



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Overview and Scrutiny Committee

Monday, 24th September, 2018 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Leonard Crosbie (Chairman)	
David Coldwell (Vice-Chairman)	
Toni Bradnum	Tim Lloyd
Paul Clarke	Mike Morgan
Jonathan Dancer	Brian O'Connell
Matthew French	Kate Rowbottom
Billy Greening	Ben Staines
Nigel Jupp	Michael Willett
Lynn Lambert	

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	3 - 10
<p>To approve as correct the minutes of the meeting held on 23rd July 2018 (<i>Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.</i>)</p>	
3. Declarations of Members' Interests	
<p>To receive any declarations of interest from Members of the Committee</p>	
4. Announcements	
<p>To receive any announcements from the Chairman of the Committee or the Chief Executive</p>	
5. Cabinet Member Interview	11 - 12

Cabinet Member for Planning and Development

- | | | |
|-----|--|-----------|
| 6. | Report on the Council's Corporate Plan Priorities, Finance and Performance Q1 2018/19 | 13 - 36 |
| 7. | Task and Finish Group Updates | |
| a) | Final Report of the Review of Councillors' Technology Task and Finish Group | 37 - 56 |
| b) | Engagement of Scrutiny in Council Activities Task and Finish Group | |
| 8. | Assessment of the LGA Effective Scrutiny Training Workshop for Committee Members on 16/08/18 | 57 - 82 |
| 9. | Advice on Work Programme Suggestion about Viability Reports | 83 - 104 |
| 10. | Update on the Viability Framework included in the Revised NPPF | 105 - 110 |
| 11. | Work Programme 2018/19 | 111 - 112 |
| 12. | Urgent Business | |

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

- | | | |
|-----|--|-----------|
| 13. | Exclusion of Press and Public | |
| 14. | Draft Report of the Census Revenues and Benefits Task and Finish Group | 113 - 118 |

(Exempt by virtue of Paragraph 1,2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – (1) Information relating to any individual, (2) Information which is likely to reveal the identity of an individual, (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information))

Overview and Scrutiny Committee 23 JULY 2018

Present: Councillors: Leonard Crosbie (Chairman), David Coldwell (Vice-Chairman), Toni Bradnum, Paul Clarke, Jonathan Dancer, Matthew French, Nigel Jupp, Lynn Lambert, Mike Morgan, Brian O'Connell, Kate Rowbottom and Michael Willett

Apologies: Councillors: Tim Lloyd and Ben Staines
Absent: Councillors: Billy Greening

Also Present: Councillor Ray Dawe

SO/14 **MINUTES**

The minutes of the Committee held 4th June 2018 were approved as a correct record of the meeting and signed by the Chairman.

The minutes of the Committee held 26th March 2018 were approved as a correct record of the meeting subject to the following amendment to SO/46a.

The amended minute should read:

SO46a

“Two members of the public spoke in support of this item.

This item had been raised as a suggestion from a member of the public regarding concerns about access to information regarding planning and access to viability information.

The Committee noted the suggestion and agreed that there were matters of concern.

The Committee also noted that whilst it could not review planning matters as they were outside of the remit of Overview and Scrutiny, it could and should review the process surrounding the redaction by HDC of material that was deemed not to be commercially confidential by the ICO.”

SO/15 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SO/16 **ANNOUNCEMENTS**

There were no announcements.

SO/17 **CABINET MEMBER INTERVIEW**

The Leader was invited to the meeting of the Committee as part of the on going programme to interview Cabinet Members.

There had not been any questions submitted for the Leader in advance of the meeting by the agreed deadline, therefore the Leader agreed to answer questions of a general nature on Council activities.

The Chairman of the Committee expressed his concern regarding the Novartis site in Horsham. West Sussex County Council (WSSCC) were looking to undertake a housing programme on the site and the Chairman asked for the Leader's view on the proposal and the departure from the original intention to use this as a science park creating employment for the District. The Leader's views were that the site should be as much commercial as is viable, there was a job deficit in the District but he would await the viability report to understand WSSCC's intentions for the site before a formal response could be made.

The Committee asked when the results of the Local Plan Review would be available which would show the parish and neighbourhood councils' reactions to the number of sites in the District which could be used as employment sites.

The Committee asked the Leader how the Transformation Programme was progressing, as this would have an impact on the Medium Term Financial Strategy. The Leader explained that extra funding had been put into the programme and the Council would be concentrating on efficiency, delivering existing services at reasonable cost.

One Member asked how Overview and Scrutiny could add the greatest value to the Council going forward. The Leader suggested that the Committee look at areas where the Committee could make a difference, suggestions and ideas which contribute to the overall aim and direction of the Council. Learning lessons from looking back but focussing on looking forward.

The Chairman thanked the Leader for attending the meeting and answering the Committee's questions.

SO/18 **EFFECTIVENESS AND TRANSPARENCY OF OVERVIEW AND SCRUTINY COMMITTEE**

The Chairman prepared a paper on the effectiveness and transparency of the Overview and Scrutiny Committee, which was circulated as part of the agenda. The Committee was asked to approve the recommendations in the paper.

Recommendation one would be picked up by the second paper on the agenda (agenda item 7) which would approve the setting up of a new task and finish group to review the engagement of Overview and Scrutiny in Council activities.

The Chairman sought approval from the Committee for the remaining recommendations.

Members questioned how the recommendations three to five would be implemented, the Chairman explained that these issues had arisen from the report of the House of Common Committee on Effectiveness of Local Authority Overview and Scrutiny in December 2017 and recommended ways of effective working for scrutiny which should be adopted, and these should be dealt with internally with the support of the officers.

The Committee supported the paper and the Chairman and Vice Chairman would follow up the recommendations in discussions with the officers and report back to the Committee, together with the conclusions of the task and finish group.

RECOMMENDED TO GOVERNANCE COMMITTEE

That the Scrutiny and Overview Committee report to full Council and not the Cabinet.

REASON

To support the effectiveness of local authority Overview and Scrutiny as identified in the House of Commons Report December 2017.

SO/19 **ENGAGEMENT OF THE OVERVIEW AND SCRUTINY COMMITTEE IN COUNCIL ACTIVITIES**

The Chairman of the Committee presented a paper to help enhance the effectiveness of Overview and Scrutiny in the future by looking at how it scrutinised aspects of the Council's business going forward.

Arising from this was a suggestion for a new task and finish group to look at how Scrutiny engages with activities such as the Corporate Plan, the Budget and Medium Term Financial Strategy and the Transformation Programme, the task and finish group would not review these items but at how Scrutiny should review them.

The Committee supported the suggestion and it was agreed that the following Councillors sit as members of the new task and finish group: Councillors Leonard Crosbie, David Coldwell, Paul Clarke, Jonathan Dancer, Nigel Jupp, Lynn Lambert and Brian O'Connell.

SO/20 **REPORT ON THE COUNCIL'S CORPORATE PLAN PRIORITIES, FINANCE AND PERFORMANCE IN 2017/18**

The Committee received the Report on the Council's Corporate Plan Priorities, Finance and Performance for 2017/18 with details of how successful the Council had been in delivering its services against the identified Corporate Plan Priorities.

The following questions on the report were submitted prior to the meeting and these, along with the answers, were presented at the meeting:

1. PP10: Number of complaints received: 183 in total, this was down on last year which was good, but do we know how many were resolved at the initial stages and how many went forward? The report from the Local Government Ombudsman indicated that there seem to have been 20 complaints of which only 3 were upheld which is very good.

Officer response:

Of the 183 complaints that the Council received, only 32 went to stage 2 of the complaints process. 20 were escalated to the LGSCO and of those, three have been recorded as upheld, one more than last year. The Council was currently disputing one of these as the decision notice we received indicates that it was not upheld.

2. SSC9b: No. of enforcement notices: 18 enforcements - were good results produced?

Officer response:

The Council has a dedicated post for covering enviro crime which had allowed the Council to investigate reported crime resulting in a number of actions being recorded. The 18 enforcement actions mainly consisted of letters of caution sent to individuals where insufficient evidence existed to pursue any other line. In addition to this we had two prosecutions both for Failure under Duty of Care as opposed to the act of Fly Tipping. Ultimately failure to discharge liability under Duty of care leads to 3rd party fly tipping. The Council had two further cases pending at the time which were likely to end in prosecution.

It should be noted that the Council investigates under PACE which requires the same evidential level and process requirement to be followed as one would for serious crime. It's therefore quite complex and resource intensive. The level of enviro crime continues to rise particularly fly tipping which was notoriously difficult to prosecute given that the perpetrator must be seen carrying out the act of fly tipping. We are therefore investigating the possibility of procuring redeployable CCTV.

3. OP17: Number of refuse, recycling and garden waste collections reported as missed: Could the numbers of bins missed be explained, how can missed bins be in fractions?

Officer response:

The reported figure was the monthly average across the year. The number of collections monthly before the introduction of fortnightly collections was in excess of 412,000.

4. DM19: % Major applications determined under 13 weeks or subject to voluntary extension: How many major applications involved?

Officer Responses:

Major Applications - 65 across the year.

Further questions to the Director of Corporate Services at the meeting:

Capital expenditure amounted to £28m, which was 61% of the approved Capital Programme. Has this underspend been identified in the past two years?

The Director explained that this type of underspend was common across a number of authorities. Officers were asked to spread Capital programmes across the year, it often was the case that officers did not spend in the year what they had intended to as they may have been optimistic with the timing of a project.

The Directors encouraged officers to be realistic about the delivery of their projects. These figures did not indicate an inefficiency.

Members questioned how much of the debtors figure would be written off? The Committee was advised that the Council did not write off large amounts of debt and the reason for these debts was often due to lengthy on going disputes.

The Chairman commended the figures of both LS01a: Attendance at sports centres and LS01b: Swimming attendances, which were both higher than budgeted.

Alongside this the Chairman also welcomed the total figures from parking income: TS02a: Total paid car park users, which were also significantly above budget.

VE10: Commercial property return on investment: The Committee noted that the acquisition of The Forum had caused the significant difference in these figures.

Members questioned the variance in the staffing cost figures. The Director explained the main reasons for staff turnover and that a proportion of this was due to the transfer of TUPE staff. This was not an area of concern for the Director. However she explained the difficulty the Council faced in recruiting professional staff and that it was currently looking at different options i.e. apprenticeships and staff training.

Members noted that the 22 members of Census IT employees had now left the Council, therefore the variance in staff figures was not anticipated to be so significant next year.

The figures for temporary staff were anticipated to be lower next year, as the numbers had increased to deal with the roll out of the new waste collection service.

The Chairman concluded by reminding the Committee that all questions based on the Corporate Plan Priorities report should be submitted in advance of the meeting in order to allow officers sufficient time to prepare the answers.

SO/21 **TASK AND FINISH GROUP UPDATES**

- a Census Revenues and Benefits Task and Finish Group
The Chairman of the Committee proposed to close the Census Revenues and Benefits Task and Finish Group due to the extended delay in presenting its final report to the Committee. Instead a summary paper on the findings of the review was proposed, from the Chairman of the Task and Finish Group.

The Chairman of the Task and Finish Group asked for the opportunity to complete this review.

Members noted that the Group was formed in May 2017 and the Committee was reminded that only three task and finish groups could run at one time.

After discussion it was agreed by the Committee that the Task and Finish Group would be closed. However the members of the Group should produce a draft interim report which would be presented to the Chairman and Vice Chairman of the Committee, at the earliest opportunity.

Following this stage, the report could be presented to the Chief Executive and relevant officers as part of the consultation, as the Chairman of the Group. Then a collective decision on whether the report was ready to come forward to Overview and Scrutiny in September, would be made.

- b Review of Councillors' Technology Task and Finish Group
The Chairman of the Task and Finish Group explained that a questionnaire had been sent to all Councillors asking about their technology needs and issues. 29 Councillors had responded and their answers were reviewed.

A draft report had been prepared and this sought to address the needs of the Councillors whilst meeting security requirements as set down by the General Data Protection Regulations.

The Group would have its final meeting in August and it was anticipated that the final report would be presented to the next meeting of the Overview and Scrutiny Committee.

The Chairman of the Group thanked the officers for their contribution to the review.

SO/22 **WORK PROGRAMME 2018/19**

Two members of the public spoke on the Work Programme. They both spoke in relation to a work programme suggestion which had been submitted to the Overview and Scrutiny Committee on 26th March 2018 which raised concerns regarding access to information and access to viability reports. They were concerned that this item had not been included on the work programme for the Committee and that there had been no official communication regarding the status of the proposal.

After listening to the speeches the Chairman concluded that the Committee acknowledged the statements made by the members of the public. Legal advice would be sought on the matters raised in the statements. And the Committee would attempt to incorporate, where possible, the main aspects of the statements into the work programme.

Copies of the statements made by the members of the public would be circulated to the Committee.

The Chairman, together with the Vice Chairman, would seek advice from the Council's lawyers and the Chief Executive, on how to address the concerns raised in the speeches regarding redaction of information and the ICO report findings.

This was agreed by the Committee.

SO/23 **SUGGESTION FOR THE WORK PROGRAMME TO REVIEW THE TRAINING OF COMMUNITY EMERGENCY FIRST RESPONDERS BY SECAMB**

This suggestion was raised by Councillor Morgan following concerns about delays in the training of Community Emergency First Responders by South East Coast Ambulance Service (SEACMB).

Community Emergency First Responders were considered to provide an essential service in villages such as Henfield where ambulance response times can be slow due to their rural location.

The suggestion for the work programme was to review the training programme for first responders.

The Committee discussed the suggestion and expressed support for this proposal, although agreed that Councillor Morgan should meet with the Cabinet Member for Community and Wellbeing to discuss this issue and how to take it forward, taking into consideration both the North and South of the District.

SO/24 **URGENT BUSINESS**

None.

The meeting closed at 7.40 pm having commenced at 5.30 pm

CHAIRMAN

Cabinet Member for Planning and Development Portfolio Summary 2017/18

24th September 2018

Functions of the Cabinet Member	Corporate Plan Priorities 2016 -19 (as updated for year Q1) Position at September 2018	Successes and challenges, performance summary	Forthcoming Decisions (Forward Plan)
<p>a) Overall responsibility for the development and review of policies for and included in the development plan and the preparation, review and alteration of the Local Development Framework and the shaping and implementation of regional planning policy.</p> <p>b) Overall responsibility for the development, implementation and review of the Council's strategic housing policies particularly those relating to affordable housing and housing investment programme and liaison with outside bodies.</p> <p>c) Overall responsibility for the development and review of the Council's policies for transport of all kinds.</p> <p>d) Overall responsibility for managing the relationship with utilities and infrastructure providers.</p> <p>e) Overall responsibility for the planning aspects of major developments not being the responsibility of the Planning Committees.</p> <p>f) Overall responsibility for development management not being the responsibility of the Planning Committees.</p> <p>g) Overall responsibility for building control.</p> <p>h) Overall responsibility for the development and implementation of a strategy for effective engagement with communities throughout the District.</p>	<p>Theme: Communities 1. Undertake a review of the strategy for delivery of housing to meet local need being mindful to the changes to government policy <i>Following the annual review of the Housing Strategy, work is underway to establish additional options to increase delivery of affordable housing and ensure essential support services are maintained against financial pressures. A new Housing Strategy is being considered in light of the changes surrounding the Homeless Reduction Act and Housing and Planning Act once the full effect of the legislative changes is known.</i></p> <p>Theme: Economy 2. Develop and progress a master plan for Hurst Road, Horsham <i>Develop and deliver a comprehensive redevelopment solution for Hurst Road. A One Public Estate bid was approved by the Cabinet Office to support the development of a detailed Masterplan to include feasibility and viability analysis in 2018/19. SLT briefed on the development opportunities for the whole, and parts, of the Hurst Road site and plans to move forwards with a development brief.</i></p> <p>Theme: Environment 3. Horsham District Local Plan (HDPF) – being mindful of emerging government policy: i) monitor and review the local plan requirements and keep up to date; ii) commence the formal review of the Local Plan <i>Authority Monitoring Report published December 2017. Local Development Scheme published January 2017 which sets the timetable and key milestones for the preparation of policy documents. Local Development Scheme revision prepared June 2018 – sets timetable and key milestones for the preparation of policy documents. Local Plan Review – draft Issues and Options consultation on economic and rural strategies published for consultation 6 April – 25 May 2018. Consultation on Site Allocation document ended January 2018—to establish the needs of Gypsy and Traveller and Travelling Showpeople and identifying suitable sites for allocation. Parking Standards baseline draft document prepared for WSCC and all Districts and Boroughs in County; District Deal being progressed with WSCC to agree infrastructure projects and governance; National Planning Guidance Policy (NPPF) consultation response submitted May 2018.</i></p> <p>4. By working with Parish Councils and communities, support the delivery of sound Neighbourhood Plans that meet the requirements in the light of recent appeal decisions <i>Significant progress has been made over the years in relation to neighbourhood planning. In 2017/18 some de -clustering has occurred and at Q1 there is over 80% coverage.</i></p>	<p>None, as reported in the KPI Monitoring Report, as presented to O&S Committee on 24th September 2018.</p> <p>Full Finance and Performance Report available as part of the O&S agenda.</p>	<p>None.</p>

This page is intentionally left blank

Report to Overview & Scrutiny Committee

Date of meeting 24 September 2018

By the Director of Corporate Resources

INFORMATION REPORT

Not exempt



**Horsham
District
Council**

REPORT ON HORSHAM DISTRICT COUNCIL'S CORPORATE PLAN PRIORITIES, FINANCE AND PERFORMANCE IN 2018/19

Executive Summary

This report gives the Overview and Scrutiny Committee information to help it carry out its role of monitoring the internal and external delivery of services by detailing how successful the Council has been in delivering against identified Corporate Plan Priorities. The Council uses corporate performance indicators; financial reporting and review of progress against key corporate projects to show progress against corporate priorities.

Three projects where the Council has made significant progress in the quarter include the build of the Bridge, the replacement for Broadbridge Heath Leisure Centre; the preparation of the organisation for the introduction of GDPR; the completion of the phased introduction of waste collection arrangements; and establishing the transition arrangements for the transfer of the Revenue and Benefits Service to a new provider, LGSS.

The financial performance at Month 4 in 2018/19 is behind target. Officers currently forecast a year-end revenue overspend of £140k. Officers are working through actions that can be taken to improve the position before the year-end, including revisiting expenditure and income items within the forecast. Capital expenditure at Month 4 was £4.36m which was 16% of the approved £27.2m capital programme.

An analysis of performance indicators shows 72% within target and 14% close to target, and 14% below target and with no areas of major concern.

The number of complaints received has increased over the quarter but levels are still lower than the 2016/17 level. However the number of compliments received overall has risen. The number of Freedom of Information requests is at the highest quarterly level recorded since 2011/12.

Recommendations

It is recommended that having reviewed the data provided, Overview and Scrutiny decide whether there is any further work they would like to add to their work programme.

Reasons for Recommendations

To enable Overview and Scrutiny to carry out its Constitutional role of monitoring the delivery of internal and external services and scrutinise any part of the Council's work.

Consultation: SLT, Cabinet members.

Wards affected: All

Contact: Dominic Bradley, Head of Finance, 01403 215302

Background Papers:

Appendix A: Performance Issues dashboard M3

Appendix B: 2018/19 Corporate Plan Priorities and Key Tracked Projects reporting

Appendix C: M3 Monitoring of Key Performance Indicators Report

Appendix D: M4 Financial Highlight report

Appendix E: M4 Revenue Dashboard Summary

Appendix F: M4 Capital Budget Monitoring

Background Information

1. Reviewing the Internal and External Delivery of the Council's Services

- 1.1. One of the roles of the Overview and Scrutiny Committee is to review the internal and external delivery of the Council's services. The Committee does this by looking at the Council's progress in meeting the Corporate Plan priorities, financial performance, key performance indicators, major projects' progress and complaints and compliments.

2. Monitoring Corporate Plan priorities 2018/19

- 2.1. Appendix A is a dashboard of our Corporate Plan and Performance Monitoring and Appendix B give more detail on the Corporate Plan Priorities monitoring. Council approved the Corporate Plan in February 2016 and updated it for Year 3 in Autumn 2017.
- 2.2. The phased change of waste collection arrangements were introduced in February and is now completed. Initial data indicates that contamination levels are lower than projected and recycling rates improved in Q1. The Bridge the replacement for the Broadbridge Heath Leisure Centre is underway and progressing well for opening in October 2018. The public communication programme is in progress. The organisation was well prepared for the introduction of the new General Data Protection Regulations (GDPR) in May 2018.

Transition of Revenues & Benefits service and systems progressing for July handover to LGSS.

PSN accreditation (allowing connectivity to Government IT network) has been retained.

3. Performance Monitoring

- 3.1. Appendix C is a summary of the Council's basket of key performance indicators at the end of the first quarter of the Council's 2018/19 business year.
- 3.2. The revised basket of key performance indicators support the delivery of the Corporate Plan Priorities 2016-19. Where possible, we measure performance in numbers against set targets. Where we have no control of volume, for example the number of cases or enquiries we receive, we just report the number. This allows management, Cabinet and the Committee to look out for early patterns that might indicate we need more or less resource in the service.
- 3.3. In quarter one 72% of indicators met or exceeded targets set; 14% were close to target and 14% fell outside of the target range.
- 3.4. Services management are focusing on at present are:
 - 3.4.1. Housing costs B&B – The increased spend is due to the increased demand for homeless services, which is being felt by districts across the County. The overall increase for homelessness accommodation provision in Q1 is in the region of 40 households when compared to the last four years. In addition the Homeless Reduction Act has introduced a period of homelessness "relief" (56 days) and complex homelessness cases are having to be placed in bed and breakfast

accommodation for extended periods of time. The demand and spend is being closely and regularly monitored.

3.4.2. Development Management The level of Planning Appeals allowed for the Q1 showing improvement at 7.14% (no longer part of the KPI basket). The speed of processing times of Planning Applications are all ahead of targets and the HCLG forecasts are well within margins.

3.4.3. Processing Housing and Council Tax Benefits. During Q1 the service has been delivered in collaboration with Mid Sussex DC whilst undertaking a managed migration as it moves away from CenSus partnership and into LGSS. In this transitional year management are watching performance to ensure we have optimal performance between quality and speed during the rest of the year.

3.4.4. Recycling Contamination levels – Initial data indicates that contamination levels are lower than projected and recycling rate improved in Q1 at 60%. The contamination project launched in Spring 2018 following the changes to waste collections will involve more messaging, face-to-face contact and crew training. Also high contamination areas will be targeted.

3.5. Management reports performance improvement in quarter 1 in:

- Planning processing; HCLG forecasts are within margins and Planning Appeals allowed at 7.14% against 33.63% at the 17/18 year end.
- The number of Revenues & Benefit complaints has decreased significantly in comparison to previous Q1 results - this could be attributed to the transition to the new service provider.

4. Complaints

4.1. In the first quarter of 2018/19 the Council received 52 complaints and the Council's leisure centres received 46.

4.2. When the results of Q1 for 2018/19 are compared with the same period last year (46) there has been a small increase. However it is still slightly less than the 56 complaints recorded for Q1 in 16/17.

4.3. Some of the complaints were attributed to missed waste collections and for Q2 may be impacted by a temporary increase of complaints due to the stock control issue experienced for 240l bins.

4.4. The total number of compliments (excluding leisure centres) has increased by 24 this quarter, to 215.

4.5. The Council uses this feedback to prevent recurrence of the same problems, improve Council services and promote good practice.

5. Financial performance

5.1. Appendix D is the Council's Financial Dashboard. At Month 4, the officers are forecasting a £140k overspend for the full financial year. Within the overspend, there are services spending more than their budget and others spending less or where the Council is collecting more money than budgeted. Officers are working

through actions that can be taken to improve the position before the year-end, including revisiting expenditure and income items within the forecast.

- 5.2. For comparison purposes, a £177k surplus was forecast at Month 4 in 2017/18, which compared to an outturn surplus for 2017/18 of £621k. Officers are often quicker to forecast the fuller extent of the downside and slower in forecasting the fuller extent of any upside in case this should worsen.
- 5.3. Appendix E is the Council's Revenue Dashboard containing managers' comments on the more significant differences from budget. The largest impact is being seen in Housing. The increase the demand for bed and breakfast and the introduction of the Homeless Reduction Act has significantly increased housing costs in particular. This increase in demand is being seen across the country in all District and Borough authorities.
- 5.4. Appendix F is a summary of the Council's capital programme and spend on projects so far this year. Projects had spent £4.36m (16% of the £27.2m programme) at M4, which compares to £2.4m (8%) of the £31.1m programme in 2017/18 (excluding the one-off purchase of the Forum).
- 5.5. Project Managers currently expect to spend £18.8m or 69% of the total programme by the end of the year. Projects which are not expected to fully complete in the year are Piries Place car park and further commercial property investment. Much of one of the two temporary accommodation builds will not now be delivered until 2019/20, following late changes in the design of the building. Part of the completion of the demolition and carpark phase of the Broadbridge Heath Leisure Centre build may also be re-profiled into 2019/20. Several smaller projects are also behind schedule, so the overall delivery forecast may be optimistic.

6. Outcome of consultations

- 6.1. The Chief Executive and Directors together with the individual Cabinet Members have reviewed the reports contained in the appendices to this reports. Sections 3.5 and 5 tell Committee where officers are taking action on points of concern. Action on lesser issues is mentioned in the appendices.

7. Other courses of action considered but rejected

- 7.1. None. The Council must monitor its performance and take corrective action where appropriate.

8. Resource consequences

- 8.1. There are no staffing or direct financial consequences from the Overview and Scrutiny Committee reviewing this report.

9. Consequences of the proposed action

- 9.1. This report does not impact on Crime & Disorder; Human Rights; Equality & Diversity and Sustainability matters. Overview and Scrutiny reviewing this report and raising any concerns they have reduces the risk that management or Cabinet have missed any performance or financial trends they need to address.

O&S Performance Issues/Concerns Dashboard Q1 (ending 30 June 2018)

Performance Indicator Overview

On or above target  10	Just below target  2	Performance below target  2
---	---	--

Any Potential Areas of Concern	Remedy/Action
No Potential Areas of concern at the moment	Recycled Waste contamination levels awareness programme in place Benefits – Right time Additional resource to ensure progress for Q2

Page 17

Corporate Plan Review Overview -

Ongoing/ On Track  26	Under Senior Management Review  0	Senior Management Action  0
Completed  0		

Any Potential Areas of Concern	Remedy/Action	Status
No Potential Areas of concern at the moment		

This page is intentionally left blank

APPENDIX B: Corporate Plan Priorities & Key Tracked Projects Reporting

Quarter 1 2018/19

Progress against the **Corporate Plan (Year 3)** priorities reported across 4 themes: Communities, Economy, Efficiency and Environment

Symbols Used/status				
 0	 26	 0	 0	
Not Started	On going/ On Track	Under Senior Management Review	Senior Management Action	Completed

Corporate Plan Theme	Corporate Plan Priorities Strategic Objectives			Portfolio Holder	Lead Officer	Status
	2018/19 Year 3	Qtr. 1 Update	Due Date			
Theme 1: Communities <i>Support our communities</i>	1.1 Deliver the new Broadbridge Heath Leisure Centre (The Bridge) and associated sports and cultural facilities on time and within budget and	<p>The Bridge was topped out in May 2018 and work progressing well on site. The MUGAs are open for daytime use. Opening planned for October 2018.</p> <p>The Football Club pavilion is now complete and work is commencing and all the other associated works.</p>	October 2018	Cllr Jonathan Chowen Cllr Brian Donnelly	Lead Officer: Adam Chalmers Support: Trevor Beadle	
	1.2 Grow the footfall of HDC's cultural and leisure facilities	<p>Museum attendances are showing 9% increase on 2016/17 and another record year. The exhibition by international fashion brand 'Irregular Choice' attracted significant numbers and saw a new audience visit the museum. Q1 figures are above target.</p> <p>Options for maximising the potential of The Capitol are under consideration. Q1 performance is ahead of target and the same period last year, Cinema attendances have actually been marginally higher than last year. The significant increase largely reflects the success of the live programme.</p> <p>Footfall at the Council's major outdoor sites is not routinely counted but the good weather and increased revenue from catering franchise, particularly Southwater Country Park, suggests further increase in use.</p>	Ongoing	Cllr Jonathan Chowen	Lead Officer: Trevor Beadle Support: Section Heads	
	2.1 Work with community stakeholders to put in place arrangements to deliver a Year of Culture in 2019 which will celebrate the District's rich culture and heritage and support the visitor economy;	<p>An exciting programme of events is planned to take place across the year, with a different theme planned for every month – across different genres including literary, heritage, digital and arts.</p> <p>The headline sponsor is Gatwick, joining Leonardslee. Alongside there are many other local companies and organisations.</p> <p>An awareness marketing campaign began in April 2018.</p> <p>The launch is 1 January 2019.</p>	Calendar Year 2019	Cllr Jonathan Chowen	Lead Officer: Trevor Beadle Support: Section Heads	

	2.2 Produce a Cultural and Heritage Strategy for the District as part of the Year of Culture		Calendar Year 2020			
	3. Develop the case for potential expansion of community wardens with parishes	<p>New schemes approved by Full Council in February 2018: Town Centre wardens; Southwater; and Billingshurst.</p> <p>For the Town Centre and Billingshurst schemes appointments made and in place.</p> <p>A further scheme is being explored by Storrington and Sullington.</p>	Ongoing	Cllr Tricia Youtan	<p>Lead Officer. Greg Charman</p> <p>Support. Neil Worth</p>	
	4. Ensure NHS England and the other health partners are fully informed re the shortcomings regarding health care needs in the district and are encouraged to deliver improved provision.	Continuing work with the two CCGs and NHS England and local health practitioners to secure appropriate primary health care for the District.	Ongoing	Cllr Tricia Youtan	<p>Lead Officer: Chief Executive</p> <p>Support: Trevor Beadle</p>	
	5. Support and deliver initiatives to improve the quality of life of the most vulnerable within the district	<p>Initiatives include - Strategic grants in 2017/18 for support of; older people through AgeUK and Impact Initiative; younger people through Purple Bus and the Y Centre; rural and social isolation through a grant for community transport through Horsham District Community Transport; and for families and communities through Homestart, Relate and West Sussex Mediation Service. Funding is available for smaller community projects through the Community Grants scheme.</p> <p>Service Level agreements are also in place with Citizen Advice, Snack Wagon, Horsham Matters Community Youth work (based in the Horsham Town Centre) and support for the Community and Volunteer sector groups through Horsham and Mid Sussex Voluntary Action.</p> <p>Helping vulnerable people access leisure services to improve their quality of life by managing the Leisure Access Card scheme which enables residents on a low income to receive discounts on leisure activities – this improves both physical and mental wellbeing.</p> <p>The Health and Wellbeing Service delivered by HDC is totally funded by Public Health WS and is now in its sixth year of</p>	Ongoing	Cllr Tricia Youtan	<p>Lead Officer: Adam Chalmers</p> <p>Support: Trevor Beadle</p>	

	<p>operation. 930 clients were supported by the Wellbeing Team in 2017/18, 692 of whom had a Wellbeing MOT and 106 of whom attended a prediabetes intervention session. A further 480 residents accessed the 'Health Wraparound Services' (Weight Management/Physical Activity/Falls Prevention courses).</p> <p>The Think Family project has been rebranded over the year. A transitional year with the introduction of the new Integrated Prevention and Earliest Help Service, organised through WSCC in partnership.</p> <p>Last year, interventions in the Horsham District with 387 open Early Help Plans with 278 being attached across a range of organisations. HDC leads on a limited number of attachments, the district bucks national trends in that challenges such as childhood obesity or ASB have decreased.</p>				
6.1 Continue to work to prevent homelessness throughout the District	<p>A restructured team was implemented March 2018 in preparation for the introduction of the Homeless Reduction Act. There continues to be an emphasis on prevention and early intervention.</p> <p>A new Homeless Reduction Act case management system has been implemented which enables the reporting and creation of households personalised housing plans to be carried out efficiently.</p> <p>The Street Community Task Force has been created. The aim of the group is to reduce anti-social street community behaviours and rough sleeping. The group will also identify individuals to be considered for housing first accommodation placements and identify the individual support needed to successfully maintain a tenancy.</p> <p>An all members briefing was held Spring 2018 to advise members on the actions being taken collaboratively between the Housing and Community Safety teams in respect of the above.</p>	Ongoing	Cllr Tricia Youtan	Lead Officer: Adam Chalmers Support: Rob Jarvis	

	6.2 Undertake a review of the strategy for delivery of housing to meet local need being mindful to the changes to government policy	Following the annual review of the Housing Strategy, work is underway to establish additional options to increase delivery of affordable housing and ensure essential support services are maintained against financial pressures. A new Housing Strategy is being considered in light of the changes surrounding the Homeless Reduction Act and Housing and Planning Act once the full effect of the legislative changes is known.	Ongoing	Cllr Claire Vickers	Lead Officer: Adam Chalmers Support: Rob Jarvis	
	6.3 Ensure the best use is made of resources to maximise delivery	Two schemes, Peary Close and Rowan Drive, in development with a total 17 residential units for temporary accommodation. The apartments will be owned and managed by the Council for short stay temporary accommodation, which will reduce the need for bed and breakfast. Funding with s106 commuted sums. In the changing landscape in which providers are now operating the Council explored options to increase delivery of affordable housing. An options appraisal has been completed and an Affordable Housing Investment Board has been formed to explore options to increase delivery of affordable housing, make the best use of S106 commuted sum funds and provide a financial return for the Council.	Ongoing	Cllr Tricia Youtan	Lead Officer: Adam Chalmers Support: Rob Jarvis	
	7 Support an expanded effective Technology enabled care service	278 Community Link alarms have been installed and there are 16,992 clients with Community Link alarms. The Immersicare service launched by Community Link won the bronze IESE award in the Innovation category and is now available for hire by residents throughout the District.	Ongoing	Cllr Tricia Youtan	Lead Officer: Adam Chalmers Support: John Batchelor	

Corporate Plan Theme	Corporate Plan Priorities Strategic Objectives			Portfolio Holder	Lead Officer	Status
	2018/19	Qtr. 1 Update	Due Date			
Theme 2: Economy <i>Improve and support the local economy</i>	1. Deliver the Horsham Town Centre Vision Statement priorities through an action plan incorporating a programme of projects	The Town Centre Vision Statement was approved in November 2017 and contained a draft programme of 10 projects to be implemented over the next five to ten years. The projects have been prioritised for delivery, subject to resources and capacity, with the development of a Public Realm Strategy in 2018/19.	Ongoing	Cllr Ray Dawe	Lead Officer: Chris Lyons/Barbara Childs	
	2. Develop and progress a master plan for Hurst Road, Horsham	Develop and deliver a comprehensive redevelopment solution for Hurst Road. A One Public Estate bid was approved by the Cabinet Office to support the development of a detailed Masterplan to include feasibility and viability analysis in 2018/19. SLT briefed on the development opportunities for the whole, and parts, of the Hurst Road site and plans to move forwards with a development brief.	Ongoing	Cllr Ray Dawe Cllr Gordon Lindsay Cllr Claire Vickers	Lead Officer: Chris Lyons/Brian Elliott	
	3. Implement the Economic Development strategy to support the local economy	The Economic Development Strategy was adopted by Cabinet on 12 th January 2017. An action plan to support the delivery of the strategy is in place including; a new Art Trail in Pulborough, from the Station to the RSPB at Pulborough Brooks in partnership with the Pulborough Community Partnership, RSPB, Pulborough Parish Council and the South Downs National Park (SDNP) Authority with £200,000 funding from the Rural Development Programme for England (RDPE), and Business Breakfast with largest employers to develop networking.	Ongoing	Cllr Gordon Lindsay	Lead Officer: Chris Lyons/Clare Mangan	
	4.1 Implement strategies for the management of car parks across the district	Rural car parking strategy now in place and Annual discs launched Feb/March 2017 with successful renewals in 2018. A Town centre parking strategy has been developed and considered by Cabinet January 2018. The strategy informs pricing, car park usage, season ticket allocation, etc. The Enforcement Team is recruited and in place. Parking attendants, who have been freed up by the enforcement staff, will now concentrate solely on the car parks and improving the customer experience within our car parks.	Ongoing	Cllr Gordon Lindsay	Lead Officer: Ben Golds	

	4.2 Develop and implement a strategy to increase parking capacity in Horsham Town Centre	Option to proceed with disposal and rebuild agreed for Piries Car Park in June 2018. Piries Place Car Park is being redeveloped to create additional spaces and a more user-friendly experience on the ground and four upper floors.	Ongoing	Cllr Gordon Lindsay	Lead Officer: Ben Golds	
--	--	--	---------	---------------------	----------------------------	---

Corporate Plan Theme	Corporate Plan Priorities Strategic Objectives			Portfolio Holder	Lead Officer	Status
	2018/19 - Year 3	Qtr. 1 Update	Due Date			
Theme 3: Efficiency <i>Great value services</i>	1. Work with partner councils to secure schemes to address the infrastructure deficit that will be of benefit to the residents of our district	Council Leaders in West Sussex agreed that previous efforts to secure Government support to tackle the infrastructure deficit through the proposed devolution bid should be refocussed. The emphasis is now on joint work within West Sussex to develop a long term vision for economic growth, housing and infrastructure in order to achieve a coherent strategic planning framework and to strengthen the case for investment in infrastructure	Ongoing	Cllr Dawe	Lead Officer: Chief Executive	
	2. Implement the Medium Term Financial Strategy to deliver a balanced budget over the medium term	<p>SLT working with Cabinet and service managers to identify potential ways to increase income and reduce costs. This has been consolidated into the Income and New Businesses, and Service Efficiency and Cost programme.</p> <p>Supported by introduction of new FMS system in Autumn 2017. New FMS went live Sept 2017.</p> <p>The statutory accounts for 17/18 were completed before the end of May 2018 to meet the earlier close deadline.</p>	Ongoing	Cllr Brian Donnelly	Lead Officer: Jane Eaton	
	3. Grow the council's property portfolio to increase income based on the council's investment strategy	<p>Further development at Peary Close and Rowan Drive to provide 17 further residential units planned also the rebuild of Piries Place carpark and build of The Bridge, leisure centre.</p> <p>This builds on the development of 17 apartments built at the Bishopric, Horsham. Completed summer 2017, the apartments, owned and managed by the Council, for short stay temporary accommodation significantly reducing the need to use bed and breakfast accommodation. This is providing a revenue increase: rental income plus saving on B&B. Funded through Section 106 contributions received by the Council for the provision of affordable housing in the District. Additional investment for the purchase of The Forum, Horsham completed in 2017.</p>		Cllr Brian Donnelly	Lead Officer: Chris Lyons/Brian Elliott	

Corporate Plan Theme	Corporate Plan Priorities Strategic Objectives			Portfolio Holder	Lead Officer	Status
	2018/19 - Year 3	Qtr.1 Update	Due Date			
Theme 4: Environment <i>Manage our natural and built environment</i>	1. Horsham District Local Plan (HDPF) – being mindful of emerging government policy i) monitor and review the local plan requirements and keep up to date; ii) commence the formal review of the Local Plan	Authority Monitoring Report published December 2017. Local Development Scheme published January 2017 which sets the timetable and key milestones for the preparation of policy documents. Local Development Scheme revision prepared June 2018 – sets timetable and key milestones for the preparation of policy documents. Local Plan Review – draft Issues and Options consultation on economic and rural strategies published for consultation 6 April – 25 May 2018. Consultation on Site Allocation document ended January 2018—to establish the needs of Gypsy and Traveller and Travelling Showpeople and identifying suitable sites for allocation. Parking Standards baseline draft document prepared for WSCC and all Districts and Boroughs in County; District Deal being progressed with WSCC to agree infrastructure projects and governance; National Planning Guidance Policy (NPPF) consultation response submitted May 2018.	31 March 2019	Cllr Claire Vickers	Lead Officer: Chris Lyons/Barbara Childs	
	2. Ensure that the plans for the new community and business park at North Horsham are delivered with all necessary infrastructure and services	Planning application considered at Planning Committee North on 28 April 2017 and referred to full Council for decision. Planning permission given following extensive pre-application and S106 negotiations. Works have yet to begin.	ongoing	Cllr Gordon Lindsay	Lead Officer: Chris Lyons / Barbara Childs	
	3. By working with Parish Councils and communities, support the delivery of sound Neighbourhood Plans that meet the requirements in the light of recent appeal decisions	Significant progress has been made over the years in relation to neighbourhood planning. In 2017/18 some de-clustering has occurred and at Q1 there is over 80% coverage.	31 March 2019	Cllr Claire Vickers	Lead Officer: Chris Lyons / Barbara Childs	
	4.1 Implement the new bin collection service plan; and	New Service commenced on 5 February 2018. The roll out has now been successfully completed. The delivery of additional recycling bins plus additional residual waste dispensation bins was finalised in May 2018. A review of the isolated properties collection rounds has started. The review at present captures around 1100 properties.	Mar 2018 (2 wkly collections)	Cllr Philip Circus	Lead Officer: Adam Chalmers	

		A full review of the new service will be completed after implementation.				
4.2 To reach 50% recycling of household waste by 2020		<p>Deliver a marketing and educational programme to increase the recycling rate, improve the quality of recycled material collected and reduce waste going to landfill under the waste hierarchy. Contaminated recycling materials have reduced over the last 3 years. The introduction of new bin service collection aims to increase the recycling rate.</p> <p>With targets enshrined in UK legislation we will remain committed to a range of waste reduction measures raising awareness and promoting the value of recycling.</p> <p>Local data is indicating a recycling rate of approximately 47% at the 17/18 year end and anticipate 54% for this year – the official DEFRA 'Waste data flow' figures are published at calendar year end when comparable data will be available.</p>	2020	Cllr Philip Circus	Lead Officer: Adam Chalmers	
5. Work with WSCC to secure appropriate waste transfer arrangements		Consultation with WSCC has taken place. WSCC will produce a business case to support the construction of a transfer station in a location that gives a logistical benefit; existing sites within County's and Partner portfolios are being considered along with a new build site.	31 March 2019	Cllr Philip Circus	Lead Officer: Adam Chalmers	
6. Adopt a low tolerance approach to environmental crime		Enforcement action to be taken where viable cases exist. Now deploying covert cameras in known hot spots. A dedicated Enforcement Officer post to investigate and deal with environmental crimes has been created. This has meant an increase in the number of enforcement notices being issued. A new anti - litter campaign is planned, issuing Fixed Penalty Notices to the registered keepers of vehicles that are involved in littering incidents.	31 March 2019	Cllr Philip Circus	Lead Officer: Adam Chalmers	

Appendix C

S&O KPI Monitoring Report Quarter 1 Summary

 Red (below target) - 2 Listed below (14%)

PI reference	Description	Notes
NEW KPI LGSS2	<p>Benefits: Right Time Combined Speed of processing for New and changes of circumstances</p> <p>At 12.67 days against target of 11 days</p>	<p>During Q1 the Horsham Revs & Benefits service has been delivered in collaboration with MSDC, whilst also undertaking a managed migration as it moves away from the old CenSus partnership and into LGSS.</p> <p>Service focused on the speed of processing (SoP) for both new claims and Change of Circumstances for Housing Benefit (HB) & Council Tax RS. At the end of Q1 the SofP claims is off target at 12.67 days, with the team working hard to reduce this from 11 days by the year end.</p> <p>The service has moved quickly to secure additional temporary resource in order to ensure progress is made in these areas during Q2. The service did experience 4 full days without access to Information at Work (I@W) in May due to an IT issue, which has led to a spike in the SoP in May and June due to the aging work profile over that period, and the lag between this issue and securing the additional resource.</p>
Page 19 27	<p>Waste Management: Quality of recycling - % contamination rate</p> <p>At 7.3% against 6% target</p>	<p>The rate is lower than projected and lower than experienced by other LA's rolling out AWC - which in some cases has been as high as 25%.</p> <p>Anticipate that this will reduce as there is now an agreed enforcement tool to use which ultimately sees those who persistently or deliberately contaminate recycling facing a Fixed Penalty Notice. Further awareness work being undertaken with more innovative ways of getting the message over.</p>

 Amber (slightly below target) - 2 Listed below (14%)

PI reference	Description	Notes
LS01b	<p>Community & Culture: Swimming attendances</p> <p>At 116,399 against target of 119,511</p>	<p>The decrease is attributed to a vacant post of swimming co-ordinator on the part of the operator, Places for People. The post has now been filled and attendances are expected to recover.</p>
NEW KPI LGSS3	<p>Housing Benefits: Quality Assurance LA Error rate Prediction of subsidy return for financial forecasting and insight into quality assurance.</p> <p>At 0.40% against target of <0.40%</p>	<p>The Service has highlighted an amber status against the LA Error threshold in Quarter 1. Training and Quality improvement programmes are in place to support in year recovery against LA Error now the service has transferred to LGSS. This includes a quality assurance check against high risk areas with view to correct in year error before final subsidy review. Staff receive on the job training against trends identified and team leaders produce management information to support development reviews.</p>

SLT Monitoring Report Q1 2018/19

Generated on: 11th September 2018



Code	Short Name	Q4 2017/18	Q1 2018/19			Notes
		Value	Value	Target	Status	
BT1	Number of self service (eform and web based) payments	29,030	12,243			Comparable to the same period last year. At year end % change year on year reported for year 3. Cabinet Member: Cllr Dawe
FS07	% of invoices paid on time	97.83%	98.30%	96.00%		Cabinet Member: Cllr Donnelly
FS13	Business Rates: Rateable Value	£112,845,462	£113,098,875			Cabinet Member: Cllr Donnelly
HS18	No of households in temporary accommodation	94	107			Increase in demand for homelessness services and the Homeless Reduction Act has made changes to the burden on the service Cabinet Member: Cllr Rowbottom
HS19	Of which no of households in B & B accommodation	12	24			Increase in demand for homelessness services and the Homeless Reduction Act has made changes to the burden on the service. Context can be found in the covering report. The Quarterly figure is shown as the average of 3 months. Cabinet Member: Cllr Rowbottom
LS01a	Attendance at Sports Centres	279,516	273,385	272,836		Cabinet Member: Cllr Chowen
LS01b	Swimming attendances	112,930	116,399	119,511		The decrease is attributed to a vacant post of swimming co-ordinator on the part of the operator, Places for People. The post has now been filled and attendances are expected

Code	Short Name	Q4 2017/18	Q1 2018/19			Notes
		Value	Value	Target	Status	
						to recover. Cabinet Member: Cllr Chowen
LS03	Overall attendance at The Capitol including hirers, art exhibitions, conferences, cafe users	42,686	40,544	33,609		The significant increase against target largely reflects the success of the live programme. Cabinet Member: Cllr Chowen
LS05(i)	Total attendance at Horsham Museum and Visitor Information Centre	21,995	18,754	16,800		Cabinet Member: Cllr Chowen
OP14a	Recycling rate % (Tonnage) [2020 European Target is 50%]	n/a	60%	59%		Profiling targets across the year and revisions made to the data formula to more closely mirror WSCC methodology for consistent reporting of data. Not directly comparable to previous year. High is good. Annual target of 54% Cabinet Member: Cllr Circus
OP17	Number of refuse, recycling and garden waste collections reported as missed	2,284	2,134			Cabinet Member: Cllr Circus
OP19	Quality of recycling - % contamination rate	8.87%	7.3%	6%		The rate lower than projected following introduction of two weekly collection. Now Q1 data is available profiling of targets across the year is to be undertaken by service area. Cabinet Member: Cllr Circus
PS11c	Total sickness (excluding leavers sickness)	6.84	6.49	8		Low is good SLT
VE01a	Percentage of total HDC owned and managed commercial and industrial estate space occupied	99.75%	99.85%	95%		Cabinet Member: Cllr Donnelly
TS05	Town Centre Parking - utilisation (% full)	n/a	67%	50%		Comparison to previous quarter not relevant as Piries Place is being demolished and no figures to be reported this year. Cabinet Member: Cllr Lindsay

Code	Short Name	Q4 2017/18	Q1 2018/19			Notes
		Value	Value	Target	Status	
TS08a - New	Utilisation in peak hours - Swan Walk car park	n/a	65%			An indication of the usage of the carparks by measure of the utilisation during peak times across the full week. Periods of peak vary by day and time.
TS08b - New	Utilisation in peak hours - Forum car park	n/a	76%			
NEW	LGSS Revs & Bens KPIs					
LGSS2	Right Time Combined Speed of processing for New claims and changes of circumstances	n/a	12.67	11		To demonstrate all customers are receiving decisions in a timely manner. Recovery plans will be drawn up where performance suffers. Reducing Speed of processing for HB claims is now on target.
LGSS3	Quality Assurance LA Error	n/a	0.40%	<0.40%		Insight into quality assurance and initiatives for service improvement to reduce risk of Qualification of the subsidy claim.
LGSS4a	Collection Council tax Collection	98.83%	30.08%	30%		To monitor revenue levels. The service has exceeded its collection targets for both Council Tax and Business Rates and will continue to ensure the adherence to a robust recovery timetable
LGSS4b	Collection NNDR Collection	97.47%	30.03%	29.43%		

Budget Monitoring and Forecast Outturn – April to July 2018

Highlight report - September 2018

Monthly Summary:

The forecast overspend at M4 is £140k. Housing has the largest individual service budget pressure, caused by an increase in the demand for B&B and the introduction and impact of the Homeless Reduction Act. A £248k overspend is forecast. A £63k overspend in Parking is forecast from the delay to the closure of Piries Place carpark. Development is forecasting a £169k income surplus. Many of the individual service budgets contain overs and unders. In waste and recycling for example, additional agency, staffing and tipper hire costs are more than offset by an unbudgeted additional WSCC tipping away allowance, resulting in a £72k surplus forecast.

Revenue Outturn Forecast:

FR8 – Compliance 85%

Outturn Forecast	£000s
Chief Executive	0
Resources	44
Community and Culture Place	203
Total overspend / (surplus)	(106)
	140

2017/18 Month 4 forecast was a £177k surplus at the same stage, the actual outturn being a £621k surplus.

Capital Outturn Forecast:

Based on current assumptions about the expected progress of the capital programme, a full year spend of £18.8m (69%) of the budgeted £27.2m is projected.

Capital Expenditure:

Spend so far of £4.36m (16%) of capital programme; including £2.3m on BBH leisure centre, £0.51m on 10 affordable rented homes on land south of Broadbridge Heath and £0.5m on Billingshurst investment property.

Amongst major projects Piries Car Park (£7.6m) is just starting and temporary housing (£2.8m) yet to get going. A significant number of smaller projects are not progressing yet either.

Debtors:

Miscellaneous debtor balances stood at £968k at the close of month 4. Four customer's had accounts in excess of £100k:

Debtor	Debt type / Service	£000s
Multi-National Company	Rent	160
A Leisure company (in payment plan)	Rent	128
Developer	S106 Interest / Bins	119
Local government authority	LG services provided	113
Total		520

Only the local authority debt was fully recovered at the end of August 2018.

Revenue Expenditure (exc. HB):

Gross spend of £11,093k at the end of Month 4 is below the same period last year and is 35% of the annual budget.

Reactive, planned and cyclical maintenance spend stands at 33% of the annual budget, although invoices are a month in arrears. This area is being closely monitored by property.

Revenue Income (exc. HB):

Gross income of £9,929k exceeds that in Month 4 in 2017/18 and is 46% of budget. Some key areas set out below:

£000	Actuals	Annual Budget	Actual 2017/18
Building Control	194	525	174
Development	456	1,100	304
Pay and Display	1,094	3,413	985
Season Tickets	329	768	277
GW Income	1,283	1,340	1,244
Trade Waste	592	1,113	536

Salaries and Wages:

Overall staffing costs are currently in line with the profiled budget.

£000s	Actuals	Budget	Variance	2017/18 actuals
Salaries	5,138	5,579	(441)	5,271
Overtime	118	31	87	91
Casual Staff	223	74	149	127
Temporary Staff	22	105	157	249
Redundancy	71	83	(12)	41
	5,812	5,872	(60)	5,779

This page is intentionally left blank

All figures in £000s	Gross spend (£000s)	Gross spend as % of annual spend budget	Gross income (£000s)	Gross income as % of annual income budget	Net Spend (£000s)	Annual budget (£000s)	Forecast outturn (£000s)	Comments
Department								
Housing	403	47%	(476)	54%	(73)	(11)	248	The increased spend is due to the increase in demand for homeless services, which is being felt by districts all across the County. The overall increase for homeless accommodation provision in quarter one is in the region of 40 households when compared to the last four years. In addition the Homeless Reduction Act has introduced a period of homelessness "relief" (56 days) and complex homeless cases are having to be placed in bed and breakfast accommodation for extended periods of time. The demand and spend is being closely and regularly monitored.
Parking Services	966	54%	(1,632)	35%	(666)	(2,950)	63	Piries car park closure and Hurst Road delays
Finance Accountancy	248	32%	(0)	0%	248	786	52	T1 finance system development including consultancy
Street Scene & Fleet	918	37%	(15)	32%	903	2,451	40	Higher devr costs and some vehicle hire and equipment costs, offset by fewer repairs.
Technology Services	767	40%	(121)	78%	647	1,752	36	
Capitol	713	40%	(731)	50%	(17)	306	27	
Legal & Democratic	544	36%	(29)	26%	515	1,400	7	These will continue to be monitored and action taken to reduce. No significant individual items highlighted.
Leisure Services	214	45%	(169)	24%	45	(242)	3	
Museums	96	34%	(11)	26%	85	241	2	
Communications	148	31%	(7)	45%	141	466	0	
Community Development	367	34%	(102)	49%	265	883	0	
Community Safety	155	27%	(2)	1%	153	341	0	
Corporate Management	230	29%		0%	230	785	0	
Economic Development	195	40%	(63)	126%	132	435	0	
Building Control	313	37%	(309)	35%	5	(37)	0	
Health and Wellbeing	82	30%	(140)	46%	(57)	(30)	0	
Spatial Planning	337	30%	(13)	20%	323	1,041	0	
Human Resources & Org Development	192	39%		0%	192	497	0	
Investment Properties	220	35%	(1,945)	49%	(1,726)	(3,378)	0	
Properties & Facilities	189	29%	0	0%	189	647	0	
Revs And Bens Admin	17	2%	(341)	67%	(324)	554	0	
Operational Properties	358	61%	(5)	8%	353	523	0	
Environmental Services/Licensing	408	33%	(244)	41%	164	658	(3)	
Customer Services	137	36%	(1)	17%	136	375	(3)	
Commissioning	70	23%	0	0%	70	284	(5)	
Finance Corporate	194	17%	(167)	24%	27	466	(42)	
Parks & Countryside Services	455	30%	(150)	35%	304	1,062	(43)	
Waste & Recycling	1,452	37%	(2,680)	71%	(1,228)	118	(72)	One-off County tipping away allowance offsetting higher agency, staff and tipper hire costs.
Development	704	34%	(578)	38%	126	558	(169)	Planning income levels ahead of budget and small staffing savings.
Total	11,093	35%	(9,929)	46%	1,164	9,981	141	
Benefit Payments	9,903	31%	(9,061)	29%	842	210	0	
Grand Total	20,997	33%	(18,990)	36%	2,007	10,191	141	

N.B. comments on overspends over £40k and surpluses over £50k

This page is intentionally left blank

Capital projects	Department	Net expenditure	Budget	Spend as % of budget	Forecast outturn	Spend as % forecast outturn	comment
Broadbridge Heath Leisure Centre - new build	Property & Facilities	2,301,438	6,642,330	35%	5,942,330	39%	Total project budget £12.3m: the build is progressing well in 2018/19. Due to some delay to the original contract negotiations, some slippage of the final demolition and car park phase may be re-profiled into 2019/20. 2016/17 spend: £0.6m; 2017/18 budget £4.9m; 2019/20 budget £0.2m for minor costs and retention.
Other Community and Culture projects	Comm and Culture	92,960	758,018	12%	605,207	15%	Spend to date includes: Bennets fields play area improvements (£3k); Warnham nature reserve improvements (£6k); Horsham Park Tennis Court improvements (£2k); St Mary's garden of remembrance (£39k), Riverside walk project (£4k); Roffey play area (£5k) and the Capitol Theatre Sound desk (£35k).
Hop Oast depot development	Waste & Recycling	2,438	121,643	2%	63,452	4%	Hop Oast retention from project budget of £4.55m.
Vehicle Fleet	Streetscene & Fleet	41,071	743,000	6%	443,000	9%	Budget based on estimate of spend on vehicles and is part of the ongoing replacement programme.
Grants - Environmental health	Envir Health & LM	439,702	838,000	52%	838,000	52%	Spend mostly demand led on disabled facilities and home repair grant.
Housing Enabling Grants	Housing	509,000	1,000,000	51%	509,000	100%	The £0.5m spend was granted for the development of 10 affordable rented homes on land south of Broadbridge Heath
ICT projects - HDC	Resources ICT	24,216	232,110	10%	82,110	29%	Spend to date is for Windows 10 roll-out which is behind schedule.
Car Parks Fabric and Equipment	Property & Facilities	356,491	8,311,750	4%	7,641,750	5%	Current spend is for work to improve Pavillions (Hurst Road) car park and start of work on new Piries Place car park build.
Town centre improvements	Property & Facilities	-	360,000	0%	110,000	0%	The budget is for Albion Way connectivity and Horsham to Southwater cycling and walking route.
Commercial Property Investment Fund	Property & Facilities	521,384	3,000,000	17%	500,000	104%	Expansion of the Council's property portfolio to increase the contribution to revenue (anticipated that purchases would normally achieve a 6% return). Spend relates to Billingshurst investment property.
Miscellaneous properties spend	Property & Facilities	69,705	5,181,849	1%	2,087,327	3%	Spend is build of Temporary Accommodation in Billingshurst & Horsham. These will be funded by S106 Affordable Housing receipts, with the majority of the spend on the latter taking place in 2018/19 following delays to design and redesign and planning permission.
Total		4,358,405	27,188,701	16.0%	18,822,177	23%	

Net expenditure excludes Capitalised Salaries that are apportioned to capital schemes.

This page is intentionally left blank

Report to Overview and Scrutiny Committee



24th September 2018

By the Review of Councillor's Technology Task and Finish Group

Not Exempt

Final Report of the Review of Councillor's Technology Task and Finish Group

Summary

The Overview and Scrutiny Committee agreed to review the technology needs of the Councillors', ahead of the 2019 elections, in order to enable Members to carry out their duties effectively and efficiently.

There were common problems amongst the Councillors when using technology for Council business, coupled with the changes to the data protection rules. It was agreed that this subject was suitable for review.

The Review of Councillor's Technology Task and Finish Group was formed with the following Members: councillors Paul Clarke (Chairman), John Blackall, Peter Burgess, Mike Morgan, Godfrey Newman, Kate Rowbottom and Jim Sanson. Councillors Leonard Crosbie and David Coldwell sat as ex-officio Members.

Recommendations

1. That all Councillor held iPads be upgraded or replaced, if applicable, by a more suitable hardware and compatible software, that is appropriate and that allows enhanced functionality, i.e. Office 365. (other functionality as specified in presentation Appendix 1)
2. That Councillors should be enabled to use their own equipment i.e. laptops, smart phones, computers, or own iPad, if they wish to do so. The Council will help ensure adherence to GDPR guidelines, and ensure security of Council data by the IT department checking the equipment for suitability. If it is suitable, the equipment will need to be configured by IT to provide access to a corporate 'container'. Council data will then be secure.
3. A training plan should be devised, then delivered soon after the 2019 elections to ensure that all Councillors have an opportunity to get the best out

of their Council devices and from any container facility on their own devices. Ongoing training would then be necessary.

4. Further investigation is required into aiding Councillors to be able to print from their iPads within Parkside.

Terms of Reference

The following Terms of Reference were agreed by Members at the Group's first meeting:

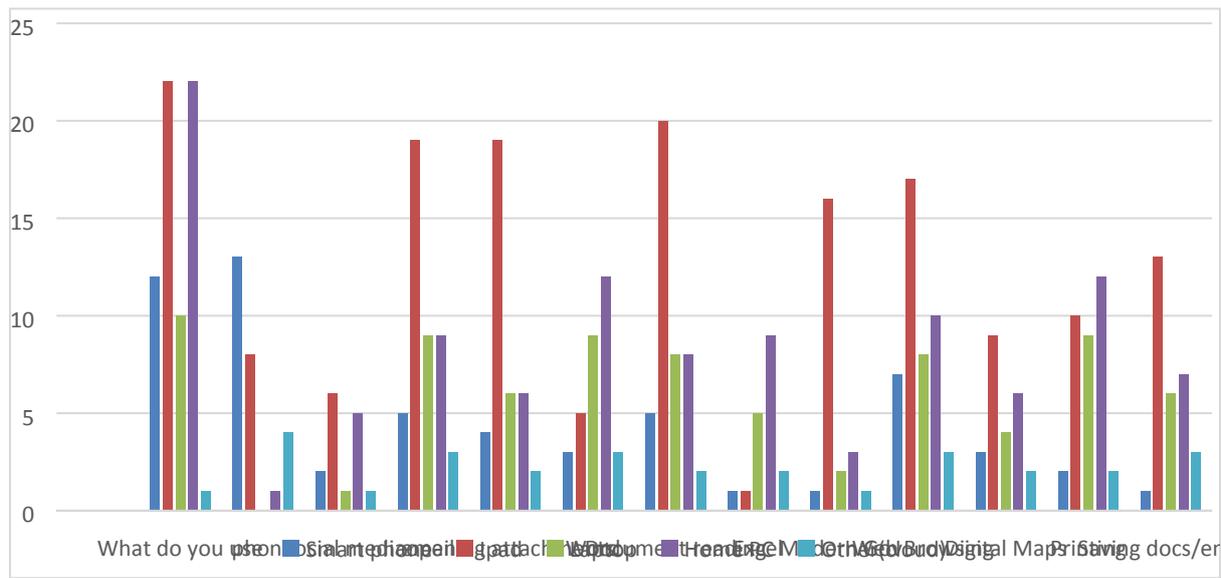
1. Identify the needs of councillors' from technology, for example reading papers, writing letters and emails, editing documents, maintaining diaries, taking notes, analysing figures, and matching these to technology solutions.
2. To note any data and security risks with the current technology system and how to reduce or eliminate them i.e. keeping constituents' personal data, in accordance with the new General Data Protection Regulations
3. To recommend to Overview and Scrutiny the technology tools meeting the needs of councillors allowing them to carry out their duties for the next Council term (May 2019 to May 2023) to enable them to work efficiently.

Report

At the first meeting of the Task and Finish Group the Members agreed to send a questionnaire (Appendix 2) to all councillors to identify the following:

1. What type of equipment Members used for Council business, i.e. I-Pad, other tablet, laptop, home PC etc.
2. What the software was used i.e. Word, Excel, spreadsheets, Google Earth, Google Maps, Outlook email, Modern.Gov
3. How successful was it, i.e. trying to identify what councillors couldn't do
4. What additional programs did the councillors use
5. How did they store their data, i.e. addresses, email attachments

Findings



29 out of 44 councillors responded to the questionnaire (66%). All Councillors are issued with an iPad and/or a laptop. 83% of those who responded used their iPad for HDC business such as emails and reading agendas and documents. 76% of respondents also used a home PC or laptop for emails, creating documents, Excel and web browsing.

The officer concluded, from the results of the questionnaire the following points:

- Councillors required a portable device to access emails, ModernGov, read and annotate Council papers and agendas
- They needed to be able to access, edit and create new documents and edit/annotate more complex documents
- To be able to save documents in a manner compliant with the General Data Protection Regulations (GDRP)
- Members needed access to a WiFi printer – possibly in the members' room.
- Further training was also required

Use of own equipment

Over half of Councillors were happy to and already used their own personal IT equipment, however this posed security questions around data protection and others having access to their own personal data.

Training

Training on use of iPads was required, there were a concerning number of misunderstandings around what iPads can/cannot do. In addition the Group supported an ongoing training programme, i.e. training at the beginning of the Council term as a seminar, then ongoing support to be provided on request by IT by

some nominated officers who are expert in the use of iPads and Apple soft/hardware.

Conclusion

The group discussed alternatives to iPads but could see no clear advantage to an alternative tablet, concluding that it supported the Council continuing to provide a newer version of the iPad to all Councillors. However it would be possible for Councillors to use their own personal devices. Should councillors choose to use their own equipment it would be possible to access HDC data in a secure way. The HDC issued iPads would include Office 365, which would enable all Councillors to access emails and 'One Drive' where all data would be stored in a secure cloud.

If Members opted to use their own devices, Councillors would be able to log on to a corporate 'container' which would allow them to access HDC emails and files from either a mobile phone or personal device, including PCs. This would store HDC data separately from personal data and could be wiped in the event of an emergency.

Other options considered helpful for the Members included a Bluetooth keypad (within the iPad cover), a stylus/pencil and a lightning digital AV adaptor – so that larger screens/keyboards could be connected.

With the proposed solution Members would be able to access the corporate container from home devices provided that they were using software no older than Windows 10. Members suggested a minimum specification should be set to ensure that home PCs were compatible for HDC use.

After investigation a wireless printer in the members room would not work, due to the way wireless internet works within Parkside. Other options will be investigated.

Appendices:

1. Questionnaire sent to all Councillors on the use of technology
2. PowerPoint Presentation by the Service Designer to the Task and Finish Group

Councillor Paul Clarke

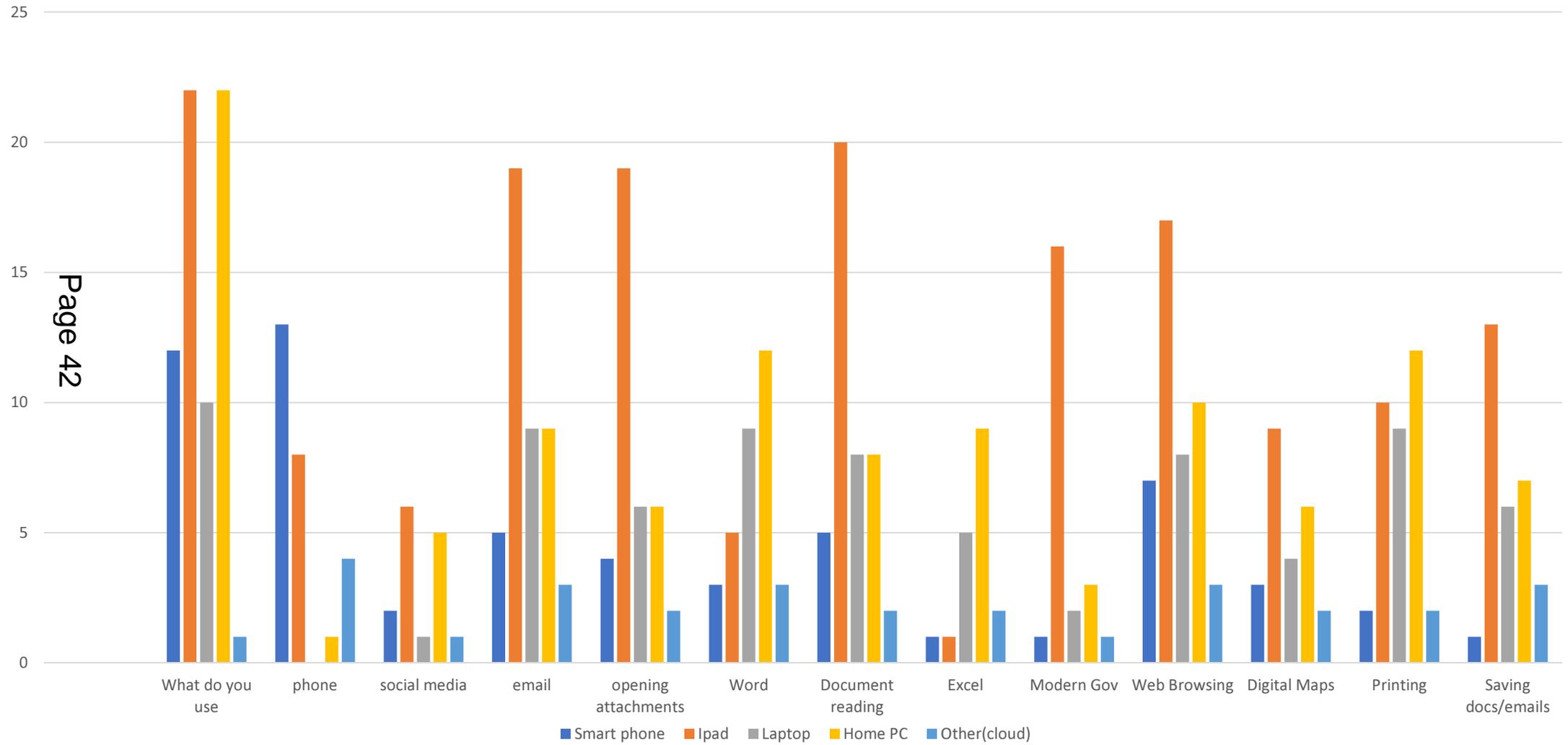
Chairman of the Review of Councillors' Technology Task and Finish Group

Contact: Daniela Smith, Lead Scrutiny and Committee Support Officer 01403 215138.

Review of Councillor's Technology

Task & Finish Group

Technology in Councillor's use



Opening formatted attachments on the iPad can be 'dodgy'

I am worried about data protection

I forward to personal email to open attachments and print

I have no access to a printer

My iPad is old. It takes 24 hours to get battery from 5% to 100%

HDC doesn't allow you to download apps

I am sure my iPad can do more, I just don't know how to use it.

I would like Google Earth and the ability to print from my iPad for Planning

I would prefer a council laptop to an iPad

iPad is too limited

use Office 365 & One Drive so all my files are in the cloud and all my mails are accessible wherever I am.

My documents are all printed and in a locked filing cabinet

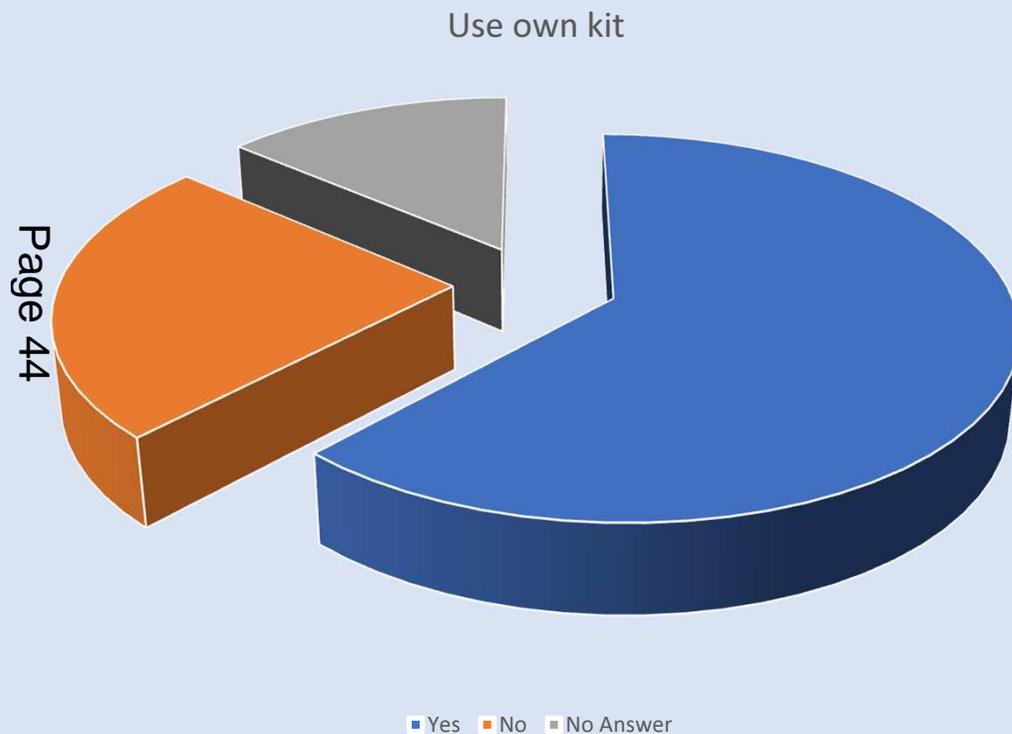
I would like a read receipt on emails which is not available on iPad

Councillors willing to use their own equipment.

62% = Yes

24% = No

11% = don't know

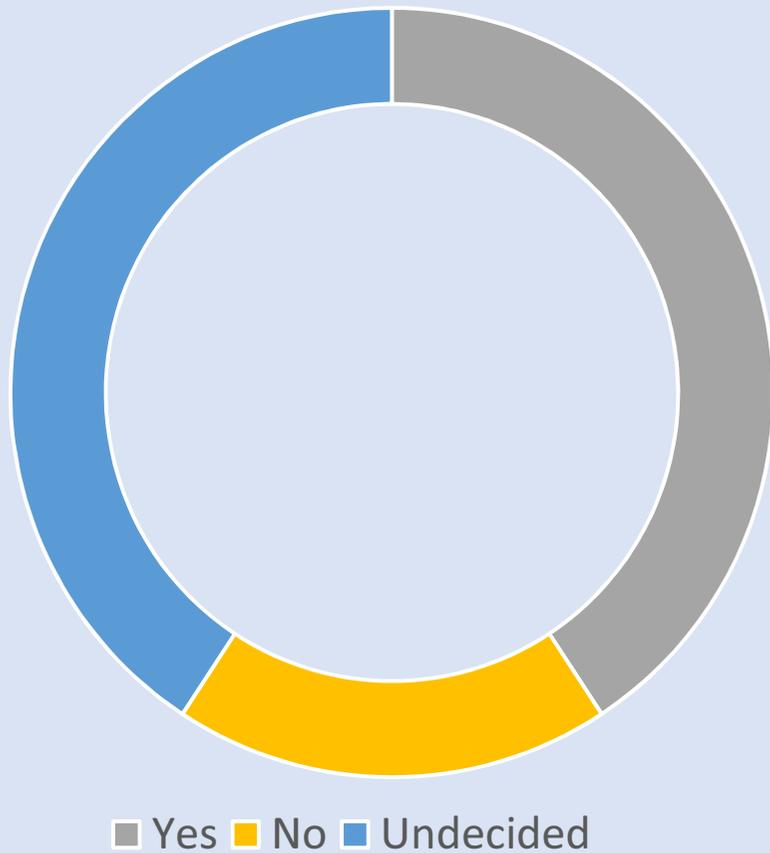


Concerns:

- No existing home equipment available
- Data Protection
- Who controls the device and the data on it

Training Requirements

Page 45



Training Subjects

- Using the Intranet
- ModernGov
- iPad = general
- Organising and saving files

What you say you would like

- All emails directly to home PC or iPad
- Use my own devices with access to HDC – all data saved on HDC
- Pick up emails on my own iPhone
- Workable printer access
- Have one login and access all council docs etc.
- Training
- Small notebook with a detachable keyboard, 4G access and Bluetooth
- Touchscreen laptop with Citrix login
- Council Laptop
- Android with Microsoft

Conclusions from the Reponses:

Councillors need:

1. a portable device to access emails, ModernGov and read/annotate committee agendas and papers
2. ^{Page 47} to be able to access more complex documents, edit and create documents and spreadsheets
3. to be able to save documents and emails in a secure way that complies with GDPR
4. Access to a wifi printer
5. training/assistance in order to get the best out of their devices

Ways these can be accomplished:

1. A portable device to access emails, ModernGov and read/annotate committee agendas and papers

Provide a tablet or BYO mobile device and know how to:

Add Apps such as Google Earth, ModernGov (+reg. for restricted docs)

Air Print to a wireless printer

Access emails

Annotate documents

Dictate 'speech to text'

Using your own devices

Issues:

- Data security
- Consistency of format
- Access to HDC

Page 49

Solutions:

- Ensure everyone is using Office 365 and appreciates the importance of doing so.
- Deploy a 'container' for access to Office 365

Office 365

Office applications included



Outlook



Word



Excel



PowerPoint



OneNote



Access
(PC only)

Services included



Exchange



OneDrive



SharePoint



Skype
for
Business



Microsoft
Teams

- Implement Office 365 to ensure all councillors are using HDC One drive to ensure data security.

Use your Own device

- Deploy a container such as Intune



Possible for mobile devices and some home PCs.

Need a passcode to access the HDC container

Applications within the container are controlled by HDC

Limits copying of data across the container barrier

Allows HDC to delete access if devices are lost or no longer in use.

Other Options

- Bluetooth Keyboard
- Stylus/Pencil
- Lightning Digital AV Adapter (HDMI)

(iPad does not really work well with a mouse but you can use the stylus to jump about on screen)

Cost comparisons:

- iPad + Keyboard / Pen / connection leads (2018 WiFi 32GB) approx. £400
- Other Tablet as above £350 - 1000
- Laptop £600-1000

This page is intentionally left blank

COUNCILLOR QUESTIONNAIRE ON THE USE OF TECHNOLOGY

As part of a Scrutiny review of Councillor Technology it has been agreed that we should ask Members about your information and communication technology (ICT) use and needs. The information collected will help the Scrutiny and Overview Task and Finish Group and the Council in considering future provision.

Thinking about how you use ICT now and needs for the near future, **please take a few minutes to complete this questionnaire to help us determine the best way forward.**

Please submit your response by 9:00AM ON TUESDAY 29TH MAY 2018.

Results of the survey will then be presented to the Scrutiny Task and Finish Group.

Please return this by email to Daniela Smith or you may return a hard copy to the tray allocated in the Member's Room.

Many thanks, the Review of Technology Task and Finish Group.

You may tick more than one box if applicable

		Smart Phone	I-Pad	Laptop	Home PC	Other
1	What equipment do you use for Council business?					
2	What do you use the equipment for?					
	a. Phone / text					
	b. Social Media (e.g. Twitter, facebook)					
	c. Email (composing and reading)					
	d. Opening email attachments					
	e. Word (creating documents)					
	f. Reading documents (meeting papers etc.)					
	g. Excel or other spreadsheets					
	h. Modern.Gov					
	i. Web Browsing					

	j. Digital Maps					
	k. Printing					
3	a. Where do you save documents? b. Where do you save emails?					
4	How successful is your technology? i.e. what <u>can't</u> you do? Please provide examples (use additional paper if necessary)					
5	Do you use any additional programmes, if so please provide details? E.g. Apps or other software					
6	Ideally, if unrestricted, what would you like to assist you?					
7	Would you be prepared to use your own devices, if you had improved access to applications on line?					
8	Is there an area you would like more training on?					

So that we don't send you an unnecessary reminder, please insert your name below (all responses will be treated anonymously but adding your name here will help us analyse the results).

Name

May 2018

Effective Scrutiny

Horsham District Council

Cllr Kay Hammond, LGA Member Peer
Kevin Kewin, LGA Programme Manager

August 2018

www.local.gov.uk

Workshop programme

- Scrutiny roles and challenges
- Scrutiny methods and questioning skills
- Developing a scrutiny work programme
- Finance scrutiny
- Partnership scrutiny

Discussion

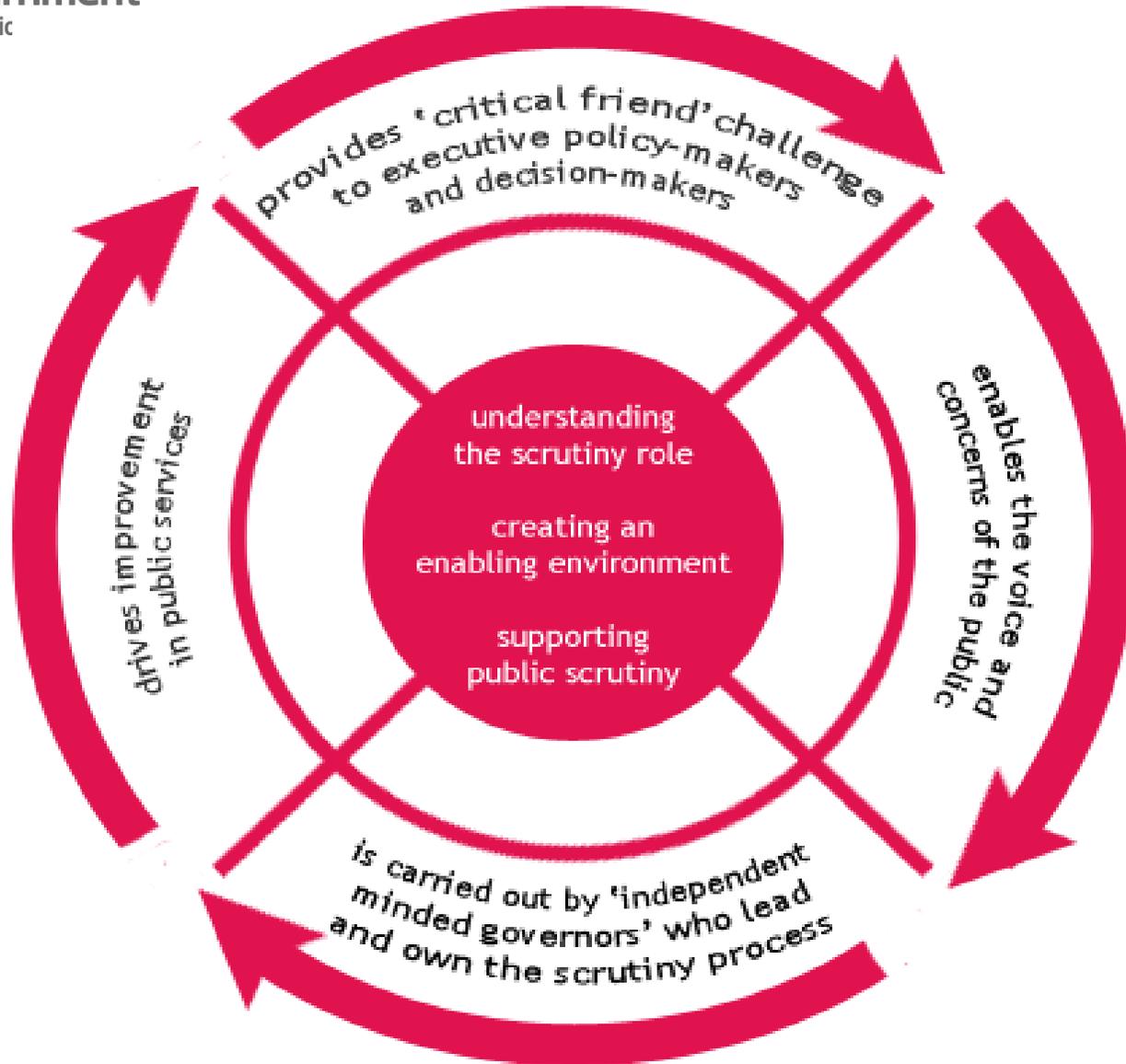
- **What is overview & scrutiny?**
- **What works well for us?**



- Local Government Act 2000
- Establishment of Executives / Cabinets
- Statutory Power and Duties
- Each Authority has developed its own structures and ways of doing things

Four principles of effective scrutiny

Page 61



Scrutiny roles exercise

Page 62

Examine the potential scrutiny roles and tasks listed on the handout

Which are legitimate roles for overview & scrutiny and which are not?

Many types of scrutiny

- Pre-decision scrutiny
- Budget / finance scrutiny
- Call in
- Policy review (e.g of outcomes)
- ‘Deep dives’
- External / partnership scrutiny

Scrutiny methods and questioning skills



Different types of question

Closed questions

Requiring short, factual answers (e.g. “yes” or “no”)

Open questions

Deliberately seeks longer answers

Page 65
Probing questions

Seeks further information in an investigative way

Clarifying questions

Seeks to clarify a fact or opinion

Opinion finding

Asks for an opinion

Example questions – good or bad

1.	Did you achieve what you set out to do?
2.	Why are you not doing what you said you would in your plan?
3.	It's obvious that there's only one option here, don't you agree? Why couldn't did you include the other options? What did the public have to say?
Page 66	4. What will happen if you don't make the savings you're forecasting?
	5. What difference has the new legislation made to your day to day role?
6.	It's a right mess, isn't it?
7.	I'm really in favour of Option B, it seems to be the only sensible solution. What are your thoughts?
8.	You said that fire and rescue services have a role in improving public health. Can you tell us more about that?
9.	When will we be able to tell if the policy change has been a success?
10.	Why is this now feasible, when it was considered overambitious in the past?

Probing questions – to gather info

Who?

When?

What?

Where?

Why?

How?

Effective questioning techniques

- Repeat key words to encourage a further response
 - Allow the respondent thinking time
 - Use plain language and avoid jargon
 - Try to use open-ended questions as much as possible
 - Consider assigning questions before meeting
-

Work Programme

- Key management tool for scrutiny
 - Limited member and officer time
 - Method of prioritisation
 - Try to coincide with, or feed into, key activities of the council
 - Key vehicle for ensuring scrutiny is member-led
 - Organised well it will ensure balance across scrutiny roles
-

Discussion exercise

- How do you identify potential issues for scrutiny?
- How do you prioritise what you focus on?

Some possible criteria for prioritisation

- Is the topic already part of a separate review process?
- Does scrutiny have sufficient resources and time to tackle the topic?
- Is the topic of significant public concern?
- Will the topic support the achievement of corporate priorities?
- Can scrutiny 'make a difference' by addressing this topic?

Tasks and Finish Groups

Consider the following:

- What evidence would you seek to gather?
- What witnesses would you want to speak to?
- How would you ensure the perspective of citizens and users was taken into account?
- How much time and resource is realistically required to undertake this piece of work?
- Are there any other investigations / reviews taking place that may overlap?

Many methods for conducting scrutiny

Reports

Focus groups

Deep dive

Interviews

Site visit

Surveys

Private meetings

Peer review

Task Groups

Evidence based recommendations

Is the recommendation SMART?

- Specific
- Measurable
- Achievable
- Relevant
- Timely

Finance Scrutiny

- Finance scrutiny is about money (obviously)
- But it's also about strategy, risk, governance, innovation
- While government funding is reducing, the council still has a lot of discretion and powers (and some duties)
- Examples include tax raising powers (to a point), power to borrow (prudently), power to invest (sensibly)

Finance Scrutiny

- A council has assets and liabilities – not just on a balance sheet but having a real impact on the financing of existing services
- Scrutiny should see a council budget in its context
- Pre-budget scrutiny, including particular significant saving proposals, is important but be proactive and strategic as well
- Make the most of financial monitoring reports
- Audit Committee has its own role to play

Expenditure& income

Revenue (day to day expenses)	
Providing services Paying benefits Repaying debt and interest	Government grants Business rates Council tax Charges for services Investment income
Capital (things that last)	
Buildings Land Infrastructure Vehicles Plant & machinery	Grants Capital receipts Borrowing Developer contributions / planning gain Revenue (see above)

Page 7

Partnership Scrutiny

Page 78

- Partnership dimension to most issues
 - Public, private and voluntary sectors
 - Partners often unfamiliar with scrutiny processes and may be resistant
 - Identify where can scrutiny add value
 - Early engagement and clarity of focus is important
 - Transparency of process and avoiding overreach
 - Need to develop 'acquired' and 'earned' influence due to limited formal powers
 - Requesting evidence
-

Partnership Scrutiny

- Be mindful of:
 - Partners' resources
 - Council-speak
 - Commercial confidentiality considerations
- Partners are often not required to respond
 - Make it easy to engage
 - Relationships are particularly important
 - Frame recommendations for impact

Any questions?

Resources on the LGA website: www.local.gov.uk

- Councillor workbooks on scrutiny and finance scrutiny
- E-Learning Modules

Page 81

Contact:

- Kevin Kewin, Programme Manager, LGA
 - kevin.kewin@local.gov.uk
-

This page is intentionally left blank

Report to Overview and Scrutiny Committee

Date of meeting 24 September 2018

By the Chief Executive

INFORMATION REPORT



**Horsham
District
Council**

Not Exempt

Advice on Work Programme Suggestion about Viability Reports

Recommendations

To note the findings of (1) Information Commissioner's Decision Notice FER0690402 and (2) Planning Policy Guidance published by Ministry of Housing Communities and Local Government on 24th July 2018 in respect of publishing viability assessments.

Overview and Scrutiny committee to recommend that Horsham District Council follows the latest guidance from the Ministry.

Reasons for Recommendation

To respond to the Chairman's request for advice on how to address concerns raised at the Overview and Scrutiny committee.

Executive Summary

At the Overview & Scrutiny Committee (O&S) meeting held on 23rd July 2018 two members of the public raised concerns regarding the omission from the O&S work programme of a suggestion to conduct a review into "how/why some key data was incorrectly classified as commercially confidential and thereby consistently and repeatedly withheld from the public". The specific information involved was contained in reports prepared in connection with the viability of one of the council's strategic development sites. A decision notice issued by the Information Commissioner's Office (ICO) was cited as evidence of 'a fundamental misapplication of Environmental Information Regulations'.

O&S had previously agreed to defer making a decision on the work programme suggestion until after the imminent publication of Planning Policy Guidance from the Ministry of Housing, Communities and Local Government (MHCLG) which was understood to be likely to address the issue of commercial confidentiality. The Chairman agreed to seek advice from the Council's lawyers, together with the Vice Chairman and the Chief Executive on how to address the concerns raised.

This report summarises the main points contained within the ICO's decision notice so that O&S can form its own view of the ICO's findings. A full copy of the notice is included in the background papers. Since the last O&S meeting MHCLG has gone on to publish detailed

Planning Policy Guidance that specifically addresses the issue of publication of viability reports. This guidance was updated to reflect the changes made to the National Planning Policy Framework (NPPF) and provides much needed clarity and simplification removing the previous ambiguity in this matter. An extract of the guidance relating to the publication of viability reports is also included in the background papers together with a link to the full guidance notes.

Section 4 of this report sets out issues that members of O&S may wish to consider in assessing the merit of the work programme suggestion. This report stops short recommending for or against including the suggestion in the work programme (even though there is an obvious conclusion) because it's not appropriate for the Chief Executive, or for that matter a member of the public, to direct O&S on the content of their work programme. Instead the recommendations above are designed to address the desired outcomes of the work programme suggestion as set out in paragraph 1.4 of the report. A copy of the work programme suggestion is also included in the background papers.

Background Papers

- (i) Environmental Information Regulations 2004 (EIR) Decision Notice FER 0690402 14th December 2017.
- (ii) Work Programme Suggestion Form submitted by Mr Paul Kornycky dated 31.01.17.
- (iii) Statements made by Mr and Mrs Kornycky 23.07.18.
- (iv) Extract from new NPPF guidance dated 24.07.18.

Contact: Glen Chipp, Chief Executive.

Background Information

1 Introduction and Background

- 1.1 At the O&S meeting held on 23rd July 2018 the Chairman agreed to seek advice from the Council's lawyers, together with the Vice Chairman and the Chief Executive on how to address concerns raised by members of the public regarding redaction of information contained in reports prepared in connection with the viability of the North of Horsham development.
- 1.2 Decision Notice FER0690402 from the ICO dated 4th December 2017 has been cited as evidence of 'a fundamental misapplication of Environmental Information Regulations'. It is also suggested that 'the ethos behind the wrongful and arguably deliberate withholding of information still persists'.
- 1.3 O&S has been asked to conduct a review into "how and why some key data was incorrectly classified as commercially confidential and thereby consistently and repeatedly withheld from the public".
- 1.4 The desired outcomes of the review include the following:
 - In future, residents will not have information wrongly withheld.
 - Clarity over the viability assessment process and correct disclosure of data.
 - Compliant open planning process minimising the risk of call-in and/or judicial review.

2 Information Commissioner's Decision Notice

- 2.1 Perhaps the obvious first step is to consider the comprehensive report produced by the ICO and understand the key findings. A copy of the full report is included as a background paper so that members of O&S can read it for themselves.
- 2.2 A summary of the key findings is also provided in this report to assist the committee members.
- 2.3 The complainant requested a copy of a review of a viability assessment relating to a planning application. Horsham District Council (HDC) disclosed some of the information and withheld other information under the exemption for commercial confidentiality [regulation 12(5)(e)].
- 2.4 The Commissioner's decision is that HDC failed to demonstrate that the exemption is engaged and required that the withheld information be disclosed to the complainant within 35 days of the Decision Notice.
- 2.5 In reaching that decision the Commissioner considered how each of the following four conditions apply to the facts of the case.

CONDITIONS REQUIRED FOR COMMERCIAL CONFIDENTIALITY EXEMPTION TO APPLY	COMMISSIONER'S FINDING
(i) Is the information commercial or industrial in nature?	The Council confirmed that the information relates to the activity of a developer and the Commissioner is satisfied that the information is commercial in nature.
(ii) Is the information subject to confidentiality provided by law?	In the Commissioner's view, ascertaining whether or not the information in this case has the necessary quality of confidence involves confirming that the information is not trivial and is not in the public domain. The Commissioner is satisfied that the information is subject to confidentiality provided by law.
(iii) Is the confidentiality provided to protect a legitimate economic interest?	<p>To satisfy this element of the exemption, disclosure of confidential information would have to adversely affect a legitimate economic interest. The Commissioner considers it is necessary to establish that on the balance of probabilities that some harm <u>would</u> be caused by disclosure.</p> <p><u>The Council's Economic Interest</u> The Commissioner understands that the Council considers that disclosing the information would make developers reluctant to engage with the Council ... because of the risk that commercial information might be disclosed but considers the argument speculative and generic in nature and fails to meet the threshold for engaging the exemption.</p> <p><u>Liberty's Economic Interest</u> The following arguments were put to the Commissioner –</p> <ul style="list-style-type: none"> • Disclosure would significantly impact Liberty's ability to negotiate and compete in the market. • The information is a trade secret of Liberty which if disclosed would undermine Liberty's competitive advantage. • Disclosure would destroy Liberty's negotiating position with potential purchasers of the land. <p>The Commissioner concluded that the threshold for engaging the exemption has not been met, namely it has not been shown that disclosure would harm Liberty's economic interests.</p>
(iv) Would confidentiality be adversely affected by disclosure?	The Commissioner concluded that the exception is not engaged and has not gone

- 2.6 It has been claimed that the ICO's Decision Notice confirmed that "there was a fundamental misapplication of EIR regulations at the most senior of levels in HDC" and O&S is being asked to answer the question "How could the Planning Director and Head of Legal knowingly get these regulations so wrong?"

Both of these statements present a misinterpretation of the ICO's report.

- 2.7 It is clear from the Decision Notice that the Commissioner formed the view that the redacted information was commercial or industrial in nature and was subject to confidentiality provided by law but on balance neither Liberty nor HDC provided sufficient evidence to demonstrate that the disclosure of the information would (ie more probably than not) significantly damage a legitimate economic interest. It is unreasonable to characterise this scenario as a fundamental misapplication of EIR regulations and that is not a conclusion reached by the Commissioner.

- 2.8 Perhaps the most revealing comment in the Decision Notice is paragraph number 48 (replicated in full below) which more accurately reflects the views of the Commissioner.

"The Commissioner is left with the impression that the Council has been content to be steered by Liberty in relation to the information which should be withheld. This in itself is no bad thing – the Commissioner would not expect authorities to have diverse knowledge of the commercial concerns of third parties. However, the ultimate responsibility for handling requests rests with public authorities and the Commissioner makes it clear in her correspondence what level of detail is required to justify the use of exceptions".

3 The Wider Context

- 3.1 The O&S Committee deferred making a decision on the work programme suggestion pending the publication of new NPPF guidance.
- 3.2 Statements made by members of the public would have the O&S Committee believe that this is missing the point because it is alleged the ICO has confirmed the HDC has fundamentally misapplied the existing EIR regulations. That allegation is also extrapolated to further suggest that "HDC almost certainly is continuing to wrongfully deny the public their rightful access to data in other matters".
- 3.3 Members of the Committee will no doubt form their own view of these claims but it would seem highly significant that MHCLG has decided that the guidance given in NPPF in respect of viability assessments requires revision. Could it be that MHCLG agrees with the ICO in that she "would not expect authorities to have diverse knowledge of the commercial concerns of third parties"?
- 3.4 At the time of the original request from the complainant for the review of the viability assessment, 14th June 2017, decisions from the ICO were not wholly consistent and a number of decision notices from the ICO found in favour of not disclosing the full information where the facts were similar to those in this case.

4 The Way Forward

- 4.1 It is not for the Chief Executive, nor indeed a member of the public, to set the work programme of the O&S Committee but the Chairman has asked for advice on how to address concerns raised by members of the public.
- 4.2 In assessing the merit of the suggested work programme item, Members may wish to consider the following points:
- The ICO has issued a detailed report after a comprehensive review of submissions from the complainant, the Council and Liberty. Is it likely that an additional review by the committee will add value or reach a different conclusion?
 - Does the committee agree that it is reasonable to interpret the ICO's report as suggesting "a fundamental misapplication of Environmental Information has occurred" and "the ethos behind the wrongful and arguably deliberate withholding information still persists"? - OR do they agree with the Commissioners' statement that "the Council has been content to be steered by Liberty in relation to the information which should be withheld. This is in itself no bad thing – the Commissioner would not expect authorities to have diverse knowledge of the commercial interests of third parties."?
 - All of the senior officers involved in applying the exemption have left the Council so it is not practicable to ask them why they believed that the exemption applied. Even if they were asked they would undoubtedly point, with some justification, to existing custom and practice in many councils at the time. It is clear that best practice in respect of disclosure has evolved over time and it is highly significant that MHCLG has thought it necessary to provide guidance about what was evidently a grey area.
 - New planning policy guidance was published on 24 July 2018 and an extract relating to viability reports is included in the background papers. The guidance sets out that "any viability assessment should be prepared on the basis that it will be made publically available other than in exceptional circumstances." This new presumption, in favour of disclosure, rather helpfully moves the onus away from public authorities having to argue that information isn't commercially sensitive in order to make it publically available – something that they were ill-equipped to do. The new default position is that developers must now demonstrate that information is sensitive and should be withheld.

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 14 December 2017

Public Authority: Horsham District Council
Address: Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Complainant: Paul Kornycky
Address: Medecroft
Cox Green
Rudgwick
Horsham
RH12 3DD

Decision (including any steps ordered)

1. The complainant has requested a copy of a review of a viability assessment relating to a planning application. Horsham District Council disclosed some of the information and withheld other information under the exception for commercial confidentiality (regulation 12(5)(e)).
2. The Commissioner's decision is that Horsham District Council has failed to demonstrate that regulation 12(5)(e) is engaged.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Disclose the withheld information to the complainant.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Background

5. The request relates to an outline planning application for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m²), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure¹.
6. The application was submitted by Liberty Property Trust ("Liberty"). As the application indicated levels of affordable housing provision that fall short of the 35% policy provision, Liberty provided the council with a viability assessment to justify its position.
7. The council contracted Dixon Searle Partnership ("DSP") to produce a review of Liberty's viability assessment. The complainant requested a copy of this review.

Request and response

8. On 27 April 2017 the complainant wrote to Horsham District Council (the "council") and requested information in the following terms:

(RE: North of Horsham DC/16/1677 - DSP Report (DSP152521))

*"Please supply an **un-redacted copy** of the following report:
DSP Review of Applicant Submitted Viability Position - Final Draft v4.2 - January 2017 in relation to the Planning Application noted above."*
9. The council responded on 25 May 2017. It stated that it was withholding the information under the exception for commercial confidentiality, regulation 12(5)(e)
10. Following an internal review the council wrote to the complainant on 29 June 2017 where it stated that it was maintaining its position.

¹ <http://horsham.moderngov.co.uk/documents/s6179/Appendix%201%20-%20Committee%20report%2028%2004%202017.pdf>

Scope of the case

11. On 11 July 2017 the complainant contacted the Commissioner to complain about the way their request for information had been handled.
12. During the Commissioner's investigation the council disclosed some additional information to the complainant.
13. The Commissioner confirmed with the complainant that her investigation would consider whether the council had correctly withheld the remaining information under regulation 12(5)(e).

Reasons for decision

Regulation 12(5)(e) – commercial confidentiality

14. The council disclosed a redacted copy of DSP's review of Liberty's viability assessment (the "review"). It withheld the following paragraphs under regulation 12(5)(e):
 - 3.17
 - 3.21
 - 3.43
 - 3.44 (partially)
 - 3.45 (partially)
 - 4.5 (partially)
15. Regulation 12(5)(e) of the EIR provides that a public authority may refuse to disclose information to the extent that its disclosure would adversely affect "the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest".
16. The Commissioner considers that in order for this exception to be applicable, there are a number of conditions that need to be met. She has considered how each of the following conditions apply to the facts of this case:
 - Is the information commercial or industrial in nature?
 - Is the information subject to confidentiality provided by law?

- Is the confidentiality provided to protect a legitimate economic interest?
- Would the confidentiality be adversely affected by disclosure?

Is the information commercial or industrial in nature?

17. The council confirmed that the information relates to the commercial activity of a developer (Liberty), including construction costs, sale costs and yield estimates.
18. The Commissioner is satisfied that the information is commercial in nature.

Is the information subject to confidentiality provided by law?

19. In the Commissioner's view, ascertaining whether or not the information in this case has the necessary quality of confidence involves confirming that the information is not trivial and is not in the public domain.
20. In considering this matter the Commissioner has focussed on whether the information has the necessary quality of confidence and whether the information was shared in circumstances creating an obligation of confidence.
21. The council has confirmed that the withheld information relates to a large scale planning application that has not yet been decided and includes detailed information relating to prices, profits and costs. The council has stated that the information is held under a duty of confidence with an expectation that it will not be widely accessed, circulated or distributed.
22. The council has submitted that the information is not trivial in nature, that it has not been more widely shared and that it was provided as part of a process whereby the parties involved had an expectation that the information would be held in confidence.
23. In view of the above and, having had regard for the withheld information, the Commissioner is satisfied that the information is subject to confidentiality provided by law.

Is the confidentiality provided to protect a legitimate economic interest?

24. The Information Rights Tribunal confirmed in *Elmbridge Borough Council v Information Commissioner and Gladedale Group Ltd (EA/2010/0106, 4 January 2011)* that, to satisfy this element of the exception, disclosure of the confidential information would have to adversely affect a

legitimate economic interest of the person the confidentiality is designed to protect.

25. In the Commissioner's view it is not enough that some harm might be caused by disclosure. The Commissioner considers that it is necessary to establish on the balance of probabilities that some harm *would* be caused by the disclosure.
26. The Commissioner has been assisted by the Tribunal in determining how "would" needs to be interpreted. She accepts that "would" means "more probably than not". In support of this approach the Commissioner notes the interpretation guide for the Aarhus Convention, on which the European Directive on access to environmental information is based. This gives the following guidance on legitimate economic interests:

"Determine harm. Legitimate economic interest also implies that the exception may be invoked only if disclosure would significantly damage the interest in question and assist its competitors".
27. The council has stated that disclosure of the withheld information would adversely affect its own legitimate economic interests and the interests of Liberty.

The council's legitimate economic interests

28. The council has explained that current financial predictions for the district *"...have to include income from the increase in dwellings and New Homes Bonus paid by central government to incentivise housing growth in the local area."*

The council has argued that disclosing the information would make it difficult *"...to attract the necessary investment from the private sector if commercially sensitive information is released at the stage where it would harm the legitimate economic interests of that commercial organisation."*
29. In essence, the Commissioner understands that the council considers that disclosing the information would make developers reluctant to engage with the council in pursuit of planning projects because of the risk that commercial information might be disclosed.
30. Firstly, the Commissioner has not been provided with any evidence that this phenomenon has ever happened or is likely to happen and, secondly, the Commissioner is highly sceptical that developers would deny themselves the opportunity to pursue potentially lucrative planning schemes. The Commissioner considers that the council's argument is

speculative and generic in nature and fails to meet the threshold for engaging the exception.

The legitimate economic interests of Liberty

31. The council confirmed that, in accordance with good practice in this regard, it sought the views of Liberty in relation to the potential disclosure of the information. The council provided the Commissioner with a copy of the relevant correspondence and confirmed that it deferred to Liberty's submissions in this regard. The Commissioner has considered Liberty's arguments and those provided by the council itself as they relate to each element of the withheld information.

Paragraph 3.17

32. Liberty has stated that the information refers to its "...future commercial plans and business strategies" and its disclosure would benefit competitors and potential customers, significantly impacting its ability to negotiate and compete in the market.
33. The Commissioner accepts that the ability of a party to negotiate can be inhibited by the disclosure of information which allows a competitor (for example) to adapt its strategy, based on what would otherwise be confidential knowledge. She accepts, therefore, that this outcome would constitute an adverse affect to Liberty's legitimate economic interests.
34. However, in order to demonstrate whether such an outcome *would* result from disclosure, the Commissioner considers it is necessary to detail what specific form the harm would take, link this to the specific information and provide evidence which shows the likelihood of the outcome occurring. In this case, the submissions provided are high level in nature and do not explain how a competitor (or customer) would use the information to the detriment of Liberty. The Commissioner is left with the impression that the exception has, in this instance, been applied on a general basis and she has concluded that, in relation to this withheld paragraph, the exception is not engaged.

Paragraph 3.21

35. Liberty has argued that disclosing the information in this paragraph would "...allow both competitors and potential customers... to gain access to commercially valuable information and this would significantly impact Liberty's ability to negotiate and to compete in the market in the future, both on this project and others."
36. Again, as with the analysis provided in relation to paragraph 3.17 above, the Commissioner finds the arguments submitted by Liberty to be

entirely generic in nature. The submissions have no regard for the specific nature of the information or details of the form that adverse affects to its negotiating abilities would take. The Commissioner has, therefore, reached the same conclusion, finding that the exception is not engaged in relation to the information in this paragraph.

Paragraph 3.43

37. In relation to this paragraph the council has stated that the information is *"...highly sensitive because it identifies future commercial plans, confidential internal business plans and strategies of Liberty. This information is a key trade secret of Liberty which if disclosed would undermine Liberty's competitive advantage."*
38. The Commissioner notes that Liberty itself did not provide specific submissions in relation to this paragraph. She further notes that the council's submission in this regard are generic in nature and do not explain how the qualities identified relate to the actual withheld information. The Commissioner is again left with the impression that the information has been withheld on a general basis without regard for the actual effects of disclosure and the relevance of the information to such effects. As she has not been provided with evidence that the council has directly reflected Liberty's views she further considers that the council's arguments are speculative in nature.
39. In view of the above the Commissioner has concluded that it has not been shown that the exception is engaged in relation to this paragraph.

Paragraph 3.44

40. In relation to this withheld paragraph the council, echoing Liberty's submissions, has stated that disclosing the information would *"...destroy Liberty's negotiating position with potential purchasers of the land."*
41. Having referred to the withheld information the Commissioner is not convinced that it represents anything more significant than what can be revealed via a Google search. As such she does not consider that the information would be of particular use to a competitor, certainly not to the extent that it would result in adverse affects to Liberty's legitimate economic interests. Again, the Commissioner considers that the council has failed to meet the evidential or explanatory threshold required to engage the exception and she has concluded that the exception does not apply.

Paragraph 3.45

42. In relation to this paragraph Liberty's submissions argue that disclosure of the information would provide competitors with details of its assumptions on land values which could be used to undermine its position in negotiations. Liberty has further argued that the information is a "key trade secret" of Liberty. The council's submissions echo those provided by Liberty.
43. Having referred to the withheld information the Commissioner considers that the arguments provided have no direct relevance. In relation to the information being a "trade secret" the Commissioner has received no specific submissions which explain why this is the case.
44. Liberty does make reference to a First-Tier (Information Tribunal) decision (EA /2010/0073, Department for Works and Pensions)² and states that this "supports" its position. However, whilst the Commissioner is mindful that this Tribunal decision considers what constitutes a trade secret and draws certain conclusions in this regard, she does not consider that it self-evidently supports the position adopted by Liberty. She has received no submissions from Liberty or the council which explain (for example) the level of expertise or expense involved in producing the withheld information. On the face of it there is nothing in the withheld information itself which suggests it meets the criteria for a trade secret. The burden to demonstrate that it does rests with Liberty/the council and neither have been forthcoming in this regard.
45. In the absence of submissions which explain why disclosure would produce the effects described or evidence in support of the claim that the information constitutes a trade secret, the Commissioner has determined that the information has been wrongly withheld. She has concluded that the threshold for engaging the exception has not been met, namely, it has not been shown that disclosure would harm Liberty's legitimate economic interests.

2

[http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i438/DWP%20v%20IC%20\(0073\)%20Decision%2020-09-2010%20\(w\).pdf](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i438/DWP%20v%20IC%20(0073)%20Decision%2020-09-2010%20(w).pdf)

Paragraph 4.5

46. Liberty's submissions here largely echo those considered above in relation to other withheld paragraphs, including references to the information constituting a trade secret.
47. Again, the Commissioner cannot see a direct correlation between the effects ascribed and the actual information that is being withheld and the submissions provided do not provide sufficient clarity in this regard. Where an exception is being applied it is the duty of public authorities to explain why and to provide evidence which demonstrates how disclosure will produce the ascribed effects.
48. The Commissioner is left with the impression that the council has been content to be steered by Liberty in relation to the information which should be withheld. This in itself is no bad thing – the Commissioner would not expect authorities to have diverse knowledge of the commercial concerns of third parties. However, the ultimate responsibility for handling requests rests with public authorities and the Commissioner makes it clear in her correspondence what level of detail is required to justify the use of exceptions.
49. In relation to this withheld paragraph, the Commissioner considers that neither the council nor Liberty have adequately explained why disclosing the information would result in adverse affects to Liberty's legitimate economic interests. She has, therefore, concluded that the exception is not engaged.

Conclusions

50. The Commissioner has concluded that it has not been shown disclosure of the withheld information would result in adverse effects to the legitimate economic interests of the council or Liberty.
51. In this instance, therefore, the Commissioner has decided that the council has failed to demonstrate that disclosure would adversely affect a legitimate economic interest of any person the confidentiality is designed to protect. It follows, therefore, that the confidentiality would not be adversely affected by disclosure. In view of this, the Commissioner has concluded that the exception is not engaged.
52. As the exception is not engaged the Commissioner has not gone on to consider the public interest test.

Right of appeal

53. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

54. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

55. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

WORK PROGRAMME SUGGESTION FORM

Ref: 17/Cllr

Please return this form to:

**Daniela Smith
Democratic Services
Horsham District Council
Parkside, Chart Way,
Horsham
RH12 1RL**

Name: Mr Paul Kornycky 31/1/17

Proposed Scope/focus of review:

The North of Horsham strategic development, with regards to the applicant's viability submissions & the subsequent analysis by Dixon Searle Partnership/Planning Officers of such evidence. In particular how/why some key data was incorrectly classified as 'Commercially Confidential' & thereby consistently & repeatedly wrongly withheld from the public. Even councillor access to the DSP report (assessment of applicant viability submission) was made 'difficult' resulting in only a minority of councillors voting on the application with full knowledge of it.

Your rationale for selection:

This is by far the most important strategic site in the adopted HDPF. The ICO issued a decision notice on 14th December stating that all remaining redacted paragraphs (of the DSP report) should be disclosed & rejecting the Councils evidence in support of EIR Regulation 12 (5) (e). Only revealing this data over 7 months after the planning application determination (DC/16/1677) could have impacted the validity of the process & led to legal challenge. The perceived reputational integrity of the Council is also at risk.

Evidence:

Please see reverse for a chronology of the actions endeavouring to secure public access to the withheld data. The process of and conditions for councillor access to this same data should also be scrutinised, to determine if the democratic process was thereby impaired.

Desired outcomes/objectives/possible terms of reference:

In future, residents will not have information wrongly withheld & only released 'after the event'.
Clarity over the viability assessment process & correct disclosure of data (EIR compliance).
Compliant 'open' planning process thereby minimising risk of call-in &/or judicial review.
Alignment with HDC's own 'Open Book' strategy. Also see 6.1.55 of Planning Obligations SPD.
Direction of Travel – Government White Paper – Fixing the Broken Housing Market.
Consider Impact of Brighton & Hove Council's 'Open Book' Initiative – adopted January 2018.
Aim to restore public confidence in such processes.

Other comments:

It is anticipated that the S106 negotiation completion is imminent. That would appear to be the ideal time to commence the review.

What time scale do you perceive to be necessary for this review?

- Urgent Within six months Within 6-12 months

Evidence

30/03/2017 – A heavily redacted copy of DSP report is lodged under planning reference DC/16/1677
27/04/2017 – Fol request submitted for an unredacted copy (EIR 1444)
28/04/2017 – Application considered by Planning committee but deferred to full Council
04/05/2017 – Email to HDC Planning director regarding Fol & need to respond
04/05/2017 – A significantly less redacted copy of said report is loaded onto the planning portal
22/05/2017 – Full Council approve outline planning permission DC/16/1677 (with detail delegated)
25/05/2017 – Fol response received from HDC claiming 'commercial confidentiality'
25/05/2017 – Fol review requested to remove most (if not all) remaining redactions
26/05/2017 – Email to HDC Planning Director re concerns over Fol process
29/06/2017 – HDC's Fol review maintains all redactions citing 12 (5) (e) & Public Interest Test failed
11/07/2017 – Appeal to ICO to unredact data in DSP report
11/12/2017 – On request of ICO, HDC review again, but still only agree to unredact partially
14/12/2017 – Key data still withheld, so ICO rule that all remaining paragraphs must be unredacted
16/01/2018 – Unredacted DSP report finally disclosed & loaded onto planning portal

The data finally revealed has a huge impact on the viability calculations, in excess of £75m. This aggravates concerns over the 18% on-site Affordable Homes (v Local Plan policy of 35%) achieved & whether it should have been significantly increased. But, regardless of that, the public (& their councillors) have been denied proper access to data that they should have been allowed to see & comment upon. Arguably this has 'prejudiced' the whole process.

Transcript of speakers at Overview and Scrutiny Committee 23 July 2018

S Kornycky

Good evening. The HDC Scrutiny Guide states, and I quote, all those who provide an issue are sent a reply as to when the issues will be reviewed or a reason why the issue was not included in the Programme. But the published 2018/19 work programme has not incorporated nor even logged the requested review of the severe failings of the democratic process in the north of Horsham development as proposed at the 26th March meeting. Yet I'm clearly aware that the submitter has not had any such response. My understanding from attending the meetings, speaking and listening to the audio recordings, when the microphones were actually switched on, was that this item was provisionally carried forward subject to official guidance to ensure that it did not fall into Scrutiny excluded matters. A copy of the Statutory Instrument covering such excluded matters was submitted to the O&S Chairman. It seemed to confirm the exclusion would not apply to this work item despite there being a planning matter involved. When I originally spoke in support of this item I noted 'in a modern democracy openness and transparency are critical to winning the hearts and minds of the electorate'. Unfortunately it appears that the ethos behind the wrongful and arguably deliberate withholding of the viability information still persists. What other conclusion must I draw from the apparent attempt to lose this work suggestion? I do hope that you will reinstate it for proper consideration. Thank you.

P Kornycky

Good evening everyone. Like the previous speaker, I note that my work programme suggestion seems to have vanished. Initially I was encouraged by the open and honest scrutiny debates over both the ICO ruling and my separate but related work item. Events since then have been somewhat disappointing. There has been no official communication to me as to the status of my proposal. A review of minutes and audio recordings of meetings compounded my bewilderment. There's not even a mention of the promised official ruling on scrutiny excluded matters. I've heard it said again tonight that the proposed new NPPF with its emphasis on open viability information will remove the problem but that completely misses the point. The issue is that, as confirmed by the ICO, there was fundamental misapplication of EIR regulations at the most senior of levels in HDC. How could the Planning Director and Head of Legal knowingly get these regulations so wrong? These repeated breaches potentially compromised the democratic process with reference to north of Horsham. A Judicial Review could have ensued. The new NPPF may well have different disclosure rules for viability information but what's to stop these being systematically misapplied too? Additionally and very, very importantly note that these same breached EIR regulations apply universally not just to viability information and so HDC almost certainly is continuing to wrongfully deny the public their rightful access to data on other matters. Your Scrutiny Guide says you contribute to democracy by stimulating public engagement. Please demonstrate this by carefully considering my work request. Thank you Chairman.

This page is intentionally left blank

Extract from Latest Planning Practice Guidance issued by MHCLG 24th July, 2018

Should a viability assessment be publicly available?

Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data. In circumstances where it is deemed that specific details of an assessment are commercially sensitive, the information should be aggregated in published viability assessments and executive summaries, and included as part of total costs figures. Where an exemption from publication is sought, the planning authority must be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation. The aggregated information should be clearly set out to the satisfaction of the decision maker. Any sensitive personal information should not be made public.

An executive summary prepared in accordance with data standards published by government and in line with the template (template to be published in autumn 2018) will present the data and findings of a viability assessment more clearly so that the process and findings are accessible to affected communities. As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in this guidance where applicable, and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then. It should also set out the proposed developer contributions and how this compares with policy requirements.

The full document can be found at
<https://www.gov.uk/guidance/viability>



Horsham
District
Council

Publication of Viability Information

Planning PDAG
September 2018

Viability- NPPF 2018

NPPF 2018- published 24 July 2018.

Para 57 states:

- The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
- All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

NEW Planning Practice Guidance for Viability



- PPG updated 24 July 2018 to reflect new NPPF and provide detailed guidance for implementation.
<https://www.gov.uk/guidance/viability>
- Contents includes: viability and plan making, viability and decision taking, standardised inputs to viability assessment and accountability
- **Viability and plan making** – no significant changes to current position
- **Viability and decision taking** – no significant change to current position with the exception of a greater onus placed on applicant to provide evidence re differences since plan making, and the guidance being explicit regarding Review Mechanisms

NEW Planning Practice Guidance for Viability

Standardised inputs – Any viability assessment should follow the Governments recommended approach which includes:

- How gross development value should be calculated
- What costs should be included – build costs based on BCIS (or similar), site infrastructure, S106/CIL, finance, professional and project management, contingency (when deemed necessary)
- Land value based on existing use value, plus a premium. Premium should be based on reasonable incentive of land owner, compared to other options. Details are provided regarding how to establish land value and a premium.
- Developer return 15 – 20% of GDV
- Mention of Private Rented Schemes

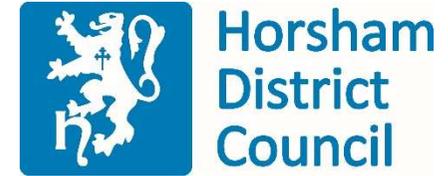
NEW Planning Practice Guidance for Viability



Accountability - Should be prepared with professional integrity by a suitably qualified professional

- Be prepared on the basis that it will be made publically available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available.
- Information is not usually specific to that developer and thereby need not contain commercially sensitive data.
- Where an exemption from publication is sought, the planning authority must be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation.

NEW Planning Practice Guidance for Viability



- An executive summary using the government's standardised template (to be published Autumn 2018) will present the data and findings of a viability assessment more clearly so the process and findings are accessible to affected communities.
- As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in this guidance where applicable, and return to developer.
- In line with Government guidance we will be requiring all future viability appraisals to be made and submitted in accordance with the PPG, with the entire appraisal made public unless a very exceptional case is presented. In such instances the executive summary will be a public document at the very least.

Page 110

Overview & Scrutiny Work Programme
May 2018 to May 2019

	Scrutiny & Overview Committee	CenSus Revs and Benefits Service T&F Group	Councillor's Technology T&F Group	Engagement of O&S in Council Activities
April 2018			First meeting to appoint Chairman, agree terms of reference, scope, work programme and timescales	
May				
June	4th June Election of Chairman and Vice Chairman CenSus T&FG Final Report Crime and Disorder – Annual Report Task and Finish Groups – update on progress		Second meeting to receive feedback on questionnaire	
July	23rd July Cabinet Member interview – the Leader Q4 Quarterly Corporate Plan and F&P Report – End of Year Task and Finish Groups – update on progress	Final Report to O&S		
August			Final meeting of the Group	1 st Meeting
September	24th September Cabinet Member Interview - Planning and Development Q1 Quarterly Corporate Plan and F&P Report Task and Finish Groups – update on progress	Final Report to O&S (tbc)	Final Report to O&S	Update to O&S 25 th September 2 nd Meeting
October				
November	26th November Cabinet Member Interview Q2 Quarterly Corporate Plan and F&P Report MTFS (TBC)			
December				

Overview & Scrutiny Work Programme
May 2018 to May 2019

January 2019	28th January 2019 Cabinet Member Interview Budget (TBC) Q3 Quarterly Corporate Plan and F&P Report			
February				
March	March Cabinet Member Interview Q4 Quarterly Corporate Plan and F&P Report Review of O&S Structure since the changes introduced in June 2017 (18-21 months after new format with T&FG as agreed at O&S on 4/6/18)			
April				
May	Election of Chairman and Vice Chairman Crime and Disorder End of Year Report (TBC)			
June	Cabinet Member Interview			

Future Potential Items for the work programme:

1. Training for Members of Scrutiny
2. Health Provision

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank