

THE CABINET
29TH NOVEMBER 2012

Present: Councillors:

Ray Dawe	Leader
Roger Arthur	Deputy Leader and Efficiency & Resources
Andrew Baldwin	The Environment
Jonathan Chowen	Arts, Heritage & Leisure
Helena Croft	Communication, Special Projects & Horsham Town
Ian Howard	Living & Working Communities
Roger Paterson	The Local Economy
Sue Rogers	A Safer & Healthier District

Also present: Councillors: John Bailey, George Cockman, Leonard Crosbie, Duncan England, Frances Haigh, David Holmes, Claire Vickers

EX84 **RECORD OF THE MEETING OF 20TH SEPTEMBER 2012**

The record of the meeting of the Cabinet held on 20th September 2012 was approved as correct and signed by the Leader.

EX85 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

EX86 **ANNOUNCEMENTS**

The Cabinet Member for Arts, Heritage & Leisure:

- Referred to recent correspondence and comments regarding the sensory room at Broadbridge Heath Leisure Centre, indicating that there was no agreement to reprovide this facility at the new leisure centre and that similar facilities were already available at Springboard in Hurst Road, Horsham. He also referred to the possible availability of alternative and more appropriate facilities elsewhere. However, he was working with Members and partners within the community to explore further ideas for facilities and the design of the new leisure centre.
- Indicated that, with reference to Ash Die-back Disease, he could only refer residents to the Forestry Commission website as this was an emerging national issue and the Council had not been given any advice, except to be vigilant. The Council's officers were monitoring the situation.
- Reported that new catering arrangements had just been agreed in respect of The Capitol and Southwater Country Park.
- Gave an update on the current position regarding the Leisure Management contract.

The Cabinet Member for the Environment reported that the Council had been successful in its bid for funding from the Department for Communities and Local Government to support a scheme to improve the quality of collected recyclables. However, the Council had been unsuccessful in its second bid for funds to support the continued free collection of green garden waste across the District.

EX87 **PUBLIC QUESTIONS**

(i) The Leader asked the following question on behalf of Anne Heads, who was unable to attend the meeting:

How much will it cost to implement the green waste bin charge, specifically will someone retrieve all the green waste bins from households who don't pay extra, or will paying households get another new bin (both options cost HDC) and will WSCC charge HDC more if the amount of Green waste they receive for composting is reduced, or the amount of landfill waste increases (as it will because households who don't 'choose' to pay extra will just use their general waste)?

The Cabinet Member for the Environment replied as follows:

The costs of implementing the green waste bin charge are currently being developed as part of the project management process. Experience of other local authorities indicates that the likely operating costs will be in the region of £50,000 per year and there will be initial start up costs of between £50,000 and £100,000. These costs relate to administering the scheme and providing information and a promotional campaign to encourage participation, hence maximising the revenues.

The green waste (brown top) bins are the property of the householder, so we will not be retrieving them. If people want to opt out and give the bin back we will collect them and there will be no need to change any of the bins, as we will be using the existing ones. We are investigating options for householders who choose not to participate in the new scheme, for example promoting composting.

West Sussex County Council will not charge the Council for any reduction in green waste collected and we are not charged according to the quantity of residual waste delivered to the county either.

The council has the power to stop green waste being put in residual bins and this would ensure that residual waste volumes do not increase. This option is being considered along with other ways to encourage householders to compost at home as this is the most environmentally beneficial way to treat green waste.

REPORT BY THE DEPUTY LEADER AND CABINET MEMBER FOR EFFICIENCY & RESOURCES

EX88 **Medium Term Financial Strategy 2012/16**

It was noted that Council had agreed that the Cabinet should explore options to close the remaining projected deficit gap for the next three financial years (Council Minute No. CO/47 (24.10.12) refers).

EX88 Medium Term Financial Strategy 2012/16 (cont.)

The Cabinet Member for Efficiency & Resources therefore presented his report on the proposed Medium Term Financial Strategy for 2012/16, indicating that the Council had increased its productivity over the last five years saving over £7,000,000 in operating costs. This was against a background of receiving one of the lowest grants per capita and, with further Government cuts due, the 2013/14 grant, including New Homes Bonus, would be approximately £2,500,000 lower than in 2007/08.

In response to similar cuts, the Cabinet Member noted that many councils were increasing council tax and/or cutting services but this report proposed neither.

The Cabinet had taken a strategic view in reviewing options by considering the three year picture rather than limiting its solutions to the 2013/14 deficit. After reviewing various options to close the gap including service reductions, cost cutting and income generating opportunities, the two preferred options were increasing car park charges and charging for green waste collections. This would ensure that the cost of delivering these services was met by the users, rather than being subsidised by those who did not use them.

However, with the serious challenges facing the Council, this would not be enough and a business transformation programme had already been initiated with the aim of further improving productivity and value.

It was intended that these measures would help to eliminate the projected budget deficit of £2,600,000 by 2015/16, whilst allowing the Council to sustain valued discretionary services such as support for voluntary organisations, leisure services and anti-social behaviour management.

In addition, and to avoid placing any unnecessary burdens on Council Tax payers, it was proposed that there should be no increase in Council Tax for 2013/14 and that it should remain at the current level for the fourth year running. The impact of this freeze would be mitigated in the short term by the Government's Council Tax Freeze Grant.

The Cabinet Member thanked Members and officers for their significant efforts in developing these proposals and supporting the process. Officers had been pursuing various initiatives and had already delivered substantial financial benefits, details of which would emerge in the coming weeks.

Cabinet Members supported the proposals.

Other Members accepted the need to increase income and/or reduce costs but expressed some concerns regarding the impact of raising car parking charges and questioned the projected income resulting from charging for the collection of green waste. Some concern was also expressed regarding the proposal to accept the Government's Council Tax Freeze Grant.

EX88 Medium Term Financial Strategy 2012/16 (cont.)

RECOMMENDED TO COUNCIL

- (i) That charges be introduced for the collection of green waste, as reported, subject to consideration of a detailed assessment to be presented to Council on 19th December 2012.
- (ii) That car parking charges be increased, as reported, subject to consideration of a detailed report to be presented to Council on 19th December 2012.
- (iii) That Council Tax should be frozen in 2013/14 and the Council Tax Freeze Grant for 2013/14 accepted.

REASON

To ensure that the 2013/14 budget and resultant Council Tax level is set within the context of the financial strategy in order to deliver a balanced budget, updated with the latest information and knowledge available to the Council.

EX89 Localism Act – Community Right to Challenge

The Cabinet Member for Efficiency & Resources reported that the Localism Act 2011 had introduced a right for Parish Councils, community and voluntary bodies, charitable trusts and two or more local authority employees to submit an Expression of Interest (EOI) in taking over the provision of a service on behalf of the authority. Where a valid EOI was received, the authority was required to undertake a procurement exercise for that service, which might lead to the authority awarding a contract for the provision of the service.

An outline of the obligations the Council had under the Localism Act in respect of the Community Right to Challenge; recommended procedures for dealing with any EOIs received and any subsequent procurement exercise; and the identification of the roles and responsibilities of Officers were submitted.

RESOLVED

- (i) That a fixed window of 1st March to 30th April each year, during which it would be permissible for Expressions of Interest to be submitted to the Council for consideration, be agreed.

EX89 Localism Act – Community Right to Challenge (cont.)

- (ii) That the Director of Corporate Resources be appointed as the Proper Officer for the receipt, validation and acceptance or rejection of Expressions of Interest and the Head of Financial & Legal Services as the deputy for the Proper Officer, appointed to act in situations where the Proper Officer was absent or if a conflict situation existed between the Proper Officer and the Expression of Interest submitted.
- (iii) That the Proper Officer be authorised to determine whether grounds existed to reject an Expression of Interest and, subject to prior consultation with the Cabinet Member for Efficiency & Resources, to accept or reject an Expression of Interest on behalf of the authority, with an instruction to refer sensitive Expressions of Interest to Cabinet for consideration.
- (iv) That a period of six months be agreed as the maximum period which would elapse between receipt of an Expression of Interest and the authority notifying the body which submitted the Expression of Interest of its acceptance or rejection.
- (v) That the Joint Procurement Adviser be designated to act as the project lead for any procurement exercises.
- (vi) That a period of six months be agreed as the maximum period which would elapse between acceptance of an Expression of Interest and the start of the procurement exercise.
- (vii) That the Proper Officer be authorised to create the necessary procedures and guidance documentation, outlining the process for dealing with the receipt, validation and acceptance or rejection of Expressions of Interest and any subsequent procurement exercise and to publish this information on the Council's web pages.

RECOMMENDED TO COUNCIL

- (viii) That the necessary consequential changes be made to the Council's Constitution.

EX89 Localism Act – Community Right to Challenge (cont.)

REASON

The Council has a statutory duty to consider Expressions of Interest submitted under the Community Right to Challenge under the provisions of the Localism Act 2011.

EX90 Compulsory Purchase of land at Southwater Street, Southwater – Proposal not to proceed

A member of the public addressed the Cabinet, expressing concerns regarding the proposal not to proceed with the compulsory purchase order (CPO), with particular reference to the amount of time that had been allowed to elapse rather than proceeding with the CPO, thereby weakening the Council's case and increasing the likely cost of pursuing action. He asked Cabinet to reject the recommendation and to put measures in place to conclude the CPO.

The Cabinet Member for Efficiency & Resources reported that, on 15th October 2008, the then Cabinet Member for Finance & Assets had authorised the making of a Compulsory Purchase Order to acquire an area of land at Southwater Street, Southwater. The issue had been considered and agreed previously by the Cabinet in 2006 but, following further legal advice, it had been necessary to secure a fresh authorisation. The purpose of the proposed CPO was to achieve the planning objectives that had been established in the Southwater Masterplan and consequential outline planning permission and section 106 agreement relating to the adjacent Oakhurst Business Park. These objectives sought the creation of a landscaped buffer zone, protected from development with pedestrian and cycle access to link the Business Park and new and existing homes in the village. In 2008 the estimated CPO compensation figure was £28,896 plus surveyors fees and legal fees.

Since then, it had become clear that the risks and potential costs of proceeding with a CPO were greater than had been anticipated. In addition, the continuing squeeze on the Council's finances made it more necessary than ever to ensure that any action involving potential significant costs was examined very carefully. The process was now at a point where a decision needed to be made on whether to start formal proceedings, which would involve a significant amount of expenditure. Once started, it would not be possible to withdraw without significant costs.

The Cabinet Member for Strategic Planning, one of the local Members for Southwater, asked whether, if a group of local residents raised sufficient funds to indemnify the Council, it would be prepared to proceed with the CPO.

Councillor Claire Vickers, a local Member, presented the views of the Parish Council and also expressed her disappointment that the CPO had not been progressed before the land had been sold to the current owner.

EX90 Compulsory Purchase of land at Southwater Street, Southwater – Proposal not to proceed (cont.)

RESOLVED

That consideration of this item be deferred for further investigation.

REASON

To enable further information to be obtained before a final decision is taken.

REPORT BY THE CABINET MEMBER FOR A SAFER & HEALTHIER DISTRICT

EX91 **Draft Horsham District Council Tenancy Strategy**

The Cabinet Member for a Safer & Healthier District reported that the Localism Act 2011 required all local authorities to publish a Tenancy Strategy by 15th January 2013.

A strategy had therefore been developed, which described the high level objectives to which providers of social housing within the Horsham District should have regard and included evidence of the local housing market. It also included principles and guidelines that would be further reinforced through the evolving Housing and Homelessness Prevention Strategy and Housing Allocations Policy.

The strategy set out the Council's expectations of social housing providers with regard to:

- The types of tenancies they would grant.
- Where they grant tenancies for a fixed term, the length of such terms.
- The circumstances under which they would grant tenancies of a particular type.
- The circumstances under which a tenancy may or may not be reissued at the end of a fixed term, in the same property or in a different property.

Whilst providers could not be forced to adhere to the guidelines, the extent to which they respected or ignored them would help the Council to determine who it preferred to work with.

RESOLVED

That the Horsham District Council Tenancy Strategy be approved and adopted.

EX91 Draft Horsham District Council Tenancy Strategy (cont.)

REASON

The strategy highlights the principles to which housing providers should have regard and the Council has a legal duty to have a strategy in place by 15th January 2013 .

REPORT BY THE DEPUTY LEADER AND CABINET MEMBER FOR EFFICIENCY & RESOURCES

EX92 **Assets of Community Value – the ‘Community Right to Bid’ – Localism Act 2011 Part 5 Chapter 3**

The Cabinet Member for Efficiency & Resources reported that, under the provisions of Part 5 Chapter 3 of the Localism Act 2011, together with the associated Assets of Community Value (England) Regulations 2012 which came into force on 21st September 2012, the Government had introduced legislation that enabled community groups to buy and run community assets. Therefore, the Council had to introduce and administer a scheme which made provision for local community groups to nominate buildings or land within the District to be included in a List of Assets of Community Value. If listed as an asset, local community groups would have a chance to bid to buy the asset if it were sold on the open market.

There were four broad stages to the Assets of Community Value provisions (sometimes referred to as the Community Right to Bid), all of which placed certain duties or requirements on local authorities within defined time periods: making nominations; determination of and listing Assets of Community Value; procedure for the disposal of Assets; and procedure for a Scheme of Compensation. Details of the four stages were reported.

In order to ensure that the Council met the requirements of the Localism Act in relation to Assets of Community Value, an outline of a proposed scheme to deal with nominations and determination of applications and the procedure for the disposal of assets was submitted. It was proposed that authority to finalise the scheme should be delegated to the Head of Strategic Planning & Performance, in consultation with the Leader, together with the ability to make revisions as required. It was also proposed that the administration of the scheme should be delegated to certain nominated officers and that the determination of the form of the Council’s Scheme of Compensation should be delegated to the Head of Financial & Legal Services, in consultation with the cabinet Member for Efficiency & Resources.

RESOLVED

- (i) That the outline of the scheme be approved as reported.

EX92 Assets of Community Value – the ‘Community Right to Bid’ – Localism Act 2011
Part 5 Chapter 3 (cont.)

- (ii) That powers be delegated to officers to administer the scheme, in accordance with the scheme of delegation set out in the report.
- (iii) That the Head of Strategic Planning & Performance, in consultation with the Leader, be authorised to finalise the scheme content and to make revisions to the scheme from time to time as necessary.
- (iv) That the Head of Financial & Legal Services, in consultation with the Cabinet Member for Efficiency & Resources, be authorised to agree a Scheme of Compensation and to make revisions to the compensation scheme from time to time as necessary.

RECOMMENDED TO COUNCIL

- (v) That the necessary schemes be incorporated within the Council’s Constitution.

REASON

To comply with the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

REPORT BY THE DIRECTOR OF CORPORATE RESOURCES

EX93 Budget 2012/13 - Progress Report to End of September 2012 and Outturn
Forecast

The Director of Corporate Resources submitted a report reviewing progress on the Revenue Budget for 2012/13.

The report compared actual expenditure and income for the first half of the current financial year to the budget to date and provided a forecast for the full year outturn. In particular, it highlighted additions of £493,880 to the original budget approved on 22nd February 2012 and a full year forecast outturn of £13,024,000, which represented an under spending of the current budget of £254,943.

The Cabinet Member for Efficiency & Resources acknowledged the efforts made by officers to achieve savings throughout the year.

RESOLVED

That the report be noted.

EX93 Budget 2012/13 - Progress Report to End of September 2012 and Outturn Forecast (cont.)

REASON

Monitoring of the Council's budget is essential, so that if necessary action can be taken to safeguard the Council's financial position.

EX94 **SCRUTINY & OVERVIEW COMMITTEE – MATTERS REFERRED TO CABINET**

There were no matters currently outstanding for consideration.

EX95 **ANNOUNCEMENT**

At the conclusion of the meeting, the Cabinet Member for Arts, Heritage & Leisure reported that the Leisure Management contract had now been completed and would commence on 1st December 2012.

The meeting closed at 7.15pm having commenced at 5.30 pm.

LEADER