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Minutes of the meeting of the **Cabinet** held in Committee Rooms, East Pallant House on Tuesday 7 June 2022 at 9.30 am

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

**Members Absent** Mr P Wilding

**In attendance by invitation**

**Officers Present** Cally Antill (West Sussex County Adaptions Manager), Mr N Bennett (Divisional Manager for Democratic Services), Ms P Bushby (Divisional Manager for Communities), Mr K Carter (Divisional Manager, CCS), Mr A Howard (Open Spaces and Street Scene Manager), Mr A Frost (Director of Planning and Environment), 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)

## 1 **Chair's Announcements**

Cllr Lintill welcomed all those present and read the emergency evacuation procedures. She hoped everyone had enjoyed a good Jubilee weekend and drew attention to the Carnival of Lights which would be taking place at the Chichester Canal Basin on Friday 10 June 2022.

Cllr Lintill explained that item 10 had been withdrawn from the agenda.

Apologies for absence were received from Cllr Wilding.

## 2 **Approval of Minutes**

### **RESOLVED**

That the minutes of the Cabinet meeting held on 3 May 2022 be approved as a correct record.

## 3 **Declarations of Interests**

Mrs Shepherd declared a prejudicial interest in respect of agenda item 5 and withdrew to the public seating area for the duration of the item.

## **Public Question Time**

### **Mr Andy Sargent asked the following question:**

A number of residents who attended the planning appeal for the Church Road Wittering Appeal were concerned that Officers were not sufficiently briefed and subsequently the planning appeal was won by the developer and costs awarded against CDC. Considering CDC have taken additional funds out of reserves how will CDC ensure that the barrister employed by CDC, planning officers and expert witnesses are well enough briefed for future appeals and specifically for the Pallant Homes sites in Chidham and Hambrook?

### **Cllr Taylor provided the following response:**

Thank you for your question, this first thing I would like to say is that this Council has a very good track record for defending its appeals for major development. As of April 2022 the percentage of appeals allowed over a two year rolling period for major development was 1.6%.

In respect of the appeal at Church Road, West Wittering, the case centred on 2 reasons for refusal; the unsustainable location of the site and the impact of the proposed development upon the character of the area. These were the strongest possible reasons for refusal, nonetheless it is recognised that these matters can be subjective and challenging to defend at appeal. I appreciate that local residents had additional concerns about the proposed development, particularly in respect of foul drainage and infrastructure. However, these did not form part of the Councils' reasons for refusal, and therefore it was not possible for officers or expert witnesses to include these matters in their arguments at appeal.

In awarding costs, the Inspector concluded that the decision of the Planning Committee to refuse the application constituted unreasonable behaviour. Whilst the Inspector agreed with the Council that the proposal would result in an adverse impact to the character of the immediate area, she considered that the level of harm would subside over time, and that the harm did not outweigh the other benefits of the proposal. The Inspector did not however agree the site was in an unsustainable location. The Inspector found that the site was in a location with good access to services to meet the day to day needs of residents and an acceptable distance from larger settlements for secondary education provision and additional social and recreation facilities.

The Inspector also did not accept that the Council could demonstrate a 5-year housing supply, despite another Inspector previously agreeing that the Council could. Such inconsistency in the appeal decisions is unacceptable and we are deeply unhappy with this situation. As a result, the Council has written to the Secretary of State setting out the Council's concerns about the lack of consistency. The letter explains that this lack of consistency has resulted in confusion and considerable difficulty for the Council as to its position, and also that the inconsistency has also caused significant and understandable concern amongst the affected local communities. We are currently awaiting a response to the letter.

As we approach a number of appeals over the summer months, including the Pallant Homes appeal in Chidham and Hambrook, I know officers are working closely with experienced expert witnesses and barristers to ensure that the Council's reasons for refusal are robustly defended.

Mr Sargent was invited to ask a supplementary question. He asked why the East Birkhold case had not been used in the five year housing land supply argument. Cllr Lintill explained that a written response would be provided.

## **5 Community Support for Ukrainian Refugees as part of the Homes for Ukraine Scheme**

Cllr Briscoe introduced the item.

Mrs Bushby added that the number of refugees that had arrived in the district covered the funding requested.

Cllr Taylor asked whether the fund would apply to other organisations who are providing support to refugees and if so how would they be made aware. Mrs Bushby explained that they would be eligible to apply for a portion of the council's allocation via a simple form which will be advertised on the council's website.

In a vote the following recommendations were agreed:

### **RECOMMENDATIONS TO COUNCIL:**

1. That WSCC funding of £1,000 per refugee be accepted.
2. That authority be delegated to allocate these funds to the Divisional Manager for Communities and Customer Services as set out in para 5.2 and 5.4 to provide community support.

## **6 Appointments to Panels and related Governance matters**

Cllr Lintill introduced the item and handed over to Mr Bennett. Mr Bennett drew attention to section 2.1 of the report and confirmed that although a responsibility of the Cabinet all Group Leaders had been consulted in the appointments. With regard to section 2.4 of the report he explained that Corporate Governance and Audit Committee had an in depth debate about whether Panels should be held in public or private. He added that by nature of the content of some Panel meetings there is a legal requirement to be held in private. In order to be held in public the content of the meeting would need to be carefully considered by the Chair and Mr Bennett as Monitoring Officer.

Cllr Moss was invited to speak. He drew attention to concerns he had received from members of the community who would like to see the Panels more open and transparent. He confirmed that this was also the view of his Group. He requested the default of a Panel meeting to be public with public minutes. Mr Bennett drew attention to section 2.4 and the balance between transparency and privacy of decision making. He added that Panels are there to debate ideas with final decisions being made at public meetings.

Cllr Dignum explained the benefit he saw to Panels being held in private in order to openly debate policy development.

Cllr Plant explained that the Environment Panel would be a Panel that could be held in public. She then suggested a minor amendment to the wording of the third line of recommendation 4 to read 'should be able to'. This was seconded by Cllr Dignum. Mr Bennett confirmed that the wording was acceptable.

Cllr Taylor with reference to the Development Plan and Infrastructure Panel explained that there are a number of items that are considered by the Panel that are commercially sensitive and therefore would not be appropriate to be debated in public. She requested members consider the length of speeches made at Panel meetings to avoid grandstanding and allow more time for debate on the agenda items.

Cllr Sutton wished to support the comments made by the other Cabinet members including Cllr Plant's amendment.

In a vote the following resolutions were agreed:

#### **RESOLVED**

1. That Cabinet approve membership of Panels as set out in the revised appendix to this report.
2. That Cabinet approve appointments to current existing Panels: Boundary Review Panel, Business Routeing Panel, Development Plan and Infrastructure Panel, Economic Development Panel, Environment Panel, Grants and Concessions Panel, Joint Employee Consultative Panel and Strategic Risk Group as set out in the revised appendix to this report.
3. That Cabinet confirm the Housing and Communities Panel membership as set out in the revised appendix to this report.
4. That Cabinet approve a local protocol that Panel meetings are to remain private meetings as a default, but that the respective Chairs of each Panel should be able to turn their meetings into public meetings, subject to discussion with the Monitoring Officer.

#### **7 Chichester Contract Service: Procurement of new refuse collection vehicles**

Cllr Plant introduced the item.

In a vote the following resolutions were agreed:

#### **RESOLVED**

1. That Cabinet resolves that three 12-15 tonne (Gross Vehicle Weight) refuse collection vehicles (paragraph 5.1) be purchased from tenderer C at a cost of £397,209 excluding VAT. Funded from the existing replacement budget.

2. That Cabinet resolves that the vehicle replacement budget be supplemented by a further £7,209 from reserves to enable completion of the procurement exercise.

## **8 Freeland Close and Westward House, Chichester - Post Project Evaluation Report**

Cllr Sutton introduced the item. He outlined two corrections. On page 33 of the report it should read 'boat crisis' rather than 'canal crisis'. With regard to paragraph 7.1 of the report it should refer to 'subsequent years' rather than 'proceeding years'.

Mrs Antill wished to thank members for the opportunity to run the project. Cllr Lintill on behalf of the Cabinet congratulated Mrs Antill on the project which had come in under budget. She also drew attention to the green credentials such as solar panels and bat boxes which had been incorporated at the sites.

In a vote the following resolution was agreed:

### **RESOLVED**

That Cabinet notes the Post Project Evaluation Report (PPER) for the development and conversion works at Freeland Close and Westward House (as set out in the Appendix).

## **9 Graffiti & Fly Poster Removal**

Cllr Plant introduced the item.

Cllr Moss was invited to speak. He welcomed the report and requested consideration be given in the follow up report to providing the service in house.

Cllr Sutton requested clarification of whether the service would be offered across the whole district. Mr Howard confirmed that it would with the caveat that there are more graffiti occurrences in the city centre and therefore resources would be allocated accordingly. He added that a weekly graffiti patrol service would be set up in addition to a responding to real time reports of graffiti.

Cllr Briscoe wished to give his support and explained that it would be likely to have the additional benefit of reducing anti-social behaviour. He asked whether the council would be able to charge West Sussex County Council for the removal of graffiti from their assets. Mr Howard explained that this would be investigated.

Cllr Lintill asked how the service would prevent reoccurrence. Mrs Bushby explained that the council are working with Police, university and college partners to identify tags and to encourage education on the impacts of graffiti. She added that the council was looking at the provision of a graffiti wall to provide a place for artistic expression.

In a vote the following resolution was agreed:

**RESOLVED**

That Cabinet approves the allocation of £30,000 from reserves to tackle a recent increase in graffiti and fly posting across the district. A targeted removal campaign will be delivered over a twelve-month period. Officers will capture information, collaborative with partners and return to Cabinet with recommendations for future management of graffiti.

10 **Updated Westbourne Conservation Area Appraisal**

This item was withdrawn from the agenda.

11 **Late Items**

There were no late items.

12 **Exclusion of the Press and Public**

There was no requirement to exclude the press and the public.

The meeting ended at 10.18 am

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CHAIRMAN

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Date: