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Minutes of the meeting of the **Cabinet** held in Committee Room 2 at East Pallant House Chichester on Tuesday 6 September 2016 at 09:30

## **Members Present**

Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr B Finch, Mrs P Hardwick, Mrs G Keegan and Mrs S Taylor

## **Members Absent**

## **Officers Present**

Mr M Allgrove (Planning Policy Conservation and Design Service Manager), Mr J Bacon (Building & Facility Services Manager), Mr S Carvell (Executive Director), Mr M Catlow (Group Accountant (Technical and Exchequer)), Mrs V Dobson (Neighbourhood Planning Officer), Mrs J Dodsworth (Head of Business Improvement Services), Miss L Le Vay (Design and Implementation Manager), Mr P E Over (Executive Director), Ms S Payne (Planning Policy Officer), Mr T Radcliffe (Human Resources Manager), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance and Governance Services)

## 236 **Chairman's Announcements**

Mr Dignum welcomed everyone present to the meeting and outlined the emergency evacuation procedure.

He secured the agreement of the other Cabinet members to vary the published order of agenda business by taking agenda items 10 (Overarching Investment Opportunities Protocol) and 11 (Treasury Management Out-turn and Progress Report) first. This was in order to facilitate Mr D Green (Client Director Arlingclose Ltd) who was in attendance for agenda item 11.

Mr Dignum made the following specific announcements:

- (1) Two members of Chichester District Council (CDC), Mrs P M Tull and Mr P Jarvis, had recently undergone medical surgery and were making pleasing progress. The Cabinet's good wishes for their recovery were duly assured.
- (2) Tribute should rightly be paid to those CDC members of staff, led by Mrs L Rudziak (Head of Housing and Environment Services), who had so ably dealt

with the recent very serious fire at the Selsey Academy. West Sussex County Council was immensely grateful for CDC's assistance.

There were no apologies for absence and all members of the Cabinet were present.

There were no late items which due to special circumstances required urgent consideration under agenda item 12.

**237 Approval of Minutes**

The Cabinet received the minutes of its previous meeting on Tuesday 12 July 2016.

There were no proposed changes to the minutes.

**RESOLVED**

That the Cabinet approves without amendment the minutes of its meeting on Tuesday 12 July 2016.

Mr Dignum then duly signed and dated the final (fifteenth) page of the official version of the minutes as a correct record.

**238 Declarations of Interests**

There were no declarations of interest made in respect of agenda items for this meeting.

**239 Public Question Time**

There had been no public questions submitted for this meeting.

**240 Overarching Investment Opportunities Protocol**

As announced by Mr Dignum at the start of this meeting, this item and the immediately following one were taken first before agenda item 5 in order to assist the Arlingclose Ltd representative who was present for agenda item 11.

The Cabinet considered the report and its two appendices circulated with the agenda and an A4 sheet with a substitute version of the table in para 6.7 of appendix 2 to the report which was e-mailed after the agenda despatch and made available as a hard copy at this meeting (copies attached to the official minutes).

The report was presented by Mrs Hardwick. Mr Catlow was in attendance.

Mrs Hardwick referred to the proposals for an Investment Opportunities Protocol and a Land and Property Sub-Strategy Investment Protocol, which were the outcome of the Cabinet's decision in February 2015 to establish an Investment Opportunity Reserve to fund income-generating investments. The Reserve was currently valued at £2.1m. The Protocol was designed to lay down guidelines and set criteria and procedures as to how CDC would invest within its powers. The preparatory work

was undertaken by a task and finish group instigated by the Corporate Governance and Audit Committee in November 2015 to assist officers in finalising the overarching Protocol and the sub-strategies, only one of which, the Land and Property Sub-strategy Protocol, was yet drafted.

Mr Catlow alluded to the first appendix and in reply to Mrs Keegan he confirmed that the Protocol would be kept under regular review as an evolving document.

### *Decision*

The Cabinet voted unanimously by a show of hands in favour of the recommendation in para 3.1 of the report.

### **RESOLVED**

That the Investment Opportunities Protocol as set out in appendix one to the agenda report together with the Land and Property Sub-Strategy Investment Protocol as set out in appendix two (as amended) to the agenda report be endorsed.

## **241 Treasury Management Out-turn and Progress Report**

As announced by Mr Dignum at the start of this meeting this item and the immediately preceding one were taken first before agenda item 5 in order to assist the Arlingclose Ltd representative who was present for this item.

The Cabinet considered the report and its four appendices circulated with the agenda (copies attached to the official minutes).

The report was presented by Mrs Hardwick. Mr Catlow and Mr D Green (Client Director Arlingclose Ltd) were in attendance.

Mrs Hardwick referred to the treasury management activities and Prudential indicators for 2015-2016 and the first quarter of 2016-2017 viewed against CDC's treasury management strategy. The Chartered Institute of Public Finance and Accounting's (CIPFA) Treasury Management Code of Practice and Prudential Code for Capital Finance required CDC to consider those activities and indicators. At its previous meeting the Cabinet had requested an update at this meeting on any significant changes in market conditions which might affect CDC's Treasury Management Strategy (appendix two). She summarised sections 7 (investment activity and performance), 8 (daily cash management – initial operational problems after the change in bankers in April 2016 had been resolved) and 9 (local context and outlook - interest rates over the medium term and potential investment options in the 2017-2018 treasury management strategy were due to be presented to the Cabinet before the end of 2016). This was the first time that this annual report had been presented in terms of red-amber-green ratings, which was in line with CDC's overall corporate performance reporting style. There were no red indicators; amber ratings were explained in the report. Appendix one revealed that CDC's spending plans met the Prudential Code criteria, that CDC was debt-free and able to fund fully its capital investment programme without the need to borrow.

Mr Catlow did not wish to add to Mrs Hardwick's introduction.

Mr Green provided an oral overview of a Powerpoint presentation which had been e-mailed to the Cabinet members the previous day and was circulated in hard copy to them at the start of this meeting. The focus of his commentary was CDC's current investment position and Arlingclose Ltd's view of the post-Brexit financial and economic context (copy attached to the official minutes).

Mr Green replied to a question by Mrs Keegan about the extent of CDC's scope for making investments. He also said that he welcomed suggestions for subjects to be covered at the CDC treasury management training session for members on 13 January 2017.

Mr Dignum thanked Mr Green for his presentation.

### *Decision*

The Cabinet voted unanimously by a show of hands in favour of the recommendations in section 3 of the report.

### **RESOLVED**

- (1) That the final Prudential Indicators for 2015-2016 to 2020-2021 as detailed in appendix one to the agenda report be noted.
- (2) That (a) the treasury management outturn performance for 2015-2016 and (b) the treasury management performance for the three months to 30 June 2016 be noted.

## **242 Surface Water and Foul Drainage Supplementary Planning Document**

The Cabinet considered the agenda report and its appendix in the agenda supplement (pages 1 to 124) (copies attached to the official minutes).

The report was presented by Mrs Taylor. Ms Payne and Mr Allgrove were in attendance.

Mrs Taylor commented on the nature and purpose of the Surface Water and Foul Drainage Supplementary Planning Document (SPD) contained in the first appendix, in terms of the infrastructure provision required to meet the growth anticipated by the *Chichester Local Plan: Key Policies 2014-2029*. The guidance contained in the SPD would help to ensure that future development did not exacerbate extant drainage problems. The responses received during the SPD public consultation were set out in the second appendix. Section 5 of the report explained how the SPD once adopted would be a material consideration in the determination of planning applications and how it would assist planning applicants and consultees prior to and during the submission of a planning application. The SPD would be kept under regular review.

In reply to Mr Barrow who queried how current drainage problems would be addressed, Mrs Taylor remarked that these would be doubtless be addressed at the Overview and Scrutiny Committee meeting on 13 September 2016 when

representatives from Southern Water would give a presentation and answer previously submitted questions.

*Decision*

The Cabinet voted unanimously by a show of hands in favour of making to the Council meeting the recommendations in para 2.1 of the report.

**RECOMMENDED TO THE COUNCIL**

That (1) the Surface Water and Foul Drainage Supplementary Planning Document as set out in appendix one to the agenda report be adopted and (2) the proposed responses to the representations received as set out in appendix two to the agenda report be approved.

**243 Avenue de Chartres Car Park - Major Refurbishment Scheme 2016-2017**

The Cabinet considered the agenda report and its two appendices, the first of which had a restricted circulation by virtue of Para 3 of Part I of Schedule 12A to the *Local Government Act 1972* (copies of the report and appendix two attached to the official minutes).

Mr Over informed the Cabinet that in para 3.3 (page 21) the figure of £154,270 in the final line was incorrect and should in fact be £173,189. This amendment did not, however, affect the figures in appendix two.

The report was presented by Mr Finch. Mr Bacon was in attendance.

Mr Finch commented on the health and safety imperative in particular for undertaking the first major refurbishment of the Avenue de Chartres car park since its construction in 1991 with also the opportunity thereby to effect an improvement for the benefit of visitors of its aesthetics and appearance. The indicative costs were set out in the Project Initiation Document approved by the Cabinet in April 2015. He summarised the recommendations in section 2 of the report and explained the reasons for both deferring the introduction of electric vehicle charging points in this car park pending their introduction in the longer term on a district-wide basis and deciding against the deployment of vehicle guidance systems.

Mr Bacon referred to the need after 25 years for the works to maximise the 120-year life-span of the car park. In reply to Mrs Keegan Mr Bacon advised that a vehicle guidance system could be provided retrospectively.

With reference to para 3.2 of the report Mr Dignum commended the appearance of the external brickwork after it had been cleaned.

*Decision*

The Cabinet voted unanimously by a show of hands in favour of making the resolutions in paras 2.1 to 2.3 and the recommendations to the Council meeting in para 2.4 of the report.

## **RESOLVED**

- (1) That Chichester District Council enters into a JCT Intermediate Form of Contract with Contractor A to undertake essential repairs and maintenance works as tendered for the sum identified in the report be agreed.
- (2) That Chichester District Council enters into a JCT Intermediate Form of Contract with Contractor A to provide resurfacing to the intermediate parking deck surface and connecting ramps tendered for the sum identified in the report be agreed.
- (3) That the release of £530,000 identified within the Asset Replacement Programme for years 2016-2017 for Avenue de Chartres car park refurbishment works be authorised.

## **RECOMMENDATION TO THE COUNCIL**

- (1) That the Council approves funding for the essential upgrade of the perimeter vehicle barriers, pedestrian railings and associated works to achieve compliance with current health and safety standards and officers be authorised to invite invitations to tender for these works.
- (2) That the Council approves funding to refurbish the five access towers and clean the concrete retaining wall and paved surfaces and officers be authorised to invite invitations to tender for these works.
- (3) That the Council approves the re-profiling of the asset replacement programme to enable the replacement of the existing lighting installation with a more energy efficient LED system and officers be authorised to invite invitations to tender for these works.
- (4) That the Council authorises the release from capital reserves of the sum identified in the report to fund the cost of this refurbishment not provided for within the Asset Replacement Programme.

## **244 Deficit Reduction Plan**

The Cabinet considered the agenda report and its two appendices (copies attached to the official minutes).

The report was presented by Mrs Hardwick. With reference to the revenue savings achieved and additional income generated during the 2013-2016 Deficit Reduction Plan period (para 4.1 of the report), she referred to the savings and enhanced income streams as set out in appendix one. Notwithstanding those pleasing outcomes, the financial forecast posed continuing challenges and risks such as full localisation of business rates by 2020; a likely reduction in the level of the New Homes Bonus; a general downturn in the economy which would consequently affect income streams; and the demands of meeting amended waste and recycling regulations. The current five-year plan model featured in appendix two, which showed a predicted £2.5m deficit by 2021-2022 and if new policy initiatives were added the deficit would rise to just under £3.9m by 2021-2022. She explained how

the deficit was going to be eliminated namely by a mixture of further efficiency savings and income generation and that frontline services would continue to be protected. She drew attention to the proposals in para 6.3 of the report which required the Cabinet's approval. The model assumed modest council tax increases. In Dec 2015 CDC was offered by the government a specific four-year financial settlement provided that it was able to submit an efficiency plan demonstrating that it could achieve a balanced budget. In default of that CDC was likely to achieve worse settlements year on year. In that regard the Cabinet was asked to authorise Mr Ward to submit a request to the Department for Communities and Local Government for a four-year settlement on the basis of the proposed revised version of the Deficit Reduction Plan.

Mr Ward advised that the four-year settlement would run up to and including 2020.

There were no questions by Cabinet members in respect of this item.

#### *Decision*

The Cabinet voted unanimously on a show of hands in favour of the recommendations in para 3.2 of the report.

#### **RESOLVED**

That the Deficit Reduction Plan of £3.8m as set out in appendix two to the agenda report for eliminating the budget deficit be approved.

#### **RECOMMENDATION TO THE COUNCIL**

That the Council authorises the Head of Finance and Governance to submit a request to the Department of Communities and Local Government for a four-year settlement and that this Deficit Reduction Plan is used as the basis for that request.

### 245 **Bosham Parish Neighbourhood Plan Decision Statement**

The Cabinet considered the agenda report and its appendix (copies attached to the official minutes).

The report was presented by Mrs Taylor. Mrs Dobson was in attendance.

Mrs Taylor summarised section 3 of the agenda report in terms of the examiner's findings with in particular the modification to delete Policy 2 (Housing Locations) and the resulting Decision Statement which was appended to the report and now would be the subject of a referendum.

Mrs Dobson had no additional remarks to make to Mrs Taylor's presentation.

There were no questions by the Cabinet members.

## *Decision*

The Cabinet voted unanimously by a show of hands in favour of the recommendations in paras 2.1 and 2.2 of the report.

### **RESOLVED**

- (1) That the Decision Statement as set out in the appendix to the agenda report be published.
- (2) That the examiner's recommendation that, subject to modifications as set out in the Decision Statement, the Neighbourhood Development Plan proceed to a referendum be approved.

## **246 Review of Character Appraisal and Management Proposals for Chichester Conservation Area and Implementation of Associated Recommendations**

The Cabinet considered (a) the agenda report and its appendix in the main agenda supplement (pages 125 to 242) and (b) the second agenda supplement circulated the previous day with an update sheet containing a revised version of (i) the recommendation in para 3.2 of the report and (ii) the colour plan in appendix 3.8 (page 235 of the main agenda supplement) (copies attached to the official minutes).

The report was presented by Mrs Taylor. Miss Le Vay and Mr Frost were in attendance.

Mrs Taylor summarised the report with reference to the distinctive character of Chichester city and CDC's need to review and update the original Conservation Area Character Appraisal for Chichester published in March 2005. This would enhance the weight to be attached to it as a material planning consideration. She drew attention to appendix two to the report (pages 125 to 226) which set out *inter alia* in detail nine character areas (Chapter 6), the recommendations (Chapter 8) and the proposed Article 4 Directions (section 7 of the report and appendix four). She commended Miss Le Vay for her excellent detailed work in producing the Character Appraisal document.

Miss Le Vay commented on the consultation process and how officers had responded to comments received including representations made by the University of Chichester (the background papers in listed section 14 of the report refer). Up-to-date photographs and a tree plan would feature in the final published version.

In reply to Mrs Lintill's query about the plan in appendix 3.5 not showing any street names, Miss Le Vay explained that these would be supplied. In response to Mrs Hardwick, Miss Le Vay advised that English Heritage required the use of positive and negative listings of buildings.

Mr Dignum commended the sterling work in producing the document and in having the discussions with the University of Chichester.



## *Decision*

The Cabinet voted unanimously by a show of hands in favour of the recommendations in paras 3.1 to 3.6 (amended at the meeting in the case of para 3.2) of the report.

### **RESOLVED**

- (1) That the revised Character Appraisal and Management Proposals for Chichester Conservation Area attached at appendix two to the agenda report be approved as a material consideration in relevant planning decisions.
- (2) That, subject to further consultation with residents of Mount Lane, St Bartholomew's Close, Oving Road, Guilden Road, Green Lane, Russell Street, Cambrai Avenue, St James Road, Bognor Road, Whyke Lane and Whyke Road, the Head of Planning Services be authorised following consultation with the Cabinet Member for Housing and Planning and the respective ward members to approve the implementation of the boundary changes shown on the maps in appendix three to the agenda report (as amended in the case of the map in appendix 3.8).
- (3) That the implementation of an 'immediate' Article 4 direction to cover minor alterations, as set out in appendix four to the agenda report to the principal elevations of dwellings within Chichester Conservation Area (as amended) be approved.
- (4) That the implementation of a 'non-immediate' Article 4 direction to cover installation of solar panels on the principal elevations and roof pitches of buildings within the Chichester Conservation Area (as amended) as set out in section 7 of the agenda report be approved.
- (5) That decisions to confirm and implement the directions referred to in paras (3) and (4) above be taken by the Head of Planning Services following consultation with the Cabinet Member for Housing and Planning and ward members for the Chichester Conservation Area within six months of the Article 4 directions being made.
- (6) That an assessment of the Summersdale area to assess its potential for conservation area designation, raised by a number of respondents to the Chichester Conservation Area consultation, be undertaken in connection with the future review and appraisal of the Graylingwell Conservation Area.

### **247 Late Items**

There were no late items for urgent consideration by the Cabinet at this meeting.

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

The Cabinet determined to exclude the public and press from the meeting in order to consider agenda item 14 as a Part II matter.

*Decision*

**RESOLVED**

The public and press be excluded from the consideration of the agenda report and its appendices for agenda item 14 on the grounds that it is likely that there would be a disclosure to the public of 'exempt information' of the description specified in Paragraphs 1 (information relating to any individual) and 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information) of Part I of Schedule 12A to the *Local Government Act 1972* 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 that information.

249 **Pay Policy**

The Cabinet considered the confidential report circulated with the agenda to CDC members and relevant officers only.

The report was introduced by Mr Finch. Mrs Dodsworth and Mr Radcliffe were in attendance.

Mr Finch summarised the factors which had led to the need for a comprehensive review of CDC's salary grading structure and staff benefits package, each of which were respectively the subject of the first two recommendations in section 2 of the report. He then explained why it was considered inappropriate to accede to the staff request which was the subject of the third recommendation in the report.

Mrs Dodsworth elaborated further as to why the staff proposal which was the subject of the third recommendation and section 8 of the report was considered not to be conducive to ensuring that CDC was a competitive and attractive employer.

She, Mr Radcliffe, Mrs Shepherd and Mr Finch answered member's questions on various points of detail: when the analysis in appendix two was undertaken; alternative CDC discount travel schemes eg rail and bicycle for those members of staff who did not drive to work; how to interpret and monitor the CDC staff turnover/recruitment; and the timescale for the proposed service/job redesign process. Members expressed support for the proposed pay policy review.

*Decision*

The Cabinet voted unanimously on a show of hands in favour of the three recommendations in paras 2.1, 2.2 and 2.3.

**RESOLVED**

- (1) That the undertaking of a comprehensive review of posts against a set of agreed principles on a service by service basis (see option (f) paragraph 6.10 of the agenda report) be implemented with effect from March 2018 and that £25,000 is allocated from reserves to fund advice and consultancy associated with its implementation.

- (2) That the enhancement of the staff benefits package (see option (g) paragraphs 6.13 and 6.14 of the agenda report) be allocated with effect from 1 April 2017 with a revenue budget of £14,000 to fund the cost of providing discounted staff car parking.
- (3) That the request from the staff side made at the Joint Employees Consultative Panel meeting on 22 August 2016 (see paragraph 8.1 of the agenda report) be not approved.

**[Note** The meeting ended at 10:59]

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CHAIRMAN

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DATE