and resolution below:

## **RECOMMENDATIONS TO COUNCIL**

That following consideration of the report:

1. The Council authorises the use of Compulsory Purchase powers as set out in Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire the Order Land identified within Appendix B, and in particular that the Council makes the Order.
2. The Director of Planning and the Environment be authorised to settle the final form and content of the Order and all associated documentation and take all action needed to pursue the Order and secure its confirmation.
3. The Director of Planning and the Environment be authorised to negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections or undertakings not to enforce the Order on specific terms including where appropriate removing land or rights from the Order or to request the modification of the Order by the Secretary of State.

4. The Director of Planning and the Environment be authorised to implement the Order powers following confirmation of the Order, and so acquire title to and/or take possession of the Order Land.

## **RESOLVED**

That the revised timetable identified in section 6 of the report be approved.

### **121 Report of the Independent Remuneration Panel**

Mr Wilding introduced the item. He explained that members of the Independent Remuneration Panel (IRP) were in attendance and would be attending the afternoon's Council meeting.

Mr Wilding outlined the process of deciding member's allowances and explained that it is established by clear regulations backed by Government guidance. He added that the approach requires detailed consideration of local circumstances and evidence factors. Following the boundary review it is clear that significant changes to the role of a Chichester councillor have taken place and these local changes have been particularly stark compared to the usual evolutionary changes which might apply from review to review.

He clarified the purpose of the review to provide accountability to the public that allowances are fair and appropriate and set proper recognition for the work of a councillor.

Mr Wilding confirmed that whilst the panel is appointed by councillors they have to be and are independent from the council and their assessment is the result of a significant effort in research.

Mr Thompson who had been a member of the IRP was then introduced to members. Mr Thompson answered a point of clarification explaining that the rate of inflation is used as the starting point for considering the allowances.

## **Decision**

The Cabinet then voted to make the following recommendation.

## **RECOMMENDED TO COUNCIL**

That Council considers the report of the Independent Remuneration Panel.

### **122 Energy Procurement**

Mrs Plant introduced the report. She explained that the approval would provide a new four year energy framework to secure the bulk of the council's energy supplies from October 2020. The contracts will replace the council's existing contracts which expire on 30 September 2020 this year. They seek to achieve annual price certainty and entry into the renewable energy market. At present 100% renewable energy is not currently available due to Chichester Contract Services Depot at Westhampnett being offline to the gas network. Mrs Plant explained that the Environment Panel

had scrutinised the procurement of the contracts and had agreed that they are compliant with the Constitution and provide best value. She then drew attention to the additional recommendation 5 from the Environment Panel.

Mr Wilding commented on the expense of purchasing renewable gas as set out in recommendation 4. Mr Bacon responded and explained that bio methane processing is considerable and costly as it requires the calorific output of the gas to be the same as natural gas entering the network and as such has a certified guarantee of origin.

### **Decision**

The Cabinet then voted to make the resolutions below:

### **RESOLVED**

1. That the Environment Panel's recommendations as set out in paragraph 9.1 be noted.
2. That the Council continuing as a participating authority in a tripartite contract with the LASER Energy Buying Group and enter into a new 'purchase in advance' 4 year contract with effect from 1 October 2020 be approved.
3. That subject to Council making funds available when determining the 2020-21 budget spending plans, approve that the Council pays the uplift cost for its electricity supply to become 100% renewable, estimated to be £1,000 per annum.
4. That subject to Council making funds available when determining the 2020-21 budget spending plans, approve the uplift cost for a 100% renewable gas supply, estimated to be £4,500 for year one of the contract.
5. That the Environment Panel's support for an investigation into the use of Power Purchase Agreements relating to renewable energy in relation to future energy procurement be noted.

### **123 Pallant House Gallery - CDC Appointed Trustee**

Mr Briscoe introduced the report. He explained that a request had been received to align the Pallant House Gallery appointment with the local election cycle to provide more stability for the Pallant House Gallery Board moving forwards.

Cllr Apel confirmed that she is happy with the proposal.

### **Decision**

The Cabinet then voted to make the resolutions below:

### **RESOLVED**

1. That the alignment of the term of appointment of the Chichester District Council representative to Pallant House Gallery Trust and Company to the local election cycle be approved.

2. That the extension to the existing appointment of Councillor Clare Apel until the next local election (May 2023), or until the appointee ceases to hold office be approved.

#### 124 **Charging for Discretionary Food Safety Services**

Mrs Plant introduced the report. She explained that the proposed changes are based on cost recovery only. The three areas affected are:

- Food Hygiene Rating Scheme revisits for businesses scoring less than 5
- Advice to new and existing businesses for up to a two hour visit and follow up report
- Export Health Certificates which applies to fish and fish export products post Brexit

Mrs Plant confirmed that advice has been issued to new and existing customers but at present it is unknown what demand there will be for the new Export Health Certificate service.

Mr Brightmore confirmed that any establishment selling food is included.

#### **Decision**

The Cabinet then voted to make the resolution below:

#### **RESOLVED**

That the discretionary food safety fees and charges for 2020-21 for food hygiene rating revisits, advice for new and existing business and food export certificates, as set out in the Appendix to the report be approved.

#### 125 **Late Items**

There were no late items.

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

Mrs Lintill proposed and read the part II resolution in relation to agenda item 17 which was seconded by Mrs Taylor.

#### **Decision**

The Cabinet then voted to go into part II.

#### **RESOLVED**

That with regard to agenda item 14 the public including the press should be excluded from the meeting on the grounds of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding

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

127 **Staffing Matter**

Mr Wilding introduced the item.

Officers responded to members questions.

**Decision**

The Cabinet then voted to make the resolution below:

**RESOLVED**

That the recommendations set out in section 2.1 and 2.2 of the report be approved.

The meeting ended at 11.00 am

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CHAIRMAN

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Date:

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