

HORSHAM DISTRICT COUNCIL
9TH DECEMBER 2015

Present: Councillors: Tricia Youtan (Chairman), Christian Mitchell (Vice-Chairman), John Bailey, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, John Chidlow, Jonathan Chowen, Paul Clarke, Roger Clarke, David Coldwell, Roy Cornell, Christine Costin, Leonard Crosbie, Ray Dawe, Brian Donnelly, Matthew French, Ian Howard, Nigel Jupp, Liz Kitchen, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Godfrey Newman, Brian O'Connell, Stuart Ritchie, Kate Rowbottom, Jim Sanson, David Skipp, Ben Staines, Simon Torn, Claire Vickers, Michael Willett

Apologies: Councillor: Andrew Baldwin, John Blackall, Philip Circus, Jonathan Dancer, Tony Hogben, David Jenkins, Josh Murphy, Connor Relleen

CO/52 **MINUTES**

The minutes of the meetings of the Council held on 21st October and 19th November 2015 were approved as correct records and signed by the Chairman.

CO/53 **DECLARATIONS OF INTEREST**

For this meeting, the Monitoring Officer had granted the following Members a dispensation under Appendix 1 of the Code of Members' conduct: Councillors John Blackall, Alan Britten, Karen Burgess, Peter Burgess, Paul Clarke, Roger Clarke, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Stuart Ritchie, Simon Torn, Claire Vickers and Michael Willett.

This allowed those of the Members present to participate and vote on the item relating to grants to Parish Councils in view of the importance of the matter and of ensuring that elected representatives can take part.

Councillor Godfrey Newman declared a personal interest in the item relating to the proposals for the redevelopment of Broadbridge Heath Leisure Centre as he was a member of the Probus Group, which met at the Leisure Centre.

CO/54 **ANNOUNCEMENTS**

The Chairman of the Council:

- Reported that she had sent congratulations to Flight Sergeant Andrew Stuckey, her Chairman's Cadet, who had received the Lord Lieutenant of West Sussex's Cadet of the Year Award at a ceremony at The Hawth Theatre recently.

CO/54 Announcements (cont.)

- Advised that on 7th December 2015 she had been honoured to meet His Royal Highness the Duke of Kent when he presented the Queens Award for Enterprise to a local company, Doyle and Tratt. This was the second time the company had received this prestigious award in ten years.
- Announced that the Chairman's Trust Charity Quiz Night on 24th October 2015 had raised in excess of £1,500 for the Chairman's Charity and thank all those who had contributed to the event's success.
- Advised that the most recent meeting of the Charity's Board of Trustees had agreed the distribution of £3,600 in funds from the charity to a number of deserving recipients. This comprised small grants to a single parent in hardship, the result of a nomination from a parish council, and five families in need who had been nominated by the Citizens Advice Bureau; £2,000 to the Salvation Army for presents for children in foster/adoption homes in the District; and a further £1,000 to the Salvation Army to benefit the elderly and homeless at Christmas.
- Reminded Members that the Chairman's Community Carol Service would be held on 14th December 2015 at 7pm at St. Mary's Church, The Causeway, Horsham.

CO/55 **QUESTIONS FROM THE PUBLIC**

Mr Coghlan asked the following question:

During the last 4 years we have been subjected to various changes despite our views on the future.

We were not involved, and then we were. We were part of a new leisure centre but with limited facilities. Then we might not get those limited facilities, may only have 4 rinks or may not exist at all.

We now are to remain, linking with the new leisure centre.

With the U turns and hand brake turns to date is this really the final answer to which we can look forward to and plan on?

Councillor Jonathan Chowen, the Cabinet Member for Leisure and Culture replied as follows:

I would certainly like to hope that this is the final answer after we have looked at so many options. However, until my Council colleagues make the

CO/55 Questions from the Public (cont.)

final decision tonight I cannot provide you with absolute assurance. I hope that my fellow Councillors will see the benefit of providing such a fantastic facility for our residents and accept the recommendations put to them from Cabinet.

CO/56 **QUESTIONS FROM MEMBERS UNDER RULE 10.2**

No questions had been received.

RECOMMENDATIONS FROM CABINET

CO/57 **Proposals for the Redevelopment of Broadbridge Heath Leisure Centre**
(Councillor Godfrey Newman declared a personal interest in this item as he was a member of the Probus Group, which met at the Leisure Centre.)

Six members of the public addressed the Council on this subject, one in support of the proposals and five urging the Council to further investigate means of retaining the “Tube” facility to enable all athletes to undertake year-round training.

The Cabinet Member for Leisure and Culture presented the recommendations from Cabinet proposing the redevelopment of the Broadbridge Heath Leisure Centre. The recommendations proposed a way forward for the future provision of “dry-side” sports and leisure facilities in the District.

He thanked all those who had contributed to the development of the project, including Councillors, officers, the Parish Council and users of the facilities. If the proposals were approved, consultation and collaboration would continue as work on the fine detail progressed.

The Cabinet Member emphasised the importance of a new facility to meet the needs of a population that would grow significantly during the term of the Horsham District Planning Framework. The new, improved facility would also support the Council’s approach to health improvement by providing affordable and accessible facilities in order to maximise local participation in sport and physical activity.

The re-provision of the “Tube” was a burden too great for this Council to carry alone. It clearly met a regional need rather than providing a local or District facility and there had been no offer of assistance with its financing from any of the national sports bodies.

Members expressed their support for the proposals, asked that the needs of the users of the “Tube” be borne in mind as the project progressed and thanked the Cabinet Member for his work on the project.

RESOLVED

- (i) That approval be given to proceed with the construction of a new facility to replace the existing Broadbridge Heath Leisure Centre, as per Option 3 detailed in the report to Cabinet on 23rd November 2015.
- (ii) That the current capital budget of £7,400,000 in the Council's capital programme for the rebuilding of the Leisure Centre be supplemented by £4,900,000 ensuring that the total budget for the project is £12,300,000.
- (iii) That the revenue implications of Option 3, as identified in the report to Cabinet, averaging at an additional cost of £255,000 per annum over a 25 year period be added to the Council's revenue expenditure budget and that the impact on the Council's projected budget deficit be noted.
- (iv) That £2,000,000 of New Homes Bonus be utilised to fund the project.

REASONS

- (i) To address the need for increased leisure and sporting provision as a consequence of a growing population
- (ii) To ensure there is a sufficient capital budget to meet the build requirement.
- (iii) To ensure that that there is sufficient revenue budget to meet the costs of the new leisure centre.
- (iv) To ensure approval is given to utilise New Homes Bonus.

CO/58 **MINUTES OF COMMITTEES**

The following minutes were received:

Licensing Committee – 24th November 2015

Personnel Committee – 25th November 2015

Standards Committee – 2nd December 2015

CO/59 **MINUTES OF THE MEETING OF THE SCRUTINY & OVERVIEW COMMITTEE OF 9TH NOVEMBER 2015**

The minutes of the meeting of the Scrutiny & Overview Committee held on 9th November 2015 were presented by Councillor Leonard Crosbie, Chairman of the Committee.

With reference to Minute No. SO/42 regarding traffic assessments and the wider issue of consultation responses from West Sussex County Council on planning applications, the Cabinet Member for Planning and Development offered to invite representatives from the County Council's Highways Department to speak to all Members on this matter.

CO/60 **RECOMMENDATION FROM THE SCRUTINY & OVERVIEW COMMITTEE TO AMEND THE CONSTITUTION TO INCLUDE A REVISION OF THE PLANNING DETERMINATION PROCESS**

The Chairman of the Scrutiny & Overview Committee reported that the Committee had recommended to Council a change to the Council's Constitution so that, in the event of a Development Control Committee proposing a decision that would be likely to have significant costs implications for the Council, the decision could be referred for determination by full Council.

The recommendation had been triggered by discussions and concerns raised initially by Members of the Finance & Performance Working Group of 18th June 2015 and subsequently by the Business Improvement Working Group on 13th October 2015.

Both Working Groups were concerned that the Council had incurred significant costs in recent years arising from decisions made by both Development Control Committees that could not be justified on planning grounds. The applicants in these cases had then been successful at appeal, including obtaining significant costs awards against the Council. The Members of the Scrutiny & Overview Committee at their meeting on 9th

CO/60 Recommendation from the Scrutiny & Overview Committee to Amend the Constitution to Include a Revision of the Planning Determination Process (cont.)

November 2015 echoed these concerns and made the above recommendation to Council with a view to preventing some potential future appeal costs.

Under the proposed process the full Council would determine planning applications referred to it by the Director of Planning, Economic Development and Property if he was of the opinion that the relevant Development Control Committee was minded to make a decision where there were likely to be significant cost implications.

Details of a proposed amendment to Article 4 of the Constitution and a short procedure note, which would give effect to the Committee's recommendation, were included in the report.

RESOLVED

That Article 4 of the Constitution be revised by the insertion of a new paragraph 4.2(l) as follows: "*To determine planning applications referred to it by the Director of Planning, Economic Development and Property if he is of the opinion that the relevant Development Control Committee is minded to make a decision in which there are likely to be significant cost implications.*" and the renumbering of the existing paragraph 4.2(l) to 4.2(m) and that the procedure note set out in the appendix to these minutes be agreed.

REASONS

- (i) That the Council receive the recommendation of the Scrutiny and Overview Committee pursuant to part 4C of the Council's Constitution.
- (ii) To ensure where a decision is made in respect of a planning application in which there is a likelihood of the Council incurring significant costs that such decision is taken by the full Council given the effect of large costs awards on the Council's overall budget.

CO/61 **REVIEW OF LICENSING POLICY (GAMBLING ACT 2005)**

The Chairman of the Licensing Committee reported that the Gambling Act 2005 currently required licensing authorities to publish at least every three years a statement of their Gambling Licensing Policy.

At its meeting on 15th July 2015, the Licensing Committee had approved a draft Gambling Licensing Policy for a period of consultation ending on 31st October 2015.

As no relevant representations had been received, the Policy was now submitted to Council for adoption in accordance with the decision of the Licensing Committee (Minute No. LI/9 (15.7.15) refers).

RESOLVED

That the Gambling Licensing Policy be approved as submitted.

REASON

To comply with legislative requirements and to ensure openness and transparency in the Council's decision making.

CO/62 **CHANGES TO THE COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS**

The Cabinet Member for Finance and Assets reminded Members that the Council had agreed to introduce a local Council Tax Support (CTS) scheme in December 2013 that protected all pensioners (a requirement) and certain other vulnerable groups; the disabled, carers, and lone parents with children under five. However, it expected a minimum payment of 10% of the tax bill from all other claimants, limited support to the tax applicable to a Band D property, amended the savings limits and abolished the Second Adult Rebate. This was put in place for 2014/15 and had remained unchanged in 2015/16.

The funding for CTS had now been incorporated into the Council's Revenue Support Grant (RSG) and in 2015/16 RSG had been reduced by 30%. The financial cost to the Council of the 30% reduction of CTS funding was estimated to be £321,000 and, under the arrangements for the localisation of the CTS scheme approved in December 2013, the recovery for 2015/16 was estimated to be just £33,000.

The Cabinet Member's Advisory Group had examined the options available to

CO/62 Changes to the Council Tax Support Scheme and Council Tax Discounts (cont.)

the Council to offset the loss in income and had concluded that the minimum payment of the tax bill from all other claimants should be increased from 10% to 20%.

The Council had consulted on the proposed change to the local scheme and, after considering the responses and the opportunity or ability of claimants to increase their income in order to meet their shortfall in council tax liability or to access the existing discretionary support scheme, the Advisory Group had recommended the implementation of the proposed change to the local CTS scheme in 2016/17, commencing on 1st April 2016.

The Council Tax discounts that the Council allowed on property including a 25% discount on uninhabitable property and a 30 day (100%) discount in any one year for unfurnished and vacant property had also been reviewed and it was recommended that these discounts be removed completely, also commencing on 1st April 2016.

RESOLVED

- (i) That the results of the consultation be noted, as detailed in the report.
- (ii) That all non-protected Council Taxpayers entitled to Council Tax Support be required to pay at least 20% of their Council Tax bill, commencing on 1st April 2016.
- (iii) That the Council Tax discounts for uninhabitable property and unfurnished and vacant properties be removed, with effect from 1st April 2016.

REASONS

- (i) To meet the cost of reduced funding in this area.
- (ii) To protect the most vulnerable from a reduction in support for Council Tax.

CO/63

GRANTS TO PARISH COUNCILS 2016/17

(Councillors Alan Britten, Karen Burgess, Peter Burgess, Paul Clarke, Roger Clarke, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Stuart Ritchie, Simon Torn, Claire Vickers and Michael Willet declared personal & prejudicial interests, as noted in Minute No. CO/53 above. However, they had been granted dispensation by the Monitoring Officer to both speak and vote on this issue.)

The Cabinet Member for Finance and Assets reminded Members that the national Council Tax Benefit scheme had been replaced by local schemes in April 2013. At the same time, funding for the scheme, which had been paid as a 100% subsidy to the billing authority, had been reduced to approximately 90% of the 2012/13 level and paid as a fixed sum in general grant to County, Police and District authorities.

The share relating to the parish council tax had been paid to District councils.

The grant relating to Council Tax Support had now been subsumed into Revenue Support Grant with no separate identification.

Provisional figures for 2016/17 had been announced as part of the Local Government Finance Settlement for 2015/16 and, whilst final confirmation was awaited, it was anticipated that Revenue Support Grant would reduce by 40%. It was therefore proposed that a grant be paid to each parish council but that it be reduced in cash terms by 40% compared to 2015/16.

RESOLVED

That the schedule of payments to parish councils be agreed, as set out in the report.

REASON

To provide financial support to parishes for loss of income resulting from the revised arrangements for funding Council Tax Support (formerly Council Tax benefit).

CO/64

MEDIUM TERM FINANCIAL STRATEGY 2016/20

The Cabinet Member for Finance and Assets reported that the review of the Financial Strategy, as part of the budget setting process, enabled a balanced budget target to be established with a focus on an affordable level of Council Tax, delivery of the corporate priorities and policies of the Council and the continued enhancement of value for money and satisfaction with services for the residents of the District.

The Council's Medium Term Financial Strategy had last been reviewed by Cabinet on 23rd July 2015. As the Autumn Statement spending review had been announced on 25th November 2015, it was now considered timely to update the Council on current projections.

Since the last review, the economic outlook had become a little more certain. The Chancellor had announced how further cuts would be made but it would be necessary to wait until the settlement announcement in mid-December to fully understand the impact to the Council. Some wider priorities for greater efficiency and value for money across the public sector, namely in promoting innovation and greater collaboration in public services and promoting growth and productivity including through devolution of powers to local areas in England, had also been set.

In accordance with the Government policy to devolve more powers and functions to groups of Councils, an early proposal was being developed by the Counties of West and East Sussex and Surrey in collaboration with the districts and boroughs in the area. Any future devolution plan would also require investment offerings from the relevant local authorities.

As anticipated, Revenue Support Grant (RSG) would be phased out by 2019/20 and local authorities would have to rely on other sources of income such as the retention of business rates and increased council tax income.

The Chancellor had also set out plans to encourage the delivery of more affordable homes; indicated plans to consult on the future of New Homes Bonus and outlined plans to deliver cuts in welfare and housing. All these changes would impact on the Council's finances.

The Cabinet Member's report referred to:

- the Council's financial strategy objectives;
- the assumptions on which future budget projections were based, including those in respect of the localisation of business rates, New Homes Bonus, Council Tax increases and the Council Tax Support Scheme;
- the Council's internal budget challenge process;
- the current capital programme and its funding; and
- reserves.

The report also highlighted a number of potential actions the Council could take to mitigate the projected deficit in future years. These included increasing Council Tax, fees and charges; the introduction of Sunday and Bank Holiday car parking charges; and fortnightly collection of residential household waste. Over the coming months the Cabinet would review all

CO/64 Medium Term Financial Strategy 2016/20 (cont.)

options, develop proposals and submit the resulting recommendations to Council.

RESOLVED

That the projected budget gap detailed in the report be noted and that strategies to deal with the deficit be brought forward during the 2016/17 budget setting process.

CO/65 **REVISIONS TO THE COUNCIL'S PROCUREMENT CODE**

The Cabinet Member for Finance and Assets reported on proposed changes to the Council's Procurement Code, which were required to incorporate the new Public Contract Regulations 2015. These Regulations incorporated the EU Procurement Directives into UK statute as well as introducing additional UK Government legislation aimed at providing more business opportunities for Small and Medium sized Enterprises; simplifying the procurement process; and providing greater transparency through the publication of data on all tenders advertised and all contracts awarded by the Council over £5,000 in value.

The changes required were so significant that a complete overhaul of the Procurement Code had been undertaken. The opportunity had also been taken to make other changes to remove process bottlenecks and inefficiencies and move towards more electronic processes.

Key changes included:

- Inviting at least one local supplier to quote wherever possible;
- All tenders over £50,000 must be advertised centrally;
- Pre-Qualification Questionnaires prohibited on tenders below £172,000;
- Full electronic tendering and communication between bidders and the Council on all EU tenders by not later than March 2018; and
- Move towards electronic tendering as a default process.

RESOLVED

- (i) That the revised new Procurement Code be adopted.
- (ii) That the Cabinet Member for Finance and Assets be authorised to approve the administrative

CO/65 Revisions to the Council's Procurement Code (cont.)

changes to the tender receipting procedures when tenders are submitted by electronic means.

- (iii) That the Cabinet Member for Finance and Assets be authorised to approve subsequent amendments to the Procurement Code arising from additional guidance issued by the Cabinet Office, Case Law or new legislation.

REASONS

- (i) The Council has a statutory obligation to comply with the Public Contract Regulations 2015 and the Local Government Act 1972 and have its own set of procurement rules.
- (ii) Additional amendments have been made to make the Council's procurement processes more efficient and transparent and to accommodate the Council's aspiration to become a Commissioning organisation.

CO/66 **CALENDAR OF MEETINGS 2016/17**

The Chief Executive reported on the proposed programme of Council, Cabinet and Committee meetings, including standing Scrutiny & Overview Working Groups, for 2016/17.

Members and officers had been consulted to ensure that the proposed programme met the requirements for reporting on statutory matters, such as the budget and final accounts, and comments received had been taken into account in the submitted calendar.

RESOLVED

That the calendar of meetings for 2016/17 be approved.

REASON

To fix a programme of Council meetings, in accordance with the Council's Constitution, and to approve a calendar for Cabinet and Committee meetings, which enables the Council to transact its business in a timely and efficient manner.

CO/67 **URGENT MATTERS**

There were no urgent matters to be considered.

The meeting closed at 8.27pm having commenced at 6.00pm.

CHAIRMAN

Procedure Note – Referral of planning applications to the full Council
(Minute No. CO/60 refers)

1. This procedure note is to assist Members and Officers as to the procedure to be followed when the full Council comes to determine a planning application referred to it by the Director of Planning, Economic Development and Property under Article 4 paragraph 4.2 (l) of the Constitution.
2. The planning application shall be listed as an item on the agenda and will be considered by the meeting after all other motions on the agenda unless the Chairman of the meeting determines the item should be considered elsewhere on the agenda.
3. The Director of Planning, Economic Development and Property (or other Officer delegated by them) will prepare and present a report to the Council meeting and such report will include an account of the item when it was considered at the Development Control Committee.
4. Those speakers who attended and spoke at the Development Control Committee will be invited to attend and speak at the meeting of the full Council. No other public speakers will be permitted to speak on the item.