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Minutes of the meeting of the **Cabinet** held in the Committee Rooms, East Pallant House on Tuesday 6 July 2021 at 9.30 am

**Members Present** Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant, Mr A Sutton and Mr P Wilding

**Members Absent**

**In attendance by invitation**

**Officers Present** Mr T Ayling (Divisional Manager for Planning Policy), Mr A Buckley (Corporate Improvement and Facilities Manager), Mr A Frost (Director of Planning and Environment), Mr D Henly (Senior Engineer (Coast and Water Management)), Miss L Higenbottam (Democratic Services Manager), Mrs J Hotchkiss (Director of Growth and Place), Mr B Jones (Housing Enabling Officer), Mr D Knowles-Ley (Licensing Manager), Mrs T Murphy (Divisional Manager for Place), Mrs S Peyman (Divisional Manager for Culture), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

## 23 **Chair's Announcements**

Cllr Lintill welcomed everyone to the meeting.

The emergency evacuation information was then read out.

There were no apologies for absence.

Cllr Lintill confirmed that she had accepted one late item relating to the Selsey Flood and Coastal Scheme Feasibility.

## 24 **Approval of Minutes**

### **RESOLVED**

That the minutes of the Cabinet meeting held on 1 June 2021 be approved as a correct record.

25     **Declarations of Interests**

Cllr Dignum declared a personal interest in respect of agenda item 11 as a Director of Chichester Business Improvement District. Cllr Dignum did not participate in the item.

26     **Public Question Time**

Mr David Williams began to ask a question which he had not submitted and was referred back to the original question he had submitted within the deadline for public questions. The original question submitted by Mr Williams was as follows:

*Interestingly on the 13<sup>th</sup> July 2010 the CDC Executive Board agenda, item 18, under risks 8.2 “ the vendor has not been able to register title to the track” **CDC had identified ownership of the track as a risk back in 2010. At the time of purchase of the site Hyde knew full well that it did not include the access.** There was a large amount of communication, between the Land Owner, neighbours and Land Registry regarding the claimed ROW over the track. This resulted in October 2012 the Land Registry removing the note claiming a ROW over the track from the title deeds of the site. **So at the time Hyde purchased the Land in Jan 2014 it was well known that the vendor was not able to grant any ROW over the track. Hyde would have purchased the land knowing full well that it did not include the access track and there was no ROW to use the track.** This fact has been poorly presented to Councillors over the years.*

*1 ) A letter was read out just before the planning hearing was started, it was from Hyde’s solicitors “ the position regarding the access to the development site on this project has been investigated and we are satisfied that the Association will be in a position to implement the scheme in line with the terms of the application”*

*2 ) In 2016, three years after planning was approved, when it is obvious that the site is non deliverable, at the hearing to vary conditions Hyde’s 3 mins speaker ( Sarah Poullter ) said “ **Access is a complex civil matter”** ( can be found on CDC audio of hearing at 19:45 mins.)*

**3 ) Cabinet agenda notes 10<sup>th</sup> April 2018**

**4.7 .....** *The legal transfer of the development site, at the time of purchase by Hyde, granted rights of entry and a right of way over the access **only so far as the vendor was able to do so.***

*During the whole planning process, issues with the ownership and Right of Way over the track have been classified as a private legal matter, for Hyde to resolve. Some would say that it was a poor commercial decision for Hyde to purchase a development site without access. In fact in CDC's recent Interim Position statement for Housing 4.2 " a site should be fully in the applicants control".*

**Is a CPO being considered purely to resolve the decision by Hyde to purchase a site without control of the access?**

**What is the justification now, for CDC to get involved?**

**Cllr Sutton provided the following response:**

*Thank you for your question.*

*Regarding the first part of your question as to the reasons for the CPO I can confirm the reasons are set down in the report to Cabinet today in particular in paragraphs 6.2.1 and 6.3. Any decision to proceed with actually “making” the CPO will be accompanied by a statement of reasons setting out the full justification for use of the Council’s CPO powers.*

*Regarding the second part of your question about the justification for the Council to be involved in this process I can confirm that the District Council is the only body with statutory powers to make a compulsory purchase order – Hyde has no such powers. Hyde has presented their request to the Council to consider its use of such powers against the statutory tests which the Council is, properly, doing. The statutory requirements to establish the grounds on which a CPO may be granted are again as set out in the report and those, if proven to the satisfaction of the Council, would comprise the justification for proceeding to CPO.*

**27 Overview and Scrutiny Committee Recommendation**

Cllr Lintill invited Cllr Moss to speak. Cllr Moss outlined the recommendation as set out on the agenda front sheet and added that it would be an important exercise to undertake to help identify the district as a place, business, natural environment and community.

Cllr Dignum responded with the following recommendation:

That Cabinet notes the recommendation from the Overview and Scrutiny Committee and asks officers to produce a report on the proposal for the October 2021 Cabinet. The report should take into account the existing District wide brands, Great Sussex Way to attract tourists and Invest Chichester to attract inward investors.

It should also;

- i. Catalogue the other promotional brands in the district, including Visit Midhurst and Destination Selsey.
- ii. Identify any gaps in branding of the district, the city and the rural towns.
- iii. Estimate the costs and benefits of developing a new brand and identity plan for the district.

Cllr Briscoe seconded the proposal.

Members of the Cabinet gave their individual support to the proposal.

In a vote the following resolution was agreed:

**RESOLVED**

That Cabinet notes the recommendation from the Overview and Scrutiny Committee and asks officers to produce a report on the proposal for the October 2021 Cabinet.

The report should take into account the existing District wide brands, Great Sussex Way to attract tourists and Invest Chichester to attract inward investors.

It should also;

- iv. Catalogue the other promotional brands in the district, including Visit Midhurst and Destination Selsey.
- v. Identify any gaps in branding of the district, the city and the rural towns.
- vi. Estimate the costs and benefits of developing a new brand and identity plan for the district.

**28 Chichester District Council Annual Report 2020-21**

Cllr Lintill introduced the item.

In a vote the following recommendation to Council was agreed:

**RECOMMENDED TO COUNCIL**

That the Annual Report 2020-2021 be received by the Council.

**29 Covid Outbreak Management Fund**

Cllr Wilding introduced the item.

In a vote the following recommendations to Council were agreed:

**RECOMMENDED TO COUNCIL**

1. That the Covid Outbreak Management Fund grant allocation be spent as set out in section 5.
2. That delegation be given to The Chief Executive to vary allocations of funding between the headings in section 5 following consultation with the Leader of the Council.

**30 The Council's proposed Hackney Carriage and Private Hire Licensing Policy and Conditions 2021**

Cllr Sutton introduced the item.

Cllr Lintill requested clarification on why the DBS checks take place every six months compared to other organisations who check every three to five years. Mr Knowles-Ley explained that the Department for Transport Statutory Taxi & Private Hire Vehicle Standards, issued in July 2020, now require the Council to undertake a criminal conviction check of all licensed drivers every 6 months. The DBS (Disclosure and Barring Service) Update Service is a good system that works well

for the council and enables a regular update check to be carried out online without the need for the driver to come into the council building to complete any paperwork.

, Cllr Taylor requested clarification with respect to the proposed vehicle age policy. Mr Knowles-Ley explained that other council's have taken a similar approach in terms of introducing a vehicle age policy. Mr Knowles-Ley advised that a 10 year limit for new vehicles along with a protected maximum period of 5 year extension for existing licensed vehicles was believed to be proportionate and balanced.

Cllr Dignum requested detail of the impact on the number of taxis for hire. Mr Knowles-Ley explained that there are approximately 45 licensed Hackney Carriages and that these can be hailed in the street. He added that it is a requirement that all Hackney Carriages must be wheelchair accessible, however that there are presently also a number of licensed Private Hire vehicles which are wheelchair accessible, although these must be pre-booked.

Cllr Sutton wished to thank the Licensing team for their work on this update.

In a vote the following recommendation to Council was agreed:

#### **RECOMMENDED TO COUNCIL**

That the revised proposed Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021 at Appendix C be approved subject to any amendments by the General Licensing Committee or Cabinet.

#### **31 Contract amendments: Hyde Large Scale Voluntary Transfer (LSVT)**

Cllr Sutton introduced the item.

Cllr Taylor requested clarification of whether when the current agreement expires in 2031 the new agreement will have a new expiry date. Mr Bennett clarified that the arrangement is a 25 year business plan.

Cllr Dignum requested clarification of whether rents are attributed to the house or the tenant. Mrs Rudziak explained that tenants that transferred at LSVT largely have lifetime tenancies at social rent which continue to be protected. Each situation will depend on the site and the grants available. Going forward LSVT tenants would retain their same level of rent on their return to their property. A house can be redeveloped if a tenant moves on and this could uplift the rent that could be sought.

In a vote the following resolutions were agreed:

#### **RESOLVED**

1. That delegated powers are granted for the Director of Housing & Communities, following consultation with the Cabinet member for Housing, Communications, Licensing & Events, to sign a deed of release for certain clauses within the LSVT with Hyde and enter into an amended Clawback agreement and a new partnership working agreement.

2. That delegated powers are granted for the Director of Housing & Communities, following consultation with the Cabinet member for Housing, Communications, Licensing & Events, to remove restrictive covenants from individual parcels of land owned by Hyde and transferred at LSVT upon grant of planning permission for housing.

## 32 **Local Plan Review Budget Update**

Cllr Taylor introduced the item.

Cllr Taylor read out an additional recommendation:

*That the Director of Planning and Environment is given delegated authority to enter into a contract with a suitably qualified consultancy firm to secure necessary evidence on the feasibility and impacts of the proposed local plan transport mitigation.*

The Cabinet agreed the inclusion of the recommendation within the vote.

Following a vote the following resolution and recommendation to Council were agreed:

### **RESOLVED**

That the Director of Planning and Environment is given delegated authority to enter into a contract with a suitably qualified consultancy firm to secure necessary evidence on the feasibility and impacts of the proposed local plan transport mitigation.

### **RECOMMENDED TO COUNCIL**

That Cabinet recommends to Council to approve the release of £500,000 from the Local Plan Reserve in 2021/22 and £275,000 in 2022/23 to fund necessary Local Plan technical work, specialist advice and examination costs.

## 33 **Chichester Business Improvement District Ballot**

Cllr Lintill introduced the item as Cllr Dignum has previously declared his personal interest and did not participate in the item.

Cllr Lintill invited Cllr Moss to speak. Cllr Moss spoke in support of the BID.

In a vote the following recommendation and resolutions were agreed (Cllr Dignum did not participate in the vote):

### **RECOMMENDED TO COUNCIL**

Subject to 2.1 of the report, that the Council be recommended to delegate to the Leader the authority to vote in accordance with Cabinet's decision in relation to the ballot to renew the BID.

## **RESOLVED**

1. That the 'Renewal Business Proposal' prepared by Chichester Business Improvement District (BID) be agreed and accordingly the renewal of the BID for further term of five years be supported.
2. That the Ballot Holder (Chief Executive) be instructed to hold a BID ballot.

### **34 Economic Development Panel**

Cllr Dignum introduced the item.

Cllr Dignum outlined the proposed membership as follows:

Cllr Dignum (Chair)  
Cllr Barrett  
Cllr D Johnson  
Cllr McAra  
Cllr Moss  
Cllr Palmer  
Cllr Plowman  
Cllr Sutton

Cllr Lintill invited Cllr Moss to speak. Cllr Moss spoke of the importance of including West Sussex County Council on matters relating to the Infrastructure Business Plan and the inclusion of Southern Gateway in the Terms of Reference.

Cllr Dignum had considered the proposal Cllr Moss had provided to him in advance of the meeting and agreed to propose two amendments to the original recommendation. The first to invite West Sussex County Council member representation to the Development Plan and Infrastructure Panel for Infrastructure Business Plan agenda items. The second to include Southern Gateway in the list at bullet point 1 of the Terms of Reference.

The Cabinet agreed to take the amendments in the vote.

In a vote the following recommendations were agreed:

## **RESOLVED**

1. The formation of an Economic Development Panel and agrees the terms of reference for the panel as set out in appendix one as amended (bullet point 1 to include Southern Gateway).
2. To merge the work of the Growth Board into the Economic Development Panel and to have informal meetings with WSCC Members and Officers, if required, to inform the process.

3. For the Infrastructure Business Plan consultation to continue through Development Plan and Infrastructure Panel (DPIP) and for two members from West Sussex County Council to attend for Infrastructure Business Plan items only at DPIP.

**35 Project Initiation Document Season of Culture 2022**

Cllr Briscoe introduced the item.

Cllr Sutton commented on the importance of ensuring the season runs long enough to include collaboration with the University and the College. He suggested it last a year. Cllr Briscoe confirmed that the length of the season was being considered. Cllr Sutton responded by explaining how involving the students would encourage ownership of culture. Mrs Peyman added that the College was already planning a photography/film project from January to capture the work of the volunteers involved with the project.

Cllr Plant requested clarification on whether the project relies upon funding from external organisations. Mrs Peyman confirmed that is the case.

Members of the Cabinet gave their individual support to the project and were pleased that there would be an event in every ward.

In a vote the following recommendation was agreed:

**RESOLVED**

That Cabinet reviews the Project Initiation Document as set out in Appendix 1 and agree the release of £50,000 from the approved capital programme to support the Season of Culture 2022 project.

**36 Enabling the Delivery of Affordable Housing in the Crooked Lane, Birdham Exception Site**

Cllr Sutton introduced the item.

Cllr Taylor reminded the Cabinet that although a lot of correspondence had been recently received from residents many of the issues raised related to planning and the recommendations in the report relate to the powers of the Cabinet not those of the Planning Committee.

Cllr Taylor requested clarification on the nomination right percentage of re-lets. Mr Jones confirmed 100% on nomination agreements for first lets and 75% on re-lets.

Cllr Dignum explained he was not happy with the proposal as he wanted the reservations of residents to be reconsidered. He confirmed that he would be abstaining from the vote.



Mr Bennett clarified that the final decision on a Compulsory Purchase Order would have to be made at Full Council. The Cabinet report relates to the internal process required to gather evidence to take a full report to Full Council.

Cllr Wilding requested a timeline of the earliest the item could return to Full Council. Mr Bennett explained the earliest was likely to be November. He added that if the matter requires Secretary of State approval and is fully contested it may in total take two to three years to resolve.

Cllr Briscoe highlighted the public interest outlined at bullet point two of section 6.3 of the report.

Cllr Plant highlighted the previous Cabinet had made a decision highlighted at section 4.1 of the report. She then confirmed that she would therefore abstain from the vote.

Cllr Lintill requested clarification of what happens if ownership of the land cannot be confirmed. Mr Bennett explained that the council can use a Compulsory Purchase Order to obtain land not in the ownership of the council. A Compulsory Purchase Order removes title to the land.

Cllr Briscoe requested information on the cost. Mr Bennett explained that those who have rights over the land would enter into compensation talks.

In a vote the following resolutions were agreed:

## **RESOLVED**

That the Cabinet notes the progress made to date at section 4 of this report and approves:

- 1) That officers be authorised to carry out all necessary preparatory work for the making of a Compulsory Purchase Order (CPO) along with all supporting documentation for submission, on the basis that a decision to make the CPO be deferred to a later Cabinet.
- 2) That officers are authorised to have the draft CPO documentation reviewed by an independent legal advisor prior to submitting for a preliminary review by the Secretary of State ready for final submission, on the basis that this will be reimbursed by Hyde pursuant to an indemnity agreement.
- 3) That officers are authorised to enter into such legal agreements with affected third parties and other relevant stakeholders as deemed appropriate, in preparing for a CPO, and prior to the actual making of a CPO.
- 4) That officers are authorised to extend the indemnity agreement with Hyde to cover all costs incurred by CDC in relation to the preparatory work and making of the CPO including, for the avoidance of doubt, the appointment of a CPO surveyor.

37 **Appointments to Panels**

Cllr Lintill introduced the item and confirmed that Cllr Bell would be taking the space on the Development Plan and Infrastructure Panel.

**RESOLVED**

That Cllr Martyn Bell be appointed to the Development Plan and Infrastructure Panel.

38 **Late Items**

**Selsey Flood and Coastal Scheme Feasibility**

Cllr Plant introduced the item.

Cllr Briscoe requested clarification of where the new sea defence would ensure protection for future housing. Mr Henly explained that the sea defence is designed to protect Selsey as a community.

Cllr Dignum requested confirmation of the funding available if the bid were unsuccessful. Mr Henly explained that there is a £70,000 reserve but he remained optimistic of the bids success.

Cllr Briscoe requested confirmation of the Coastal Partnership's involvement. Mr Henly explained that he had already been working alongside their staff on the project.

In a vote the following recommendations were agreed:

**RESOLVED**

1. That Cabinet gives authority for an application to be made to the Regional Flood and Coastal Committee for a local levy contribution to fund the feasibility and scoping work required for the Selsey Flood and Coastal Scheme.
2. That Cabinet approves the release of £30,000, from the Ordinary Watercourse Reserve, to act as a contribution to secure local levy.

39 **Exclusion of the Press and Public**

There was no requirement to exclude the press and public.

The meeting ended at 11.35 am

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CHAIRMAN

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Date: