

Council
21 JUNE 2023

Present: Councillors: David Skipp (Chairman), Nigel Emery (Vice-Chairman), Sam Bateman, Mark Baynham, Tony Bevis, Colette Blackburn, Martin Boffey, Peter van der Borgh, James Brookes, Jon Campbell, Philip Circus, Paul Clarke, Mike Croker, Joy Dennis, Malcolm Eastwood, Len Ellis-Brown, Victoria Finnegan, Claudia Fisher, Ruth Fletcher, Chris Franke, Anthony Frankland, Nick Grant, Joan Grech, Kasia Greenwood, Warwick Hellawell, Tony Hogben, Alex Jeffery, Liz Kitchen, Joanne Knowles, Lynn Lambert, Richard Landeryou, Dennis Livingstone, Alan Manton, Nicholas Marks, Jay Mercer, John Milne, Colin Minto, Roger Noel, Jon Olson, Josh Potts, Sam Raby, Jonathan Taylor, John Trollope, Clive Trott, Belinda Walters, Mike Wood and Tricia Youtan

Apologies: Councillors: Emma Beard

CO/16 **MINUTES**

The minutes of the meeting of the Council held on 26 April 2023 and of the Annual Council Meeting held on 24 May 2023 were approved as a correct record and signed by the Chairman.

CO/17 **DECLARATIONS OF MEMBERS' INTERESTS**

Item 8 Temporary Appointment of Councillors to Parish Councils: Councillor Dennis Livingstone declared an interest as the District Councillor due to be appointed, and confirmed that he would leave the meeting for the duration of the Item.

CO/18 **ANNOUNCEMENTS**

Councillor David Skipp, Chairman of the Council, advised that there would be an event for Armed Forces on Sunday 25 June in the Carfax and encouraged Members to attend. The Chairman also informed Members of the Flower Festival organised by St Mary's Church that was taking place.

Councillor John Milne, Cabinet Member for Planning & Infrastructure, announced the intention to progress the Local Plan, particularly due to the risk of speculative development.

Councillor Jon Olson, Cabinet Member for Leisure, Culture & Green Spaces gave an update on events that were scheduled, including Friday Lates, Museum Lates, and free entertainment for children in Horsham Park. The events team were thanked for their work on this.

Councillor Sam Raby, Cabinet Member for Housing, Communities and Wellbeing, announced that the Wellbeing Hub would open in its new location in Swan Walk from 1 July.

CO/19 **QUESTIONS FROM THE PUBLIC**

No questions relevant to the business of the meeting had been received.

CO/20 **RECOMMENDATIONS FROM CABINET**

ADOPTION OF RUSPER CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

Councillor John Milne, Cabinet Member for Planning & Infrastructure advised Members of the responsibility to designate Conservation Areas and review management plans. As such, it was proposed that the Rusper Conservation area be extended to include the gardens of Ghyll Manor, to enhance the character of the existing Conservation Area and adopt the Management Plan. Consultation was undertaken early in 2023, and a request was received regarding the inclusion of the recreation ground. It was not possible to include the area as it did not have the specific historic, or architectural interest for inclusion in a Conservation Area. It was highlighted however that this did not detract from the value of the space. Councillor Ruth Fletcher seconded the motion.

Councillor Liz Kitchen commented that she shared the disappointment of residents in the ward that the recreation ground was not included in the Conservation Area. Councillor Kitchen thanked those who had completed the work, as she was otherwise content with the proposals. The Cabinet Member noted the concern and advised that the recreation ground was designated as a green space in the made Neighbourhood Plan, which should reassure residents.

RESOLVED

- (i) That the designation of the revised Conservation Area boundary for Rusper, as shown on the Conservation Area designation map (1) included in this report, be approved;
- (ii) That the Conservation Area Appraisal be approved and adopted, and Management Plan for Rusper, as set out in Appendix 2 be used in the determination of planning applications from 26 June 2023; and
- (iii) That authority be delegated to the Cabinet Member for Planning & Infrastructure to approve minor editorial changes prior to final publication of the Conservation Area Appraisal and Management Plan.

REASONS

- (i) To formally designate the amended conservation area boundary.
- (ii) To provide updated conservation area guidance for residents, occupiers, developers and Members in determining applications and to designate the locally listed buildings.
- (iii) To give the Cabinet Member for Planning and Infrastructure delegated authority to approve minor changes to the Conservation Area Appraisal and Management Plan.

ENVIRONMENTAL HEALTH & LICENSING AND ECONOMIC DEVELOPMENT STAFFING

Councillor Jay Mercer, Cabinet Member for Environmental Health, Recycling & Waste, advised that this proposal was in relation to succession planning and increased workload in the Environmental Health & Licensing Team in relation to the licensing of Houses of Multiple Occupation and new Government guidance on Housing Standards that is expected in Summer 2023.

Councillor Ruth Fletcher, Cabinet Member for Local Economy and Place seconded the motion and advised Members that the proposal would also enable succession planning in the Economic Development team and support increased workload in relation to projects arising from the Shared Prosperity Fund.

Councillor Paul Clarke thanked both teams for their support in relation to issues that had arisen in his ward.

RESOLVED

That the £41,200 increase in the 2023/24 salaries budget be approved, to accommodate the creation two extra posts, one in Environmental Health team and a temporary post in Economic Development.

REASONS

- (i) All local authorities are under a statutory duty to inspect housing and ensure that the powers used to tackle housing problems are effectively discharged. The increase in awareness of damp issues, new guidance on damp and in the increase in the number of applications houses in multiple occupation has led to a need for an extra employee permanently in the Environmental Health Private Sector Housing Team.
- (ii) In the Economic Development Service there is a need for a temporary role to carry out the extra work associated with the

Shared Prosperity Fund and get the service prepared for the likely full or phased retirement of its three officers.

CO/21 **RECOMMENDATIONS FROM COMMITTEES**

Councillor Paul Clarke asked Council to note the Committee's annual report, which provided a review of the work of the Overview & Scrutiny Committee during the municipal year 2022/23. Council were also asked to note the work programme, which set out the planned areas of consideration for the 2023/24 municipal year.

RESOLVED

That the annual report and the Overview & Scrutiny Committee's forward plan be noted.

REASON

The Constitution requires the Overview and Scrutiny Committee to tell the Council about its work at the end of each municipal year and about the work it plans for the new municipal year.

CO/22 **TEMPORARY APPOINTMENT OF COUNCILLORS TO PARISH COUNCILS**

The Chief Executive introduced the report and advised the Council that following a number of resignations, Nuthurst Parish Council had become inquorate. As such, a temporary appointment to Nuthurst Parish Council was required to ensure that they were able to operate.

It was moved by Councillor Jay Mercer, and seconded by Councillor Martin Boffey, that the recommendation be approved.

RESOLVED

- (i) That the temporary appointment of Councillor Dennis Livingstone to Nuthurst Parish Council be approved; and
- (ii) That the making of an order, in the form contained in Appendix 1, for the temporary appointment of Councillor Dennis Livingstone to Nuthurst Parish Council, be authorised.

REASON

To enable Nuthurst Parish Council to co-opt Parish Councillors to become quorate and carry out its business.

CO/23 **UPDATES TO POLICY DEVELOPMENT ADVISORY GROUP
MEMBERSHIP, REPRESENTATIVES ON OUTSIDE BODIES AND
MEMBERSHIP TO COMMITTEES**

The Interim Head of Legal & Democratic Services and Monitoring Officer introduced the report and highlighted that Council were asked to note updates to Committee membership, PDAG membership and the appointments to outside bodies. Council were also asked to approve the programme of PDAGs for the Municipal Year.

It was proposed by Councillor Martin Boffey, and seconded by Councillor Philip Circus, that the recommendations be approved.

RESOLVED

- (i) That (i) the appointment of members to the Cabinet, (ii) the Cabinet Portfolios (and functions and responsibilities thereunder) as set out in Appendix 1 and (iii) the PDAG memberships as set out in Appendix 2; be noted
- (ii) That the Interim Monitoring Officer will revise the Constitution to reflect the above changes pursuant to Article 13.3 (b) 3 of the Constitution, be noted;
- (iii) That the PDAG programme for the Municipal Year, as set out in Appendix 3 be approved;
- (iv) That the member appointments to Outside Bodies by the Leader pursuant to Part Three, paragraph three 3.3.2 (k) of the Constitution as set out in Appendix 4 be noted; and
- (v) That changes in Membership to the Licensing Committee and Standards Committee be noted.

REASONS

- (i) To inform members of the (i) membership to committees, PDAGs, Cabinet and outside bodies, (ii) cabinet portfolios, and, (iii) requirement to update the Constitution to reflect the aforementioned, where required; and
- (ii) To approve the PDAG programme for the Municipal Year.

CO/24 **PAY POLICY STATEMENT - FINANCIAL YEAR 2023/24**

Councillor Martin Boffey stated that the Pay Policy Statement was a statutory document that the Council was required to publish, and its function was set out in the accompanying report. Councillor Mark Baynham seconded the motion.

RESOLVED

That the Pay Policy 2023/24 be approved for publication.

REASON

To comply with the requirements of the Localism Act 2011, to publish an approved pay policy.

CO/25 **APPOINTMENT OF HEAD OF LEGAL & DEMOCRATIC SERVICES AND MONITORING OFFICER**

Councillor Martin Boffey stated that the Council had a statutory duty to appoint a Monitoring Officer. Lauren Kelly had filled the post on an interim basis for 6 months and the Employment Committee met to consider options to appoint to the role on a permanent basis. On the basis that there was a strong internal candidate, and that the recruitment process was costly, with no guarantee of a beneficial outcome, it was proposed that Lauren Kelly be appointed as Head of Legal and Democratic Services, and Monitoring Officer. The proposal was seconded by Councillor Philip Circus.

RESOLVED

- (i) That the Employment Committee nomination of Lauren Kelly as the Head of Legal and Democratic Services and Monitoring Officer be noted;
- (ii) That the appointment of Lauren Kelly to the position of Head of Legal and Democratic Services with effect from 22 June 2023, at a starting salary of £75,231 p.a. up to £82,072 (subject to national cost of living awards) be agreed;
- (iii) That the designation of Lauren Kelly as Monitoring Officer of Horsham District Council with effect from 22 June 2023 be agreed.

REASONS

- (i) To make a permanent appointment to the position of Head of Legal and Democratic Services
- (ii) To comply with the provision of Section 5 of the Local Government and Housing Act 1989 in respect of the appointment of the Monitoring Officer

CO/26 **REPORTS OF REPRESENTATIVES**

The representative of GATCOM, Councillor Liz Kitchen, reported that Gatwick Airport were due to submit an application for a development consent order for a second runway. Local Authorities were working on their responses to the consultation and concerns about noise and infrastructure were acknowledged.

The representative of the South East Reserve Forces and Cadets Association, Councillor Clive Trott, advised Members that the Association were keen to promote the benefits of working with the Armed Forces and association organisations, particularly in relation to the positive impact they could have on the community.

CO/27 **NOTICE OF MOTION**

The following Motion was moved by Councillor Mike Croker, and seconded by Councillor Colette Blackburn.

'This Council declares a Climate and Ecological Emergency, based on the International Panel on Climate Change's AR6 Synthesis Report of March 2023 which states that humanity is in the midst of a crisis entirely of its own making. This crisis has already resulted in a global surface temperature rise of 1.1°C, affecting many weather and climate extremes in every region across the globe, leading to widespread adverse impacts and related losses, including damage to nature and people.

We welcome the recent statement on the climate emergency and biodiversity crisis from our new council leader that "taking real action to combat these will not only be an immediate priority but will also be an ever-present consideration in all that we do throughout this term and beyond".

In response to this rallying call, this Council accepts the inadequacy of the climate related motion it passed in June 2019 and, leading by example, will significantly increase the rate of carbon reduction associated with its own corporate plan to achieve carbon neutrality for its direct emissions by 2030 and indirect emissions by 2050.

Recognising the delay that has already occurred in encouraging meaningful carbon reductions across the District (to achieve District-wide Carbon Net Zero by 2050), this Council wishes to see the draft Climate Action Strategy (approved by Cabinet on 24 March 2023) subjected to meaningful community engagement forthwith, along with the rapid development of an appropriate and proportionate action plan to engage, activate and support residents in this joint quest.'

Councillor Mike Croker spoke in support of the motion and stated that although Horsham District Council had made some good progress, in particular with the Wilder Horsham District initiative, there was a need to act faster to tackle climate change within the authority and across the District.

There was a comprehensive debate of the motion. The discussion included consideration of the motion passed in June 2019, and the work that had been undertaken to date following this motion. Concerns were raised in relation to specific action that would follow, should the motion be passed.

Councillor Colette Blackburn spoke in support of the motion, and spoke of future consultation and engagement with communities and businesses in the development of the District wide Climate Action Strategy, as well as the value of incorporating climate concerns into decision making across all aspects of the Council's operations.

Following a vote, the motion was declared CARRIED.

CO/28 **MEMBERS' QUESTIONS ON NOTICE**

Councillor Paul Clarke asked Councillor Ruth Fletcher, Cabinet Member for Local Economy & Place, the following question:

“There has been concern in the press about the ability of multi storey car parks to cope with the increased weight of passenger vehicles with the adoption of EV technology and purchasing of said vehicles. Several car parks are reported to be unable to accept a large number of EV vehicles as the structural load bearing beams cannot take it. We in HDC depend heavily on our car park income.

We have two large multi storey car parks Swan Walk and Piries Place. The former is a lot older than the latter.

Have our two multi storey car parks been assessed as to their suitability to accommodate larger amounts of EV vehicles over the next few years? If such a study has taken place, then what were the conclusions? If such a study has not been carried out, then when will we be conducting such a study to verify the ongoing suitability of our key larger car parks?”

The Cabinet Member replied:

“Thank you very much for your question, Councillor Clarke. This is a good opportunity I hope to reassure you and also many residents who will have also heard the reports in the press from elsewhere,

A structural engineer report commissioned in 2017 indicated that the Swan Walk, Forum and Piries Place car parks would have been designed to the British Standard at the time of construction, which assumed a maximum weight of cars of 2500kg. The nature of the way that car parks are designed is that even if the car park was full of very heavy cars there is sufficient factor of safety. Piries Place car park was subsequently demolished and rebuilt in 2018 to higher structural standards.

For information even the heavier electric cars, such as Tesla Model S and Porsche Taycan weigh less than 2500kg. Very heavy vehicles, electric or otherwise, would be too large to fit into the standard parking spaces provided in either Swan Walk or The Forum car parks but do fit

into the wider spaces in Piries Place car park. We are confident that our car parks can accommodate such vehicles safely.”

Councillor Philip Circus asked the Leader, Councillor Martin Boffey, the following question:

‘Will the Leader accept that an early opportunity should be sought to review the Council's constitution given the weaknesses in its drafting that have become apparent?’

The Leader replied:

“Thank you, Councillor Circus, for your question. You will recall that we discussed the issue of a constitutional review when you and I met recently, and I am grateful therefore to you for raising this very relevant and important question at this evening's meeting. As we know the Constitution is the Council's rule book and sets out, amongst other things, the Council's functions responsibilities processes and procedures, decision making systems and Members Code of Conduct. It goes without saying that a good Constitution provides an anchor for strong organisational and political cultures in which people work well together, and in which decision making is well understood by and visible to the public.

Indeed, the law provides that Local Authorities must have up-to-date constitutions and I know it is considered good practice to undertake a fundamental review every five years. I understand the last full review was carried out in 2016 with its findings adopted in December of that year. As such we are clearly due for a fundamental review in the near future. In any case, to clarify my reference to near future and also to respond partly to what you were raising about an early date, I would estimate the undertaking of such an exercise in approximately than 6-12 months' time. The reason for this is that given the larger turnover of members in the recent elections I think it will be prudent to afford new members sufficient time to work with and familiarise themselves with the Constitution. Naturally, this will allow members to input into any review in a meaningful and informed manner. I think we would likely agree that council is not the forum to examine the granular detail of any constitutional strengths and required modifications to reflect any organisational structural changes political shifts and legal clarifications.

Indeed, it will be premature to do so prior to commissioning any formal detailed and coordinated analysis in terms of undertaking the review. I think it would be sensible to enlist the support of the Centre for Governance and Scrutiny and our Governance Committee, which I suspect will wish to appoint a streamlined working group to take the lead on this initiative. May I thank you for raising for me this question, the subject of which I'm sure you know is close to my heart.”

Councillor Circus asked the supplementary question:

“Thank you, Leader. Given that the constitution is owned in a very real sense by every member of this Council, will [the Leader] give us comfort in assuring us that he will get the widest possible involvement in the review of the Constitution and particularly that use will be made of those members who've had a lot of experience without any undue regard to party affiliation? Thank you.”

The Leader replied:

“I always think it's folly in life not to make use of the knowledge and experience of those, particularly in technical fields. All I would say is that doesn't necessarily mean they're going to get what they want.”

Councillor Circus made a closing comment that reiterated the importance of the widest participation, and suggested that a working group would not necessarily have to be politically balanced, and to focus on the best outcome for the review.

Councillor Alan Manton asked the Leader, Councillor Martin Boffey, the following question:

‘Does the Leader feel that those appointed to represent Council on outside bodies should not be chosen on the basis of Party allegiance but on the basis of the best qualifications to represent the Council, including knowledge and experience?’

The Leader replied:

“I do agree with the thrust of this question although I would couch it slightly differently. In my opinion knowledge and experience are not in themselves qualifications, but rather attributes or qualities one can be qualified by experience. Experience is not in itself a qualification. Indeed, there are no specific qualifications required for any of the roles to which he refers, other than being a member of Horsham District Council. I do believe that Representatives on Outside Bodies should be chosen based on their qualities and attributes and how these align with the requirements of the role. These roles are all different. Some of them lend themselves to people with specific skills knowledge or experience, others are better suited to members with a keen interest in certain areas or disciplines. Others still require members who can have more direct influence over areas of council policy and operations, such as Cabinet Members, the Chairman or the Armed Forces Champion. Finally, some roles would clearly benefit from having a representative from a given ward or area. When I decided on my appointments as Leader, I believe I considered and weighed all the different factors in play for each role before coming to a decision, sometimes consulting with the outside body in question. Can I say hand on heart that there was absolutely no consideration of any party allegiances in appointing any of these roles?”

Probably not, but I can promise that it was way down the list of priorities. I believe this can be evidenced by the fact that two of the appointees came from opposition parties, which is two more than the outgoing administration appointed. I would like to thank Councillor Manton for giving me the opportunity to highlight this departure with past precedent.”

Councillor Manton asked the supplementary question:

“Thank you, Leader. I appreciate your honesty in that respect but in the light of your answer, do you not think that it was unwise, or dare I say a folly, to pass over a highly interested Councillor who wanted the role of representative to the South Downs National Park Authority in favour of a less experienced candidate, who it has been reported did not want this job?”

The Leader replied:

“I think it's quite folly to be making assertions about other people's ability to do their jobs when they've just taken it and have only just started work on it to be honest with you. I don't really want to get into specifics of this person or that person but I'm quite happy with the appointment I've made to the South Downs National Park Authority it was very well considered, and I'm very happy with my decision.”

Councillor Manton made a closing statement that reiterated the disappointment in a decision that he felt was made solely on a political basis, overlooking the importance of knowledge and experience. He highlighted that there was a risk that the quality and effectiveness of decisions are compromised.

Councillor Roger Noel asked the Leader, Councillor Martin Boffey, the following question:

“Following our recent Council Elections, the majority of this administration's members now represent wards in the north of the District, especially the Cabinet, who are almost exclusively Horsham Town based. The previous administration contained members from the north and south of the District with both Members and Cabinet balanced between the town and rural areas. That Cabinet were acknowledged as ever mindful of the concerns and interests of Horsham Town, with an appointed Cabinet member exclusively for the Town. Can the Leader or members of the Cabinet indicate tonight how the concerns of the southern wards are to be given equal weight to the Town wards, thereby fairly representing the balance of our District's residents. This is especially important to residents in the south who have concerns over the Wilder Horsham District and the Adur Restoration Project, bearing in mind that under the previous administration there were several proposals to expand the Wilder District area, and will the same projected funding for this purpose be continued in the future?”

The Leader replied:

“Thank you, Councillor Noel for your question. Although I'm afraid I must begin my response by saying I don't accept the premise of your question. I think it seeks to create divisions where they either do not exist, or are unnecessary. You start by saying that the majority of the new administration's members now represent wards in the north of the District. I'm not sure how you're defining administration here, but it's a simple fact that the Liberal Democrat group now enjoys a comfortable majority. All but one of our members represent wards which many would view as the north of the District. I share your disappointment that we didn't have more seats in the South but that is what it is. You go on to say that the Cabinet are almost entirely Horsham town based. This is inaccurate, the Cabinet contains members from Billingshurst Parish, Shipley Parish and North Horsham Parish, half of its members. You also claimed that the previous Cabinet was ever mindful of the concerns and interests of Horsham town. I'm sorry to say that both as a resident and a former neighbourhood Council chairman in Horsham, that is not a claim that stands up to any kind of scrutiny, but I will not dwell on that now. Horsham Town needed a voice in Cabinet under the previous administration because unlike the rest of the district it is unparished. Facilities and services provided by Parish councils elsewhere in the district are provided by Horsham District Council in the town, therefore those services could be chopped and changed or taken away on a whim by the Cabinet. It was therefore important for the town's voice to be heard in Cabinet in a way which was different from the rest of the District. Given the makeup of the new Cabinet, that is no longer necessary. In all other respects, we are one Council representing one District. As a District, we are far more that unites us than divides us and it is the responsibility of all members inside and outside the Cabinet to not only represent their wards but also to act in the best interests of the District as a whole. I would therefore expect the concerns of all wards, wherever they are situated in the district, to be given equal weight in the usual way, by their local members raising such concerns both in Council in PDAGs or committees or with Cabinet Members directly on behalf of their residents and Parish and Neighbourhood Councils. That's the final element of your question as originally drafted when submitted. I'm afraid you will need to elaborate on what the Wilder Horsham area is. If you're referring to the Wilder Horsham District initiative, the clue is in the name. It should encompass the whole District and that is certainly my aspiration for it. When it comes to projected funding into the future, I am similarly unclear exactly what you're referring to, but I will say this at present, I only see expenditure on climate action and nature recovery going in one direction and it's not down.”

CO/29 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 7.40 pm having commenced at 6.00 pm

CHAIRMAN