

Public Document Pack



Minutes of the meeting of the **Cabinet** held in the Committee Rooms, East Pallant House on Tuesday 16 April 2024 at 9.30 am

Members Present Mr A Moss (Chairman), Mr J Brown (Vice-Chairman), Mrs T Bangert, Mr D Betts, Mr B Brisbane, Ms J Brown-Fuller and Mr M Chilton

Members Absent Ms H Desai

In attendance by invitation

Officers Present Mrs L Baines (Democratic Services Manager), Mr N Bennett (Divisional Manager for Democratic Services), Ms P Bushby (Divisional Manager for Communities and Customer Services), Mr T Day (Environmental Strategy Manager), Mr A Frost (Director of Planning and Environment), Mrs J Hotchkiss (Director of Growth and Place), Mr J Mildred (Divisional Manager for Corporate Services), Mrs T Murphy (Divisional Manager for Place), Mr T Radcliffe (Human Resources Manager), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Mrs F Stevens (Divisional Manger for Planning), Mr J Ward (Director of Corporate Services) and Mr W Townsend (Health and Safety Manager)

131 **Chair's Announcements**

Apologies for absence were received from Cllr Desai.

132 **Approval of Minutes**

In a vote the following resolution was agreed:

RESOLVED

That the minutes of the Cabinet meeting on 5 March 2024 be approved and signed as a correct record.

133 **Declarations of Interests**

Mr Bennett declared an interest in item 13 as a member of his family works for the team. He withdrew from the room for the item.

Question 1 from Simon Oakley:

Noting the flooding in way of the holiday and caravan parks at Bracklesham and Earnley last week, and the importance of sites such as these to Chichester District's visitor economy, could you advise as to what engagement CDC and its coastal engineering service, Coastal Partners, have had with the Environment Agency over the past two years with regards the state, and future, of the groynes and shingle covered, clay cored, coastal defence bank which lies, and in part lay, between the Western rock arm of the Medmerry re-alignment scheme and the East end of East Bracklesham Drive, given what happens to this coastal frontage will have implications for the coastal defence of the permanent dwellings in the Eastern part of Bracklesham?

Response from Cllr Brown to question 1:

Thank you for the question. The council's Coastal Partners have been working closely with the Environment Agency on all matters associated with managing these risks. The events affecting Medmerry Caravan Site and Bracklesham Caravan and Boat Club last week involved tidal levels that were similar to or exceeded the highest tidal levels ever recorded locally and are a stern reminder of the risks associated with the coast. The beach in front of the caravan parks is managed by the EA, but the beach is updrift of the section of foreshore managed by the District Council and thus impacts our management and so it is essential that we continue to communicate regularly with the EA. When we identified erosion to the west of the Medmerry rock arm (between Medmerry and Bracklesham) the council began more specific engagement with the EA over the past couple of years, and remain abreast of their monitoring, thinking and proposals. The focus for our coastal service is to ensure flood & coastal erosion risk is effectively managed, and to ascertain the potential impact any decision or works will have on adjacent frontages.

These interactions have unsurprisingly intensified with the recent flooding, and the EA have begun re-profiling the beach which should lead to a reduction of the risk of a recurrence of the recent flooding.

Mr Oakley was permitted a supplementary question which was as follows:

What is CDCs' understanding of the EAs intentions/Policy for the future of this frontage? Is it "hold the line" or "managed retreat", noting the deterioration of the groynes and clay core of the bank along this frontage and that the frontage in way of the Medmerry re-alignment scheme's breach has rolled back considerably further than originally envisaged which, if managed retreat applies to the West of Western Rock Arm frontage, would have significant implications for the holiday parks and the East end of Bracklesham?

Cllr Brown responded that his understanding is that there is not a policy of managed retreat. Mrs Stevens explained that the council uses coastal partners as its engineering service. There is a shoreline management plan which outlines policy for

frontage. She added that she could not be sure if they have been updated to include the Medmerry scheme so she would need go back to Coastal Partners to provide a response.

Question 2 from Simon Oakley:

Noting the importance of Car Park income to CDC's finances, could you advise as to what loss of car parking income has arisen from unauthorised occupations of CDC Car Parks by groups of Caravans and attendant vehicles during FY23/4, including any estimate of loss of income due to other vehicles being deterred from using affected car parks during such unauthorised occupations? Were any Penalty Charge Notices issued in relation to these unauthorised occupations? If PCNs were issued, how many were issued, how many have been paid and if any have not has subsequent action been taken to obtain payment?

Response from Cllr Moss to question 2:

Thank you for your question. We do not hold any evidence of customers advising the parking services that they have been unable to park in a particular car park and have decided not to visit Chichester, generally if a car park is unavailable or full then customers will look for alternative parking at a nearby car park. Due to this reason, it is not possible to ascertain if there has been an impact on income. Typically people will find a car park that is not full.

With regard to PCN's all users must adhere to the same requirements in terms of payments, and where safe to do so if there has been a parking contravention a PCN will be issued. Where Penalty Charge Notices remain unpaid, we would follow the process as set out through the Traffic Management Act to recover the debt. We do not, however, record the number of Penalty Charge Notices issued to a particular group of individuals.

Mr Oakley was permitted a supplementary question. He asked whether occupied spaces were being paid for and what was being done regarding loss of parking income. Cllr Moss explained there had been no evidence of a loss of revenue as a result of incursion. He acknowledged that they are a challenge to residents with some of the issues that have been raised.

Question from Les Payne:

Question on behalf of Manhood Classics Car club.

The new proposed policy regarding the hire of CDC land for 'events' which is to be discussed today poses many questions for our group.

We have always maintained that we have met in the East Beach car park to get refreshments and meet like minded friends at the Beach Kiosk, paying car parking fees when the charges applied. Some people would also look at each others cars which of course, encouraged the general public to do so as well and enjoyment was had by all. We do not consider this to be an 'event'.

The proposed policy seems to indicate that we MUST now make this into an event instead of just parking our cars. The "Event" appears to suggest to us, that as a not for profit but charitable group, although not a registered charity, we will be subject, according to what size our 'EVENT' is deemed to be, to a charge of hundreds of £'s for each 2.5 hour meet up once a month. With admin fees, hire fees and set up fees, this appears to be that we are expected to pay approximately £330 minimum for each time we park our cars?

Despite the lengthy and detailed discussions we have had over the last 4 months, it still seems that we are talking on crossed purposes.

Such charges would make our visit to East Beach car park and refreshment kiosk totally unviable for us to the disappointment of us and many hundreds of people who have expressed their concern over the last four months.

We feel that an annual charge reflecting what we actually do in the car park would be fairer in our case.

Could the council please explain to us in more detail how they expect this to work.

We also note that there are suggested percentages of car park areas allocated for such '**events**'. Whilst the East Beach car park has been allocated between 20 and 50% depending on the time of year, some car parks allocation suggests that an event in their car parks would consist of 4 car parking spaces?! Is this really classed as an **event**?!

It has been suggested that in the summer months that people park on the nearby roads because they could not get in the car park. This is definitely not correct. Many drivers park in such places and choose not to pay the parking fees and this will always be the case.

I would ask the cabinet to clarify what they deem to be summer months and if a larger percentage for these months could be considered.

Response from Cllr Brown-Fuller

Thank you for your question Mr Payne. Members you will be aware that the consideration of a new policy is on the agenda at item 9 and once the policy is agreed and adopted then organisations can apply and I am glad you can be with us today Mr Payne.

The Policy will seek to clarify our position was there was no Policy in place beforehand to allow events in our car parks.

The intended and main aim of car parks is to provide parking for visitors, residents and businesses, which will always remain the priority. The use of car parks for anything other than parking would be classed as an event or activity.

The council must be consistent with its actions and ensure that capacity can be maintained, along with delivering its duties relating to health and safety. Events or activities will normally only be considered by organisations which are incorporated, this enables the organisation to be responsible for its obligations rather than these falling to the council.

The policy provides detail for requests and considerations for the hire of land and sits alongside the wider hire of land events policy with the associated application forms. Where a percentage has been indicated for car parks this is to cover both events and activities and there are examples of these shown in the policy.

To answer your question regarding the summer months within car parks are considered to be from 1st April to 31st October in line with our fees and charges linked to seasonality in our car parks and the percentage allocation for the months which might be deemed appropriate reflects the anticipated demand on the car park to ensure that car parking can be provided.

There are costs associated with the use of car parks and within the policy the expectation is that these are covered by the event or activity organiser. Where an event or activity is approved on a recurring basis the expectation would be that the application will reflect this and there would not need to be a separate application each time. However, an upper limit to the number of events would be applied to this (which would be generally one year), to enable ongoing confirmation of insurance documents and other requirements.

Costs associated will be calculated once the application is received to consider issues such as the income, the time and resource to ensure that the site is clear and ready for the event to take place (including signage beforehand) and also costs associated once the event has taken place.

Mr Payne was permitted a supplementary question. He explained that the Manhood Classic Cars Group does not agree that the meet is an event. He asked if the Group would be able to have an annual policy. Cllr Brown-Fuller explained that once the Policy has been adopted further conversations with the Group will take place as the council would like to support the Group and the event as an important event for Selsey.

Cllr Moss welcomed Mr Payne staying for the debate on the new Policy addendum.

135 **Chichester Harbour Management Plan 2024-2025**

Cllr Brown introduced the report. Mr Day was present.

Cllr Bangert asked if it would be possible for the Management Plan to provide a more defined buffer between the coast and the harbour. Cllr Brown explained that planning applications have to give due regard to the area and surroundings. He noted that he shared concerns relating to the effects on the harbour. Mr Frost explained that a Management Plan is not the tool for establishing the buffer. Taking account of the setting is a subjective matter which members need to bear in mind going forward.

Cllr Brisbane referred to the reference to 'traditional farming practice'. He raised concerns that farming is a significant contributor to nitrogen levels. He asked if it would be possible to introduce more robust measures for farming run off other than the interim five metre buffer.

Cllr Moss clarified that Chichester Harbour Conservancy are the authors of the Management Plan with the Cabinet being asked to approve. In response to Cllr Brisbane Mr Day added that the five metre buffer is standard farming practices based on national guidelines and best practice. Anything beyond that would need to be considered in the 2025-2030 Plan.

Cllr Moss gave his support to the Chichester Harbour Management Plan noting its benefit to the community.

In a vote the following recommendation was agreed:

RECOMMENDATION TO COUNCIL

That Cabinet recommend to Council that the Chichester Harbour Management Plan 2024-2025 is adopted.

136 Consultation on the Second Climate Emergency Detailed Action Plan

Cllr Brown introduced the report. Mr Day was present. He reiterated that the key considerations are the options and rankings made by the Environment Panel. He added that the format of the document will be more accessible for the website.

Cllr Moss noted the importance of the consultation and reiterated that the document will be accessible on the website.

Cllr Brown explained that the Climate Champions network is a new idea for Chichester. He confirmed the aim to work with communities to help cascade ideas outwards. He explained it would involve the sharing of ideas and best practices from within the community to build momentum.

In a vote the following resolutions were agreed:

RESOLVED

That Cabinet:

a) approves the options for consultation as outlined in Appendix 1; and;

b) approves the consultation process and budget Option 2 - £15,000 as outlined in Appendix 2, to be funded from General Fund reserves.

137 Alcohol & Drugs Misuse Policy

Cllr Chilton introduced the report. Mr Radcliffe was present. Mr Radcliffe explained that he had worked closely with Corporate Health and Safety and in conjunction with Horsham District Council. He hoped that in practice there would not be a requirement for many tests as the Policy would act as a deterrent. He confirmed that courses are being organised from 1 July 2024 for those managers and supervisors who may need to test their staff.

Cllr Bangert asked whether there was any data from other councils. Mr Radcliffe explained that the council does not carry out many tests. He reiterated the council's working partnership with Horsham District Council. He explained that Eastbourne and Lewes councils have also started to carry out random testing. Cllr Bangert requested assurance that support will be provided to staff when needed too.

Cllr Brown-Fuller asked whether there will be an area which is safe and private where the person will wait and whether they be supported by another member of staff of their choosing at that time. Mr Radcliffe explained that if the Policy is supported by Cabinet an area will be available.

Cllr Brown asked whether any historic incidents had been identified where the Policy would have been of use. Mr Radcliffe explained that there had been incidents where people driving for the council have had to be sent home.

Cllr Chilton noted that the type of Policy is usual practice in corporate organisations.

In a vote the following resolution was agreed:

RESOLVED

That the Cabinet accepts the revised Alcohol & Drug Misuse Policy.

138 **Gypsy Traveller Liaison Role**

Cllr Bangert introduced the report. Ms Bushby and Mrs Stevens were present.

Cllr Brisbane explained that as well as providing better communications there are also benefits for the planning department. He explained that it is likely that the role will be able to liaise to find out who is occupying the sites. With regard to enforcement he noted that it is likely to speed up the process by having a liaison to help identify who to speak to.

Cllr Brown explained the importance of finding the right person for the role.

Cllr Moss endorsed the need for the post. He thanked the officers for bringing the report forward.

Cllr Bangert wished to emphasise the wellbeing benefits of the role. She added the importance of the liaison encouraging inoculations and education.

In a vote the following resolutions were agreed:

RESOLVED

1. That Cabinet agree the release of £50,000 from reserves to fund a Gypsy Traveller Liaison Role (as described in the Appendix) for the 24/25 financial year.
2. That the post is included in base budget from 25/26 (subject to review).

Members took a short break.

139 Hire of Car Parks for Events and Activities - Addendum to Events Policy

Cllr Brown-Fuller introduced the report. Mrs Murphy was present.

Cllr Boulcott was permitted to speak. He asked how the council would differentiate from those attending the event to those parking. He also explained that in East Beach, Selsey most events take place on the grass not the car park. He requested an amendment to the addendum to provide 50% capacity to East Beach car park, Selsey all year round. He noted that events bring people to the area increasing footfall for traders and also car park revenue. He raised concerns that recurring events will be unable to self fund if the licence fee is too high. He requested that the fee be set at a maximum of £100.

Cllr Brown-Fuller thanked Cllr Boulcott for his input and questions. With regard to increasing parking revenue she explained that there could be a loss of income for car parks hosting events. She acknowledged that the nuance would need to be explored by officers and reflected on a case by case basis. She clarified that the percentages in the table indicate the anticipated car park use. The boundaries in the car park during the event would need to be agreed and monitored for overspill. The information would then be used to help decide any future events in that car park. She also clarified that setting a fixed fee would not necessarily cover the administrative costs for the council as it would depend on the size and type of event.

Mrs Murphy confirmed that the Policy allows operational decisions to be made by the parking services team.

Cllr Moss noted that it is important to allow the officers to use their discretion to agree the most appropriate use of the car parks. Cllr Moss added that the impact will be that other organisations will come forward wanting to hold events in the council's car parks.

Cllr Brown explained that he felt it reasonable to define the Car Club meets as an event. He added that Policy Addendum is designed to enable community groups to hold an event. He clarified that there is no intention to double charge anyone for using the car park for an event and then for parking on top.

Cllr Chilton requested that officers treat the site areas indicated on page 181 with a degree of flexibility. Mrs Hotchkiss explained the service knows what is happening on a day to day basis.

Cllr Brown asked if there is flexibility to review the Policy. Cllr Moss explained that it would be looked at over time.

In a vote the following resolution was agreed:

RESOLVED

That the Addendum to the Council's existing Events Policy, as attached at Appendix 1, be approved to provide further guidance for use of car parks for events and activities.

140 **Shingle Grading at Bracklesham Beach**

Cllr Brown introduced the report. Mrs Stevens and Mr Townsend were present. Mrs Stevens explained that officers had some concerns about the frequency of the grading but understand it is a trial at this stage.

Cllr Moss explained that he visited the site over the weekend. He added that the tide will return the stones therefore on three occasions as a trial the evidence needs to show that it lasts more than 24 hours. He requested that the grading be arranged at the right time to maximise the benefits.

Cllr Brown explained that value for money is whether the community use the beach on the three opportunities that are created.

Cllr Brown-Fuller asked how much flexibility there would be to book the contractor and how it would be communicated with the community so they can make the most of the three opportunities to use the beach. Mr Townsend explained that he hoped it would be completed in a reasonable amount of time. He explained that social media channels would be used to publicise. Mrs Stevens added that there is a long term weather forecast to help timings. With regard to the trial the council may not be able to monitor the usage of the beach. Cllr Moss hoped that the residents and the Parish Council would help demonstrate the value.

Cllr Brisbane added that the Parish Council should be taking a role in communicating when the beach would be available and also contributing to the cost. He added that if the trial is a success then the Parish Council should take on the cost rather than the district council.

Cllr Chilton raised concerns that the evidence is representations made by the Parish Council and the local residents rather than scientific evidence.

Cllr Bangert explained it is important to listen to the residents.

Cllr Brown accepted that decisions need to be evidence based but was mindful of the evidence that is and is not available. Mr Bennett responded. He explained that decisions have to be on the basis that there are reasons to make that decision. There is a concern that there is a distinct lack of evidence available. Those presenting the evidence to the council are those that have an interest in continuing it going forward. At present Mr Bennett was troubled by the fact that there is little to no

evidence rather than anything more substantial. He wished to make sure that Cabinet know they need to work from within an evidence base.

Cllr Brown recognised that representations come with their own caveats and potential bias. The absence of evidence does not mean that something is not happening. The stronger the case the local community make will strengthen the case that it is something the Parish Council should be funding. He clarified that there is no longer term commitment, just proposing the trial.

Cllr Moss wished Mr Bennett to confirm if a vote would be appropriate. Mr Bennett confirmed that a vote could take place. He advised that if members feel that there is no evidence they should vote against.

Cllr Brown proposed the following recommendation:

That Cabinet considers the options for shingle grading at Bracklesham beach identified in paragraphs 5.1 – 5.8 below and approves its preferred option. The preferred option being Option 2 – Grade the slipway at Bracklesham Bay three times per year.

This was seconded by Cllr Bangert.

Cllr Brisbane asked for advice on when to request an amendment to the Motion. Cllr Moss confirmed that this should be before the vote.

Cllr Brisbane requested including monitoring within the recommendation. Mrs Shepherd explained that any formal monitoring would need to be considered by officers and then brought back to Cabinet. She explained that members could opt to defer. Mrs Stevens added that to cost and quote would need additional staff resources so she would need to go away and come back with figures.

Cllr Brown asked as an alternative if Foreshores staff could be asked to provide attendance on those dates that the council does the work and also ask the Parish Council for formal feedback. Mr Townsend explained that there is only one full time employee so there would not be capacity to provide coverage every day of the week. Mrs Stevens explained that the Foreshores Officer could be called away on an urgent matter. Cllr Brown accepted the points but suggested three occasions over the summer could provide feedback. Mrs Shepherd explained that if agreed today officers would need to come back with the figures for monitoring. Mr Frost added that monitoring would be needed all day for the three days grading. He suggested alternatives might need to be considered such as camera monitoring. Mr Ward explained that if members want to monitor usage there would need to be monitoring when the shingle work takes place and other times to provide a direct comparison. Mr Ward suggested if that were the decision then members could defer the item. Cllr Moss explained that there may be a risk that the work would not take place this summer if deferred. Cllr Brown explained that he would be comfortable approving without a formal worked up monitoring. He suggested that members could take a vote today on the original proposal and then at the next meeting consider the monitoring options. Mrs Shepherd explained that the proposal which has been seconded could be voted on. If monitoring is added that would need to be a deferral.

Officers could bring a report back to the next meeting if monitoring needs including. Mr Bennett added that if Cllr Brisbane wished to defer for a report on monitoring that should be voted on first. If that unsuccessful then Cllr Brown's proposal would be voted on next.

Cllr Brown-Fuller asked if officers could talk to the Parish Council and explain that there would be no permanency to the grading if the Parish Council.

Mrs Stevens explained that monitoring the usage is not just about that day. It has to be monitoring outside of the period as well.

Cllr Moss suspended the meeting for advice on wording an amended recommendation.

The meeting then resumed.

Cllr Brown proposed the following amended recommendation:

That Cabinet considers the options for shingle grading at Bracklesham beach identified in paragraphs 5.1 – 5.8 below and approves its preferred option. The preferred option being to Grade the slipway at Bracklesham Bay three times per year for the coming year and if the trial is successful that the Parish Council be asked to take on the ongoing cost of the grading.

This was seconded by Cllr Bangert.

In a vote the following resolution was agreed:

That Cabinet considers the options for shingle grading at Bracklesham beach identified in paragraphs 5.1 – 5.8 below and approves its preferred option. The preferred option being to Grade the slipway at Bracklesham Bay three times per year for the coming year and if the trial is successful that the Parish Council be asked to take on the ongoing cost of the grading.

141 **Late Items**

There were no late items.

142 **Exclusion of the Press and Public**

Cllr Moss proposed that the Cabinet went into Part II. This was seconded by Cllr Brown.

In a vote the following resolution was agreed:

RESOLVED

That the Cabinet considers in respect of agenda items 13-14 that the public including the press should be excluded from the meeting on the following ground 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.

Members took a short break.

143 Planning Validation Software Pilot

Cllr Chilton introduced the report. Mr Mildred and Ms Stevens were present.

Cllr Brisbane provided comment.

Cllr Brown asked a question about why the item was in Part II. Mr Mildred outlined the reason.

In a vote the following resolution was agreed:

RESOLVED

That the resolution as set out in section 2.1 of the report be agreed.

144 Urgent Decision Notice - Part II Exempt

On behalf of the Cabinet Cllr Moss formally noted the Part II exempt Urgent Decision Notice.

The meeting ended at 11.46 am

CHAIRMAN

Date: