

Council
8 DECEMBER 2021

Present: Councillors: David Skipp (Chairman), Kate Rowbottom (Vice-Chairman), Matthew Allen, Tony Bevis, Martin Boffey, Toni Bradnum, Chris Brown, Karen Burgess, Peter Burgess, Jonathan Chowen, Paul Clarke (Leader), Michael Croker, Ray Dawe, Brian Donnelly, Ruth Fletcher, Billy Greening, Nigel Jupp, Liz Kitchen, Lynn Lambert, Richard Landeryou, Gordon Lindsay, Christian Mitchell, Mike Morgan, Roger Noel, Jon Olson, Bob Platt, Louise Potter, Josh Potts, Stuart Ritchie, Jack Saheid, Ian Stannard, Diana van der Klugt, Claire Vickers, Tricia Youtan and James Wright

Apologies: Councillors: Andrew Baldwin, John Blackall, Alan Britten, Philip Circus, Christine Costin, Frances Haigh, Tony Hogben, Tim Lloyd, John Milne, Colin Minto, Jim Sanson and Belinda Walters

CO/51 **MINUTES**

The minutes of the meeting of the Council held on 13 October were approved as a correct record, subject to two amendments to clarify the meaning:

CO/42(c) to correct a spelling mistake by replacing the word 'leave' with 'lease';

CO/43 to amend the first sentence of the first bullet point to read 'The SDNP was producing an Area Action Plan regarding the future of the Shoreham Cement works, which proposed the site as an exemplar of sustainable mixed-use development'.

The minutes, as amended, were signed by the Chairman.

CO/52 **DECLARATIONS OF MEMBERS' INTERESTS**

Councillor Tony Bevis declared a personal interest in Item 6b), Community Advice Agreement, because he was a volunteer at Horsham Citizens Advice.

Councillor Martin Boffey declared a personal interest in Item 7b), Councillor Code of Conduct Amendments, because he was Vice-Chairman of Trafalgar Neighbourhood Council.

CO/53 **ANNOUNCEMENTS**

Councillor David Skipp, Chairman of the Council reminded everyone that there would be an Extraordinary Council meeting immediately following to meeting for the conferring of the title of Honorary Alderman on two past Councillors.

Councillor Skipp stressed the importance of the care and protection of everyone attending Council meetings and the need to adhere to the current Covid regulations. He asked for masks to be worn when not speaking and said it was important to observe social distancing and other hygiene measures, including taking Lateral Flow Tests before meetings when possible.

Councillor Skipp called upon Councillor Jonathan Chowen, the new Leader of the Council to make his announcement:

Councillor Chowen thanked the previous Leader, Councillor Paul Clarke for taking on the role at such a challenging time. He also thanked the Cabinet members who had stepped down for their dedication to the Council.

He spoke of the new Cabinet's vision for the district, which included the need to protect and enhance Horsham Town, historic villages and the countryside. The existing draft Local Plan had become undeliverable due to recent events, including Natural England's decision statement on water neutrality. This enforced pause in development gave an opportunity to reset housing numbers as the target of 1,200 houses a year looked unlikely; the government's current targets were no longer achievable and would need to be reviewed. The Council would work closely with the community and with Parish and Neighbourhood Councils in addressing local housing needs, prioritising brownfield sites and ensuring high quality, eco-friendly development.

Councillor Chowen also spoke of the need to: preserve and enhance the district's culture, heritage, environment and wildlife; to build the district's diverse and sustainable communities; support businesses with a strong rural economy; and to encourage young people to live and work in the district.

Councillor Chowen stated that the challenges of ecological decline, carbon reduction and climate change would be dominating issues and that was why his team would be putting the environment at the top of the agenda. He announced a further substantial investment in the environment to help towards delivering climate change initiatives and achieving carbon neutrality. The creation of a new Cabinet portfolio, Environment & Rural Affairs, also reflected this priority. Councillor Chowen went on to announce the new Cabinet.

Councillor Roger Noel, Cabinet Member for Leisure & Culture, announced that the Christmas Pantomime at The Capitol was going ahead, with mask wearing and social distancing. He invited Members to join him and the Chairman for a performance on Friday.

CO/54 **QUESTIONS FROM THE PUBLIC**

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

CO/55 **RECOMMENDATIONS FROM CABINET**

a) **Update on the Council's financial position and Medium-Term Financial Strategy update**

Councillor Jonathan Chowen introduced the report on the Council's financial position and MTFS, and outlined how assumptions had changed since the update in September. He anticipated a modest surplus in the 2022/23 budget, but there was little information from Government to help with later projections and future strategy. Once further details were available on garden waste and food waste collections, business rates and income recovery positions, revisions to the MTFS could be made.

Councillor Chowen advised that the garden waste collection charges had to be agreed before the budget was set in February because of the timing of annual billing. The recommendations to Council included four new revenue budgets to enable the Council to accept grant funding on specific services. With regard to the final recommendation, it was noted that the Council had withdrawn from the West Sussex Business Rates pool last year because of uncertainty over the impact of Covid-19 on business rates.

There was also uncertainty over the full cost of measures to tackle climate change, which had not yet been included in the financial planning. Councillor Chowen advised that this would be funded through the anticipated surplus and by dipping into the reserves as required. He emphasised that funding decisions would be discussed widely and fully before the budget for this could be confirmed.

The proposal was seconded by Councillor Stuart Ritchie.

RESOLVED

- i) That changes in the Council's financial position in 2021/22 and the medium-term be noted.
- ii) That the charges from 1 April 2022 for the garden waste subscription service are increased from £42 for the first bin to £44 and for any subsequent bin increased from £33 to £35.
- iii) To approve the creation of a £2,500 revenue budget for a short breaks funding grant from West Sussex County Council and matching expenditure in the 2021/22 leisure services budgets.
- iv) To approve the creation of a £99,271 revenue budget for Contain Outbreak Management Fund (COMF) grant funding from West Sussex County Council and matching expenditure in the 2021/22 environmental health service budgets.

- v) To approve the creation of a £139,000 revenue budget for Contain Outbreak Management Fund (COMF) grant funding from West Sussex County Council and matching expenditure in the 2021/22 housing services budgets.
- vi) To approve the creation of a £78,946 revenue budget for Winter 2021 COVID-19 rent arrears financial support grant funding from Department for Levelling Up, Housing & Communities and matching expenditure in the 2021/22 housing services budgets.
- vii) Subject to the safety net being put in place, to approve the Council joining the West Sussex Business Rates pool in 2022/23.

REASON

- i) The Council needs to acknowledge the effects of the local situation occasioned by the COVID-19 pandemic and the continued impact this is having on its financial position both in the short and medium-term. This has moved the council from what has been a long-term healthy financial position to one with predicted deficits. However, given the level of uncertainty in the projections, the economy and proposed Government action the report does not recommend direct action to reduce expenditure at this stage.
- ii) The costs of running the garden waste service increase by inflation, and this price increase is passing this cost onto users of the service.
- iii) The short breaks grant will be spent on a Family Fun Day at Chanctonbury Leisure Centre for disabled children and young people before the end of March 2022. This will form an additional part of the Reaching Higher project.
- iv) The COMF grant will be spent preventing health inequalities and on COVID-19 risk management.
- v) The housing COMF grant will be spent on a range of interventions and housing solutions to support those affected by homelessness and risk of homelessness associated with COVID-19.
- vi) The Winter 2021 COVID-19 rent arrears financial support grant will support low-income private renters with COVID-19 related arrears to avoid eviction or find a new home.
- vii) Joining the West Sussex business Rates pool should benefit the County and therefore the district by retaining locally generated business rates, using it to further support the economic regeneration of the wider West Sussex area.

b) Community Advice Partnership Agreement

Councillor Liz Kitchen, Cabinet Member for Community Matters, stated that the current contract for the provision of an independent information and advice service was due to expire at the end of March. The existing service was funded through the Council's annual strategic grant budget and was provided by Community Advice.

The Council had entered into a partnership contract with WSCC and Sussex district and borough councils to collectively procure and fund community advice services. On 25 November Cabinet had agreed to continue under this partnership agreement.

Councillor Kitchen stated that the current providers, Citizens Advice, provided a comprehensive and valuable service, supporting residents on a range of matters, including benefits, consumer rights, employment and all family matters. The proposal was seconded by Councillor Billy Greening.

RESOLVED

To approve a budget contribution of £93,000 for up to 7 years, uplifted annually in line with the consumer price index calculated on the anniversary of the agreement, subject to satisfactory service reviews in line with Horsham District Council's corporate priorities and the availability of Horsham District Council funding.

REASON

To enable community advice services to continue to be delivered for residents of the Horsham District, therefore protecting the quality of life of those who live in, work in and visit our district.

CO/56 **RECOMMENDATIONS FROM COMMITTEES**

(a) Provision of the External Audit of the Annual Accounts

Councillor Stuart Ritchie, Chairman of Audit Committee, presented the recommendation from Audit Committee, which had considered the appointment of auditors on 1 December. Previously the Council had opted into national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA). These arrangements covered the period from 2018/19 up to and including the audit of the 2022/23 accounts.

Audit Committee had considered the report of the Director of Corporate Resources, which gave details of the current arrangements. Councillor Ritchie set out the reasons why a PSAA appointed auditor was not satisfactory and advised that an independently appointed auditor would give the Council more

control over timing and ensure good quality. The proposal was seconded by Councillor Gordon Lindsay.

RESOLVED

- i) To decline Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.
- ii) To instruct the officers to seek to establish an independent audit panel and refer the appointment of this Panel back to its February meeting.

REASON

- i) There is a possibility the position with regards to the timeliness of the audit could improve with a local appointment and there appears to be little chance of this in joining the PSAA arrangements.
- ii) If the Council goes alone it must appoint an independent panel and then complete the procurement by 31 December 2022.

(b) Councillor Code of Conduct – Amendments

Councillor Brian Donnelly, Chairman of Standards Committee, outlined the recommended amendments to the Councillor Code of Conduct, which had been adopted by the Council in April 2021. Council had adopted the Local Government Association's Model Councillor Code of Conduct 2020, with minor amendments to the standard text. The LGA has subsequently identified an error and had made revisions in relation to Interests. The Committee recommended other minor amendments to correct and clarify the Code.

By adopting this revised version, the Council will align itself with the latest version of the LGA Code, without interfering with previous specific amendments already made by this Council. The proposal as seconded by Councillor Diana van der Klugt.

With regards to the inclusion of Neighbourhood Councils in the definitions section of the Code as being a Local Authority, along with Parish Councils and other bodies, there was some concern that Neighbourhood Councils should be defined differently to Parish Councils as they were not statutory bodies. The Monitoring Officer clarified that the inclusion of Neighbourhood Councils was to allow them to come under the jurisdiction of the Code and take advice from the Monitoring Officer and her team if they so wished; it did not change their status in any way.

RESOLVED

To adopt the Councillor Code of Conduct for Horsham District Council as amended.

REASON

- i) The Local Government Association Code of Conduct is a national model and now contains additional guidance, working examples and explanatory text. The Horsham District Council Code of Conduct should align as closely as possible with the current version and the up-to-date published model code.
- ii) The Local Government Association have identified an error in relation to the part of the code dealing with interests and have provided some clarity in other areas following feedback. The amendments improve the code and do not interfere with other amendments previously made.

(c) Code of Conduct Complaints – New Procedures

Councillor Diana van der Klugt, Vice-Chairman of Standards Committee, introduced the recommendation to adopt new procedures for dealing with Code of Conduct complaints. She thanked the working group that had been set up to consider the current procedures and recommend improvements. The proposed changes, set out in the Committee report, sought to achieve a more streamlined process for complainants and ensure a fair, efficient and transparent process.

The Committee had weighed the benefits and disadvantages of holding sub-committees convened to determine formal investigation in public or in private. They had concluded that due to the complex and sensitive issues under scrutiny these investigations should continue to be held in private. It was noted that the Independent Person would attend any such hearing.

There had been an increase in formal complaints in the last few years, mainly involving Parish Councillors. It was anticipated that the proposed procedure would allow complaint cases to be dealt with more effectively and with less resource implications for the Legal Department. The proposal was seconded by Councillor Brian Donnelly.

RESOLVED

To approve the adoption of the revised procedure in dealing with Code of Conduct complaints.

REASON

- (i) The current published procedure is detailed within a number of different documents and is repetitive and can be difficult to follow. The revised procedure brings everything together into one simplified clear document.

- (ii) The revised procedure will ensure that the Standards Committee and the Monitoring Officer are able to deal with Code of Conduct complaint cases in an efficient, timely, proportionate, just, and transparent way.
- (iii) Best practice recommendations are incorporated within the revised procedure.

CO/57 **REPORTS OF REPRESENTATIVES**

There were none to report.

CO/58 **MEMBERS' QUESTIONS ON NOTICE**

1. Councillor Louise Potter asked Jonathan Chowen, Leader of the Council, the following question:

"In issuing their statement on water neutrality, Natural England has given us an opportunity to improve the current Local Plan. The Liberal Democrats welcome this and look forward to contributing to those changes.

"Although many will welcome an attempt to reduce the overall housing numbers, improve standards and increase the percentage of affordable homes - it brings much anxiety to residents that the new Leader may try to put the previously considered site at Rookwood back into the plan. Fears are particularly heightened in light of the new Leader's commitment to developing the site when he was the Cabinet Member for Leisure and Culture.

"Members will recall the unprecedented public opposition to the proposed development of Rookwood and, on removing it from the plan, the Cabinet at that time assured us that they had listened and learnt.

"Will the Leader confirm that he will honour the commitment of his predecessors and rule out developing on Rookwood?"

The Leader of the Council replied:

"Rookwood was removed from the emerging Local Plan before Natural England issued their water neutrality decision statement. That statement highlighted the impact of water extraction in the south of the district on the habitat of particular species and caused a pause on development. It is highly likely this will result in a significant reduction in our ability to meet centrally imposed housing targets. Under those circumstances, we will need fewer strategic sites rather than more so there is no need to reconsider Rookwood."

Councillor Potter asked a supplementary question:

"Can you therefore confirm that you personally will not promote the development of Rookwood for either housing or other purposes that might

reduce its amenity as long as you are acting as Leader of Horsham District Council?"

In reply, the Leader of the Council read out the following statement that had been made by the previous Leader and Deputy Leader:

"The Council is now under new Leadership and enhancing our green spaces and listening to public consultation are vital in building trust in our Leadership. Not allocating Rookwood in the Local Plan was the wish of the public at that stage and following a year which has seen increased golfing activity your Councillors have listened. It is vital that we engage with local groups and find out how we can best use Council owned land at Rookwood. We are committed and still committed to listening and engaging over the next two years before making any longer term commitments on the future of Rookwood'.

"I agree with this statement from the previous Leader and Deputy Leader."

Councillor Potter responded by saying she didn't think residents would be put completely at ease by the Leader's reply, but she looked forward to seeing how things progressed.

2. Councillor Martin Boffey asked Councillor Trisha Youtan, Cabinet Member for Housing & Public Protection, the following question:

"At the Council meeting on 13 October, the Cabinet Member for Housing and Public Protection advised Members of the number of affordable homes delivered in the district in the last seven years, including those for rent. However, quite understandably at the time, when asked by me no figure was immediately available for how many of these homes were for Social Rent. Please could the Cabinet Member now confirm how many new Social Rented homes were delivered in the Horsham District over the same period, being the last seven years?"

The Cabinet Member replied:

"Horsham District Council has successfully delivered 1,684 new affordable homes since 2014. Of these 952 have been delivered as Affordable Rental homes for households with an identified housing need on the Council's housing register with the remaining 732 being delivered for intermediate housing for Shared Ownership. To answer Councillor Boffey's question, none of the Affordable Rented homes were classified as Socially Rented homes. However, Affordable Rents are broadly speaking set at 80% of market rent levels compared to 60% for Social Rented homes. Affordable Rents are capped at the relevant local housing allowance rate for an area meaning that they are affordable for lower income families that may need financial support through housing benefit or the housing element of the universal credit in the same way Socially Rented homes would be.

"It is also worth mentioning that there have been a number of changes in the sector since 2015 which have seen a focus on low-cost home ownership

options being funded, annual rent reductions between 2015 and 2019, and the introduction of Affordable Rent as an affordable tenure. The purpose of this was to enable registered providers and housing associations to not only provide a suitable safe and affordable home to those that need them but also to generate additional income to be reinvested in the development of affordable housing. Our continued high delivery numbers are testament to this. I am really proud of our track record in this area in securing so many Affordable Rented homes and providing a solution to those that are in housing need on our housing register.”

Councillor Boffey thanked the Cabinet Member for the response to his question. He noted that when this Council passed the resolution to look more closely at Social Rented housing for the future, it showed a commitment to the importance of this as a scheme. He stated that it was therefore important to know where Horsham District Council was starting from so that there was a clear view of where it needed to move forward to in the future.

CO/59 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 7.24 pm having commenced at 6.00 pm

CHAIRMAN