

THE CABINET
30TH JANUARY 2014

Present:	Councillors:	
	Helena Croft	Deputy Leader and Communication, Horsham Town & Special Projects
	Andrew Baldwin	The Environment
	Jonathan Chowen	Arts, Heritage & Leisure
	Gordon Lindsay	Resources
	Roger Paterson	The Local Economy
	Sue Rogers	A Safer & Healthier District
	Claire Vickers	Living & Working Communities
Apologies:	Ray Dawe	Leader
Also present:	Councillors: John Bailey, Peter Burgess, George Cockman, Leonard Crosbie, Malcolm Curnock, Duncan England, Frances Haigh, David Holmes	

EX/27 **RECORD OF THE MEETING OF 21ST NOVEMBER 2013**

The record of the meeting of the Cabinet held on 21st November 2013 was approved as correct and signed by the Deputy Leader.

EX/28 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

EX/29 **ANNOUNCEMENTS**

The Cabinet Member for Arts, Heritage & Leisure advised that:

- The Environment Agency, in consultation with the Council, had postponed the start of the agreed works at Warnham Mill Reservoir until September but that the situation regarding the Mill Pond was being carefully monitored.
- A press release was being prepared regarding the danger of trees and the responsibilities of land owners, with particular reference to the impact of the recent weather.

The Cabinet Member for the Local Economy advised that a new Director had now been appointed for the Rural West Sussex Partnership. The cost of employing the Director was being shared between four District Councils (Arun, Chichester, Mid Sussex and Horsham), the South Downs National Park Authority and Coast 2 Capital. Horsham District Council's share of the cost was £5,000.

The Deputy Leader and Cabinet Member for Communication, Horsham Town & Special Projects:

- Referred to the good news regarding the John Lewis Partnership development proposed for the Bishopric area of Horsham town, indicating that the planning application had recently been considered favourably by the Development Control (North) Committee.

EX/29 Announcements (cont.)

- Advised that West Street Phase 2, which was mainly the greening of the street and the upgrading of the electrics for the lighting, would be commencing in the Spring. Her Task and Finish Advisory Group would be looking at signage and wayfinding in the next few months.

EX/30 PUBLIC QUESTIONS

Mr Paul Kornysky asked the following questions:

In the MTFS report presented tonight under paragraph 4.3 it shows the Recycling Support Grant received from WSCC reducing by £115,000. As my expectation would be that this Grant of around £1.5m would normally attract an inflationary increase, can the reasons for the reduction (including absolute before/after amounts) be explained?

Also, for the avoidance of doubt, can it be confirmed that in the same report the charges for Green Waste for 2014/15 are assumed as being at the same level as they were on implementation in 2013/14?

Councillor Andrew Baldwin, the Cabinet Member for the Environment replied as follows:

The recycling support grant is a local arrangement made under the provisions of Section 52 of the Environmental Protection Act 1990 (as amended) known as 'Recycling Credits'. The grant is paid in lieu of the recycling credit as allowed by the legislation.

The current grant paid to Horsham District Council is £1,436,471 and is not subject to any inflationary increase.

Funding for these grants is partially supported by a share of the income derived from materials recycled in West Sussex. This income has been seriously affected by the recession and is significantly lower than when the scheme was set up.

In view of the reduction in available funds the West Sussex authorities are examining ways to ensure that the recycling grant scheme is sustainable and affordable in future years.

Discussions are currently underway with all District & Borough Councils across West Sussex and it is certain that there will be a reduction in the grants paid to all districts and boroughs although the level of this reduction is still subject to negotiation.

As part of the budget process a reduced grant has been included based on the 'worst case scenario' of options currently under discussion.

EX/30 Public Questions (cont.)

Last year Horsham District Council decided to do what all other councils in West Sussex were already doing, that is to make a charge for the collection of garden waste.

In arriving at the £29 charge, we consulted with other councils throughout the Country and were influenced by their experiences. We also consulted with Councillors who were on my Advisory Group.

We deliberately set the charge much lower than neighbouring councils because we wanted to ensure a good participation rate. Our aim was at least 40%. The fact over 28,500 homes have signed up, which is approximately 57% if you exclude flats, proves that most residents believe that £29 represents excellent value for money.

In West Sussex the cheapest after Horsham is £45 in Chichester, if you pay by Direct Debit, and the most expensive is £72 in Arun.

In response to your specific question, the price for garden waste collections will remain unchanged at £29 for the first bin at a property and £15 for subsequent bins.

REPORT BY THE CABINET MEMBER FOR A SAFER & HEALTHIER DISTRICT

EX/31 **Multi-agency Agreement for the management of Unauthorised Encampments across West Sussex through the provision of a Transit Site**

The Cabinet Member for a Safer & Healthier District submitted a report proposing that the Council worked in partnership with other local authorities in West Sussex to jointly fund the provision and running costs of a Transit Site for Gypsies and Travellers.

The number of unauthorised encampments across the District had increased over the last couple of years, causing concern to the communities affected and expense to the Council. As there were currently no public transit sites in West Sussex, the powers available to the Police to move unauthorised encampments off public land was very limited.

Early in 2013, all the West Sussex authorities had jointly commissioned an independent study into the pros and cons of providing a Transit Site in West Sussex. The Study recommended that the West Sussex authorities should develop a Transit Site as a County-wide resource; that the partners, together with Sussex Police, should develop a holistic, multi-agency approach of managing both the Transit Site and unauthorised encampments; and that the West Sussex approach should be based on the successful East Sussex model.

EX/31 Multi-agency Agreement for the management of Unauthorised Encampments across West Sussex through the provision of a Transit Site (cont.)

It was therefore recommended that the Council should enter into a multi-agency arrangement with all West Sussex authorities. A potential County-wide Transit site had been identified in the Chichester District (Westhampnett Depot) with potential to provide 9-10 pitches. All authorities would contribute equally to both the running costs and the capital costs of the project.

It was noted that, since the report had been prepared, Chichester District Council had been successful in its submission to the Homes and Communities Agency, securing a grant of £630,000 for the provision of nine pitches at the Transit site. This would reduce the capital amount originally sought from this Council from £162,500 to £83,750.

RESOLVED

- (i) That the Council enters into a multi-agency arrangement for the effective management of unauthorised encampments across West Sussex.
- (ii) That the Director of Community Services, in consultation with the Cabinet Member for a Safer & Healthier District, be authorised to agree the details of the multi-partnership arrangements with counterparts across West Sussex.
- (iii) That it be noted that the proposed Transit Site would be located in Chichester District and that West Sussex County Council would be responsible for the management of the site once developed.

RECOMMENDED

- (iv) ***That, subject to all partners formally confirming their commitment to the scheme:***
 - (a) ***A sum of no more than £83,750 of capital investment be approved as this Council's equal contribution towards the capital costs of constructing the Transit Site in 2014/15.***
 - (b) ***A contribution of up to £15,000 per annum be made towards the running costs of the Transit Site and that this becomes part of the annual revenue budget for the Council from 2015/16 onwards.***

EX/31 Multi-agency Agreement for the management of Unauthorised Encampments across West Sussex through the provision of a Transit Site (cont.)

REASONS

- (i) The model of providing a Transit site relies on all eight local authorities jointly contributing to its provision. A multi-agency agreement will clearly set out the parameters of such an agreement between the parties.
- (ii) To provide clarity as to where the identified Transit site will be located and who will be responsible for its management.
- (iii) To ensure that the appropriate capital and revenue sums are available if the proposal is agreed.

REPORT BY THE CABINET MEMBER FOR LIVING & WORKING COMMUNITIES

EX/32 **Charging for Planning Advice**

The Cabinet Member for Living & Working Communities reported that the principle of charging for planning advice was now well established and was operational in a number of neighbouring planning authorities in both West Sussex and Surrey. Additionally, the South Downs National Park Authority had also introduced charging in January 2013.

It was noted that Section 93 of Local Government Act 2003 (Power to charge for discretionary services) gave planning authorities a discretionary power to charge for giving pre-application planning advice in order to recover some of the costs incurred before an application was submitted. However, any such income raised was not allowed to exceed the cost of providing the service.

Details of the approach taken by other planning authorities to charging (including scales for charging and fee income) were submitted for information.

The Cabinet Member was therefore seeking approval for the principle of charging, with the roll-out of specific charges and the categories for exemption from charging being agreed by her in consultation with the Cabinet Member for Resources and the Chairmen and Vice-Chairmen of the two Development Control Committees. The operation of the scheme would be reviewed on an annual basis.

In response to issues raised by Members, the Cabinet Member indicated that users of the service would be advised that all advice given was without prejudice.

EX/32 Charging for Planning Advice (cont.)

RESOLVED

- (i) That charging be introduced for pre-application advice.
- (ii) That the details of the charging schedule including level of charge; the categories to which charging would apply and exemptions be delegated to the Planning Services Manager in consultation with the Cabinet Member for Living & Working Communities; the Cabinet Member for Resources and the Chairmen and Vice-Chairmen of the Development Control (North) and (South) Committees.
- (iii) That charging be introduced for pre-application advice by the Council by no later than 1st April 2014.

REASONS

- (i) To ensure that the costs of the service are covered by the income received and to improve customer service and delivery by setting clear targets for response times.
- (ii) To ensure that income is received to meet the costs of the service provided in line with the Council's Financial Strategy.

EX/33 **Report on Performance Indicators for Quarter 2 2013/14; District Plan Priorities; and Tracked Project List Progress**

The Cabinet Member for Resources reported on the outcome of the quarterly review of the set of performance indicators for the second quarter of 2013/14 and the review of the Tracked Project List by the Scrutiny & Overview Committee's Finance & Performance Working Group.

It was noted that the priorities identified in the District Plan were reviewed on a monthly basis by the Corporate Management Team and quarterly by the Finance & Performance Working Group.

Areas of positive performance noted by the Finance & Performance Working Group were:

- the level of attendance at sports centres and swimming pools against targets set; and
- the level of attendances at Horsham Museum.

EX/33 Report on Performance Indicators for Quarter 2 2013/14; District Plan Priorities; and Tracked Project List Progress (cont.)

The main areas of concern highlighted by the Finance & Performance Working Group in respect of the quarterly review of performance indicators related to:

- the percentage of planning appeals allowed;
- the number of planning enforcement cases received/closed;
- Acorn recycling rates; and
- number of households in temporary accommodation/B&B accommodation.

The responses of the Heads of Service were noted and the relevant Cabinet Members gave an update on the current position and action being taken.

The Cabinet Member for Resources drew particular attention to the percentage of planning appeals allowed, with reference to the cost to the Council. The Cabinet Member for Living & Working Communities referred to the loss of S106 benefits and the danger of being put into special measures for not making good decisions. Members discussed this issue and the Director of Corporate Resources indicated that information regarding costs paid in respect of appeals lost would be provided to Members. The Chief Executive also undertook to provide information regarding the Council's position in relation to the threshold for special measures in respect of appeals lost on major applications.

In response to issues raised, the Chief Executive agreed that performance management was an important part of the Council's business process and one of the means by which the Scrutiny & Overview Committee could hold the Cabinet to account. In this respect, the Chief Executive had had discussions with the Chairman of that Committee's Finance & Performance Working Group as to how the process could be improved and would be reporting on this to a future meeting of the Working Group.

RESOLVED

That the report be noted.

REASON

Performance Management is part of the duty of Best Value to drive up service improvement.

REPORT BY THE DIRECTOR OF CORPORATE RESOURCES

EX/34 **Budget 2013/14 – Progress Report to end of December 2013 and Outturn Forecast**

The Director of Corporate Resources submitted a report that compared expenditure and income with the profiled budget for the period 1st April to 31st

EX/34 **Budget 2013/14 – Progress Report to end of December 2013 and Outturn Forecast (cont.)**

December 2013 and provided a forecast for the full year outturn. It was noted that the forecast underspend for the year now stood at £639,000. This forecast would continue to be updated as the year progressed.

RESOLVED

That the report be noted.

REASONS

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

EX/35 **Budget 2014/15 and Medium Term Financial Strategy**

The Director of Corporate Resources submitted a report setting out details of the proposed 2014/15 revenue and capital budgets and reviewing the Medium Term Financial Strategy. As a result of the decisions taken by the Council in December 2012 to introduce charging for Green Waste; to increase car parking charges; and the implementation of the on-going business transformation programme the Council was able to set a balanced budget for 2014/15 without making any decisions that might impact the delivery of services to its residents.

However, due to the continuing drive to reduce Government debt, the pressure on Council finances remained with indications from Government that it would continue with its policy to reduce the payment of grant to local authorities. The future of current Government policies such as Council Tax freeze grant, New Homes Bonus, Housing Benefit and grant payment would remain uncertain until the next national election.

Current estimates for the future deficit for the Council, after allowing for savings delivered by the business transformation programme, was just under £1,000,000 for 2015/16 increasing to just under £2,000,000 for 2016/17 and 2017/18.

It was proposed that a payment of £1,500,000 should be made to the pension fund from the Council's reserves to make good the current deficit, as the Fund was able to invest more widely and should generate a higher return than if the funds were left in the Council's reserves. This should also help to ensure that the Fund remained in a healthy position.

The Government had encouraged councils to freeze Council tax by making available freeze grants to those who did so and, in December 2013, it had announced that 2011/12 and 2013/14 Council Tax freeze grant would be built into

EX/35 Budget 2014/15 and Medium Term Financial Strategy (cont.)

the Settlement Funding Assessment. This meant that the 'cliff-edge' effect when Council Tax freeze grants ended would be eliminated. The Government had also pledged to include 2014/15 and 2015/16 freeze grants in the spending review baseline. This gave greater assurance that these grants would form part of the authority's grant for future years but could not give full assurance. It was widely expected that Revenue Support Grant would be eliminated entirely by 2020. On the other hand, an increase in Council Tax would give an assured continuing income to the Council into the future. At the time of the submission of the report an announcement was still awaited from the Government on the level of tax increase which would trigger the requirement for a referendum under the provisions of the Localism Act 2011. Therefore, a recommendation on the level of Council Tax for 2014/15 would be submitted direct to Council on 26th February 2014.

In accordance with Section 25 of the Local Government Act 2003, the Director of Corporate Resources reported on the robustness of estimates and the adequacy of reserves.

The report also set out a series of prudential indicators that were a statutory requirement to demonstrate that the Council's capital programme was affordable and prudent in the context of the Council's overall finances.

Cabinet Members supported the proposals in the report. In response to Members' queries the Director of Corporate Resources explained the current position regarding Business Rate income and appeals against Business Rate valuations; 'spending power' assumptions; the need for further income generation/savings in future years to address the predicted deficit; and that future projections were based on realism and best estimates. Members also discussed rural car park issues, the need to attract new businesses to the District, the development of the Broadbridge Heath Quadrant and its importance in the context of economic development; and the future funding of the town tourist leaflet.

RECOMMENDED

- (i) *That a payment of £1,500,000 to the pension fund to cover the pension fund deficit be approved.***
- (ii) *That Special Expenses of £265,827 and a Band D charge of £23.71 be agreed in respect of the unparished area for 2014/15.***
- (iii) *That the net revenue budget for 2014/15 of £13.350m be approved.***

EX/35 Budget 2014/15 and Medium Term Financial Strategy (cont.)

- (iv) *That the capital programme for 2014/15 be approved, as submitted, and that the indicative capital budgets in the programme for future years be noted.*
- (v) *That the projected future deficits on the revenue account be noted and the Medium Term Financial Strategy continue to be reviewed and refined to ensure that decisions are taken to develop a balanced budget in 2015/16 and subsequent years.*
- (vi) *That the Minimum Revenue Provision Statement be approved, as submitted.*
- (vii) *That the prudential indicators and limits for 2014/15 to 2016/17 be approved, as submitted.*

REASON

To meet the Council's statutory requirement to approve the budget and the prudential indicators before the start of a new financial year.

EX/36 **SCRUTINY & OVERVIEW COMMITTEE – MATTERS REFERRED TO CABINET**

There were no matters currently outstanding for consideration.

EX/37 **MATTERS OF SPECIAL URGENCY**

There were no matters of special urgency to be considered.

The meeting closed at 7.06pm having commenced at 5.30 pm.

LEADER