



Email: committeeservices@horsham.gov.uk
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Cabinet

Thursday, 20th July, 2023 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Martin Boffey	Leader
	John Milne	Deputy Leader and Planning & Infrastructure
	Mark Baynham	Finance & Resources
	Colette Blackburn	Climate Action & Nature Recovery
	Ruth Fletcher	Local Economy & Place
	Jay Mercer	Environmental Health, Recycling & Waste
	Jon Olson	Leisure, Culture & Green Spaces
	Sam Raby	Housing, Communities & Wellbeing

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	5 - 10
<p>To approve as correct the minutes of the meeting held on 8 June (<i>Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.</i>)</p>	
3. Declarations of Members' Interests	
<p>To receive any declarations of interest from Members of the Cabinet</p>	
4. Announcements	
<p>To receive any announcements from the Leader, Cabinet Members or the Chief Executive</p>	
5. Public Questions	
<p>To receive questions from and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting</p>	
6. Conservation Area Assessment and Designation: Horsham (Park Terrace Gardens)	
<p>Item withdrawn to enable further consideration of consultation responses</p>	

7. **Land Charges - Fees** 11 - 16
To consider the report of the Cabinet Member for Planning and Infrastructure
8. **Rampion 2 Development Consent Order - Governance Arrangements** 17 - 26
To consider the report of the Cabinet Member for Planning and Infrastructure
9. **Concessions Policy** 27 - 36
To consider the report of the Cabinet Member for Leisure, Culture and Green Spaces
10. **Housing Grants - Approval of Budget** 37 - 42
To consider the report of the Cabinet Member for Housing, Communities and Wellbeing
11. **Local Authority Housing Fund Round 2 in 2023 - 24** 43 - 48
To consider the report of the Cabinet Member for Finance and Resources
- To consider matters of General Exception
- General Exceptions have been used with regard to the publication of notice of two key decisions: Item 13 and Item 14
- [General Exception Notice - Item 13](#)
[General Exception Notice - Item 14](#)
12. **Exclusion of Press and Public**
The Cabinet may exclude the press and public for the remaining items of business and to do so it must pass a resolution in the following terms:
- RECOMMENDED** that members of the Press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that: it involves the likely disclosure of exempt information as defined in paragraphs 3 of Part 1 of Schedule 12A of the Act; namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
13. **Possible Purchase of Site A** 49 - 68
Exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- To consider the report of the Cabinet Member for Leisure, Culture and Green Spaces

14. **Possible Property Purchase - Horsham**

69 - 76

Exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

To consider the report of the Cabinet Member for Local Economy and Place

15. **Overview & Scrutiny Committee**

To consider any matters referred to Cabinet by the Overview & Scrutiny Committee

16. **Forward Plan**

To note the Forward Plan (latest published version available at: [Forward Plan](#))

17. **To consider matters of special urgency**

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Cabinet
8 JUNE 2023

Present: Councillors: Martin Boffey (Leader), John Milne (Deputy Leader), Mark Baynham, Colette Blackburn, Ruth Fletcher, Jay Mercer, Jon Olson and Sam Raby

Also Present: Jon Campbell, Philip Circus, Mike Croker, Warwick Hellowell, Liz Kitchen, Lynn Lambert, Alan Manton, Colin Minto, Roger Noel and Belinda Walters

EX/1 **MINUTES**

The minutes of the meeting of the Cabinet held on 23 March were approved as a correct record and signed by the Leader.

EX/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

EX/3 **ANNOUNCEMENTS**

There were no announcements.

EX/4 **PUBLIC QUESTIONS**

No questions had been received.

EX/5 **TRANSFORMATION FUND 2023-24**

Councillor Mark Baynham, Cabinet Member for Finance & Resources, summarised the purpose and use of the Transformation Fund, which had been set up in 2016/2017 to help improve the running of Council services with efficiency measures and improved processing, in particular digital change. £500,000 was available each year to support these initiatives.

Last year £221,000 had been spent and the Cabinet Member proposed that this sum be topped up to £500,000 for the current year so the fund can continue to improve Council services as it has done since 2017.

RESOLVED

- (i) To approve the transfer of £221,000 from the General Fund reserve to the earmarked transformation reserve.

- (ii) To delegate to the Chief Executive, in consultation with the Leader and Cabinet Member for Finance, the authority to use the transformation fund as appropriate.

REASON

To top up of the earmarked transformation reserve for projects that will help transform the Council in the future; being effectively funded from the 2022/23 budget surplus.

EX/6

NEIGHBOURHOOD PLAN UPDATE FOR COWFOLD, ITCHINGFIELD, LOWER BEEDING AND PULBOROUGH PARISHES

Councillor John Milne, Cabinet Member for Planning & Infrastructure, outlined the impact that Water Neutrality and the delay in finalising the Council's Local Plan was having on the development of Neighbourhood Plans. The issue had prevented four emerging Neighbourhood Plans from progressing to referendum. The purpose of the proposal was to provide a Planning Advice Note for each of these parishes to help strengthen their position until the Council's Local Plan was in place. The Cabinet Member confirmed that it would carry some weight in the determining of planning applications.

The Cabinet Member agreed to amend recommendation (ii) as printed in the report to include consultation with relevant Ward Members should any minor editorial changes be required.

In response to concerns raised, the Cabinet Member reassured Members that Neighbourhood Plans would be taken into consideration when allocating sites in the Local Plan to the extent that the law allowed; he had asked Jeremy Quin MP for clarification on the current legal obligations regarding housing numbers and would share this information with all Councillors once available.

RESOLVED

- (i) To Formally endorse the Neighbourhood Planning Advice Notes for Cowfold, Itchingfield, Lower Beeding and Pulborough Parishes and agree to the publication of the document for use as a non-statutory Planning Advice Note.
- (ii) To grant the Cabinet Member for Planning and Infrastructure delegated authority to agree any necessary minor editorial changes to the documents referenced in (i) above, in consultation and mutual agreement with relevant Ward Members.

REASON

To support Neighbourhood Planning groups affected by water neutrality, and to ensure compliance with the Duty to Support obligations placed upon Local Authorities to assist Neighbourhood Planning groups,

EX/7 **ADOPTION OF RUSPER CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

Councillor John Milne, Cabinet Member for Planning & Infrastructure, reminded Members of the Council's rolling programme of reviewing existing Conservation Areas and assessing potential areas for new ones. Rusper Conservation Area had now been reviewed and it was proposed that the area be extended to include the grounds of Ghyll Manor.

There had been one consultation response suggesting that the recreation field be included. This had been considered by officers but omitted as it was not of historic or architectural interest.

When asked to reconsider the omission of the recreation field, the Cabinet Member advised that this valued amenity space did not meet the criteria. However, it was confirmed at the meeting that this area had already been registered as an Asset of Community Value, which afforded it some protection.

RECOMMENDED TO COUNCIL

- (i) To approve the designation of the revised Conservation Area boundary for Rusper, as shown on the Conservation Area designation map (1) included in this report;
- (ii) to approve and adopt the Conservation Area Appraisal and Management Plan for Rusper, as set out in Appendix 2 to be used in the determination of planning applications from 26 June 2022; and
- (iii) to delegate authority to the Cabinet Member for Planning & Infrastructure to approve minor editorial changes prior to final publication of the Conservation Area Appraisal and Management Plan.

REASON

- (i) To formally designate the amended conservation area boundary.
- (ii) To provide updated conservation area guidance for residents, occupiers, developers and Members in determining applications and to designate the locally listed buildings.
- (iii) To give the Cabinet Member for Planning and Infrastructure delegated authority to approve minor changes to the Conservation Area Appraisal and Management Plan.

EX/8

BISHOPRIC/WORTHING ROAD AND CARFAX PUBLIC REALM IMPROVEMENTS - APPOINTMENT OF CONSULTANT AND CONTRACTOR

Councillor Ruth Fletcher, Cabinet Member for the Local Economy & Place, introduced her report, which sought approval to design and deliver a public realm improvement scheme for the Bishopric and Worthing Road area, and also develop a 'shovel ready' scheme for the Carfax to allow the Council to bid for future funding as opportunities arise.

The Bishopric area had deteriorated over the years, with paved areas damaged by the weight of traffic. The layout would be improved, including enhanced provision for pedestrians and cyclists, as detailed in the report.

A design for the Carfax would make crossing the Carfax easier for pedestrians and those with mobility difficulties and provide safe cycle access. A capital provision to support delivery of the scheme had already been approved by Cabinet.

Recommendation (ii), as printed on the report, was amended so that the correct Cabinet portfolio was named.

RESOLVED

- (i) To approve the call-off from the SCAPE Framework agreement to facilitate the delivery of the public realm improvements; and
- (ii) To award the contracts to the relevant suppliers named in the SCAPE Framework, and, delegate authority to the Director of Place, in consultation with the Cabinet Member for Local Economy and Place, to approve the final terms including the contract sums.

REASON

To ensure that the procurement methodology is compliant and to deliver the projects within budget

EX/9

ENVIRONMENTAL HEALTH & LICENSING AND ECONOMIC DEVELOPMENT STAFFING

Councillor Jay Mercer, Cabinet Member for Environmental Health, Recycling & Waste, advised that the number of housing inspections carried out by the Environmental Health & Licensing Team had increased significantly. This was due to an increased awareness of the detrimental impact that mould could have in people's homes, with new Government guidance that will impose additional burden on regulatory services. There had also been a sharp increase in the number of applications for Houses in Multiple Occupation, for reasons set out in the report, which involved extensive liaison with officers.

Councillor Ruth Fletcher, Cabinet Member for Local Economy & Place, advised that three key Economic Development staff were approaching retirement and succession planning was needed to manage a transition, with staff recruitment and promotions. The current team also needed to expand so that it could take forward the next two years of the Shared Prosperity Fund.

RECOMMENDED TO COUNCIL

- (i) To approve the £41,200 increase in the 2023/24 salaries budget to accommodate the creation two extra posts, one in Environmental Health team and a temporary post in Economic Development.

REASON

- (i) All local authorities are under a statutory duty to inspect housing and ensure that the powers used to tackle housing problems are effectively discharged. The increase in awareness of damp issues, new guidance on damp and in the increase in the number of applications houses in multiple occupation has led to a need for an extra employee permanently in the Environmental Health Private Sector Housing Team.
- (ii) In the Economic Development Service there is a need for a temporary role to carry out the extra work associated with the Shared Prosperity Fund and get the service prepared for the likely full or phased retirement of its three officers.

EX/10 OVERVIEW & SCRUTINY COMMITTEE

There were no matters currently outstanding for consideration. Councillor Belinda Walters said that the training had been excellent and anticipated a full work programme going forward.

EX/11 FORWARD PLAN

The Forward Plan was noted.

EX/12 TO CONSIDER MATTERS OF SPECIAL URGENCY

There were no matters of special urgency to be considered.

The meeting closed at 6.26 pm having commenced at 5.30 pm

CHAIRMAN

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Report to Cabinet 20th July

Thursday, 20 July 2023

By the Deputy Leader and Cabinet Member for
Planning and Infrastructure

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Land Charges - Proposed Increase in Fees

Executive Summary

The purpose of this report is to approve a small increase in fees on Local Charge searches which involve a request for information from West Sussex County Council, as they have recently increased the fee that they charge Horsham District Council for this service.

Recommendations

Cabinet is recommended to ask Council to:

- i) Approve the increase in the Land Charge fee for the additional optional questions from £21 (+ VAT) to £26 (+ VAT).

Reasons for Recommendations

- i) To ensure that the Land Charge search fee charged by Horsham District Council fully covers the costs of undertaking the searches

Wards affected: All wards

Contact: Madeleine Hartley, Planning Compliance Team Leader- 01403 215168

Background Information

1 Introduction and Background

1.1 Every local authority in England and Wales, with the exception of County Councils, has a statutory duty to maintain a Local Land Charges register that records obligations affecting properties within their administrative area. A Local Land Charge is a financial charge or restriction imposed on a piece of land, either to limit the land's use or to secure payment for a service. It is binding on owners or occupiers of property or land.

1.2 Local land charges can be charges for services including:

- Roads
- Restrictions such as Tree Preservation Orders
- Conditions imposed on planning permissions
- Conservation areas
- Legal agreements and listed buildings

1.3 When a property or parcel of land is purchased, leased, mortgaged or a valuation carried out, a local land charge search is usually required.

1.4 The Standard full search reveals all information held on the Local Land Charges Register and any restriction on the piece of land, as well as the information held by Planning, Building Control, Environmental Health and Highways departments.

1.5 Our Standard full search includes:

- The LLC1 certificate- staff in the Land Charges Team inspect and interpret the Local Land Charges Registers and provide all information held about the property, including public health notices, listed status, enforcement notices and legal agreements
- The Con29R A- set of standard enquiries are answered by fully trained and experienced staff in each of the four additional relevant sections: Planning, Building Control, Environmental Health and WSCC Highways.
- The LLC1 and Con29R are both also available as individual searches.

1.6 Following fee increases across Development Management agreed in the February budget, officers were subsequently informed by West Sussex County Council that they would be increasing the fee for Local Land Charge searches by £5 plus VAT per request. This involves searches that seek information from them for any highway matters that may affect the land/property in question, as well as Common Land (Town or Village Green) matters.

2 Relevant Council policy

2.1 Corporate Objectives 2019-2023

Our corporate plan is based on five themes:

- A great place to live
- A thriving economy
- A strong, safe and healthy community
- A cared for environment
- A modern and flexible council

2.2 The proposal meets the aspirations of the corporate plan, as it will enable us to provide the services that we have a statutory duty to provide, whilst providing a great value service through delivering a balanced budget over the medium term.

3 Details

3.1 As a result of the unforeseen fee increase imposed by West Sussex County Council in April 2023, this Council has an additional cost with every search request submitted to them. Based upon the number of similar searches made in the past 12 months, it is estimated that HDC will lose £5,210 (net) each year unless a fee adjustment is made to take account of this increase.

3.2 To cover the increase in the fee charged by West Sussex County Council to ensure that we do not make any further losses, it is proposed to increase the fee charged to customers undertaking those Local Land Charge searches which seek information from WSCC to £26.00 (+ VAT).

4 Next Steps

4.1 To increase the fees as set out above, and to publish our fee schedule and make amendments to our website pages accordingly.

5 Views of the Policy & Infrastructure Development Advisory Group and Outcome of Consultations

5.1 This report was considered by the Planning & Infrastructure Policy Development Advisory Group at its meeting on 27th June 2023, who made no comments.

6 Other Courses of Action Considered but Rejected

6.1 No increase in fees- unless the Land Charge fees are increased for those searches which involve input from WSCC, we will not be covering our costs for a large number of Local Land Charge searches, and Horsham District Council will be losing money.

7 Resource Consequences

- 7.1 The financial consequences of this proposal will be to ensure that HDC covers its costs when undertaking Local Land Charge searches, and to ensure that there are no losses incurred.
- 7.2 There are no HR or staffing consequences associated with this proposal.

8 Legal Considerations and Implications

- 8.1 Before Parts 1 and 3 of schedule 5 to the Infrastructure Act 2015 (“IA 2015”) come into effect in relation to the area of a Local Authority, the relevant Local Authority is under a duty to keep the local land charges register for their local authority area. The IA 2015 allows for the Chief Land Registrar (“the registrar”) to incrementally assume the local land charges statutory function by giving notice to a particular local authority specifying a date when the registrar will become responsible for local land charges in relation to the area of that Local Authority. The Council has not received any such notice to-date.
- 8.2 Local land charges searches are normally required in the property-buying process. These searches reveal whether a property is subject to a charge if that charge has been registered.
- 8.3 Regulation 8 of the Local Authorities (England) (Charges for Property Searches) Regulations 2008 provides that a Local Authority may charge a person in respect of answering enquiries about a property. Any such charge must have regard to the costs to the Local Authority answering the enquiries.
- 8.4 Each financial year, a Local Authority must publish by 30th June following the end of that financial year, a summary setting out the total income to the authority from charges made under Regulation 8.
- 8.5 The increase to the subject fees have not been budgeted for by the Council as part of its budget setting process and, as such, the consent of the Council is required to approve the increase to this charge.

9 Risk Assessment

- 9.1 It is not considered that there are any risks associated with this proposal.

10 Procurement implications

- 10.1 It is not considered that there are any procurement implications associated with this proposal.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 This proposal has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 11.2 The proposal has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

12 Environmental Implications

- 12.1 It is not considered that there are any environmental implications associated with this proposal.

13 Other Considerations

- 13.1 It is not considered that there are any other implications associated with this proposal, including any consequences relating to GDPR/Data Protection and Crime & Disorder.

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Report to Cabinet

Thursday, 20 July 2023

By the Cabinet Member for Planning and Infrastructure

DECISION REQUIRED



Not Exempt

Rampion 2 Development Consent Order and General Development Consent Orders - Governance Arrangements

Executive Summary

This report seeks Cabinet’s approval to delegate authority to respond to and participate in (i) the Rampion 2 DCO application process in consultation with Cabinet Members for Planning and Infrastructure and Local Economy and Place and local ward members, and, (ii) all subsequent DCO application processes.

Rampion Extension Development Limited (‘RED’) is developing Rampion 2, a proposed offshore wind farm located adjacent to the existing Rampion 1 project in the English Channel. Proposals comprise both onshore and offshore infrastructure associated with the offshore windfarm that includes, within Horsham District, buried onshore cables in a single corridor and a new onshore substation that will connect to the existing National Grid substation at Bolney, Mid Sussex.

The planning application for this proposal would be considered a ‘Nationally Significant Infrastructure Project (“NSIP”’). Planning consents for these types of schemes are determined by the Secretary of State through an application process known as a Development Consent Order (“DCO”) which are managed by the Planning Inspectorate. RED has confirmed the DCO is expected to be submitted to the Planning Inspectorate in early summer 2023 (July).

To participate in the DCO progress, the Council will be required to make representations within prescribed timetables set out in law. To ensure the views of this Council can be submitted in accordance with these deadlines, this report sets out a request to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place, to respond to the relevant consultation and/or engagement stages of the DCO process.

It is anticipated that in the future other NSIPs may be proposed in Horsham District. It is therefore recommended that similar delegations are sought for any future projects which may arise.

Recommendations

The Cabinet is recommended:

- i) To delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place and Local Members in Wards affected by the onshore cable route and substation to respond to procedural consultations and engagement as part of the Development Consent Order application process in respect of the Rampion 2 DCO.
- ii) To delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place and Local Members, to respond to procedural consultations and engagement as part of the Development Consent Order application process in respect of all future DCO's that impact on Horsham district.

Reasons for Recommendations

- (i) Rampion 2 DCO delegation

Without delegated authority it is unlikely that the Council will be able to effectively engage with the Rampion 2 DCO process. If responses are not submitted in accordance with the statutory timescales they cannot be taken into account. Without the requested Rampion 2 DCO delegation in place, this could result in a recommendation from the Planning Inspectorate (PINS) to the Secretary of State, to permit or refuse a development consent which does not fully take account of impacts upon Horsham District.

- (ii) General DCO delegation

To negate the requirement to seek Cabinet's approval to participate in any DCO processes each time the occasion arises.

Background Papers

- The Planning Inspectorate Advice Note Two: The role of local authorities in the development consent process.

Wards affected:

Recommendation 1: Storrington and Sullington, Washington, Wiston, Steyning, Ashurst, West Grinstead, Shermanbury, Henfield and Cowfold

Recommendation 2: All wards

Contact:

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Background Information

1 Introduction and Background

- 1.1 RED is developing Rampion 2, a proposed offshore windfarm located adjacent to the existing Rampion 1 project in the English Channel. Proposals comprise both onshore and offshore infrastructure associated with the offshore windfarm that includes, within Horsham District, buried onshore cables in a single corridor and a new substation that will connect to the existing National Grid substation at Bolney Mid Sussex.
- 1.2 The proposal is of a scale that means it is dealt with as a 'Nationally Significant Infrastructure Project'. Planning consents for these schemes are determined by the Secretary of State through an application process known as a Development Consent Order (DCO). The process is managed by the Planning Inspectorate (PINS).
- 1.3 To participate in the Submission and Acceptance of the DCO process, the Council will be required to make representations within prescribed timetables. To ensure that these timescales can be met and that the views of the Council can be represented, this report sets out a request to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place and Local Members, to respond to these consultations or engagement aspects of the DCO process.
- 1.4 The Council may wish to participate in future DCO application processes and having the authority to do so will allow officers to respond within any prescribed timeframes.

2 Relevant Council policy

- 2.1 In considering any proposals put forward by RED as part of the DCO the Council will need to take account of the Horsham District Council Corporate Plan 2019 – 2023 and any subsequent Corporate Plan, the planning policies within the Local Development Plan (currently the Horsham District Planning Framework (HDPF) November 2015) and the Horsham District Draft Climate Action Strategy, 2023.

3 Details

- 3.1 As outlined in the section 1 of this report, the proposals by RED are of a scale which mean they are classified as a NSIP, and planning consent must be obtained through the DCO process. The decision is ultimately taken by the relevant Secretary of State, but the application is submitted to and examined by the Planning Inspectorate.
- 3.2 The stages of preparation and consideration of the Rampion 2 proposals are shown in more detail in Appendix 1. In total, RED have estimated 15 -18 months between DCO submissions and a PINS decision based on typical timeframe of previous NSIP projects.

The Rampion 2 Development Consent Order Application

- 3.3 RED has identified 5 local authorities regarding its proposed offshore windfarm. Under the terms of the DCO, the local authorities in which the administrative boundary the application falls are termed 'host' authorities. These are: -
- (i) Arun District Council
 - (ii) West Sussex County Council
 - (iii) South Downs National Park Authority
 - (iv) Horsham District Council
 - (v) Mid Sussex District Council
- 3.4 Host authorities have a statutory role in the DCO process, both as local planning authorities and their wider role in terms of supporting local communities and businesses.
- 3.5 At this stage the full details of the application have not been published by RED. It is therefore not possible for the Council to form a view on the impact of their proposals at the current time. It is however envisaged that the proposals will potentially have impacts on Horsham District on matters such as landscape character. It is therefore paramount that the Council is able to fully engage with the DCO process by meeting the deadlines in the DCO process, to ensure that the range of potential impacts are understood and considered, prior to the decision of the Secretary of State.
- 3.6 To participate in any DCO process, the Council will be required to make representations during the pre-examination and examination phases to ensure relevant impacts of development are addressed. This will include, but is not limited to:
- Preparation and submission of responses as part of the pre-examination consultation
 - Attendance at meetings convened by the Planning Inspectorate during the pre-examination stage
 - Preparation and submission of the 'Local Impact Report' to PINs
 - Input into Statements of Common Ground
 - Preparation and submission of representations to the Planning Inspectorate during Examination
 - Responses to the Examining Authority's (PINS) written questions
 - Attendance of hearings during examination phase
- 3.7 The submission of many of the reports and representations are set out in statute as part of the DCO process. Many of these timescales are very short (typically 14 or 28 days). In addition, much of the work will be of a technical nature, requiring professional knowledge and understanding of planning and environmental matters.
- 3.8 It is anticipated that future NSIPs may be proposed. Should this be the case, the Council would welcome the opportunity to participate in any relevant DCO application process so that representations can be made in relation to the impacts on the Horsham District of any such initiative. Accordingly, delegating authority to the Director of Place, in

consultation with the two relevant cabinet members and local Members, to participate in any such DCO application processes will enable officers to respond in a timely manner.

4 Next Steps

- 4.1 Given the detailed nature of the work required, together with the tight timescales, it is not considered it will be possible to gain Cabinet consent for officers to make representations at the required times stipulated by statute within the Rampion 2 DCO process. This could prevent the Council making representations regarding the impact of the windfarm proposal and could result in a recommendation made to the Secretary of State which does not fully take account of the possible impact upon Horsham District.
- 4.2 Therefore, the Cabinet is asked to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place and local Members, to ensure that the Council can respond to the consultation or engagement aspects of the DCO process within the prescribed timescales. Where appropriate, the Cabinet Members will seek the views of other Members, including relevant ward members and through the Planning and Infrastructure and Local Economy and Place Policy Development Advisory Groups.
- 4.3 The Council may wish to participate in future DCO application processes and having the authority to do so will allow officers to respond within any prescribed timeframes

5 Views of the Policy Development Advisory Group and Outcome of Consultations

The proposed governance arrangements were discussed at the PDAG meeting on 27th June 2023. Feedback from the group was to support both recommendations i) and ii) with the addition that local Ward Members affected by the onshore cable route and substation be consulted.

6 Other Courses of Action Considered but Rejected

- 6.1 It has been considered whether authority of the Cabinet should be sought at the different stages of the Rampion 2 DCO process and subsequent DCO processes. This has been rejected due to the need to meet statutory timescales and the risk that the application would be determined without taking account of the impacts upon Horsham District.
- 6.2 The Council could also decide not to respond to the Rampion 2 or any subsequent DCO process. This course of action has also been rejected as the impacts of the offshore windfarm on local communities within the District would not be taken into account and any opportunity to secure mitigation for the impacts would be lost.
- 6.3 Similar impacts would result from not responding to other DCOs.

7 Resource Consequences

- 7.1 This report relates only to the governance arrangements for responding to the Rampion 2 windfarm DCO or subsequent DCO applications within the Council. Therefore, there are no direct resource or financial implications arising from the delegations of authority. The resourcing of DCOs will be managed through relevant departments and through the Council's budget setting process.

8 Legal Considerations and Implications

- 8.1 The legal requirements governing the DCO process are set out in the Planning Act 2008. As has been indicated in this report, the DCO process sets out response timescales which are prescribed by statute. By agreeing the two delegations of authority, the Council will be in a position to respond to the legal obligations placed upon the authority to fulfil in its role in this or any subsequent DCO.

9 Risk Assessment

- 9.1 It is considered that by agreeing the two delegations of authority, the key risk to the Council of being unable to respond to the Rampion 2 DCO or any other DCO process can be avoided.

10 Procurement implications

- 10.1 There are no direct procurement implications arising from the contents of this report. It is possible that participation in the DCO process will require some external resources and this will be addressed through the usual budgetary expenditure processes. If required, any procurement would take place in accordance with the Council's procurement policies.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no specific equalities or human rights implications arising from the contents of this report. Any impact on these matters arising from the proposals put forward by RED or in any subsequent DCO application will be considered in due course and can be fed back as part of the DCO process.

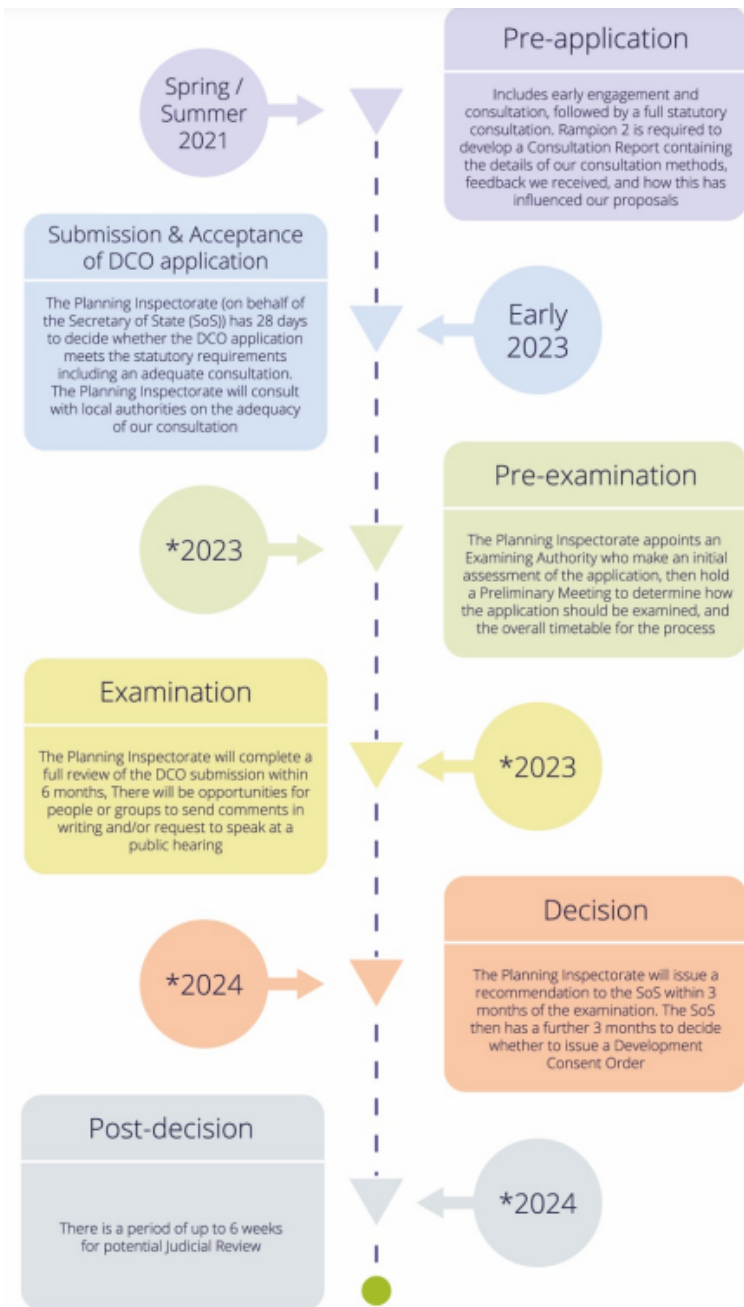
12 Environmental Implications

- 12.1 There are no specific environmental implications directly arising from the contents of this report. Any environmental issues as a result of the DCO application will be considered as part of the DCO process.

13 Other Considerations

- 13.1 There are no GDPR / data protection or crime and disorder consequences arising from the contents of this report.

Appendix 1 – DCO Stages, Rampion 2



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Report to Cabinet

Thursday, 20 July 2023

By the Cabinet Member for Leisure, Culture and Green Spaces

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Concessions Policy

Executive Summary

The report presents a Concessions Policy to enable a fair and consistent approach to the consideration of applications from traders and others who wish to operate a concession from Horsham District Council owned land.

Recommendation

That Cabinet approves the Concessions Policy set out in the appendix.

Reasons for Recommendations

Horsham District Council does not currently have a policy that ensures a fair and consistent approach to applications to operate concessions from its sites. The recommendation will provide this, and ensure that any approved applications are properly considered with involvement from the relevant Cabinet Member and Ward Members.

Background Papers

None

Wards affected: All

Contact: Paul Anderson, Director of Communities.

Background Information

1 Introduction and Background

- 1.1 Horsham District Council is occasionally approached, typically by food and beverage businesses, for permission to operate from parks, open spaces or car parks. The Council doesn't have a policy in place against which to consider such applications and this report has been developed to present a proposed policy. This will ensure a consistent, fair approach is taken across the organisation.

2 Relevant Council policy

- 2.1 The policy is in line with two of the priorities in the 2019 – 2023 Corporate Plan. Enabling access to our spaces would support the 'A thriving economy' priority and doing so in a consistent and considered manner would contribute towards ensuring 'A cared for environment'.

3 Details

- 3.1 Earlier in 2023 a local trader approached the authority around operating a catering concession on HDC owned land. A satisfactory arrangement was agreed with the trader, although it was recognised that to improve the process in the future, and to ensure consistency and fairness, it would be appropriate to develop a policy against which applications for the use of HDC owned land could be considered.
- 3.2 The proposed policy, attached as an appendix enables flexibility for traders to submit proposals for trading on HDC land. Any decision to approve an application will be taken in consultation with the responsible Cabinet Member and relevant ward Members. There are no guarantees or commitments that concessions will be permitted on any sites, so any proposal needs to be satisfactory in terms of the nature of the operation, times of use and impact on the local area.

4 Next Steps

- 4.1 Subject to approval, the policy will be published and shared with businesses via the Economic Development team. Expressions of interest for concessions to operate in our sites during 2024 will be advertised in early 2024.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The Policy was considered at the Leisure, Culture and Green Spaces Policy Development Advisory Group (PDAG) on 11 July, to which members of the Finance and Resources PDAG were also invited to attend. Members supported the proposed policy.
- 5.2 The Director of Resources and Monitoring Officer have had sight of this report and their comments have been incorporated.

6 Other Courses of Action Considered but Rejected

- 6.1 The alternative course of action would be to continue to operate without a concessions policy. The policy has been developed in response to an identified gap, and therefore adopting it is considered to be the best course of action.

7 Resource Consequences

- 7.1 Allowing concessions to use Horsham District Council owned land or property will deliver a small financial contribution. It is not considered that it will be a significant source of income.
- 7.2 There are no other resource implications.

8 Legal Considerations and Implications

- 8.1 Section 1(1) of the Localism Act 2011 provides that Local Authorities have power to do anything that individuals generally may do. Therefore, the Council may grant concession licences to traders.
- 8.2 Cabinet is responsible for the adoption of policies within the Council's policy framework.

9 Risk Assessment

- 9.1 The development of the policy will reduce the organisational risk that currently exists whereby there is no policy oversight for the leasing of sites for use by concessions.

10 Procurement implications

- 10.1 There are no procurement implications.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no equality or human rights implications.

12 Environmental Implications

- 12.1 It is not considered that there will be any direct environmental implications. Any food and drink providers will be expected to provide sufficient recycling facilities.

13 Other Considerations

- 13.1 It is not considered that there are any GDPR, Data Protection or Crime and Disorder implications arising from the proposed Policy.

APPENDICES TO REPORT

Proposed HDC Concessions Policy

HDC CONCESSIONS POLICY

Scope and Definition

This policy will apply to all concessions granted for operation at Horsham Museum, parks, open spaces and car parks owned by Horsham District Council (HDC).

HDC may amend this policy as and when it deems it necessary to do so.

The definition of a concession covered within the terms of this policy is: "A fixed term consent to trade from Horsham District Council owned land, where no Council building exists for exclusive use, or significant land occupation takes place".

Any request requiring a business lease or street trading licence will not fall within the remit of this policy and will be dealt with by HDC's Property Team or Licensing Team respectively.

Any concession licence offered by HDC grants the licensee the right to use the site in common with HDC and members of the public for the purpose defined by the licence.

HDC may suspend or vary operation of a concession subject to the licence on 24 hours' notice or immediately in the event of an emergency if repair works to HDC's land or facility are to be carried out.

HDC reserve the right to suspend a concession if a public event is to take place depending upon the location of the concession and type of event. Advance notice will be given whenever this is the case.

Policy Context

This policy gives guidance on how to fairly manage expressions of interest in a fair, open and transparent way leading to the successful take up of commercial concessions opportunities for Horsham District. This policy assists HDC in supporting local businesses and enterprises to gain a platform to start, grow and succeed.

All concessions offered will be considered in the context of Council policies, strategies and plans. More information about HDC's plans can be found on our website at www.horsham.gov.uk

The overall aim of this policy is to identify, develop and maximise additional commercial opportunities, including the enhancement of existing facilities, services and attractions. The provision of new facilities will be encouraged to promote and enhance the character of the designated areas.

Aims and Objectives

This policy aims to:

- ensure a fair, transparent, and consistent approach to granting concessions, which is co-ordinated through the appropriate procedures for planning, marketing and management.
- ensure that HDC adopts a proactive approach in enabling commercial activity in the District which are a high quality and fit well with local needs and aspirations.

- encourage and promote activities that fit in with approved local strategies and add to the attraction of the District.
- encourage increased commercial activity across the District to provide a greater economic benefit.

Responsibilities

The authority to make decisions regarding the granting of concession licences at the Museum or in Parks and Open Spaces sits with the Head of Leisure and Culture in consultation with the Cabinet Member for Leisure, Culture and Green spaces and in Car Parks with the Director of Resources in consultation with the Cabinet Member for Finance and Resources. Any decision in both areas will only be taken following consultation with relevant Ward Members.

The Parks and Countryside and Parking Teams will be responsible for liaising with other officers, including where necessary, legal and insurance officers regarding terms and conditions of each license to ensure suitability while protecting HDC's interests.

Concession Bid Process

HDC has identified sites which may be suitable for concessions, and these are set out in the Appendix to this policy. Notification of how the concession sites will be made available to the market will be advertised locally through HDC's website, social media and through the Economic Development Team.

All bids relating to parks and open spaces will be assessed by the Parks and Countryside Team and bids relating to car parks will be assessed by the Parking Team and those at Horsham Museum by the Museum Team, all in consultation with the Property Team in accordance with the criteria set out for determination of the concession which will be published alongside the advertised concession opportunity.

Decision and Approval

All bids will be assessed based on the Licence Fee offer, giving consideration to the quality of offer, appearance and style of trading unit, sustainability and environmental practices, required consents to trade, relevant accreditations, health and safety qualifications, track record of business, pricing structure and menu choice.

Traders will be advised to apply promptly for seasonal concessions once the application process is open. While it is intended for all pitches to be licensed by the start of each season (1 March – 31 October), it will be at HDC's discretion to accept bids and grant licences throughout the year for vacant sites. Any trader who wishes to operate in the winter season (1 November – 28 February) should submit a bid setting out their proposal.

This policy does not commit HDC to approving any bids. It retains the right to not issue licences for concessions.

Completion of Agreement

The successful applicants will be advised by the responsible officer from the Property Team who will confirm what documentation the applicant is required to provide in order for their licence to be completed.

All concessions must provide the following, where relevant:

- Valid Public Liability Insurance to the value of a minimum of £10 million
- Valid Employee Liability Insurance
- Risk Assessment specific to the proposal for the agreed site
- Equipment Safety Certificate
- Environmental food safety & Hygiene certificates
- Evidence of level 4 or higher classification as set out on the food.gov.uk web page for food and drink providers
- Duty of Care Waste Transfer Note and/or appropriate evidence of method of recycling, litter and refuse disposal
- Bank and other references may be required for larger concessions plus any other necessary relevant certification.
- Identification documents such as a passport or driving licence and also bank account details if the licence is an individual.

All concession licences give the named concession operator of the licence permission to operate at an agreed location under the terms and conditions as set out in the licence. It may be accepted by HDC that the licensee may substitute an alternative operator in order to continue trading during periods of absence due to extenuating circumstances, subject to prior written agreement from HDC.

Concession Licences will be issued for an appropriate term depending on the type of concession, whether it is available to trade throughout the year or on a seasonal basis, the need to ensure fair competition and also the opportunity to encourage new business and entrepreneurship.

Fees

The Licence Fee will be payable in advance of the start date by the applicant for the Term of the concession licence unless an instalment plan has been agreed.

An administration fee, full payment for the agreed licence period and any legal costs incurred in preparation of the licence are required in advance of the start date by the applicant unless an instalment plan has been agreed.

In addition, should the concession operator require the use of electricity or water, and they are available at the agreed site, HDC will recharge for the full cost of consumption and waste by the concession operator during the agreed licence period.

In the unlikely event that any other consents are required such as planning permission the applicant will need to have obtained and paid for prior to approval themselves.

Monitoring and Review

Annual evaluation forms from traders will be reviewed to ensure fair and transparent practices and inform future development of concessions. Any trader or relevant parties

dissatisfied with this policy, or its procedures can make a complaint using HDC's Complaints Procedure which can be found on the Council's website.

Cancellations

If an operator chooses to cancel their licence prior to the end of the term, the Council reserves the right to retain up to 50% of the fee. In exceptional circumstances, this fee may be waived.

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Appendix

Concession Categories

There may be opportunity to offer the following type of concessions at the potential concession locations listed below

Ice cream and Soft Drinks	Ice cream vans, gelato and specialist sellers (not an exclusive list)
Food and Drinks	Hot drinks, slushes and milkshakes, snacks, sandwiches, themed cuisine (not an exclusive list)
Leisure and Art	Fixing bikes, skateboard parts, art supplies, etc. (complementary to current activities) (not an exclusive list)
Other	Saunas, pop up cinema etc. (not an exclusive list)

Potential locations for different concession types mentioned above

There should be no direct competition to local business or existing concessions.

1. Parks and Open Spaces

Site	Notes
Chesworth Farm	Main access via Queensway, Horsham.
Horsham Park	Concessions to operate from within the Park, sites to be agreed with the Parks & Countryside Team, taking into account the various uses for the park throughout the week.
Leechpool and Owlbeech Woods	Main car park off Harwood Road.
Henfield Commons	Any decision regarding this site will also need approval from the Henfield Commons Joint Committee.
Open space exceptions	There may be small areas of open space and car parks not mentioned exclusively in the above list which may be identified in the future and dealt with as an exception.

2. Car Parks

Details of all Horsham District Council managed car parks are available at <https://www.horsham.gov.uk/parking>

3. Horsham Museum, Courtyard

There are no catering facilities at Horsham Museum.

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Report to Cabinet

20 July 2023

By the Cabinet Member for Housing, Communities and Wellbeing

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Housing grants – Approval of budget

Executive Summary

Cabinet is recommended to ask Council to increase the housing budget so that the housing team can receive two grants that have been allocated by Department for Levelling Up, Housing and Communities (DLUHC). The two grants, Homeless Prevention Grant top up and Home Office Asylum Dispersal Grant have restrictions and receipt of them was not known when the annual budget for 2023-2024 was set. Notification of the grants was received in June 2023. The two grants are in the sum of £271,911 and £72,000 respectively.

The housing team is currently investigating options for using the grants both independently and in partnership with colleagues in other District and Borough Councils and West Sussex County Council.

Recommendations

That the Cabinet is recommended to ask Council to:

- i) Approve the receipt and expenditure of two grants in the sum of (i) £271,911 for Homeless Prevention Grant top up, and (ii) £72,000 for Home Office Asylum Dispersal Grant
- ii) Approve an increase in the housing team's 2023/24 revenue income and expenditure budgets of £343,911 to cater for the receipt of the two subject grants

Reasons for Recommendations

- i) Increasing the revenue income and expenditure budgets in the Housing Service will allow the Council to receive and spend the grants offered by DLUHC
- ii) Full Council must approve an increase to the housing team's budget
- iii) To provide appropriate housing options for the cohorts specified in the grant conditions

Background Papers

None

Wards affected: All

Contact: Rob Jarvis - Head of Housing and Community Services

Background Information

1 Introduction and Background

- 1.1 In June 2023, DLUHC allocated the Council £72,000 of grant income for the Asylum Dispersal Scheme. The Council must demonstrate that they have fulfilled the eligibility conditions in supporting asylum seeker dispersal.
- 1.2 In June 2023, DLUHC allocated the Council an additional £271,911 of grant income in Homelessness Prevention Grant – 2023/2024 Homes for Ukraine Funding Top Up to support guests into sustainable accommodation. The purpose of this grant is to assist the local authority in supporting Ukrainian guests as they move into their second year and to reduce the risk of homelessness.

2 Relevant Council policy

- 2.1 The funds received support the Council in meeting the priorities set out in the Council's corporate plan to ensure Horsham District is a great place to live with a strong, safe and healthy community. Specifically, these funds will support the Council in ensuring that local asylum seekers or locally supported Ukrainian refugees will not experience homelessness as a result of having no viable alternative housing option available.

3 Details

- 3.1 The final detail around the use of both grants are being finalised. The purpose of this report is to seek approval to receive these funds and increase the financial budget of the housing team by a corresponding amount. This will allow the housing team to work with those who need housing support. The provision of this support will be administered in accordance with the grant criteria.
- 3.2 The housing department will seek to work in partnership with other authorities locally for efficiencies and increased impact. However, if all the funds are not used they will be returned to DHLUC in accordance with the grant criteria.

4 Next Steps

- 4.1 The proposal in this report needs to be discussed and approved by Cabinet who can then recommend to Full Council approval of the recommendations contained in this report.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The Housing, Communities and Wellbeing Policy Development Advisory Group met on 6 July 2023. They were supportive of accepting the grant income. Given the short notice timeframes, Overview and Scrutiny will also be briefed by the Director of Resources at the meeting on 17 July 2023 and their views will be updated verbally at the Cabinet meeting.

- 5.2 The Monitoring Officer and the Director of Resources were consulted to ensure legal and financial probity.

6 Other courses of action considered but rejected

- 6.1 The Council has considered not accepting these funds from DHLUC. This option has been dismissed as there is the possibility of increased demand on the homeless service if we are unable to implement appropriate preventative options (which could be funded by these grants) at an earlier stage.

7 Resource consequences

- 7.1 Any additional options for the specified client groups identified within the grant parameters will be met within the existing team structure. Where this is not possible the grant will provide for the additional resource needed.
- 7.2 The additional revenue budget income of £343,911 received through these grants will be used to meet expenditure in this area with unspent funds being returned to DHLUC. There is no net effect on the revenue budget.

8 Legal considerations and implications

- 8.1 Section 31 of the Local Government Act 2003 enables central government to make a grant for any purpose, capital or revenue, to any local authority. A grant made pursuant to this section will be (i) for such amount, and, (ii) paid on such conditions as may be determined by the relevant minister.
- 8.2 Section 1(1) of the Localism Act 2011 provides that a local authority has power to do anything that individuals generally may do. The Council has the power, therefore to accept and receive grant funding.
- 8.3 The Council should (i) comply with the terms of and conditions attached to the grant, and, (ii) complete any legal documentation which is required to give effect to the receipt and use of the said grant.
- 8.4 The grant funding will be managed in accordance with the Financial Procedure Rules (inter alia paragraph 4e.33 External Funding) contained in the Council's constitution.

9 Risk assessment

- 9.1 The grant the Council will receive will support homeless prevention options for those specific cohorts detailed within the two grant remits. Not receiving the grants could pose an additional financial risk to the Council through additional homeless service demand and accommodation costs.

10 Procurement implications

- 10.1 There are no procurement implications identified.

11. Equalities and Human Rights implications / Public Sector Equality Duty

11.1 The grants have specific criteria in respect of which cohorts must be supported.

12 Environmental implications

12.1 There are no specific environmental implications arising from this report, although the development of all activities and initiatives will be mindful of HDC's target to be carbon neutral by 2030.

13 Other considerations

13.1 There are no direct crime and disorder implications. The use of all databases and other sources of information will ensure that GDPR and data protection legislation is fully complied with.

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Report to Cabinet

20 July 2023

By the Cabinet Member for Finance and Resources

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Local Authority Housing Fund Round 2 ("LAHF R2") in 2023-24

Executive Summary

In June 2023, Government announced a £250m second round of the Local Authority Housing Fund to run over 2023/24, with the majority of funding used to house those on Afghan resettlement schemes currently in bridging accommodation, with the rest used to ease wider homelessness pressures.

The Council is proposing to accept the allocation of £0.76m funding from Government and add £1.02m of its own funding to provide 3 large resettlement homes and 1 temporary accommodation ("TA") home by the 31 March 2024 deadline.

The Council can return unspent funding to the Government should it wish or be unable to deliver all the housing from the allocation.

Recommendations

That Cabinet recommends to Council to:

- i) Proceed with the application for, and receipt of, the grant allocation for the Council to provide or facilitate the provision of 3 large resettlement homes and 1 temporary accommodation home.
- ii) Approve capital spend of £1.78m in the 2023/24 capital programme.

Subject to Council approval, Cabinet is also recommended to

- iii) approve the acquisition by Horsham District Council of up to 4 properties using the funds earmarked for this initiative, provided that any such acquisitions are undertaken in consultation with the Cabinet Member for Finance & Resources, and Cabinet Member for Housing, Communities & Wellbeing.

Reasons for Recommendations

- i) To apply for, receive and use the grant to help purchase / provide more affordable homes for the district.
- ii) Full Council must approve the capital budget.
- iii) Subject to Council approval, to avoid the requirement to seek Cabinet's approval for the purchase by Horsham District Council of each individual property that would otherwise be required to give effect to this initiative.

Background Papers

- Cabinet 26 January 2023
- Cabinet 23 March 2023
- <https://www.gov.uk/government/publications/local-authority-housing-fund-round-2/local-authority-housing-fund-round-2-prospectus-and-guidance>

Wards affected: All

Contact: Dominic Bradley, Director of Resources, 01403, 215300

Background Information

1 Introduction and background

- 1.1 The second round of grant fund supports the Government's humanitarian obligations to provide safe and suitable housing to those fleeing their country. LAHF R2 will also support local authorities to acquire good quality, and better value for money TA for families owed a homelessness duty by local authorities. This will reduce the usage of Bed & Breakfast accommodation and will enable local authorities to grow their asset base, creating sustainable assets to help manage local housing pressures on an ongoing basis.

2 Relevant Council policy

- 2.1 A great place to live - creating well balanced communities that meet residents' needs.

3 Details

- 3.1 Horsham has provisionally been identified as eligible for capital grant funding (under section 31 of the Local Government Act 2003), with the following indicative allocation of £760,000 in funding. With this funding Department for Levelling Up, Housing and Communities (DLUHC) expects the Council to provide a minimum of 4 homes. The funding also includes £20k per property for any additional spend required on getting these homes into use, such as any refurbishment which is not part of the 40% grant.
- 3.2 The expectation is that the Council must part fund some of the total required capital, with the expectation of a 40:60 split excluding the additional £20k per property. The expectations are set out in the table below.

Year	Grant 40%	Grant +£20k ph	HDC 60%
Tranche 1	£204,000	£24,000	£306,000
Tranche 2	£476,000	£56,000	£714,000
Sub-totals	£680,000	£80,000	£1,020,000
TOTAL		£1,780,000	
Min homes		4	
Av £ per unit		£445,000	

- 3.3 The objectives of the LAHF R2 are:

- Provide sustainable housing to those on Afghan resettlement schemes at risk of homelessness so that they can build new lives in the UK, find employment and integrate into communities;

- Reduce local housing pressures beyond those on Afghan resettlement schemes by providing better quality TA to those owed homelessness duties by local authorities;
- Reduce emergency, temporary and bridging accommodation costs;
- Reduce impacts on the existing housing and homelessness systems and those waiting for social housing.

4 Next steps

- 4.1 The initial validation return to DLUHC to register our interest in accepting the grant was returned before the 5 July 2023 deadline. The formal Memorandum of Understanding will only be returned once Council approval is obtained. The deadline for returning the MoU is by 14 August 2023 which will enable the first stage funding payment in August 2023 and being part of the scheme.

5 Views of the Policy Development Advisory Group and outcome of consultations

- 5.1 The Housing, Communities & Wellbeing Policy Development Advisory Group met on 6 July 2023. The Finance & Resources Policy Development Advisory Group considered the proposal at the meeting on 10 July 2023. Both PDAGs were broadly supportive of the initiative, but uncertain that the Council can find the number of properties at the right price in the tight timeframe.
- 5.2 The Monitoring Officer and the Director of Resources & Section 151 officer, the Head of Finance & Performance (deputy Section 151 officer), the Head of Housing & Community Services and the Head of Property & Facilities were all consulted to ensure legal and financial probity.

6 Other courses of action considered but rejected

- 6.1 The Council could choose not to take the allocated funding and not provide any homes. This has been rejected at this stage in favour of accepting the funding, and then working through the delivery to ensure the delivery of as many homes as possible in the timeframe to help fulfil the UK's humanitarian duties to assist those fleeing from war and also increasing TA stock to reduce homelessness.

7 Resource Consequences

- 7.1 Capital spend of £1.78m in the 2023/24 capital programme, albeit £0.76m (43%) is funded by Government grant.
- 7.2 Capital expenditure can have a revenue impact from the Minimum Revenue Payment (MRP), although this is not the case if the expenditure is funded from reserve, rather than internal or external borrowing. The Director of Resources will determine the best source of funding as it will depend on the level of capital receipts and other capital expenditure during 2023/24, otherwise reserves will be used. At 31 March 2023, the Council had approximately £26m of useable general fund reserve, which is in excess of the £6m minimum level of general fund reserves.

- 7.3 Eligible costs funded by the 40% grant and the £20,000 per property could include the purchase price, stamp duty, surveying, legal and other fees, refurbishments, energy efficiency measures, decoration, furnishings, or otherwise preparing the property for rent and potentially irrecoverable VAT incurred on these items.
- 7.4 The Council will be able to charge Local Housing Allowance rates of £276.16 per week for a three-bedroom house in the Horsham, Southwater and Billingshurst areas. This equates to around £14,360 per annum. less management fees and sinking fund contributions of approximately 20% gives a net income of around £11,500 per annum. This is a 2.6% yield based on a total purchase price of about £445,000 but is a return of 4.5% on the £255,000 that the Council would be directly funding. The equivalent return on a four-bedroom larger home using a similar methodology is 5.8%. The four homes are likely to be a blend of three and four bedroom properties.

8 Legal Considerations and Implications

- 8.1 Section 31 of the Local Government Act 2003 enables central government to make a grant for any purpose, capital or revenue, to any local authority. A grant made pursuant to this section will be (i) for such amount, and, (ii) paid on such conditions as may be determined by the relevant minister.
- 8.2 Section 1(1) of the Localism Act 2011 provides that a local authority has power to do anything that individuals generally may do. The Council has the power, therefore, to accept and receive grant funding.
- 8.3 The Council should (i) comply with the terms of and conditions attached to the grant, and, (ii) complete any legal documentation which is required to give effect to the receipt and use of the said grant.
- 8.4 The grant funding will be managed in accordance with the Financial Procedure Rules (inter alia paragraph 4e.33 External Funding) contained in the Council's constitution.
- 8.5 The Council will comply with any applicable statutory provisions relating to providing the TA. Section 120 of the Local Government Act 1972 enables local authorities to acquire property for any of its functions or for the benefit, improvement or development of its area. In addition, section 9 of the Housing Act 1985 enables a local housing authority to provide housing accommodation by erecting houses, converting buildings into houses or by acquiring houses.

9 Risk assessment

- 9.1 The Council may not be able to deliver the number of houses that are required in the timeframe available, or that it will cost more than envisaged per property. This is mitigated by the fact that the Council can return unspent funds.

10 Procurement implications

- 10.1 The Council will ensure that it has a compliant procurement process for the appointment of the estate agents who will be instrumental in sourcing the properties and may be paid a small fee upon successful purchase of a house within the

scheme. Should the Council, as a lead authority, forward any related funds to a third party, the Council would be responsible for ensuring that any third parties are procurement compliant reporting and this would be reported to Government.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 In the short term, the accommodation would be for use by families fleeing conflict from Afghanistan, but it is hoped that there will come a time that these families can return home once the sanctuary is no longer needed. Providing TA for use by Afghani families will help to ensure that other families on the homeless register are not disadvantaged.
- 11.2 The TA would then be available to supplement the Council's present TA housing stock for use by the homeless. This would help to reduce the number of people on the housing waiting list and would be done in accordance with the Council's existing criteria and priorities. Therefore, an Equalities Impact Assessment is not required.

12 Environmental implications

- 12.1 The search criteria for the houses contains a minimum EPC rating of C, with the option of undertaking any improvement work at the same time as any refurbishment of the property if needed, to improve this rating further.

13 Other considerations

- 13.1 There are no GDPR/Data Protection or Crime & Disorder implications arising from this report. The sensitivities of people who are already on the housing waiting list have been considered, as they may be feeling that those fleeing conflict have been prioritised ahead of them. However, the Council has a role in helping to fulfil the UK's humanitarian duties to assist those fleeing war. Longer term, the fund will also create a lasting legacy for UK nationals by providing a new and permanent supply of accommodation to help address local housing and homelessness pressures.

Report to Cabinet

Thursday, 20 July 2023

By the Cabinet Member for Leisure, Culture and Green Spaces



**Horsham
District
Council**

DECISION REQUIRED

Partially Exempt (Appendices Not for Publication – Exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972)

Possible Purchase of Site A

Executive Summary

Site A is a c34 acre site that has come to the market. Although privately owned, the site has been used as a public open space since 2018 and has become well used and appreciated by both local residents and those that travel from further afield for bird watching and other environmental interests. The report sets out that there would be a number of benefits to the Council in acquiring Site A, although also highlights that this will increase ongoing revenue costs. The report, and the confidential appendix set out the basis on which the purchase would be made.

Recommendation

That Cabinet:

- i) Approves the acquisition of Site A (at a purchase price that does not exceed that which is detailed in the confidential appendix (“the Limit”)), subject to Council approving the allocation of funds for this acquisition; and
- ii) Delegates authority to the Director of Communities, in consultation with the Cabinet Member for Leisure, Culture and Green Spaces and the Cabinet Member for Finance and Resources to agree the purchase price (subject to the Limit) and final terms of the acquisition of Site A.

That Cabinet ask Council to:

- iii) Approve the allocation of funds for the acquisition of Site A subject to the Limit.

Reasons for Recommendations

- i) To ensure the successful acquisition of Site A.
- ii) There are community and environmental benefits to acquiring Site A, in particular ensuring that a site that has become a well-used public open space, continues to operate as such.

Background Papers

None

Wards affected: Set out in the confidential appendix

Contact: Paul Anderson, Director of Communities.

Background Information

1 Introduction and Background

- 1.1 Site A is a c34 acre site that is currently being marketed for sale. The current owner of the site has owned it since 2017 and in that time has transformed the land to include a nature reserve and community orchard. The site is also fully accessible to the public, which historically had not been the case.
- 1.2 The report considers the advantages to acquiring the site, whilst balancing the financial impact of the purchase on the Council.

2 Relevant Council policy

- 2.1 Purchasing Site A would support the priority in the 2019 – 2023 Corporate Plan around 'A cared for environment'.

3 Details

- 3.1 Horsham District Council was contacted by the landowner in March 2023 to set out that he was intending to sell Site A. He considered that the Council would be a good potential owner of the site, in light of the Council's commitments to carbon reduction and biodiversity improvements. He believed that the Council would continue to improve the biodiversity of the site and retain public access.
- 3.2 To gain a better understanding of the site, the Cabinet Members for Leisure, Culture and Green Spaces and Climate Action and Nature Recovery visited with lead officers. This provided an opportunity to meet the landowner to understand how Site A had been improved and used and, further, what opportunities there were for the future.
- 3.3 Site A is clearly well used by local people, and has links with the local community through schools, scout groups and the community orchard. It is also a popular site for bird watchers, walkers and others who will travel from further afield.
- 3.4 The acquisition of Site A, would present opportunities to enhance the Council's biodiversity offering. For example, a key opportunity for biodiversity improvement is to deliver a significant, fully funded, Environment Agency project. They are committed to investing £250,000 on a major project to create bird scrapes and ponds on the site, in a project required as part of their planning permission for the Shoreham Flood Defence project.
- 3.5 There would be several benefits to the Council buying Site A, which are set out below:

Retained Public Access

Whilst there are two public footpaths that run through the site, the majority of Site A, including the nature reserve element, is not designated as public open space. The site was opened to the public in 2018 and in the period since then has become well

used by local people, with people also travelling from further afield for specific wildlife interests.

Although other potential owners of the land could choose to retain the site, the Council would be the only likely owner to continue to offer public access to the site.

Delivery of Biodiversity Improvements

The fully funded £250,000 Environment Agency project would deliver significant biodiversity improvements to Site A. The landowner has indicated a desire to make it a condition of sale that the project is delivered.

More broadly, the Council would develop a management plan for Site A to deliver broader biodiversity improvements. Such initiatives could include, for example:

- The introduction of seasonal cattle grazing;
- Thistle and bramble scrub control;
- Improving the formal public rights of way; and
- Improved signage and interpretation.

Wilder Horsham District

Wilder Horsham District is a flagship project for the Council, which is aiming to help wildlife thrive across the district by creating Nature Recovery Networks (NRN). The NRN includes the River Adur and land associated with it. The NRN also includes much of the Weald to Wave project area, which is a nationally recognised project. This project is seeking to link Ashdown Forest down the rivers Adur, Arun and Ouse. It is a matter for individual landowners as to whether they participate and HDCs ownership would certainly strengthen this project and ensure participation for this site.

Realising the Weald to Wave aspirations along the River Adur is closely linked to the existing Adur River Landscape Recovery project. This is one of only 22 projects nationally with funding from DEFRA for a two year development phase, ultimately aimed at improving the biodiversity and water quality of the river. Landowners can decide if they want their land to be included in the Landscape Recovery project. The site has already been put forward for inclusion in this project by the current landowner. There are 27 landowners and farmers that have included land in the project. Ultimately this could deliver landscape scale improvements to habitats and wildlife along the River Adur corridor.

There will be income available from the Government for parts of the site that is being offered for sale that lie within the Landscape Recovery project, under the emerging Environmental Land Management scheme. Details of this income are not currently available.

The site contains floodplain grazing marsh which is a priority habitat (as defined by the UK Biodiversity Group). These are semi-natural habitats that are most under threat. Securing the site in public ownership will not only protect this habitat but could also enhance it, as well as the numerous species that this habitat supports. The site also lies within a designated Local Wildlife Site which recognises land that is especially important for their wildlife.

There would also be potential carbon sequestration opportunities from the site, primarily from retaining and extending the existing floodplain grazing marsh (which is a priority habitat). It is not currently possible to calculate the carbon credits that could be generated from the site.

Improved Community Engagement and Involvement

The Parks and Countryside Team already work with Friends' groups at other sites, such as Horsham Park, Chesworth Farm and Warnham Nature Reserve. The team also work with other organisations, such as Green Gym to allow a broad range of volunteer opportunities at our sites. Acquiring Site A would create opportunities for more community participation in the south of the District. The benefits of volunteering are clear and this would enhance opportunities in Wards that the site is in.

4 Next Steps

- 4.1 To agree the purchase price and terms for the sale of Site A.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The potential purchase has been discussed at three Policy Development Advisory Groups, Climate Action and Nature Recovery on 6 July, Finance and Resources PDAG on 10 July and Leisure, Culture and Green Spaces on 11 July. All three groups supported the purchase.
- 5.2 The Monitoring Officer has had sight of this report to ensure legal probity.
- 5.3 The Director of Resources has been consulted and does not support this purchase on financial grounds as it will cost the Council money every year.

6 Other Courses of Action Considered but Rejected

- 6.1 The alternative decision is to not purchase Site A. Not purchasing Site A would mean that there would be no guarantees around future public access to Site A or the delivery of improved biodiversity, however it would continue to be a green space.

7 Resource Consequences

- 7.1 The financial considerations are set out in a confidential appendix. The purchase will reduce the Council's reserves and increase revenue costs.

- 7.2 There would be no significant implications on officers for the remainder of the current financial year – a low key approach would be taken to managing the site.
- 7.3 In terms of longer-term options, active management of the site would require an estimated 0.4 FTE Countryside Warden. In the period ahead of the development of the 2024/25 budget, consideration will be given to the more broadly to the Council's requirements around countryside management. The Council will soon take ownership of Highwood Hill, which will require management, and there is also a need to consider options around Biodiversity Net Gain. Any plans or ambitions for the service will need to be properly funded, and considered in line with the priorities that emerge from the Council's new Corporate Plan.

8 Legal Considerations and Implications

- 8.1 Section 120 of the Local Government Act 1972 provides that local authorities may acquire land by agreement for the purpose of (i) any of their functions, or, (ii) the benefit, improvement or development of their area.
- 8.2 Section 9 of the Open Spaces Act 1906 ("OSA 1906") enables a local authority, inter alia, to (i) acquire by agreement any open space, and, (ii) maintain such land. Section 10 of the OSA 1906 provides that open space land is held under a statutory trust to facilitate the enjoyment thereof by the public as an open space.
- 8.3 The acquisition of Site A will be subject to legal due diligence and the Council will ensure that the contract and formal transfer deed reflect the terms agreed.

9 Risk Assessment

- 9.1 There is local interest in Site A, and a decision not to purchase would have a reputational impact on the Council. However, ultimately, there would be minimal risks to the authority, whether the decision was to purchase Site A or not.

10 Procurement implications

- 10.1 There are no procurement implications.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no equality or human rights implications.

12 Environmental Implications

- 12.1 Site A is already operated as a nature reserve, and contributes positively towards the environment. The £250,000 Environment Agency project would lead to

significant biodiversity improvements. It is worth noting that although the sales particulars set out that it would be a condition of sale that any buyer proceeds with this project, there is nothing confirmed with the Environment Agency to this effect.

- 12.2 A management plan would be developed for Site A which could deliver further improvements as set out in paragraph 3.5.

13 Other Considerations

- 13.1 It is not considered that there are any GDPR, Data Protection or Crime and Disorder implications arising from the proposed acquisition of Site A.

APPENDICES TO REPORT

Financial Considerations (Confidential)
Sales Particulars (Confidential)

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Report to Cabinet

20 July 2023

By the Cabinet Member for Local Economy and Place

DECISION REQUIRED



**Horsham
District
Council**

Partially Exempt (Appendices not for publication – exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972)

Possible Property Purchase - Horsham

Executive Summary

This is an opportunity to purchase a building which could be used for a variety of uses, such as light industrial use, or for community use, or as a potential medium to long term residential redevelopment.

The property is not under offer at the time of writing the report. Approval is therefore required to negotiate suitable terms for the acquisition up to a maximum figure (Figure 1 as contained in Appendix A plus £10,000). If the property cannot be acquired for a sum at or below Figure 1 plus £10,000, it will not be pursued.

An additional budget is being sought in order to fund improvements to the property. This would take the total budget envelope up to [Figure 2 as contained in Appendix A] including costs. It is not expected that works would increase the rental value but they would make the property lettable and reduce any rental void.

Full due diligence will be undertaken prior to any purchase completing.

Recommendation

That the Cabinet is recommended:

- i) To approve the acquisition of the property (at a purchase price that does not exceed Figure 1 plus £10,000), subject to full Council approving the allocation of funds for this acquisition;
- ii) To delegate authority to the Director of Resources in consultation with the Cabinet Members for Local Economy and Place, and, Finance and Resources to approve terms negotiated on behalf of the Council provided that the purchase consideration is less than Figure 1 + £10,000 and the total budget envelope is less than or equal to Figure 2, including costs and the value of works.
- ii) To recommend to Council that a capital budget of Figure 2 is allocated to the capital programme in 2023/24 for this purchase.

Reasons for Recommendations

To allow a purchase of the property to proceed.

Background Papers

None

Wards affected: Denne

Contact: Brian Elliott, Head of Property and Facilities: Telephone 07468 708953

Background Information

1 Introduction and Background

- 1.1 The Council has an investment portfolio that is valued in the order of £58m and delivering an income of +£3.7m per annum. This portfolio has been assembled over a period of time and provides a reliable source of income for the Council, which is used to fund the Council's day to day activities.
- 1.2 There are no current plans to expand the portfolio and there is no budget allocated for capital purchases. However, an opportunity has been identified in Horsham town centre, which is relatively low cost and is an interesting opportunity for the short and long term.

2 Relevant Council policy

- 2.1 The purchase would provide an income for the Council and has the potential for sustainable residential redevelopment which are both objectives in the corporate plan.

3 Details

See exempt Appendix

4 Next Steps

- 4.1 Next steps are to agree terms if possible and then refer the matter to Council for allocation of a budget.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The Local Economy & Place, and, Finance & Resources Policy Development Advisory Groups were both supportive of the proposal.
- 5.2 The comments of the Monitoring Officer and the Director of Resources are incorporated in this report.
- 5.3 There are no staffing implications to the proposal.

6 Other Courses of Action Considered but Rejected

- 6.1 This is an opportunistic discretionary purchase and the Council could decide not to proceed.

7 Resource Consequences

See exempt Appendix

8 Legal Considerations and Implications

- 8.1 Section 120 of the Local Government Act 1972 provides that Local Authorities may acquire land by agreement for the purpose of (i) any of their functions, or, (ii) for the benefit, improvement or development of their area.
- 8.2 The acquisition of this property will be subject to legal due diligence and officers will ensure that the contract and formal transfer deed reflect the terms agreed.
- 8.3 Officers will ensure statutory compliance pertaining to the chosen use of the property.

9 Risk Assessment

Risks: The main risks are identified as:

- The unit may not be lettable or may become void in the future if the demand for light industrial units falls. If void, the Council would become liable for business rates. This would reduce the return on the investment. However, the site would be available for development.
- The value of the site may fall in the future.
- The Council may not be able to achieve planning permission for other uses, such as housing in the future. However, the property could continue to be used for commercial rent.
- Letting to a community group might bring with it additional responsibilities and commitments to find suitable alternative accommodation if the Council decides to redevelop the site in the future for other purposes. This can be mitigated by managing expectations from the outset.

10 Procurement implications

- 10.1 There are no procurement implications for the purchase and if works are required the Council's procurement rules will be followed.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 Changes to the property may include additional WCs which would if required include an accessible WC.

12 Environmental Implications

- 12.1 The property has an EPC of C, which means that it is lettable up until 2030. At 2030 the expected legal requirement is for property to be a B rating. As the building is older, it is more likely that it would be redeveloped as residential use rather than significant refurbishment.

13 Other Considerations

- 13.1 There are no GDPR implications.

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