

**Council**  
**9 DECEMBER 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, Christine Costin, Michael Croker, Ray Dawe (Leader), Brian Donnelly, Ruth Fletcher, Billy Greening, Frances Haigh, Tony Hogben, Liz Kitchen, Lynn Lambert, Richard Landeryou, Gordon Lindsay, Tim Lloyd, John Milne, Christian Mitchell, Mike Morgan, Roger Noel, Bob Platt, Louise Potter, Josh Potts, Stuart Ritchie, Kate Rowbottom, Jim Sanson, Ian Stannard, Claire Vickers, Belinda Walters, Tricia Youtan and James Wright

Apologies: Councillors: Alan Britten, Nigel Jupp, Colin Minto, Godfrey Newman, Jack Saheid and Diana van der Klugt

CO/33 **MINUTES**

The minutes of the meeting of the Council held on 14 October were approved as a correct record and signed by the Chairman.

CO/34 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/35 **ANNOUNCEMENTS**

The Leader of the Council made two announcements:

- Councillor Peter Burgess had asked to stand down as Cabinet Member for Horsham Town because he thought that the role did not warrant a Cabinet allowance. The Leader confirmed that he did not currently intend to replace this position, and Councillor Burgess would continue to advise on matters pertinent to Horsham Town. He thanked Councillor Burgess for his contribution as a Cabinet Member.
- The Leader, who had been responsible for the Finance & Assets portfolio since May 2019, was combining this portfolio with the Local Economy & Parking portfolio to form one Cabinet position. Councillor Paul Clarke, the Current Cabinet Member for Local Economy & Parking would be responsible for this portfolio.

The Cabinet Member for Environment, Recycling & Waste stated that he had written an article for the County Times regarding the importance of recycling, which was particularly relevant over the Christmas period. The Cabinet

Member also thanked the operatives and other staff who had achieved uninterrupted roadside collections throughout the pandemic.

The Cabinet Member for Community Matters & Wellbeing gave an update on measures being taken by the Council and Turning Tides, their outreach partner, to tackle homelessness and find accommodation for rough sleepers in the district. The Council was also working with a number of other community groups and statutory organisations. Instead of the usual winter night shelter, which was not possible because of the pandemic, bed spaces had been reserved with accommodation providers to meet any additional seasonal demand.

The Cabinet Member for Local Economy & Parking made two announcements:

- The Council had appointed Chichester College to deliver an innovative programme to support local high street business. They have offered a series of free on-line interactive webinars to help businesses after lockdown. The programme will continue next year providing advice and support.
- Two DWP funded programmes were being established; a work information and support hub will be launched in January to support young adults with employability skills and training; and Into Work, focussed on the over 25s, that will address labour market challenges caused by the pandemic.

CO/36 **QUESTIONS FROM THE PUBLIC**

Mr Paul Kornycy asked the following question:

*'Members will be aware that at Full Council Meetings they have a right, enshrined in the constitution, to ask 'a question on any matter in relation to which the Council has powers or duties or which affects the District'.*

*Prior to the 'new' constitution, residents had an equivalent right albeit with less generous timings. This right was in practice for many years and was clearly laid out in the Council published guidance on public speaking.*

*In December 2017 this right was severely restricted to 'only Agenda business' despite it putting Horsham District completely at odds with all other district or borough councils in West and East Sussex, perhaps all of England, where presumably such Councils welcomed the active participation of their residents, as part of a healthy democracy.*

*Article 1 of Horsham's constitution states the purposes of the constitution, and includes:*

- *Support the active involvement of people in the process of decision-making*

- *Create a powerful and effective means of holding decision-makers to public account*
- *Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions.*

*The blocking of an 'open' public question time is clearly contrary to these principles and is a black mark for Horsham's openness, transparency and accountability.*

*Please explain why Horsham District Council may, in Agenda Item 7, Governance Minute GO/16, continue to restrict this participative right of residents when most, if not all, equivalent councils embrace such free input as an essential part of a 21<sup>st</sup> century democracy?'*

Councillor Ray Dawe, Leader of the Council, replied:

*'At the heart of this question is a reference to 21<sup>st</sup> Century democracy and the ability of residents to have what you describe, Mr Kornycky, as free input to the Council. You suggest that by allowing only questions that are relevant to a Council meeting agenda the ability for any resident to have free input to the Council is somehow diminished. To respond to your words, looking at 21<sup>st</sup> Century democracy, it must surely be reasonable to compare it to 20<sup>th</sup> Century democracy. How did it work then? How was a resident some 20 odd years ago and beyond that time to raise a point or ask a question of a Council Member or Council Officer? Basically this was by letter or by a telephone call.*

*Compared to that pre-internet age, how does this Council now, again to use your words, embrace free input? Well that ability to write a letter or make a phone call of course still exist. We now have the internet. Not only does that give the public immediate access to all Council meeting papers and minutes but most of all it enables any member of the public to email and ask a question at any time they choose; of a Member or an Officer or indeed of any named selection of Members or Officers and get an answer. It is this 21<sup>st</sup> Century ability, used in great number, that we see today. I can speak for myself that the number of such communications I receive is very large and other Members and Officers must receive equal number of communications too. In addition, any person since the turn of the 21<sup>st</sup> century, i.e. since it became law in 2000, has the right to access any relevant discussion emails or papers on matters by requesting those from the Council under the Freedom of Information Act and you have used this yourself.*

*Councillors come to a Council meeting such as this one to discuss and make decisions on agenda items where they have briefing papers and these are matters which will almost certainly have been to a Committee or PDAG for discussion beforehand. So what would therefore be the purpose of anyone waiting until there is a Council meeting to ask a question that is not relevant to the agenda when in fact they can ask it at any time? There is nothing stopping such a response being sent to a newspaper or put on social media. Whereas in the pre-21<sup>st</sup> Century world they would have had to write a letter to a newspaper or indeed stand on a soapbox at a street corner.*

*Our current constitution ensures there is opportunity for members of the public to ask questions relevant to the agenda at Council meetings, ie they can fully participate and question us at the actual time when decisions are being made and in doing that we are fully supporting the active involvement of our residents in that process. In your question you mention that the Council should welcome the active participation of residents as a part of healthy democracy. And as a modern 21<sup>st</sup> Century Council we certainly do this. We offer free, open and easy access to every resident in all the ways I've mentioned thus offering a powerful and affective means of holding decision makers to public account in a way inconceivable to Members or the public 20 or so years ago which is when I suspect many Councils' constitutions were written.*

*Finally, in responding to your question, it would seem reasonable to see if this public questions aspect is as important to our residents as you say it is or if indeed is used much at all. Given your concern we would expect this to show in a high number of questions from a diverse number of people. So what is the evidence? I have checked through the life of this Council since May of last year and in fact have gone back to January 2019 to see who has asked questions. I find that in that time there have been just five questions, not including this one tonight. Have they come from a varied number of residents? The answer is that four of the five came from you or Mrs Kornycky, In addition on two occasions you have made statements to the Council in the same period. I hope this answers your question. I leave Councillors to draw their own conclusions about this matter.'*

As a supplementary question, Mr Kornycky asked:

*'If what you say is a very persuasive argument, why is it that all these other Councils still value having an open question time for their public and Horsham doesn't?'*

Councillor Ray Dawe replied that the point was that constitutions, by and large, had been written in an age when there wasn't the internet, and that there was no need to wait to come along to a Council meeting to ask a question.

## CO/37 **RECOMMENDATIONS FROM CABINET**

### Update on the Council's Financial Position

Councillor Ray Dawe, Leader of the Council, presented the report on the Council's current and future financial position. He advised that, because of the degree of uncertainty caused by the pandemic and Brexit it was impossible to prepare a full Medium Term Financial Strategy (MTFS) at this stage, and when it is produced in January or February 2021 there would be a degree of uncertainty.

The overspend of £5m this Financial Year, as set out in the report, had risen to £5.4m due to the November lockdown and it was recognised that substantial

action was still required to achieve a balanced budget in 2021/22. He outlined the recommendations from the Cabinet meeting on 26 November relating to the pricing structure for Southwater County Park, and the proposed capital budget for bin-weighing software to make trade waste collections more efficient.

#### RESOLVED

- i) That the new pricing structure at Southwater County Park car park as set out in Appendix A of the Cabinet report be approved.
- ii) That the transfer of the budget and associated operational responsibilities for the Southwater Country Park car park to Parking Services for 2021/22 be approved.
- iii) That a £89k capital budget in 2020/21 for business waste bin weighing technology and equipment be approved.

#### REASON

- i) The Council needs to acknowledge the highly unpredictable nature of the national and local situation occasioned by the COVID-19 pandemic and the huge impact this is having on its financial position both in the short and longer term. This has moved the Council from what has been a long term healthy financial position to one with predicted large deficits unless action is taken.
- ii) To standardise parking hours across the year and help manage demand for car parking at Southwater Country Park during busy periods.
- iii) To streamline internal reporting processes and have all parking related services within the Parking service budgets.
- iv) The bin weighing technology and equipment will help the business waste service more accurately and efficiently manage the service by identifying trends and overladen bins, ensuring the Council is not subsidising customer disposal costs.

#### Horsham's First Local Cycling and Walking Infrastructure Plan (LCWIP)

Councillor Peter Burgess presented the recommendation from Cabinet to adopt the proposed LCWIP. West Sussex County Council had approached local authorities with a view to creating LCWIPs for major towns in West Sussex and the adoption of Horsham's LCWIP would feed into a cycling and walking network for the county.

The plan focused on cycling and walking corridors within Horsham town, or into town from surrounding settlements, that were the result of evidence based research and consultation. Councillor Burgess confirmed that local authorities with LCWIPs would be better placed to secure future funding. Councillor Liz Kitchen seconded the motion.

Councillor Ruth Fletcher stated that in the light of the level of competition for funding, a more detailed priority list of routes was required to be able to take advantage of funding opportunities. She therefore moved an amendment to the recommendation by way of the addition of the following recommendation, the wording of which was agreed after further debate:

- iv) To develop a prioritised programme of practical schemes and a network plan to match potential funding opportunities and start implementation of the LCWIP.

Councillor John Milne seconded the motion. On being put, the amendment was declared lost.

Following further debate, the substantive motion was put and declared carried.

#### RESOLVED

- ii) That the content of the Summary of Stakeholders and Public Consultation document, October 2020 be noted.
- ii) To delegate authority for any minor editorial amendments to the Cabinet Member for Horsham Town.

#### REASON

- i) The LCWIP is a key tool in helping to deliver local improvements to increase both cycling and walking in the District and puts the Council in a strong position when bidding for cycling and walking improvement grants for the Government;
- ii) The Summary of Stakeholders and Public Consultation is an important background document in setting out the proposed response to the comments received;
- iii) To allow minor changes only. Any substantive change would need to be agreed by all Members.

#### Approval of amendment to Business Cases for Horsham District Homes for Affordable Homes in Billingshurst

The Cabinet Member for Community Matters & Wellbeing outlined the reasons why the business cases for three affordable homes in Billingshurst, which had been approved by Council in December 2019, needed to be revised. These included measures to achieve high standards of sustainability and unforeseen works caused by poor ground conditions. Approval of the recommendation

would allow for the transactions to be completed so the affordable rental properties could be delivered for the benefit of households on the housing list.

RESOLVED

- i) That the transfer of s106 funds to Horsham District Homes (Holdings) for the purchase of the three properties in Billingshurst be approved

REASON

- i) Approval of the recommendations will allow the details of the transactions to be completed so that the affordable rental properties can be delivered for the benefit of households on the housing list.

CO/38 **RECOMMENDATIONS FROM COMMITTEES**

**Public Speaking at Full Council and Formal Cabinet Meetings**

Two members of the public addressed the Committee in objection to the recommendation from the Governance Committee.

Councillor Andrew Baldwin, Chairman of the Governance Committee, gave the background to the recommendation, which would bring consistency between the procedures for public speaking at full Council meetings and those for formal Cabinet meetings. The Majority Group considered there was no need for members of the public to make statements on agenda items, and that it was appropriate for questions to be relevant to the business of the meeting. He outlined the number of ways in which members of the public could contact the Council and Councillors.

Councillor David Skipp, Vice Chairman of the Council and member of the Governance Committee, questioned why there should be limitations on the subject of public questions when there were mechanisms to prevent vexatious or inappropriate questions. He was concerned that the recommendation was inconclusive and moved that:

The recommendation be deferred back to the Governance Committee or further consideration and debate on the rules and procedures for public engagement at meetings.

Councillor Frances Haigh seconded the motion. After further debate, the motion was declared lost.

The Chairman of Governance Committee advised that the Committee had already agreed that procedures relating to public engagement at meetings would be clarified in the constitution. The substantive motion was then put and declared carried.

RESOLVED

That the following wording be added to the Constitution at 4a.8 (Council procedure rules: Questions by the Public)

‘A maximum time of 15 minutes is to be allowed in the meeting to receive oral questions and answers (not statements) which, in the opinion of the person presiding at the meeting, are relevant to the business to be transacted at that meeting. A copy of any such questions must be submitted in writing no later than three working days prior to the relevant meeting. Questions can only be asked by residents who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District. As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing within three working days of the relevant meeting

#### REASON

To ensure that the opportunity for members of the public to speak at Council meetings is not exploited by campaigning organisations or individuals to further a cause not directly related to the business of that meeting.

#### Final Report of the Off Street Parking Task & Finish Group

Councillor Tony Bevis, Chairman of Overview & Scrutiny Committee introduced the report of the Off Street Parking Task & Finish Group. He considered that there had been insufficient debate of the recommendation of the report because the Committee meeting had been curtailed. He was uncomfortable with the recommendation and therefore invited the Chairman of the Task & Finish Group, Councillor Brian Donnelly, to move the recommendation.

Councillor Donnelly presented the report, which recommended that the Council develop its own Parking Standards matrix to inform the allocation of parking provision for new developments. This would allow decisions to diverge from the criteria set by West Sussex County Council Highways Authority.

Councillor Claire Vickers, Cabinet Member for Planning & Development acknowledged the amount of work that had been done to produce the report, but considered that further consultation and research was required. She proposed that the recommendation be deferred back to the Overview & Scrutiny Committee to give more time for discussion to ensure the report is complete and accurate. Councillor Ray Dawe seconded the motion.

After further debate, the motion was put and declared carried.

#### RESOLVED

That the report of the Off Street Parking Task & Finish Group be taken back to the Overview & Scrutiny Committee for further consideration before being brought to a future Council meeting.

#### REASON

To allow more time for consultation and research before the report is finalised.

#### Appointment of a second Independent Person

Councillor Brian Donnelly, Chairman of Standards Committee, announced that the Committee had appointed Michael Rumble as a second Independent Person to the Committee. The Localism Act 2011 required that local authorities appoint at least one Independent Person to give their view to the Monitoring Officer on Code of Conduct complaints.

Councillor Donnelly confirmed that Councillor Peter Burgess had sat on the Standards Committee in his capacity as a Cabinet Member, as required by the constitution. Now that Councillor Burgess had left the Cabinet, the Leader of the Council proposed that Councillor Philip Circus, Cabinet Member for Environment, Waste & Recycling replace Councillor Peter Burgess on the Standards Committee.

#### CO/39 **DECISIONS ARISING FROM THE COVID-19 EMERGENCY**

The Chief Executive reminded Members that in April Council had agreed that he could make decisions under emergency powers to respond to the challenges posed by the pandemic. In November he had cause to use these powers for the first time to ensure that local businesses impacted by the pandemic could benefit from two new government grant schemes before Christmas.

He confirmed that his decision was made in consultation with the Leader, Finance & Assets portfolio holder and the Leader of the Opposition. He would update Council in February if another scheme that was coming forward required him to use these powers again.

#### RESOLVED

That the decision made by the Chief Executive under his Head of Paid Service powers outlined in section 1.4 be noted.

#### REASON

- i) The Council needs to make this decision to regularise actions already taken.

- ii) The decision made under Emergency Powers helped expedite the processing of Local Authority Additional Restrictions Discretionary Grants Fund. This will help mitigate the effect of the second lockdown on those businesses that qualify for the Grants.

CO/40 **REPORTS OF REPRESENTATIVES**

No reports of representatives on outside bodies were received.

CO/41 **MEMBERS' QUESTIONS ON NOTICE**

No questions had been received.

CO/42 **URGENT BUSINESS**

There was no urgent business.

*The meeting closed at 8.05 pm having commenced at 6.00 pm*

**CHAIRMAN**