



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

Council

Wednesday, 14th December, 2022 at 6.00 pm
Conference Room, Parkside, Chart Way, Horsham

To: All Members of the Council

(Please note that prayers will be taken by The Reverend Canon Lisa Barnett, Team Rector of Horsham, before the meeting commences)

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON COUNCIL PROCEDURE	
1. Apologies for absence	
2. Minutes	5 - 16
To approve as correct the minutes of the meeting of the Council held on 19 October 2022 <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>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members	
4. Announcements	
To receive any announcements from the Chairman of the Council, the Leader, Members of the Cabinet or the Chief Executive	
5. Questions from the Public	
To receive questions from the public under Rules 4a.2(f) and 4j1.1 – 4j1.12	
6. Recommendations from Cabinet	17 - 20
To receive and, if approved, adopt the recommendations from the meeting of Cabinet held on 24 November 2022:	

- (a) **Update on the Council's financial position in 2022/23 and Medium-Term Financial Strategy update 2023/24 to 2026/27** (report of the Cabinet Member for Finance & Parking is available at: [Agenda item 6](#))
- (b) **Refuse Vehicle Refurbishment Tender Award** (report of the Cabinet Member for Recycling & Waste is available at: [Agenda item 9](#))
- (c) **Approval of Business Case for Horsham District Homes for affordable homes in London Road, Horsham** (report of the Cabinet Member for Housing & Public Protection is available at: [Agenda item 10](#))

7. **Horsham Blueprint Business Neighbourhood Development Plan** 21 - 32

To consider the report of the Cabinet Member for Planning & Development

8. **Appointment of Interim Head of Legal & Democratic Services/Monitoring Officer** 33 - 36

To consider the recommendation of the Employment Committee on the appointment of the Interim Head of Legal and Democratic Services/Monitoring Officer

9. **Reports of representatives**

To receive reports from representatives on outside bodies

10. **Notice of Motion**

To consider the following Notice of Motion, submitted by Councillor John Milne, in accordance with Rule 4a.26 of the Council's Constitution:

"The West Sussex Speed Limit Policy which applies across Horsham District is being reviewed. If implemented, this revised Policy will mean that our residents will only be able to seek reduced limits in areas which already have relatively low speeds.

"For example, the Policy states that a 30mph limit can only be introduced in roads where the average speed is already less than 35mph. If the risk is much greater – for example, if average speeds exceed 40mph – then it's likely no action will be taken. This Policy therefore proposes to do nothing where the safety risks are greatest, while concentrating scarce Highways funds into the areas which need them least.

"We move that this Council requests that West Sussex County Council reconsider their new Speed Limit Policy, such that Horsham District residents will be able to reduce speeds in the roads where need is greatest."

11. **Members' Questions on Notice**

To receive questions from Members under Rules 4a.8(b) – 4a.13

12. **Urgent Business**

To consider matters certified by the Chairman as urgent

GUIDANCE ON COUNCIL PROCEDURE

(Full details in Part 4a of the Council's Constitution)

Addressing the Council	<p>Members must address the meeting through the Chairman. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop. The Chairman will decide whether he or she prefers Members to stand or sit when addressing the Council.</p>
Minutes	<p>Any comments or questions should be limited to the accuracy of the minutes only</p>
Quorum	<p>Quorum is one quarter of the whole number of Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.</p>
Declarations of Interest	<p>Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.</p>
Announcements	<p>These should be brief and to the point and are for information only – no debate/decisions</p>
Questions from the public (Notice must have been given in writing to the Chief Executive by 12.00 three working days before the meeting)	<p>Directed to Leader, Cabinet Member or Chairman of an ordinary committee and relevant to the business of the meeting. 2 minutes in total to put the question. Appropriate Member to reply. Questioner may ask one supplementary question. Member to reply (max 2 minutes unless Chairman consents to a longer period). Overall time limit for questions of 15 minutes or six questions, whichever is greater. The questioner must be present. If a question cannot be dealt with at the meeting (lack of time or absence of relevant Member), a written reply to be given. No discussion but any Member may move that a matter raised by a question is referred to Cabinet or committee. If seconded, no discussion – vote taken.</p>
Cabinet recommendations (see also rules of debate)	<p>Leader/Cabinet Member presents and moves recommendation(s) – seconder required. Members may:</p> <ul style="list-style-type: none"> - ask a question on the item under consideration – max 2 minutes; and/or - make a statement – max 5 minutes.
Questions from Members on Notice (Notice must have been given in writing to the Chief Executive by 12.00 two working days before the meeting)	<p>These are directed to the Chairman, Leader, Cabinet Member or chairman of any committee:</p> <ul style="list-style-type: none"> - 2 minutes maximum for initial question - 2 minutes maximum for the response - 2 minutes maximum for a supplementary question - 2 minutes maximum for a response to the supplementary question - 5 minutes maximum for the questioner to make a final statement in response, if they wish - If an oral reply is not convenient (e.g. too lengthy) a written answer may be circulated later. <p>No discussion. Maximum of 30 minutes overall for questions and answers.</p>

<p>Rules of debate</p>	<p>The Chairman controls debate and normally follows these rules but Chairman’s interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the question under discussion or a personal explanation or a point of order (max 5 minutes) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment o To move a further amendment if the motion has been amended since he/she last spoke o If first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of motion at end of debate on original motion and any amendments (may not otherwise speak on amendment). Mover of amendment has no right of reply. o On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. o Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman’s ruling on the admissibility of the personal explanation will be final. - Amendments to motions must be to: <ul style="list-style-type: none"> o Refer the matter to an appropriate body/individual for (re)consideration o Leave out and/or insert or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
<p>Voting</p>	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>

Council
19 OCTOBER 2022

Present: Councillors: Ian Stannard (Vice-Chairman), Tony Bevis, John Blackall, Martin Boffey, Toni Bradnum, Chris Brown, Karen Burgess, Peter Burgess, Jonathan Chowen (Leader), Paul Clarke, Michael Croker, Ray Dawe, Ruth Fletcher, Joan Grech, Billy Greening, Tony Hogben (Deputy Leader), Nigel Jupp, Lynn Lambert, Richard Landeryou, Tim Lloyd, John Milne, Colin Minto, Christian Mitchell, Mike Morgan, Roger Noel, Jon Olson, Bob Platt, Josh Potts, Sam Raby, Jack Saheid, David Skipp, Clive Trott, Claire Vickers, Belinda Walters, Tricia Youtan and James Wright

Apologies: Councillors: Kate Rowbottom, Matthew Allen, Andrew Baldwin, Alan Britten, Philip Circus, Christine Costin, Brian Donnelly, Liz Kitchen, Gordon Lindsay, Louise Potter, Stuart Ritchie and Diana van der Klugt

CO/34 **MINUTES**

The minutes of the meeting of the Council held on 7 September were approved as a correct record and signed by the Vice Chairman.

CO/35 **DECLARATIONS OF MEMBERS' INTERESTS**

Item 13(a) Cost of Living Support: Councillor Tony Bevis declared a personal interest because he is a volunteer at the Citizens Advice.

CO/36 **ANNOUNCEMENTS**

Councillor Ian Stannard, Vice Chairman of the Council, opened the meeting by welcoming everyone to Chanctonbury Community Leisure Centre, and thanked the centre's staff for hosting this meeting.

The Vice Chairman paid tribute to Her Majesty the Queen Elizabeth II, who had visited Horsham twice during her reign, in 1978 and 2003, and led the Council in a minute's silence in honour of her memory.

He then paid tribute to Geoff Lawes, a past-Councillor who had recently passed away at the age of 92. He had first been elected Ward Member for Billingshurst in 1995 and served the community until standing down in 2007. After tributes were paid, Councillor Stannard led a minute's silence in honour of his memory.

Councillor Lynn Lambert, Cabinet Member for Planning & Development, congratulated the Head of Development & Building Control and the Building Control Team for doing so well at the LABC Building Excellence Awards 2022 regional finals. They won Best Partnership, with a local Storrington-based

business, Best Residential & Small Commercial Designer for a scheme in Henfield and Public Service Superstar. They go forward to the national awards in January. The Cabinet Member also announced that the Planning Applications Team had been ranked 37th out of 330 Local Planning Authorities across the country. She thanked the teams for their hard work and commitment in providing high quality services.

Councillor James Wright, Cabinet Member for Environment & Rural Affairs, announced that the Council's carbon emissions had reduced by 46% from the base-line set in 2019. This was largely due to the adoption of HVO fuel for the Council's fleet and also a number of measures taken internally. The ambition was to reduce by a further 25% in the next three years. The Cabinet Member stated these figures were a testament to the work of the Environment Team.

Councillor Toni Bradnum, Cabinet Member for Recycling & Waste, made four announcements:

- The current recycling rate for the district was 53%, which put HDC 50th out of 338 local authorities. However, there was still many recyclable items going into general waste bins, and more needed to be done to raise awareness.
- The Cabinet Member had discussed the rate of fines for littering with her Policy Development Advisory Group and a proposal to increase fines would be brought to Council in due course.
- The purchase of two new electric street sweepers had been approved and should be operating in the town centre early next year.
- The purchase of four electric vans for Zonal Managers to use had been approved. Zonal Managers currently use their own vehicles and the new vehicles will reduce mileage claims by £10,000 a year and reduce carbon emissions.

Councillor Roger Noel, Cabinet Member for Leisure & Culture, made two announcements:

- The Council were working with Horsham and Crawley Samaritans and the Friends of Horsham Park on a project called Bulbs for Lives. Volunteers were sought to plant 6,221 crocuses and 6,221 narcissi over the weekend of 23/24 October. The flowers were to help remember the 6,221 people who took their own lives in the UK in 2021.
- On Friday 22 October at 5.30pm Horsham Museum was launching a re-display of their Medieval gallery. A key artefact on display will be the Shipley reliquary, on loan from Shipley Parochial Church Council. It was one of the most historically important exhibits in the museum and should attract international interest.

CO/37 **QUESTIONS FROM THE PUBLIC**

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

CO/38 **RECOMMENDATIONS FROM CABINET**

**UPDATE ON THE COUNCIL'S FINANCIAL POSITION IN 2022/23 AND
MEDIUM-TERM FINANCIAL STRATEGY UPDATE 2023/24 TO 2026/27**

Councillor Tony Hogben, Cabinet Member for Finance & Parking, introduced the report on the Council's financial position and how the Medium-Term Financial Planning scenarios and assumptions had changed since the budget was set in February 2022. The level of uncertainty had increased due to a number of factors including inflation, interest rates, world events, the payment settlement, uncertainty on government funding, and how food waste collections would be funded.

Action would be required to prevent a deficit of approximately £1m per year in future years. The Cabinet Member stated that it was not practicable to reduce staffing numbers further and there would therefore be an emphasis on increasing income and revenue. Measures would include: an increase in council tax of £5 per band D equivalent household next Financial Year; a modest increase in the charge for garden waste collection; and an increase in fees and charges of approximately 6%.

Council was asked to note the update. Council was also asked to approve the updated list of rates of hire for community venues, which now included Blackbridge Community Centre following its refurbishment. The proposal was seconded by Councillor Toni Bradnum.

Councillor Martin Boffey, Shadow Cabinet Member for Finance, requested that the fees and charges for the hire of community spaces in the district listed in paragraph 3.22 of the Cabinet report be reviewed. The Cabinet Member assured Councillor Boffey that the matter was in hand and if he had concerns about long-term hire to refer the matter to the Head of Property & Facilities who had some flexibility and discretion on this matter under delegated authority.

RESOLVED

- (i) To note the Council's financial position in 2022/23 and the medium term.
- (ii) To approve the updated list of fees and charges in paragraph 3.22 of the Cabinet report.

REASON

- (i) The Council needs to acknowledge the effects that high levels of inflation will have 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 unless action is taken on fees and charges. 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) To ensure these fees and charges are approved by full Council as per the Constitution.

HOUSING REGISTER AND NOMINATIONS POLICY REVISIONS

Councillor Tricia Youtan, Cabinet Member for Housing & Public Protection, reminded Members of the five overall objectives of the Housing and Homelessness Strategy, which was adopted by Council in October 2021. The objectives had been identified to assist in tackling the challenges surrounding housing and homelessness in the district.

Following a review with staff and stakeholders, a number of changes relating to Objective 4 ('to provide and maintain an accessible and fair Housing Register') had been proposed. The Cabinet Member thanked members of her Policy Development Advisory Group for their input and support. There had also been public consultation on the revised policy. The proposal was seconded by Councillor John Blackall.

RESOLVED

That the revised Housing Register and Nominations Policy is adopted.

REASON

To ensure the Council fulfils its statutory responsibility of having a current Housing Register and Nominations Policy.

USE OF 'A' BOARDS AND OTHER ADVERTISING STRUCTURES ON THE HIGHWAY - POLICY, GUIDELINES AND ENFORCEMENT PROCEDURE (THE 'A' BOARDS POLICY)

Councillor Christian Mitchell, Cabinet Member for Horsham Town, stated that the proposed policy and guidelines had been produced in response to growing concerns regarding the impact of 'A' Boards and other structures on the public highway, in particular concerns regarding access, movement and visual impact. The proposal took account of best practice and consultation responses, as set out in the Cabinet report. The Cabinet Member thanked members of his Policy Development Advisory Group for their feedback. It was noted that the policy would benefit towns and villages across the district as well as Horsham Town. The proposal was seconded by Councillor Roger Noel.

The Cabinet Member confirmed that traders would be made fully aware of the policy to encourage compliancy, and the enforcement procedure would be used as a last resort. He also advised that additional staff would not be required and there would be a negligible cost to the Council.

RESOLVED

To approve the 'A' Boards and other Advertising Structures on the Highway - Policy, Guidelines and Enforcement Procedure.

REASON

- (i) To set out the policy and procedure for dealing with items placed upon the highway, (which includes the highway verge, footpaths, paved areas and pavements) and/or attached to highway property.
- (ii) To ensure public safety and the free passage for pedestrians along footpaths and the highway.

FACILITATING APPROPRIATE DEVELOPMENT AND BIODIVERSITY AND GREEN INFRASTRUCTURE PLANNING GUIDANCE DOCUMENTS

Councillor Lynne Lambert advised that the two advice documents would provide guidance to those involved in submitting and determining planning applications prior to the adoption of the new Local Plan.

If endorsed both documents would be published and used in the consideration of planning applications. Both the Facilitating Appropriate Development (FAD) and the Biodiversity and Green Infrastructure Planning Advice Note (PAN) were non-statutory planning documents rather than policy, but they would help to improve the quality of development coming forward before the Local Plan is in place and help with advice regarding water neutrality. The proposal was seconded by Councillor Tim Lloyd.

Councillor Mike Croker, Leader of the Green Group, welcomed the reference to sustainable and active modes of transport, in particular the government's Cycle infrastructure design guidance (LTN1/20). Councillor Jonathan Chowen, Leader of the Council, recognised the importance of sustainable travel and stated that he would be discussing the possibility of a sustainable transport network for Horsham with the leader of the County Council shortly, with particular reference to the LCWIP (Local Cycling and Walking Infrastructure Plan).

RESOLVED

- (i) To formally endorse the Facilitating Appropriate Development (FAD) and agree to the publication of the document for use as a non-statutory Planning Guidance document.

- (ii) To formally endorse the Biodiversity and Green Infrastructure Planning Advice Note (PAN) and agree to the publication of the document for use as a non-statutory Planning Guidance document.
- (iii) To grant the Cabinet Member for Planning and Development delegated authority to agree any necessary minor editorial changes to the documents referenced in (i) and (ii) above.

REASON

To provide clear and consistent planning guidance to aid applicants, stakeholders and those involved in determining planning applications in advance of the adoption of the new Local Plan.

CO/39 **APPOINTMENT OF THE DIRECTOR OF RESOURCES & CHIEF FINANCE OFFICER**

Councillor Chowen introduced the report and recommended that Council appoint Dominic Bradley to the post of the Director of Resources and to the statutory position of Chief Finance Officer. Dominic had successfully held the positions on an interim basis for the last six months. Councillor Martin Boffey, Leader of the Opposition, seconded the proposal.

RESOLVED

- (i) To note the Employment Committee nomination of Dominic Bradley as the Director of Resources and s.151 Officer;
- (ii) To agree the appointment of Dominic Bradley to the position of Director of Resources with effect from 20 October 2022, at a starting salary of £94,270 p.a. up to £101,269 (subject to national cost of living awards);
- (iii) To agree the designation of Dominic Bradley as Chief Finance Officer, s.151 Officer, of Horsham District Council with effect from 20 October 2022.

REASON

- (i) To comply with the legal requirements set out above, to appoint a person responsible for the Council's financial affairs ("s.151 Officer").
- (ii) To appoint to the vacant Director of Resources position.

CO/40 **REPORTS OF REPRESENTATIVES**

There were none to report.

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

- (a) Councillor Mike Croker asked the following question:

“I note that the Environment Agency considers that neither the Adur, nor the Arun, river catchments merit a 'good' Ecological Status, with some tributaries, such as Boldings Brook and Lockbridge, being rated as 'poor'. Does the Cabinet Member consider that Horsham District Council, as Local Planning Authority, should be more pro-active in requiring water treatment companies to explain just how they intend to cater for the increased sewage and wastewater arising from any significant new housing developments, rather than just relying on a simple 'we can provide foul sewage disposal to service the proposed development' statement? The latter clearly is lacking 'without adding to existing river pollution.’”

Councillor Lynn Lambert, Cabinet Member for Planning & Development, replied:

“I agree it is extremely disappointing that the ecological status of the rivers in our district have been rated so low. However, in my opinion this is not through a lack of action on the Council’s part. As part of the work undertaken for the Local Plan Review, we asked both Southern Water and Thames Water about the likely impacts of development on their plans on water quality, and what if any mitigation is needed to ensure that water quality is not adversely affected. Any advice we receive is reflected in the Council’s Draft Infrastructure Delivery Plan. This is a ‘live’ document and is updated accordingly. This work also draws on wider evidence available regarding water quality, and in particular that provided by the Environment Agency.

In addition, officers have also been pro-actively involved in the development of Southern Water’s Drainage and Wastewater Management Plan. In our response to their September consultation we questioned whether their pollution reduction targets were sufficiently challenging and whether they go far enough and fast enough in delivering environmental benefits. We have requested that they, Southern Water, give more consideration to setting and delivering more ambitious targets and do so more quickly.

Ultimately however, Horsham District Council does not have any statutory power in regulating discharges of wastewater treatment into rivers. This is the responsibility of the Environment Agency. They set the discharge limits and they are the regulatory body. As part of the Council’s work on Water Neutrality, officers have challenged the Environment Agency together with OFWAT as to whether their regulatory regime is sufficiently effective and we are challenging them to do better in the future.”

Councillor Mike Croker stated that his initial question had been promoted by the work of the River Trust that made data relating to untreated water discharges easily accessible to the public. This data included nearly 2,200 hours of untreated water discharge along the Adur from the six outlets between Bramber

and Partridge Green in 2021. He expressed his disappointment at this, given the work being done by the Wilder Horsham Programme and the recently announced Adur River Restoration Project. He asked the supplementary question:

“Given the data before us it would seem prudent to reduce discharges, at least at the managed discharge locations, so would the Cabinet Member consider bringing this matter to a future PDAG for further discussions?”

Councillor Lynn Lambert replied that this was an excellent idea.

(b) Councillor Martin Boffey asked the following question:

“At the October 2021 Council Meeting, Council passed a motion from Councillor Louise Potter supporting the inclusion of a minimum quota of Social Rented housing in the forthcoming Local Plan.

A subsequent report to PDAG [Policy Development Advisory Group] in March of this year noted the commissioning of a study to consider evidence to require Social Rented Homes, with the study to be completed in late spring or early summer, with a report on the study findings and officer recommendations to PDAG in early-mid Summer.

As we now find ourselves in mid-Autumn, a year on from the motion being passed at Council and with the next draft of the Local Plan reportedly imminent, please could the Cabinet Member provide an update as to the progress of the Social Rented Homes study, and reaffirm the commitment to a target level of 35% of Affordable Housing being for Social Rent in the Local Plan?”

Councillor Lynn Lambert, Cabinet Member for Planning & Development, replied:

“The work to understand the impact of delivering higher levels of social rented housing and its viability in financial terms was commissioned by officers in the Strategic Planning team. The study was undertaken during spring and summer this year.

It was agreed that these outcomes would be reported to the Planning & Development and Housing & Public Protection Policy Development Advisory Groups. It was on the agenda for 12 September as a joint discussion for members of both PDAGs. As you know, sadly these meetings were cancelled as they fell during the period of mourning following the death of the Queen Elizabeth II. I have asked that this matter be included in the next PDAG scheduled for 7 November, and members of both PDAGs will be invited to attend and other Members will be welcome to attend on request. This will ensure a full discussion and feedback in terms of outcomes and findings.

Please be assured there has been absolutely no loss of commitment in pursuing this work.”

Councillor Martin Boffey asked a supplementary question:

“A commitment was given to a target level of 35% of Affordable Housing being for Social Rent in the Local Plan and I wanted confirmation that that still was the commitment?”

Councillor Lynn Lambert replied:

“What we would like to aim for is more than that. With the Local Plan we’ll be developing fewer homes and we would like more of those homes to be affordable. What we will be doing at PDAG is discussing the outcome of the findings that officers were commissioned to do, [look at] how we can pursue this, where we can pursue it and the financial viability of doing it.”

Councillor Martin Boffey stated that this is one of the most unaffordable districts on the country to live in, particularly with the current cost of living difficulties, and that HDC’s direct experience was that lower rents meant better outcomes for those in need. He believed that promoters were known in some cases to support an element of Social Rented provision and looked forward to seeing this come forward within the Local Plan.

(c) Councillor Jon Olson asked the following question:

“On the 28th of August, Bennett’s Field in Forest Ward Horsham, experienced another incursion by members of the Traveller community.

Recently, the Friends of Bennett’s Field community group held a meeting to discuss the issue. The worry and distress to residents was noted, as well as the impact on local businesses such as requiring extra security or temporary closures.

On behalf of Forest Ward residents I ask when do you expect to replace and enhance the permanent security measures at Bennett’s Field, so as to prevent future unauthorised access to this popular local green space?”

Councillor Roger Noel, Cabinet Member for Leisure & Culture, replied:

“I fully understand the impact that Traveller incursions can have on a local community and totally sympathise with residents that live near Bennett’s Field as well as any others who were impacted by the recent incursion referred to in your question.”

He stated that incursions of this type were less likely in the winter months, when there were less Traveller movements, so there was time to get robust protection for Bennett’s Field in the coming weeks. He outlined the measures that the Parks & Countryside Team were putting in place: the installation of an earth bund along the boundary of the car park that lies along the end of the treeline

and the locked gate (to be created within the next eight weeks, subject to contractor availability); and the installation of bollards or boulders by the park entrance in Brighton Road (to be installed over winter). He also confirmed that there were sufficient funds in the current Parks & Countryside budget to complete this work. He concluded by saying:

“I inspected the site myself yesterday and am very happy that this will present a really effective deterrent. I’ve also spoken to officers today and I know that they will be very happy to discuss these plans in more detail with you if you feel that would be more helpful.”

Councillor Jon Olson said that he appreciated the short timescales for the work, and asked that he and his fellow Ward Members be kept informed on progress. He asked a supplementary question:

“Before the work begins, I would like to ask that officers consult with Friends of Bennett’s Field Group because... they had come up with some alternative and potentially preferred solutions to the bund.”

Councillor Roger Noel replied:

“If you could keep me informed as to when the next meeting [of Friends of Bennett’s Field Group] is I’d be happy to attend personally together with the relevant officers, and I’ll do what I can to help you.”

CO/42 **URGENT BUSINESS**

The following item was submitted under the Special Urgency rules set out in 4g.22 of the Constitution.

CO/43 **COST OF LIVING SUPPORT**

Councillor Chowen, Leader of the Council, introduced the report, which proposed a number of measures to help support those affected by the cost of living crisis. The proposals had been developed following discussions with Age UK, Citizens Advice and Horsham Matters. The £250,000 cost would be funded from the community fund reserve, spread over a two-year period.

The Leader stated that this was made possible by the Council’s prudent approach in recent years, and would be in addition to the £300,000 already committed by the Council to invest in schemes and organisations that support residents struggling with cost of living issues. The proposal was seconded by Councillor Tricia Youtan, Cabinet Member for Housing & Public Protection.

After debate, the Council unanimously agreed to the proposal and it was

RESOLVED

- (i) To enter a partnership agreement with Citizens Advice to provide two new advisors to support residents through the cost of living crisis, costing approximately £160,000 over a two year fixed period.
- (ii) To fund the Low Income Family Tracker for a two year period costing approximately £40,000 in total.
- (iii) To provide an additional £25,000 one-off funding to Horsham Matters to support the Foodbank provision in 2022/23.
- (iv) To agree to a new corporate project to create an accessible directory of services.
- (v) To create a flexible fund of £25,000 to support in year interventions identified through partnership work with community groups and voluntary sector organisations. Use of this fund will be subject to approval by Director of Communities in consultation with Cabinet Member for Finance & Parking and the Cabinet Member for Community Matters.

REASON

It is considered that these proposals will have a significant and valuable impact on Horsham District residents who are being affected by the increases in the cost of living. Making the decision at this meeting will allow support to start to be provided immediately. Full Council must approve budgetary changes.

The meeting closed at 7.56 pm having commenced at 6.00 pm

CHAIRMAN

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COUNCIL
14 December 2022
CABINET RECOMMENDATIONS

Recommendations to Council made at the Cabinet meeting held on 24 November 2022

(a) Update on the Council's financial position in 2022/23 and Medium-Term Financial Strategy update 2023/24 to 2026/27

The report to Cabinet updates the Council's financial position in 2022/23 and how the Medium-Term Financial Planning scenarios and assumptions have changed since the update to Cabinet in September 2022. A high level of uncertainty remains as the economy navigates the highest levels of inflation since the early 1990s, pressure from salary increases, and no further clarity on the future of the Government's plans for the reform of business rates, fair funding review and how levelling up will affect us.

2022/23 is currently forecasting a small deficit, which would be funded by the Council's reserves. Should this change to a small surplus, that surplus could be earmarked to support those in need from the cost of living crisis during 2023/24.

Later years in the Medium-Term Financial Strategy remain very uncertain, with an increased likelihood of Government departments being asked to make further efficiency savings resulting in a reduction in spending on public services.

The estimated £1.3m cost of food waste collection from autumn 2024 remains a major factor in the projected deficits from 2024/25 onwards, unless income in the form of council tax, garden waste charges and general fees and charges are raised more in line with inflation. However, it is becoming more likely that the Government's implementation of legislation regarding food waste collection will be postponed to a later year.

The biggest risk is the high level of inflation and the work needed to set balanced budgets across the medium-term, and are likely to require substantial action, although not necessarily in this forthcoming 2023/24 budget.

Cabinet RESOLVED

- (i) To note the changes to the Council's financial position in 2022/23 and the medium-term.

RECOMMENDED TO COUNCIL

- (ii) That the charges from 1 April 2023 for the garden waste subscription service are increased from £44 for the first bin to £49 and for any subsequent bin increased from £35 to £41.
- (iii) That Fixed Penalty Notices for littering and fly tipping be raised from £75 to £150 with a £110 early payment fee (currently £50).
- (iv) To increase the car park advertising fees as set out in Appendix 3.

- (v) To approve the creation of a revenue budget in Leisure services for the Drill Hall of £9,000 income and £27,100 expenditure, which is a net cost of £18,100 in the 2022/23 budget.
- (vi) To increase the capital budget for the Highwood Community Centre project by £150,000, from £2.75m to £2.9m.

REASON

- (i) The Council needs to acknowledge the effects that high levels of inflation will have 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 unless action is taken on fees and charges. 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) – (iv) Council is required to approve fees and charges, as per the constitution.
- (v) Council is required to set the revenue budget, as per the constitution. The budget will enable the Council to continue to operate the Drill Hall for the final quarter of 2022/23.
- (vi) Council is required to set the capital budget, as per the constitution.

(b) Refuse Vehicle Refurbishment Tender Award

The Council's fleet of twenty-two refuse collection vehicles (RCVs) are in need of refurbishment as they are reaching the end of their useable life. Cabinet proposes capital investment to extend the life of the vehicles for a further six years, by which time it is anticipated there will be viable opportunities for RCVs powered by alternative fuel sources to be purchased. This will further support Horsham District Council's carbon reduction targets.

Cabinet RESOLVED

- (i) To approve the award of the contract for Refurbishing the Refuse Vehicles to the highest scoring bidder, on the terms recommended, as detailed in Appendix 1 (exempt) of the Cabinet report.
- (ii) To delegate authority to the Director of Communities in consultation with the Head of Legal & Democratic Services to finalise terms and conditions and to enter into a contract with the highest scoring bidder for the Refuse Vehicles Refurbishment Contract once the capital budget has been approved by Council.

RECOMMENDED TO COUNCIL

- (iii) To approve a capital budget of £566,520 in 2023/24 and £623,172 in 2024/25 for the refurbishment of 21 vehicles.

REASON

- (i) and (ii) To refurbish our RCV fleet over the next two years will enable the vehicles to be used for a further six years to allow alternative fuel options to be more available at a reasonable cost and refuelling infrastructure to be in place.
- (iii) The constitution requires full Council to set capital budgets.

(c) Approval of Business Case for Horsham District Homes for affordable homes in London Road, Horsham

In March 2019, Cabinet approved the creation of two companies for the purpose of providing affordable rental housing in the District. Horsham District Homes Limited (HDH), development company, and Horsham District Homes (Holdings) Limited (HDHH) were both incorporated in 2019.

The Directors of HDH have prepared the business case for the construction of eleven affordable homes on the Council-owned site on London Road. These will provide affordable homes for some people on the Council's housing waiting list.

Cabinet approval allows the details of the transactions to be completed so that the affordable rental properties can be delivered. Council approval is required for the transfer of S106 funds to HDHH for the purchase of the eleven homes and their transfer from HDH to HDHH.

Cabinet RESOLVED

- (i) To approve the business case for the construction of eleven homes for affordable rental in London Road, Horsham by Horsham District Homes Limited.
- (ii) To approve the transfer of the land in London Road, Horsham from Horsham District Council to Horsham District Homes Limited for c£200,000 subject to obtaining any consent of the Secretary of State, if required and approval of the final construction costs and appraisal.
- (iii) To approve a loan of up to £2,650,000 to Horsham District Homes Limited for the construction of the eleven properties at London Road, Horsham at the agreed rate of 4% plus base rate.
- (v) Subject to iv) below, to delegate to the Section 151 Officer, in consultation with the Leader and Cabinet Members for (i) Finance and Parking, and, (ii) Housing and Public Protection, authority to agree the final figures in relation to this project, including the transfer value of the land, subject to the transfer value of the project of £2.65m and rental values remaining unchanged.

RECOMMENDED TO COUNCIL

- iv) To: (a) approve the transfer of s106 funds to Horsham District Homes (Holdings) Limited for the purchase, at affordable rent market rate, of the eleven 2-bedroomed homes in London Road, Horsham for a sum of no greater than

£2,650,000 plus stamp duty land tax (if applicable given intra-group relief) and agents fees; and (b) to approve the transfer of the homes from Horsham District Homes Limited to Horsham District Homes (Holdings) Limited.

REASON

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.

Report to Council

14 December 2022

By the Cabinet Member for Planning and Development

KEY DECISION



Not Exempt

Horsham Blueprint Business Neighbourhood Development Plan

Executive Summary

This report summarises the process of Neighbourhood Plan preparation undertaken by Horsham Blueprint, which comprises of Denne, Trafalgar, and Forest Neighbourhood Councils. Following the successful Referendum, which was held on 20 October 2022, the purpose of this report is to seek Council's formal approval to "make" the Horsham Blueprint Business Neighbourhood Development Plan part of the statutory Development Plan as required by section 38A(4) of the Planning and Compulsory Purchase Act 2004 (and regulation 18A of the Neighbourhood Planning (General) Regulations 2012/637). Once made, the plan will be used to determine planning applications within Forest, Denne and Trafalgar wards in addition to the Horsham District Planning Framework (HDPF).

Recommendation(s)

Council is recommended to:

- i) Formally "make" the following Neighbourhood Plan as part of the statutory Development Plan for Horsham District and apply the policies within the plan for the purpose of determining planning applications within the relevant neighbourhood area:

1. Horsham Blueprint Business Neighbourhood Development Plan 2019 - 2036

Reason for Recommendation

To meet the requirements of the Planning and Compulsory Purchase Act 2004.

Background Papers

The Referendum version of the Horsham Blueprint Business Neighbourhood Plan and accompanying evidence base documents to support the plan can be found by clicking on the link below:

<https://www.horsham.gov.uk/planning/neighbourhood-planning/horsham-town-un-parished-area>

Wards affected:

1. Denne, Trafalgar and Forest.

Contact:

Catherine Howe, Head of Strategic Planning ext. 5505

Background Information

1 Introduction and Background

- 1.1 The Localism Act 2011 allows Parish/Town Councils and other forums to shape development in their areas by preparing a Neighbourhood Plan for their designated area. Once complete, a neighbourhood plan is 'made' by the local planning authority and forms part of the development plan. This means that they are given statutory weight in the determination of planning applications.
- 1.2 A Neighbourhood Plan Forum known as Horsham Blueprint has prepared a Neighbourhood Plan for the unparished area of Horsham town which comprises Denne, Forest and Trafalgar wards. Following the statutory consultation stages and formal examination of the Plan, the electorate in the three relevant wards have voted in a Referendum and a majority of those who voted agreed the plan should be used in the determination of planning applications. It is now a legal requirement the Neighbourhood Plan is 'made' by Horsham District Council.
- 1.3 This report sets out more detail on this process.

2 Relevant Council policy

- 2.1 The Local Plan for Horsham District is currently the Horsham District Planning Framework (HDPF). This sets out the key planning policies against which development in the district is considered. It is a requirement that neighbourhood plans are prepared to be in 'general conformity' with this Plan.
- 2.2 Policy 15 of the HDPF identifies a requirement of a minimum of 1,500 homes to be delivered through neighbourhood plans across the district. As part of the preparation of their neighbourhood plans, local communities must therefore consider the extent to which they can contribute towards this target. Horsham Blueprint made the decision not to allocate land for housing in their neighbourhood plan, but to work with the District Council on progressing the Local Plan Review and how housing needs for Horsham town should be addressed. The plan

therefore seeks to provide development management policies which will guide development within the area.

3.0 DETAILS

Preparation of the Horsham Blueprint Business Neighbourhood Development Plan

3.1 The preparation of a neighbourhood plan is subject to several key stages set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). These are outlined below.

1. **Formal designation of the neighbourhood plan area:** The entirety of Horsham Blueprint was designated as a neighbourhood plan area in June 2015. Due to this neighbourhood area being designated as a 'forum', the regulations (Section 61F, Paragraph 8a of the Town and Country Planning Act 1990) state that a neighbourhood forum designation will cease to have effect after five years. The Horsham Blueprint group resubmitted an application and the area was re-designated on the 5 June 2020.
2. **Pre-submission publicity and consultation:** (commonly referred to as a regulation 14 consultation). The Horsham Blueprint Neighbourhood Plan Forum undertook consultation with the community and stakeholders on the content of the emerging plan between 10 February 2020 and 24 March 2020. The feedback from this consultation was then taken into account with appropriate amendments made to the plan.
3. **Submission of the plan to the Local Planning Authority:** The plan and supporting evidence was formally submitted to Horsham District Council (HDC) under Regulation 15 of the Neighbourhood Plan Regulations 2012 (as amended).
4. **Regulation 16 Consultation:** HDC, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, undertook a further consultation on the content of the Submission Plan. This took place between 14 September 2020 and 2 November 2020. All representations

submitted at this stage are provided to the Independent Examiner, who considered whether a plan can proceed to Referendum once it has met the basic conditions.

5. **Independent Examination:** In agreement with Horsham Blueprint, Horsham District Council appointed an Examiner to carry out an independent examination of the Neighbourhood Plan. The purpose of the examination was to determine whether the Plan met certain key requirements known as the Basic Conditions together with other legislative requirements. Plans which are considered to meet these tests can proceed to Referendum. The Examination of the Horsham Blueprint Business Neighbourhood Plan took place during late 2020 and early 2021, with the Independent Examiner's final report provided to HDC on the 5 February 2021.
6. **Publication of a Decision Statement:** Following receipt of the examination report and resolution of the water neutrality issue, HDC is required to publish a 'Decision Statement' setting out the Council's decision and next steps. The Council's Decision Statement for the Neighbourhood Plan is available on the Council's website:

https://www.horsham.gov.uk/_data/assets/pdf_file/0008/118259/Horsham-Blueprint-Decision-Statement-2-August-2022-final.pdf

It concludes that the HDC, in consultation with Horsham Blueprint agreed with the proposed modifications, the Plan was able to proceed to Referendum.

7. **Referendum:** A vote was held where the electorate for the three relevant wards were asked whether the plan should be used as part of the development plan and help determine planning applications in their parish. The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 makes provision for the conduct of additional "Business Referendums". As the Horsham Blueprint Business Neighbourhood Plan is also identified as a 'business area' there was a requirement to include the

business community (specifically non-domestic rate payers) as part of the Referendum process. A Referendum was held for both residents and businesses on 20 October 2022.

3.2 Table 1 sets out the results of the Horsham Blueprint Business Neighbourhood Plan Referendums together with the respective percentage turnout for both the residential and business Referendums held on the 20 October 2022:

Table 1: Referendum Result.

Neighbourhood Plan Area	Votes Recorded Yes (%)	Votes Recorded No (%)	Percentage Turnout (%)
Horsham Blueprint Area Residential	2614 (85%)	467 (15%)	14.23%
Horsham Blueprint Area Business	19 (90%)	2 (9%)	37.50%

A clear majority of those who voted agreed that the Plan should be used in the determination of Planning Applications in Horsham Blueprint Business Neighbourhood Plan Area.

Strategic Environmental Assessment (SEA)

3.3 Horsham District Council has undertaken a ‘standard’ Strategic Environmental Assessment (SEA) screening assessment for all neighbourhood plans in the district. This process confirmed that a SEA is not required for Neighbourhood Plan groups which are not seeking to allocate land for development within their Plan. This includes the Horsham Blueprint Business Neighbourhood Plan. A sustainability statement was prepared to accompany the submission Plan and was the subject of consultation with the Environment Agency, Natural England and Historic England at statutory consultation stages. None of these bodies raised any concerns such that a SEA would be required for the Plan. The Examiner agreed that no SEA was required for this plan and that the basic conditions had been met. In the decision statement, HDC also concurred with this view.

Habitats Regulation Assessment

- 3.4 HDC initially commissioned a Habitats Regulations Assessment (HRA) of the Horsham Blueprint Business Neighbourhood Development Plan in June 2020. It concluded that the plan would not have significant environmental effects on designated European Nature Conservation Sites known as Special Protection Areas and Special Areas of Conservation (SPAs/SACs) or undermine their conservation objectives alone or in combination. The assessment took account of a number of protected sites, including the Arun Valley SPA/SAC, Ashdown Forest (SAC) and The Mens (SAC).
- 3.5 In September 2021, Natural England released a Position Statement on the issue of Water Neutrality. The Position Statement explains that in the Sussex North Water Resource Zone (which includes the whole of Horsham District), data collected by Natural England shows that increasing levels of water abstraction for mains water supplies is harming the Arun Valley SPA/SAC. The Position Statement requires that new development within Sussex North Water Resource Zone must not add to the adverse impact. This includes considering any development which may come forward in neighbourhood plans.
- 3.6 A way of ensuring that new development is not increasing rates of water abstraction and demand, is for neighbourhood plans to demonstrate that they are 'water neutral'. In other words, new development cannot increase the demand for water abstraction above existing rates.
- 3.7 The receipt of the Natural England Position Statement triggered a requirement to re-screen the Horsham Blueprint Business Neighbourhood Development Plan under the Habitat Regulations Assessment process to consider whether the content of the Plan is water neutral.
- 3.8 Horsham District Council therefore commissioned further Habitat Regulations Assessment work in December 2021 and consulted Natural England on the conclusions of this assessment. Natural England responded in April 2022. The response from Natural England agreed that the Blueprint Neighbourhood Plan is not

likely to have a significant effect on the protected habitats. This is because the plan does not contain policies which specifically allocate land for development. However, sites or projects which come forward on a project level basis still need to conform to Habitat Regulations and be subject to a project level Habitat Regulations Assessment. Additional wording to the Neighbourhood Plan was incorporated into the Plan to reflect this point.

- 3.9 As the competent authority, HDC therefore considers the Neighbourhood Plan to meet the basic conditions. The plan was cleared to progress to Referendum where it received a positive result.

4 Next Steps

- 4.1 Where over 50% of those who voted in a Referendum are in favour of using the plan to determine planning applications, Horsham District Council is legally required to formally 'Make' the Neighbourhood Plan within 8 weeks of the Referendum in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 and Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended). Making the Plan will allow the document to come into 'force' and be given full weight in determining planning applications within the parish.

- 4.2 Once made, the Horsham Blueprint Business Neighbourhood Development Plan documentation will be available to the public electronically on the Council's website. As with other planning documents, the Plan will be made available in print for a fee that covers printing costs.

5 Outcome of Consultations

- 5.1 The preparation of the Neighbourhood Plan has been undertaken in consultation with stakeholders and the local community. These consultations have been carried out by both the Neighbourhood Plan Forum and Horsham District Council in accordance with The Neighbourhood Planning (General) Regulations 2012 (as

amended), and the outcome from these consultations has been taken account of as appropriate.

6 Other Courses of Action Considered but Rejected

- 6.1 The Council could reject the Horsham Blueprint Business Neighbourhood Development Plan if it considers that the Plan is in breach of its legal obligations, or any conventions or rights, including the Human Rights Convention. Taking into account the views of the Examiner, as set out in his report, it is not considered that this is the case. The Council is therefore required to make the Plan in accordance with the with section 38A(4) of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

7 Resource Consequences

- 7.1 It is not considered that there are any specific resource implications that arise from the 'making' of the Horsham Blueprint Business Neighbourhood Development Plan over and above staff time. Resources are set aside in the Council's budget to provide support to local communities in the preparation of their plans. Both the Director of Resources and the Monitoring Officer have been consulted on this report to ensure resource and legal probity has been met.

8 Legal Consequences

- 8.1 Section 38A (4) of the Planning and Compulsory Purchase Act 2004 Act, states that a local planning authority:
1. must make a neighbourhood development plan if more than half of those voting in the neighbourhood plan Referendum vote are in favour of the plan; and
 2. must do so as soon as reasonably practicable after the Referendum is held and in any event by such date as may be prescribed.

- 8.2 The Neighbourhood Planning (General) Regulations 2012 (as amended) stipulate under Regulation 18A state that *“The date prescribed for the purposes of section 38A(4)(b) of the Planning and Compulsory Purchase Act 2004 is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable Referendum is held.”*
- 8.3 Failure to ‘make’ the Horsham Blueprint Business Neighbourhood Development Plan would therefore mean that the Council would not be acting in accordance with its legal obligations.

9 Risk Assessment

- 9.1 Under Section 113 (3) of the Planning and Compulsory Purchase Act 2004 (as amended) a person aggrieved may, inter alia, make an application to the High Court on the ground that a procedural requirement has not been complied with. A procedural requirement is a requirement contained in regulations or an order made which relates to the adoption publication or approval of a plan/document. By following the procedural requirements for Neighbourhood Plan preparation and the making of the Neighbourhood Plan, the risk of a successful judicial review is considered to be low.

10 Procurement implications

- 10.1 There are no procurement implications which arise from the making of the Horsham Blueprint Business Neighbourhood Development Plan.

11 Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 Equality and Diversity Implications

The making of the Plan is not expected to have any adverse impact on people with protected characteristics under the Equality Act 2010. In the preparation of their neighbourhood plans, the Horsham Blueprint Neighbourhood Plan Forum have

considered how to meet the needs of their area, and as part of this have engaged with the local community. It is not considered that the making of this plan or its policies will have any direct or indirect impacts on gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

11.2 Human Rights

The Plan was tested against the basic conditions set by legislation during the Neighbourhood Plan Examination process. One of the Basic Conditions is that the Plan must be compatible with human rights obligations. The Council agrees that the plan meet all the basic conditions including human rights obligations.

12 Environmental Implications

12.1 Paragraphs 3.3 to 3.9 set out how the preparation of the Horsham Blueprint Business Neighbourhood Development Plan has met the requirements in relation to habitat regulations and Strategic Environmental Assessment. In addition, the neighbourhood plan that has been prepared sets out policies which seek to protect and enhance the environment. These cover a wide range of issues including biodiversity gain, green infrastructure and protection of the historic environment. It is considered that these policies will help to protect and enhance the local environment of the parish in relation to planning matters.

13 Other Considerations

13.1 It is not considered the making of Horsham Blueprint Business Neighbourhood Development Plan will have any further additional impacts including those in relation to GDPR/Data Protection or Crime & Disorder.

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Report to Council

14 December 2022

By Jonathan Chowen, Chairman of the Employment Committee

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Appointment of the interim Head of Legal and Democratic Services / Monitoring Officer

Executive Summary

The purpose of this report is to seek approval for the appointment of the interim Head of Legal and Democratic Services and to appoint to the statutory position of Monitoring Officer.

Recommendations

That the Council is recommended to:

- i) agree the appointment of Lauren Kelly to the position of interim Head of Legal and Democratic Services with effect from 2 January 2023, in accordance with the recommendation of the Employment Committee;
- ii) agree the designation of Lauren Kelly as interim Monitoring Officer of Horsham District Council under Section 5 of the Local Government and Housing Act 1989, with effect from 2 January 2023;
- iii) agree the duration of the interim post to be six months, in which to start the appointment process to the substantive role, and as necessary until such date as a substantive appointment is made and the appointee commences their duties.

Reasons for Recommendations

- i) To comply with the provision of Section 5 of the Local Government and Housing Act 1989 in respect of the appointment of the Monitoring Officer.
- ii) To ensure a timely and smooth transition until a permanent appointment can be made.

Background Papers: None.

Wards affected: All.

Contact: Robert Laban, Head of Human Resources and Organisational Development, 01403 215406

1 Introduction and Background

- 1.1 The current Head of Legal and Democratic Services / Monitoring Officer has resigned and is leaving with effect from 1 January 2023. The Council must appoint a Monitoring Officer in accordance with the Local Government & Housing Act 1989, and until such time that a full recruitment process can commence and conclude, the Council must make suitable interim arrangements. A Monitoring Officer will need to be in place from 2 January 2023.

2 Details

- 2.1 The Director of Resources approached Solace, who advised against advertising just before Christmas, but to wait until 2023, partly due to the timing of the Christmas period, but also because the current market for Monitoring Officers is thin. A West Sussex authority took three attempts to attract a suitable candidate when they went out for advert recently.
- 2.2 The Director of Resources discussed the options with the Employment Committee and recommended that an interim be appointed, advertised internally.
- 2.3 The role of interim Head of Legal and Democratic Services / Monitoring Officer was advertised internally and one candidate, Lauren Kelly, applied. Lauren has been with the Council since 2018 and is currently a principal contract lawyer and deputy to the monitoring officer. Assessment tests were undertaken, together with an officer panel interview comprising the Director of Resources and the Director of Place. Lauren Kelly excelled at both tests and interview.
- 2.4 The Employment Committee was further consulted and agreed to nominate Lauren Kelly as the interim Head of Legal and Democratic Services / Monitoring Officer.
- 2.5 Following the Committee reaching its decision, the Members of the Cabinet who were not on the Employment Committee were informed of the decision in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, which requires that the Cabinet be given the opportunity to raise an objection to the appointment. No objections were received.
- 2.6 Subject to Council's agreement, a conditional offer of the interim position has been made to Lauren Kelly and accepted.
- 2.7 A summary of Lauren Kelly's career history is attached as Appendix 1.

3 Next Steps

- 3.1 A handover will take place during December, and Lauren Kelly will commence the interim role on 2 January 2023.

4 Other Courses of Action Considered but Rejected

- 4.1 To advertise nationally for the position and undergo a full recruitment and selection process at a projected cost of £25,000. Alternatively, a lower cost approach to advertising on social media channels and a slimmed down selection process at a projected cost of £10,000. As set out in section 2, above, these possible actions

were rejected, given the timing in the run up to Christmas, the current state of the market, and having a strong internal candidate.

5 Resource Consequences

- 5.1 The salary for the interim position is at the bottom point of the grade, SM4, scp 94, £75,231. There are no additional resource consequences.

6 Legal Considerations and Implications

- 6.1 The Council is required to comply with the provision of Section 5 of the Local Government and Housing Act 1989 in respect of the appointment of the Monitoring Officer.

7 Risk Assessment

- 7.1 Not applicable.

8 Procurement Implications

- 8.1 There are no procurement issues, as this is an internal process.

9 Equalities and Human Rights implications / Public Sector Equality Duty

- 9.1 As this is an internal process of appointing the interim Head of Legal and Democratic Services and Monitoring Officer, following an internal advertisement, there is no relevant equality legislation to be taken into account.
- 9.2 An Equalities Impact Assessment is not applicable.

10 Environmental Implications

- 10.1 Not applicable.

11 Other Considerations

- 11.1 GDPR/ Data Protection does not apply in respect of salary details, as salaries of senior staff are subject to being published under the open data, transparency and accountability agenda; there are no other considerations.

Appendix 1

Lauren Kelly

BA, European Business and French
Qualified Solicitor, College of Law, Guildford

Career History

From 2019: Principal Lawyer, Property and Contracts, Deputy to the Monitoring Officer,
Horsham District Council

2018 - 2019: Senior Lawyer, Property, Horsham District Council

2016 – 2018: Solicitor, asb Law LLP, Crawley

2006 – 2016: Solicitor, Gordon Dadds LLP, London

2004 – 2006: Trainee Solicitor, Forsters LLP, London