



Minutes of the meeting of the **Council** held in Committee Rooms - East Pallant House on Tuesday 25 January 2022 at 2.00 pm

Members

Present:

Mrs E Hamilton (Chairman), Mr H Potter (Vice-Chairman), Mrs T Bangert, Miss H Barrie, Mr M Bell, Rev J H Bowden, Mr B Brisbane, Mr R Briscoe, Mr J Brown, Mr A Dignum, Mrs J Duncton, Mr J Elliott, Mr G Evans, Mrs J Fowler, Mr F Hobbs, Mrs D Johnson, Mr T Johnson, Mrs E Lintill, Mrs S Lishman, Mr G McAra, Mr A Moss, Mr S Oakley, Dr K O'Kelly, Mr C Page, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

Members not present:

Mr G Barrett and Mrs N Graves

Officers present all items:

Mr N Bennett (Divisional Manager for Democratic Services), Mr A Buckley (Corporate Improvement and Facilities Manager), Mr K Carter (Divisional Manager, CCS), Mr T Day (Environmental Coordinator), Mr A Frost (Director of Planning and Environment), Miss L Higenbottam (Democratic Services Manager), Mrs J Hotchkiss (Director of Growth and Place), Mr J Mildred (Divisional Manager for Corporate Services), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

77 Minutes

In a vote the following resolution was made:

RESOLVED

That the minutes of the Full Council meeting held on 23 November 2021 be approved.

Cllr Plowman then commented that the Part II minutes from the Special Full Council meeting on 7 December 2021 were vague with no other written record of the discussion available. He raised concerns that the audio would be removed after six months and suggested the process had been undemocratic. Cllr Hamilton replied and explained that the minuting of meetings is carried out by professional officers from the Democratic Services department. The style or approach of Part 2 minutes is subject to specific requirements which are followed precisely linked to their confidentiality. Final approval of minutes is carried out at the next Committee with oversight by the relevant Chair, but any legal duties of confidentiality would again apply in that process as much as in the original meeting. The Part II recordings are available to members on the confidential X drive and a link to that was circulated previously. There are no plans to delete from the Network and

they will be held for the period of the southern gateway project in accordance with the Council retention policies.

Cllr Hamilton confirmed that she had discussed the matter with the Monitoring Officer. She offered to arrange to have the link to the part II recording recirculated to members.

Cllr Brisbane asked if a transcript and/or the final Motion agreed could also be circulated. Mr Bennett explained that a part II recording is held and that is not something that would be printed. He added that information can only be made public in line with the law and Local Government Association Guidance. Cllr Sharp also requested a written copy of the recommendations agreed. Mrs Shepherd agreed that a copy of the resolution could be sent to members but emphasised that it remained confidential. Cllr Oakley asked whether the approach is that of all local government. Mr Bennett clarified that the council was following a lawful process.

Cllr O'Kelly asked for clarification of when members could discuss more details of Southern Gateway with the public. Mrs Shepherd explained that a press release was available.

RESOLVED

That the minutes of the Special Full Council meeting held on 7 December 2021 be approved.

78 Urgent Items

Cllr Hamilton explained that she had accepted one late item relating to the appointment of External Auditors 2023/24 to 2027/28 which would be taken under Item 13.

79 Declarations of Interests

Declarations of interest were declared as follows:

- Items, 7, 8 and 10 – Cllr Duncton declared a personal interest as a member of West Sussex County Council.
- Items 7, 8 and 10 – Cllr D Johnson declared a personal interest as a member of West Sussex County Council.
- Items 7, 8 and 10 – Cllr O'Kelly declared a personal interest as a member of West Sussex County Council.
- Items 7, 8 and 10 – Cllr Oakley declared a personal interest as a member of West Sussex County Council.
- Items 7, 8 and 10 – Cllr Sharp declared a personal interest as a member of West Sussex County Council.

80 Chair's Announcements

Apologies for absence were received from Cllr Barrett and Cllr Graves.

Cllr Hamilton wished everyone present and listening a happy new year. She expressed thanks to officers and members for their support over the previous difficult year.

81 Public Question Time

The following questions and answers were heard at the meeting. Please note that Cllr Hamilton asked George Hibberd to reduce his introduction to his question. The full submitted question and introduction can be read in the Public Question and Answer supplement online.

Question from Tony Piedade on behalf of Kirdford Parish Council:

Members will be aware of the water neutrality issue affecting the northern sector of the Chichester district, which also covers all of Horsham district Council and most of Crawley Borough Council. We know that Cllr Taylor has indicated the NE advice is being fully implemented by CDC. As a small village in the affected area we have taken a keen interest in how this is being implemented but have identified several areas of concern which we have brought to the attention of Mr Frost, Director of Planning and separately to Mr Whitty, Divisional Manager, both subsequently copied to Cllr Taylor, regarding the accuracy by which several HRAs were carried out on existing planning applications or their applicability to un-started developments. We hope you will agree that CDC should be fully committed in implementing Natural England's advice on water neutrality and that this should not be left to interpretation.

Could this council:

1. Confirm it is aware of planning permissions having been granted despite significant errors in HRA water usage calculations and what actions are in place to correct these and prevent their repetition?
2. Explain why planning officers are making their own judgements on whether to conduct HRAs in the Water Neutrality Zone, rather than meeting NE's requirements to demonstrate water neutrality
3. Reaffirm CDC is following all of Natural England's recommendations in full
4. Update CDCs local plan policy to reflect NEs advice of 85 Litres per person per day, as a requirement for any development in the Water Neutrality zone

Answer from Cllr Taylor:

Thank you for your question. Chichester District Council is the Competent Body for assessing the impact of planning application proposals on the protected features of a habitats site. This assessment is undertaken in light of advice provided by the Council's own ecological experts, and that of Natural England, with which CDC officers have a close working relationship. The outcome of any appropriate assessment undertaken by the Council is the subject of a consultation with Natural England, which has the opportunity to comment on the assessment of impact and mitigation proposals. However, in undertaking such assessments, the Council has regard first to the standing advice issues by Natural England, in the form of its Position Statement and FAQs.

The (HRA) appropriate assessment process is only required where there is the potential for an adverse impact on a designated site through a development proposal, in this case where there is likely to be a material further water demand that could lead to the need for an increase level of abstraction from a natural watercourse that affects the Arun Valley designated Special Protection Area, Special Area of Conservation and Ramsar sites. Therefore the process requires those planning applications that would not lead to a material impact (before mitigation) on the protected sites to be 'screened out'. This is in accordance with advice from Natural England.

Although the process of appropriate assessment on this issue has been refined as the matter of water neutrality emerged as an issue in the application determination process, and officers have been provided with further training on the matter, the Council is not aware of any planning permission issued erroneously as a result of miscalculation in the appropriate assessment process.

The issue of reducing water consumption of new development will be an important consideration in the Council's Local Plan Review process. Any new policy on this issue will be formulated and consulted upon, in due course. This, however, does not override the immediate requirement that any current planning application is water neutral before permission can be issued.

Question from Mr George Hibberd:

It is clear that understanding of the purpose, mechanics, organisation and principles of CAs, despite our multiple appearances in these meetings and continued dialogue with councillors, is still very misunderstood. It is also frustrating that we have been denied the option of follow up questions at previous meetings to address misunderstanding and falsehoods, and have to wait until the next full council to address these face to face. It should be your responsibility to try to communicate with us, rather than the other way around - you are our elected representatives.

As such, will you commit to a face-to-face meeting to iron out these misunderstandings and start a dialogue with the organisations that run CAs? I truly believe that with full understanding, you will fully support a CA to address the climate crisis and see their potential to address the many other issues of our time.

Answer from Cllr Plant:

Thank you for your question. As you are aware, the Council has previously made a decision not to hold a Citizens' Assembly but to use other existing council communications channels to engage with the public on climate change. The reasons for this were outlined in my response to your question to the November meeting of Council. Whilst I can make no commitment to meeting your broader request that the Council should hold a citizen's assembly, I am nevertheless open to having a face to face discussion with you about this to enable a shared understanding of our respective concerns and points of view.

No supplementary questions were heard.

82 Governance Task and Finish Group

Cllr Hobbs proposed the recommendations which were seconded by Cllr Brown.

As the Chair of Corporate Governance and Audit Committee and the Chair of the Governance Task and Finish Group Cllr Hobbs then introduced the item.

Cllr Dignum commented that the council's version of a Hybrid meeting was missing from the report. He added that reports to Full Council should be taken via all party Panels. Cllr Apel added that Overview and Scrutiny Committee should also be included.

Cllr O'Kelly requested clarity of whether the purpose of Panels is to scrutinise or to develop policy. With reference to recommendation 2.6 she drew attention to the Panels being chaired by a Cabinet member and the difficulty she saw for Panel's then providing a scrutiny role. With reference to recommendation 2.9 she explained that meetings in public should be the default. With reference to recommendation 2.16 she questioned whether 2023 would be too late to review.

Cllr Brown thanked Cllr Hobbs for Chairing the Group and gave his support to the recommendations based on what the Group had achieved. He asked whether it should be mandated for the Chairs of Panels to be Cabinet members.

Cllr Moss noted the progress of the Review following his original Motion to Council.

Cllr Evans with reference to recommendation 2.2 explained that the evening meeting trial could have been agreed for a longer period of time. He noted that approximately 95% of council's hold evening meetings.

Cllr Bowden requested clarification of what a high level dashboard for members would be. Mrs Shepherd explained that it was an original recommendation to Corporate Governance and Audit Committee and had not been agreed so was not for consideration.

Cllr Oakley explained that when Panels meet in private it often facilitates full and frank discussions. He asked that consideration be given to the capacity of how much could be covered by the Overview and Scrutiny Committee. He also asked if the number of 'Ask SLT' pre-council sessions could be increased.

Cllr Donna Johnson noted her thanks to Colin Copus for his time spent interviewing her as part of the Governance Review process. She asked that when allocating places on Groups and Panels that consideration be given to members skill sets and that those skill sets be utilised wherever possible. Cllr Sharp agreed.

Cllr Sharp asked if all members could be sent links to join meetings for learning and development purposes.

Cllr Brisbane spoke in support of the Committee System having previous experience as an elected member in a council that ran a Committee System.

Cllr Hobbs thanked Mr Bennett and Mr Ward for their ongoing support with the Review. He explained that meeting timings would always be for debate as there is no one time that suits all.

Cllr Brown in response to the question from Cllr Bowden explained that Mr Bennett had endeavoured to create a guide for members of where information is held.

In a vote the following resolutions were carried:

1. That any constitutional changes to local meeting practice enabled by future changes in the law are delegated to the Monitoring Officer in Consultation with the Chairmen of Corporate Governance and Overview and Scrutiny Committee.
2. That Council debate the preferred timing of meetings in November 2022 following the trial of evening meetings to inform Agenda Item 10 the annual committee date setting item for meetings implemented from May 2023.

3. To create a further panel to provide members with a forum to discuss Housing and Community activity of the Council.
4. That the Constitution be amended such that political balance be achieved across all four panels (Economic, DPIP, Environment & Housing & Communities) on the same basis as that applied towards all full committees.
5. That all panels be chaired by a relevant cabinet member.
6. That Corporate Governance and Audit Committee:
 - a. consider and establish new arrangements for questions to the Executive and how to improve visibility and frequency of this section of the Full Council agenda; and
 - b. recommend that questions to SLT be held every second meeting of Council as a separate session to that meeting.
7. That the calendar for Business Routing Panel be amended such that it meets twice annually, and that Panel Chairmen be added to the membership of those meetings.

83 Determination of the Council Tax Reduction Scheme for 2022-2023

Cllr Wilding proposed the recommendations which were seconded by Cllr Lintill.

Cllr Wilding then introduced the item.

Cllr Moss endorsed the recommendations.

Cllr Oakley requested clarification on what consultation takes place with other authorities and whether there would be any significant changes in the tax base this year and next. Cllr Wilding explained that there were no significant changes this year and as such no consultation had been required. Mrs Rudziak added that furlough had meant that the increase had not been as significant as first anticipated.

Cllr Sharp noted that the information was very useful and she had been able to advise many residents as a result.

In a vote the following resolution was carried:

That the proposed Council Tax Reduction Scheme for 2022-2023 be approved.

84 Corporate Plan 2022-25

Cllr Lintill proposed the recommendations which were seconded by Cllr Taylor.

Cllr Lintill then introduced the item.

Cllr Sharp wished to thank the Overview and Scrutiny Committee and Cabinet for progressing section 1a of the recommendation.

Cllr Oakley noted that the measures section of the report omitted reference to fuel poverty reduction and supporting built communities. He asked for more to be said on supporting environmental protection and supporting basic needs.

Cllr Bowden asked if the targets listed on page 16 were ambitious enough. Mrs Rudziak explained that the target for affordable homes came from the Housing Strategy.

Cllr Moss noted his support for cultural activities that bring visitors to the district. Cllr Lintill agreed.

Cllr O'Kelly drew attention to the need for more affordable housing. With reference to page 16 of the report she requested clarification of whether the success measures were for the whole district. Cllr Sutton explained that affordable housing provision remained a challenge but continued to be worked on. Mrs Rudziak explained that the targets covered the whole of the district.

In a vote the following resolutions were carried:

1. That the Council be recommended to approve the Corporate Plan for 2022-2025 as set out in appendix 1 subject to the following amendments:
 - a. That under the 'Thriving Economy' section 2.6 to be amended to read: *provide support to businesses in the sectors of renewable, retrofitting and the circular economy.* The associated target to be 10 businesses per annum.
 - b. That under the 'Thriving Economy' bullet point 4 of the section 'How will we achieve this' to be amended to read: *develop cultural partnerships that coordinate the culture offer throughout the district.*
 - c. That under 'Supported Communities' section 3.7 to be amended to read: *to work with partners to create an action delivery plan for the cultural partnerships.*
2. That, subject to the Cabinet's agreement in para 2.2 to approve the new project proposals for 2022-2023, the Council be recommended to approve expenditure of £273,000 for the projects set out in para 5.6 of this report, of which £245,000 will be funded through the efficiencies programme and £28,000 from the Council's General Fund Reserve.

85 Chichester District Council Equality Strategy 2022-26

Cllr Wilding proposed the recommendations which were seconded by Cllr Lintill.

Cllr Wilding then introduced the item.

Cllr Apel gave a personal account highlighting Holocaust Memorial Day.

Cllr Sharp thanked the Cabinet for the inclusion of the additional recommendation she had suggested. She offered to help bring parties together to organise Equalities events. She gave thanks to Cllr Bangert and Cllr Brown for their help so far.

In a vote the following resolution was carried:

That the Council be recommended to adopt the Chichester District Council Equality Strategy 2022-26 (including the Council's equality objectives).

Members took a 10 minute break.

86 Planting Trees Outside of Woodlands Project - DEFRA Funding

Cllr Plant proposed the recommendations which were seconded by Cllr Lintill.

Cllr Plant then introduced the item.

Cllr Brown, Cllr Plowman and Cllr Duncton all spoke in favour of the recommendation.

Cllr Sharp asked if a related officer presentation could be shared more widely. Mrs Shepherd explained that the item would be covered at the next All Parishes meeting in February.

Mr Day responded to a request from Cllr Brisbane to clarify terminology in the report.

Cllr Purnell asked how much the council would be paying towards the project. Cllr Plant confirmed that the funding was 100% Defra.

In a vote the following resolution was carried:

That a budget of £290,240 be approved for the DEFRA funded Trees Outside Woodland Project.

87 Climate Emergency Detailed Action Plan - first annual progress report

Cllr Plant then introduced the item.

Cllr McAra asked how much of the report related to the South Downs National Park. Mr Day explained that the Action Plan incorporates the whole area, most actions are specific to the council, but some cover partnership working with other organisations.

In response to a request from Cllr Oakley to clarify whether the likelihood of spending the Housing Standards Financial Assistance Mrs Rudziak explained that it incorporated a number of other initiatives and that the particular Fund is used as a safety net for those experiencing fuel poverty.

With regard to section 11.1 of the report Cllr Oakley requested further information on food waste collection. Mr Ward explained that further guidance is awaited relating to the Environment Act 2021. The council has assumed that the cost of implementation funding from Government will be split between all food waste collecting authorities not just those starting the service.

Mr Day in relation to a question from Cllr Oakley explained that it was too early to include Biodiversity Net Gain in the Action Plan as the regulations and guidance have not yet been issued by government and it is not mandatory until 2023.

Cllr Bowden explained that he hoped the opportunity for a Citizens Assembly remained open.

Cllr Sharp asked members to consider comments from the Local Government Association relating to Climate Emergency actions and reducing global warming.

Cllr Brown asked members to consider what the council could do to change behaviour patterns towards the environment.

Cllr O'Kelly explained that it was likely that more resource was required at district and county level. She asked how many electric vehicle charging points were in the district. Cllr Plant explained that a report relating to electric vehicle charging points would be brought to the Environment Panel then Cabinet.

Cllr Hobbs commented on the work achieved by the Environment Panel in one year.

Cllr Purnell asked members to consider how they could make small environmental changes as individuals.

Cllr Hamilton noted the update on behalf of the Council.

88 Questions to the Executive

The following Questions to the Executive were received:

Cllr Palmer asked how the meetings could be shortened. Cllr Hamilton explained there is a balance to ensure everyone has their say.

Cllr Sharp asked whether the Chair or Leader could write to Government about being good role models. She shared a personal story related to following the recent Covid-19 rules. Cllr Hamilton agreed to speak outside of the meeting.

Cllr Brown in relation to the A259 Chemroute requested clarification of whether the Cabinet would withdraw support for the scheme if no suitable proposed revisions are made by National Highways or whether the opportunity to withdraw support had passed. Cllr Plant responded. She explained that it is with National Highways and West Sussex County Council to work through. Cllr Lintill added that if there were a significant change it would come back to the district council for further comment. Cllr Moss added that it may require going back to West Sussex County Council to pursue an update.

Cllr Purnell in relation to the South Downs National Park Authority affordable housing situation explained that the 11 affordable dwellings referenced earlier were across the whole of the South Downs National Park area not just the district area. She asked what could be done to ensure enough affordable housing is built. Cllr Sutton referred to conversations with the South Downs National Park Authority and their recognition that more affordable housing is required and plans to expand the offer. Mr Frost added that the scale of developments coming forward influenced the number of affordable houses being delivered, but it was likely to change going forward in line with new Policy. Cllr Lintill added that affordable housing was due to be built in Petworth. Cllr Briscoe also added that Community Land Trusts build affordable housing. He gave the example of Compton.

Cllr Purnell also asked for an update on the small electrical and coffee pod recycling project and how it would work long term. Cllr Plant deferred to Mr Carter. He explained that the use of a booking collection service with residents using their own bags would form a paper to the Environment Panel to request the ability to switch to this method for the rest of the trial. He confirmed that the coffee pod recycling is a consortium of coffee pod producers who pay the council to collect the coffee pods on their behalf.

Cllr Oakley asked in relation to energy inefficient properties, particularly their windows and doors and whether priority had been given to the aesthetics rather than using modern glazing to improve the efficiency particularly in the affordable housing stock. Cllr Taylor explained there are areas with Article 4 Directions which require notification to the council to make changes to properties. She suggested discussing as part of the Local Plan Review. Cllr Sutton explained it is also likely to form part of the Housing Review. He added that there are grants available to those in fuel poverty to help improve property efficiency.

Cllr Oakley asked for clarification of whether registered providers are being involved in conversations relating to the Housing Review. Cllr Sutton confirmed this was the case.

Cllr Brisbane asked when the next update on Southern Gateway would come forward following the resolutions made at Special Full Council in December. Cllr Dignum explained that Mrs Hotchkiss would provide the next update to the Economic Development Panel in March to which all members were invited.

Cllr Potter commented on the concerns raised by Cllr Purnell about the number of affordable houses in the South Downs. He explained that the Barlavington Estate is considering provision of some affordable housing.

Cllr Plowman commented on the trend to use more sustainable wood than UPVC for windows.

Cllr Moss asked for an update on the delays to planning permission for a Care Home on the site of the Grange car park in Midhurst. Cllr Dignum explained that there had been objections put forward by officers. Mrs Hotchkiss added that the planning application had since been withdrawn and a new application was expected.

89 **Late Items**

External Auditors 2023/24 to 2027/28

Cllr Hobbs proposed the recommendations which were seconded by Cllr Wilding.

Cllr Hobbs then introduced the item.

In a vote the following resolutions were carried:

1. That the Council accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023; and,
2. Delegate authority to the Director of Corporate Services (S151 Officer) to sign the notice of acceptance of the invitation to opt in.

90 **Exclusion of the press and public**

The Chair read the Part II resolution in relation to agenda items 15, 16 and 17. This was proposed by Cllr Purnell and seconded by Cllr Taylor. The Cabinet then voted to go into part II.

RESOLVED

That with regard to agenda items 15, 16 and 17 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.

91 **Chichester Contract Service: Procurement of new refuse collection vehicles**

Cllr Plant proposed the recommendations which were seconded by Cllr Lintill.

Cllr Plant then introduced the item.

Questions and comments were made by Cllr Brown, Cllr Oakley, Cllr Bowden, Cllr O'Kelly, Cllr Sharp and Cllr Hobbs.

Mr Bennett, Mr Carter and Mr Ward provided responses.

In a vote the following resolutions were carried:

That the Council approve the resolution as set out in section 2.2 of the report.

92 **Future Services Framework**

Cllr Lintill proposed the recommendations which were seconded by Cllr Taylor

Cllr Lintill then introduced the item.

Questions and comments were made by Cllr Dignum, Cllr Brown, Cllr Bangert, Cllr Oakley, Cllr Moss, Cllr Bowden, Cllr Lintill, Cllr Sutton, Cllr O'Kelly, Cllr Purnell and Cllr Hobbs.

Mr Bennett, Mrs Shepherd and Mr Ward provided responses. In response to a request from Cllr Brown for clarification of the implications of making the decisions in relation to the Budget meeting in March advice was given from Mrs Shepherd and Mr Bennett that in approving the recommendations members would be unable to put forward any projects that were agreed to not be carried forward to the Budget meeting in March as it would be less than six months since the decision had been made.

In response to the advice above the Chair agreed to take three votes so recommendations 3.3 and 3.6 could be voted on separately.

In a vote on recommendations 3.1, 3.2 3.4, 3.5, 3.7 and 3.9 those recommendations were carried.

In a separate vote on recommendation 3.3, the recommendation was carried.

In a separate vote on recommendation 3.6 the recommendation was also carried.

Cllr O'Kelly asked when this information could be shared publicly. Mrs Shepherd confirmed that she would let members know.

RESOLVED

That recommendations 3.1-3.9 from the Cabinet as detailed in the update sheet to members be approved.

93 **Urgent Decision Notice - Westgate Decarbonisation Project**

Cllr Hamilton noted the exempt Urgent Decision Notice relating to Westgate Decarbonisation Project on behalf of the Council.

The meeting ended at 6.08 pm

CHAIRMAN

Date: