

Council
14 OCTOBER 2020

Present: Councillors: Karen Burgess (Chairman), David Skipp (Vice-Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, John Blackall, Toni Bradnum, Chris Brown, Peter Burgess, Jonathan Chowen (Deputy Leader), Philip Circus, Paul Clarke, Roy Cornell, Michael Croker, Ray Dawe (Leader), Brian Donnelly, Ruth Fletcher, Billy Greening, Frances Haigh, Tony Hogben, Nigel Jupp, Liz Kitchen, Lynn Lambert, Richard Landeryou, Gordon Lindsay, Tim Lloyd, John Milne, Colin Minto, Christian Mitchell, Mike Morgan, Godfrey Newman, Roger Noel, Bob Platt, Josh Potts, Stuart Ritchie, Kate Rowbottom, Jack Saheid, Jim Sanson, Ian Stannard, Diana van der Klugt, Claire Vickers, Belinda Walters, Tricia Youtan and James Wright

Apologies: Councillors: Alan Britten, Christine Costin and Louise Potter

CO/20 **MINUTES**

The minutes of the meetings of the Council held on 1 July and 23 July were approved as correct records and would be signed by the Chairman at a later date.

CO/21 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/22 **ANNOUNCEMENTS**

The Cabinet Member for Environment, Recycling & Waste announced that the number of families taking part in the Hot Bin Trial had been extended to six. The results of this six-month trial would determine whether this type of food composter should be promoted widely to residents across the district.

The Cabinet Member for Leisure & Culture stated that, despite these challenging times, he had three pieces of uplifting news:

- The Capitol had been awarded £185K from the Arts Council's Cultural Recovery Fund. He urged Councillors and residents to visit the newly refurbished venue to see one of the live performances, which were booking well.
- A talented Horsham musician had won the 2020 Sussex Young Musician Competition. He had joined a samba band run by the Council's Arts Development service when he was eight, and was now studying percussion at the Royal College of Music.

- Horsham Park had gained the prestigious Green Flag Award. The judges had commented that it was one of the best maintained urban parks they had judged, and was a credit to the Council.

The Chief Executive made two announcements:

- In response to ongoing financial challenges caused by the pandemic, the Council was consulting on a proposed organisational restructure that would deliver £2M annual savings. The proposal included consultation with officers and Members, and sought to minimise the number of compulsory redundancies.
- He had been assured by Councillor Haigh that her Notice of Motion, to be debated later in the meeting, was not intended to imply any criticism of the conduct of Councillors or Officers, or imply that decisions have been made that are not consistent with the Constitution or the Nolan Principles. He also stated that this Council's threshold of £250K for key decisions was much lower than that of many other councils, and that Councillor Haigh's proposal would hamper the ability to gather sufficient information before making key decisions.

CO/23 **QUESTIONS FROM THE PUBLIC**

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

CO/24 **RECOMMENDATIONS FROM CABINET**

Councillor Tricia Youtan, Cabinet Member for Community & Wellbeing, moved the recommendation from the minutes of the Cabinet meeting held on 23 July to approve the purchase of property in Slinfold by the Council's Housing Company (Horsham District Council (Holdings) Ltd). The business case for the purchase of the affordable rental homes had been approved by Cabinet. Councillor Roger Noel seconded the motion.

RESOLVED

That the transfer of s106 funds to Horsham District Homes (Holdings) for the purchase of the homes be approved.

REASON

Approval of the recommendations will deliver four affordable rental homes for the benefit of households on the housing list.

Councillor Ray Dawe, Leader and Cabinet Member for Finance & Assets, outlined the recommendations from the Cabinet meeting held on 24 September relating to the update on the Council's financial position and the impact of the pandemic on the 2020/2021 budgets and the MTFs. Two recommendations

from Cabinet relating to support for rough sleepers accommodation were no longer relevant because unfortunately funding from the MHCLG had not been granted. The Leader moved the amended recommendations. Councillor Roger Noel seconded the motion.

RESOLVED

- (i) That a £50K capital budget for the refresh and refurbishment of the museum whilst it remains closed during 2020/21 be approved.
- (ii) That a £125K capital budget increase to the £180K Henfield Library car park capital project, to address significant issues in the foundations, be approved.

REASON

- (i) Work is needed to modernise and refresh museum displays, introduce a digital cultural heritage offer, and improve the customer experience.
- (ii) The more expensive dig-out and rebuild of the car park in Henfield will address structural defects and make the asset last much longer and is therefore more economical in the long term.

Councillor Claire Vickers, Cabinet Member for Planning & Development, moved the recommendation from the minutes of the Cabinet meeting held on 24 September to approve the updated Building Control Charges Scheme. Councillor Lynn Lambert seconded the motion.

RESOLVED

That the revised Charges Scheme as set out in appendix A of the report to Cabinet be approved.

REASON

To ensure Building Control Charges are able to recover the costs associated with the relevant functions and kept in line with inflation.

CO/25 **RECOMMENDATIONS FROM COMMITTEES**

Councillor Stuart Ritchie, Chairman of the Audit Committee, moved the recommendation from the Audit Committee to approve the Treasury Management Strategy and the Investment Strategy. The Committee had already approved the Capital Strategy as an appropriate overarching strategy for the Council. Councillor John Blackall seconded the motion.

RESOLVED

- (i) That the Treasury Management Strategy for 2020/21 and the associated limits and specific indicators included in section 4 and appendix B of the report be approved.
- (ii) That the Investment Strategy for 2020/21 and the associated limits and specific indicators included in section 5 and appendix C of the report be approved.

REASON

- (i) The Council is required to have regard to the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the CIPFA Code) and Prudential Code which requires the Council to approve a Capital strategy, Investment strategy and Treasury Management Strategy before the start of each financial year.
- ii) The Ministry for Housing Communities and Local Government (MHCLG) issued revised guidance on local authority investments in 2017 that the Council is required to have regard to.

CO/26 **INDEPENDENT REMUNERATION PANEL**

The Chief Executive reminded Members that the Council was required to appoint an Independent Remuneration Panel to consider Members' allowances. An interim report had been carried out in 2018, but it was over four years since the last full review was agreed and implemented.

Following a recruitment process, three suitable candidates had come forward and had met the approval of the Leader and Deputy Leader of the Council, who agree with the recommendation.

RESOLVED

- (i) To delegate to the Chief Executive the approval of the appointment of up to three independent members to sit on the Independent Remuneration Panel.
- (ii) That the appointed Panel Members be paid £700 each upon conclusion of the review and that any travelling and subsistence expenses should be paid at the current approved rate for Members.

REASON

To comply with statutory requirements, in particular (i) the Local Government and Housing Act 1989 and (ii) the Local Authorities (Members' Allowances) (England) Regulations 2003.

CO/27 **REPORTS OF REPRESENTATIVES**

No reports of representatives on outside bodies were received.

CO/28 **NOTICE OF MOTION**

Councillor Karen Burgess, Chairman of the Council, stated that three notices of motion had been received in accordance with Rule 4a.26 of the Council's Constitution. In order to dispose of each motion this evening she asked the Council to agree that the time allocated to this item be extended from the 30 minutes allowed in the Constitution to 45 minutes. Councillor David Skipp seconded this proposal. There were no objections.

The following Motion was moved by Councillor Claire Vickers, Cabinet Member for Planning & Development, and seconded by Councillor Liz Kitchen:

'This Council believes that there is a need for additional housing within the district but that this requires consideration of a wide number of factors that are absent from the Government's proposal for altering the Standard Methodology used to calculate the number of homes that it would require to be built in the District. This proposal sits alongside the Government's consultation on other changes to the current planning system.

We believe that the proposed methodology places impossible requirements as regards building rate levels on this District for the following reasons and we ask that it is withdrawn and more consideration is given to the following points:

This District already has an infrastructure deficit and the Government's proposal would more than double the District's housing targets. This would require huge investment in infrastructure and severely impact our ability to address issues of climate change and biodiversity.

The raising of the on-site Affordable Housing provision threshold as proposed to be only applicable to 50 homes or more, would result in a huge reduction in affordable housing provision and particularly effect our rural areas.

Without an ability to oblige developers to build on the sites that have planning permission Local Planning Authorities such as ours will not be able to deliver the homes the Government requires and thus the proposals to amend the planning system will not meet the objectives.

For these reasons this Council calls on the Government to withdraw the proposals and resubmit ones that focus on supporting towns and cities that need and want regeneration rather than placing unachievable requirements that would change predominately rural areas and are devoid of the necessary infrastructure investment and network.'

Paul Kornicky, a member of the public, addressed the Council in support of the Notice of Motion.

The Cabinet Member urged all Members to support the motion and stated that these concerns would be raised again in the Council's response to the Government's Planning for the Future public consultation. Members debated the motion with comments of support.

On being put, the motion was declared CARRIED.

The following Motion was moved by Councillor Mike Croker and seconded by Councillor Bob Platt:

'Horsham District Council takes note of the Black Lives Matter protests within the district earlier this year. In response, Council resolves to tackle bias, racism or discrimination wherever we find it, and to continue to work with the community and Sussex Police to ensure that policing in the county is proportionate and fair to all residents.'

Councillor Tricia Youtan, Cabinet Member for Community & Wellbeing, proposed the following amendment to the motion, which was seconded by Councillor Philip Circus, Cabinet Member for Environment, Recycling & Waste:

'Horsham District Council notes the Black Lives Matter protests against racism that have taken place recently. We have long condemned racism, along with all other forms of discrimination on grounds of gender, religious belief, sexual orientation and other protected characteristics that are in Section 4 of the 2010 Equality Act. This Council specifically requires all Members to adhere to that non-discrimination policy in Section 3.2 of the Members Code of Conduct and we will continue working with partner agencies, including Sussex Police, to meet these requirements.'

Members debated the proposal.

On being put, the motion, as amended, was declared CARRIED.

The following Motion was moved by Councillor Frances Haigh and seconded by Councillor Tony Bevis:

'This Council notes with concern that in recent months:

- 1. The Government has issued multi-million pound contracts without following due diligence for the award of purchase contracts.*
- 2. The Government has introduced legislation to enable the breaking of an international legal agreement, lowering the status of the UK internationally and risking reputational harm and loss of qualifications for those MPs who hold legal qualifications.*

This Council therefore confirms that in all its dealings it will:

1. *Uphold the rule of law and its own constitution so that no officers or Councillors have to put at risk their professional standing.*
2. *Act in full accordance with its own constitution and the Nolan Seven Principles of Public Life, which are:*
 - 2.1 *Selflessness: Holders of public office should act solely in terms of the public interest.*
 - 2.2 *Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.*
 - 2.3 *Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.*
 - 2.4 *Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.*
 - 2.5 *Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.*
 - 2.6 *Honesty: Holders of public office should be truthful.*
 - 2.7 *Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.*

Council thus recognises its responsibility to maintain public confidence and ensure that its constitution and processes are subject to continuous improvement.

It therefore instructs the Governance Committee to review the following update to the Constitution and report back to full Council within three months-

“Article 11.5 Key Decision: Add

c) any proposed decision to invite contract proposals for a feasibility study, appraisal, out-line plan or the like, which might lead to a project with a value of over £250,000, even if it of itself does not involve expenditure of £250,000, shall be deemed to be a Key Decision subject to the same approvals and scrutiny as all others.” ’

Councillor Ray Dawe, Leader and Cabinet Member for Finance & Assets, proposed an amendment to the Notice of Motion, which was seconded by Councillor Christian Mitchell. He proposed that: references to Government actions and the rule of law be deleted because they were not relevant to Council business; reference to the Nolan Principles be deleted because these were adhered to by Members as part of the Members Code of Conduct; and the proposal to review and update the Constitution be amended. In summary, Councillor Dawe proposed the following amended motion:

‘This Council instructs the Monitoring Officer, in line with Article 13 of the Constitution, to review the effects of a Constitutional change that would make

any proposal for a feasibility study, appraisal, out-line plan or the like, which might lead to a project with a value of over £250,000, even if it of itself does not involve expenditure of £250,000, a Key Decision. This review to be done within three months and to report those findings to the Governance Committee which will then consider any changes it might recommend to Full Council.'

Members debated the proposal.

On being put, the motion, as amended, was declared CARRIED.

CO/29 **MEMBERS' QUESTIONS ON NOTICE**

Councillor Mike Croker asked Councillor Claire Vickers, Cabinet Member for Planning & Development, the following question:

'Would the Cabinet Member for Planning and Development join me in congratulating the South Downs National Park planning authority for adopting a Sustainable Construction Supplementary Planning Document (SPD) which, amongst other measures, encourages use of Passive House standards for all new dwellings, and requires Passive House certification for 10% of all new dwellings in a development of 10 or more dwellings?'

The Cabinet Member replied:

'I am happy to join you in congratulating the South Downs National Park. We work closely with the SDNP and will be applying the new SPD in the determination of any planning applications we make as part of our delegated authority agreement.'

In reply, Councillor Croker asked a supplementary question:

'I'm pleased that you join me in this. But recognising the significance of this SPD and the current climate emergency, would she also consider the production of a similarly rigorous SPD by Horsham District Council that is fit for the challenges presented by the ongoing climate emergency, bearing in mind that policy 39 of the draft Horsham District Local Plan requires that all development should maximise energy efficiency?'

The Cabinet Member replied:

'As you are probably aware, a SPD has to hang off a policy in an adopted Local Plan and the SDNP have recently adopted their Plan. This Council however is in the process, as you know, of renewing its Local Plan so the Strategic Planning team are fully focussed on the preparation of the next stage of this Plan, which will contain enhanced environmental policies. Once the Plan and its policies are in place we can then look to provide supplementary guidance where we feel there is benefit in doing so.'

Councillor Croker made a final statement:

'I thank the Cabinet Member for her relatively positive approach to this and look forward to working with her in future once we get the Horsham District Local Plan past the finishing post.'

CO/30 **URGENT BUSINESS**

There was no urgent business.

CO/31 **TO CONSIDER THE FOLLOWING EXEMPT OR CONFIDENTIAL INFORMATION:**

RESOLVED

That the press and public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information, as defined in Paragraph 2 of Part I of Schedule 12A of the Local Government Act 1972 (*information which is likely to reveal the identity of an individual*)), and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CO/32 **PAY POLICY IMPLICATIONS OF EFFICIENCY SAVINGS**

The Chief Executive presented a report on the proposed organisational restructure, which was currently being consulted on. A number of redundancies would be required to help achieve the necessary efficiency savings. Council approved the recommendations.

The meeting closed at 8.15 pm having commenced at 6.00 pm

CHAIRMAN