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Cabinet

Thursday, 23rd November, 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	3 - 14
<i>To approve as correct the minutes of the meeting held on 28 September (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 of the Cabinet	
4. Announcements	
To receive any announcements from the Leader, Cabinet Members or the Chief Executive	
5. Public Questions	
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	

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| 6. | Update of the Council's Financial Position in 2023/24 and Medium-Term Financial Strategy update 2024/25 to 2029/30 | 15 - 30 |
| | To consider the report of the Cabinet Member for Finance and Resources | |
| 7. | Hills Cemetery Lodge Refurbishment and Decarbonisation Project | 31 - 40 |
| | To consider the report of the Cabinet Member for Local Economy and Place | |
| 8. | Creation of a new Head of Service Post | 41 - 44 |
| | To consider the report of the Leader of the Council | |
| 9. | Shelley Memorial Partnership | 45 - 58 |
| | To consider the report of the Cabinet Member for Leisure, Culture and Green Spaces | |
| 10. | Queen Street Pedestrian Infrastructure Improvements | 59 - 70 |
| | To consider the report of the Cabinet Member for Local Economy and Place | |
| | To consider a matter of General Exception | |
| | A general exception has been used with regard to the publication of the Notice of Key Decision for Item 11 regarding Swan Walk Car Park Works. | |
| | General Exception Notice | |
| 11. | Swan Walk Car Park Works - contract award and budget allocation | 71 - 78 |
| | To consider the report of the Cabinet Member for Local Economy and Place | |
| 12. | Overview & Scrutiny Committee | |
| | To consider any matters referred to Cabinet by the Overview & Scrutiny Committee | |
| 13. | Forward Plan | |
| | To note the Forward Plan | |
| 14. | To consider matters of special urgency | |

Cabinet
28 SEPTEMBER 2023

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

Apologies: Councillors: Jon Olson

Also Present: Jon Campbell, Philip Circus, Paul Clarke, Liz Kitchen, Lynn Lambert, Richard Landeryou, Roger Noel and Alan Manton

EX/28 **MINUTES**

The minutes of the meeting of the Cabinet held on 20 July were approved as a correct record and signed by the Leader.

EX/29 **MINUTES - EXEMPT**

The exempt minutes of the meeting of the Cabinet held on 20 July were approved as a correct record and signed by the Leader.

EX/30 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

EX/31 **ANNOUNCEMENTS**

There were no announcements.

EX/32 **PUBLIC QUESTIONS**

No questions had been received.

EX/33 **THE COUNCIL PLAN 2023-27, THE ANNUAL PLAN 2023-24 AND THEIR RESOURCING**

Councillor Martin Boffey, Leader of the Council, introduced the report, which reflected the administration's vision and priorities for the next four years. The Council Plan contained four main themes: supporting people and communities; inspiring greener futures; building a thriving local economy; and always listening, learning and improving. The Council Plan will inform the Council's policy framework until 2027.

The Leader advised that each year there would be an Annual Plan comprising the achievable projects and workstreams Cabinet wished to focus on. It was

noted that officers had identified the need for two new posts, in Property and in Project Management, so that existing projects could be completed without delaying the start of new projects in the Annual Plan 2023-24.

The Leader advised that the Council remained committed to hosting events in Horsham Town and elsewhere in the district and would review previous events to inform future ones. Councillor Ruth Fletcher, Cabinet Member for the Local Economy & Place, stated that should the Horsham BID ballot be successful, businesses would have the opportunity to initiate events of their own, in addition to those run by the Council (Minute No EX/38 refers).

The emphasis on green initiatives and the administration's commitment to nature recovery was noted. Councillor John Milne, Cabinet Member for Planning & Infrastructure, advised that biodiversity net gain and carbon credits could become potential income generators for the Council.

RESOLVED

To approve the Council Plan 2023-2027 and the Annual Plan 2023-24.

RECOMMENDED TO COUNCIL

- (i) To adopt both plans as approved.
- (ii) To add £48,010 expenditure for the two new posts, outlined in section 3 of the Cabinet report, to the budget for 2023/24.

REASON

- (i) The Council must have a policy framework on which to base its decisions. The Council Plan and Annual Plan are the core documents of this framework. Page 15 Agenda Item 6.
- (ii) The Council needs enough staff in project management and property to progress the current year's capital programme and new projects in the Annual Plan.

EX/34 **CONSERVATION AREA ASSESSMENT AND DESIGNATIONS: HORSHAM (PARK TERRACE GARDENS)**

Councillor John Milne, Cabinet Member for Planning & Infrastructure, stated that following requests from residents officers had researched and identified the area around Norfolk Terrace (Park Terrace Gardens) to be of special architectural quality worthy of designation as a Conservation Area.

Public consultation regarding the proposed designation had taken place between 1 September – 6 October 2022 and 13 October – 10 November 2022. There had been further informal consultation during the summer of 2023.

The Cabinet Member advised that in light of consultation responses the proposal had been amended to exclude some businesses in Park Street, as detailed in the report, and a reasonable compromise had been reached.

Councillor Ruth Fletcher, who represented Denne Ward, thanked officers for undertaking extensive consultation and agreed that the compromise reached was sensible and reasonable. She, along with other Councillors, gave her deep appreciation and thanks to the local residents who had worked so hard in gathering information on the history of the area and for assisting officers in coming to their considered conclusions.

The Cabinet Member stated that there was some misunderstanding regarding the extent of responsibilities imposed on those in a conservation area, and it was noted that the Management Plan set out what positive historical features were and how they could be enhanced.

It was noted that work on the proposed designation of Wells Cottages, West Chiltington, had been delayed for practical resource reasons and could proceed once work on the current designation had progressed.

RECOMMENDED TO COUNCIL

- (i) To approve the designation of Park Terrace Gardens, (as shown on the Conservation Area designation map (Map 1) included in the Cabinet report) as a conservation area.
- (ii) To approve and adopt the Conservation Area Appraisal and Management Plan for Park Terrace Gardens as set out in Appendix 2.
- (iii) To delegate authority to the Cabinet Member for Planning & Infrastructure to approve minor changes prior to final publication of the Conservation Area designation map and Conservation Area Appraisal and Management Plan.

REASON

- (i) To formally designate the new conservation area boundary.
- (ii) To provide updated conservation area guidance for residents, occupiers, developers and Members in determining applications.
- (iii) To give the Cabinet Member for Planning and Infrastructure delegated authority to approve minor changes to the Conservation Area designation map and Conservation Appraisal and Management Plan, without the need for it to be referred back to Cabinet.

EX/35 **HORSHAM DISTRICT COUNCIL - LOCAL DEVELOPMENT SCHEME**

Councillor John Milne, Cabinet Member for Planning & Infrastructure, explained that a Local Development Scheme had to be adopted and maintained by every local planning authority to ensure that the Council acts in accordance with statutory requirements. The Council's current scheme needed updating to reflect the current Local Plan timetable, as well as the latest guidance and requirements. Changes to the NPPF (National Planning Policy Framework) and then the issue of water neutrality had led to delays and the previous 2021 scheme had to be updated.

The Cabinet Member anticipated Cabinet and Council approval of the draft Local Plan in December, prior to a six-week public consultation. It was expected that the Local Plan could then be adopted in 2025 following examination by an Independent Inspector.

In response to concerns raised regarding the effectiveness of Neighbourhood Plans in relation to the delayed Local Plan, the Cabinet Member commented that as Neighbourhood Plans ran for a 5-year period and the Local Plan for a 17-year period, they could not be fully aligned. The Director of Place added that once the Local Plan was adopted any new Neighbourhood Plan would be made in accordance with it. There was also a possibility of a change in legislation to allow Neighbourhood Plans to last for a longer period.

In response to a question regarding CIL (Community Infrastructure Levy) payments, the Director of Place advised that officers found the current rules were inflexible and would benefit from being more pragmatic. She confirmed that the Council had made this view clear in their response to a recent consultation on proposed changes to the current CIL arrangements.

RESOLVED

- (i) To approve the adoption of the attached Local Development Scheme 2023 - 2026 covering the period September 2023 to July 2026.
- (ii) To approve that the Local Development Scheme 2023 - 2026 will have effect from 29 September 2023.

REASON

- (i) To ensure that the Council acts in accordance with statutory requirements to prepare and maintain a Local Development Scheme.

EX/36 **ELECTRICITY AND GAS PROCUREMENT CONTRACT**

Councillor Ruth Fletcher, Cabinet Member for the Local Economy & Place, outlined details of the proposed new LASER framework agreement. The current flexible energy procurement arrangement, which was used by over 200 organisations, was due to expire in September 2024, and a new contract would

continue the same arrangement. This was the first part of the process and focussed on the type of procurement. It was noted that details of what energy sources could be chosen, including direct green energy purchases, would be considered at a later date.

RESOLVED

- (i) To note the expiry of the existing LASER framework agreement on 30 September 2024.
- (ii) To note that a new LASER framework agreement will be put in place for a four year period from 1 October 2024 to 30 September 2028.
- (iii) To approve that the Council (a) accesses, and, (b) calls off from (contracts with any of the listed suppliers in the framework agreement for the supply of electricity and gas to the Council) the new LASER framework agreement.
- (iv) To delegate authority to the Director of Resources, in consultation with the Cabinet Member for Local Economy and Place, to complete all necessary legal documentation to give effect to the recommendation above-noted.

REASON

- (i) To allow the Council to access and call off from the new LASER Framework Agreement.
- (ii) To delegate authority to the relevant Director and Cabinet Member to complete all legal documentation required to give effect to the recommendations contained in this report.
- (iii) LASER benchmarks its purchasing performance each year and shares this information with its customers. This benchmarking exercise indicates that LASER has been able to deliver prices to customers up to 50% below the market average over the last 4 years
- (iv) Government policy recommends that to spread market risk, and avoid buying during periods of peak market pricing, “all public sector organisations adopt aggregated, flexible and risk-managed energy procurement” as provided under the LASER framework.
- (v) LASER offers full flexibility to secure energy in line with the Council’s policy to reduce its carbon footprint.

EX/37 **SHARED PROCUREMENT SERVICE - JOINT PROCUREMENT STRATEGY
2024 - 2030**

Councillor Mark Baynham, Cabinet Member for Finance & Resources, introduced the proposed updated Joint Procurement Strategy, which established the Council's strategy in a legally compliant and cost-effective way. This would apply to the four Councils in the joint procurement service; Crawley Borough Council, Mid Sussex, Mole Valley and Horsham District Councils.

RESOLVED

- (i) To adopt the Shared Procurement Service Joint Procurement Strategy 2024 – 2030, as attached to the Cabinet report.

REASON

- (i) The spend across the four councils is over £100m and is crucial to the way we deliver our core and discretionary services to our local communities. How the councils' source and deliver these services has a direct impact on the ways in which local people, communities and businesses judge the value that we provide and the quality of outcomes that we achieve.
- (ii) To ensure the Council has an up-to-date procurement strategy. The Joint Procurement Strategy establishes the Council's approach to buying these goods, works and services in a legally compliant and cost-effective way, whilst meeting sustainability and social value outcomes.

EX/38 **HORSHAM BUSINESS IMPROVEMENT DISTRICT (BID) PROPOSAL**

Councillor Ruth Fletcher, Cabinet Member for the Local Economy & Place, introduced the report on the proposal to make Horsham Town a Business Improvement District (BID). This was an arrangement whereby businesses cooperate with each other to create a costed business plan of improvements and initiatives which focus on areas that are not the statutory responsibility of the local authority.

The Cabinet Member advised that the Council had been supporting the BID process and had a legal duty to fund and run a ballot of local businesses and, if successful, then collect and process the levy due from each business. HDC would have six votes because it owned six relevant properties.

There had been extensive consultation with businesses and feedback had been generally positive. The postal ballot would run throughout November.

RESOLVED

- (i) To note the Council's role and expenses in exercising its legal duty to run the BID ballot.
- (ii) To agree to vote "yes" with its votes in the BID ballot.
- (iii) To delegate making the Council's votes to the Monitoring Officer.

That, in the event of an overall 'Yes' vote in the BID Ballot:

- (iv) To note the Council's role in the collection of the annual BID levy on behalf of the BID Company.
- (v) To authorise the Monitoring Officer to approve and enter into the Operating Agreement between Horsham District Council and the Horsham BID Company.
- (vi) To nominate the Director of Place as the Council's representative on the BID Company Board.
- (vii) To approve that Horsham District Council enters into the Operating Agreement.
- (viii) To note the Council will incur an annual cost in relation to its levy contributions which will be reflected in the Medium-Term Financial Plan and Budget accordingly.

REASON

- i) and iv) The Council has a legal duty to carry out these tasks.
- (ii) Supporting the BID is a key action of the current Corporate Plan and proposed Council Plan.
- (iii), (v) and (vi) These are delegations not included in the current scheme of delegations.
- (vii) To facilitate the operation of the BID.
- (viii) To note the cost of the levy contributions payable by the Council if the BID ballot is successful.

EX/39 **PARKING SERVICES BUSINESS AND CHARITY DISCOUNT POLICY**

Councillor Mark Baynham, Cabinet Member for Finance & Resources, stated that the policy contained several discounts for businesses, charities and not-for profit organisations with the aim of supporting the local economy. The policy would formalise the current processes and ensure a consistent approach in the

use of bulk discount rates for businesses and charities. Not-for-profit organisations would receive discounts at the discretion of the Cabinet Member, due to the variety in types of organisations that are registered as not-for-profit. The Director of Resources confirmed that the status of organisations applying for discounts would be checked with due diligence before discounts were applied.

RESOLVED

- (i) To approve adoption of the Discount Policy.
- (ii) To delegate authority to the Director of Resources, in consultation with the Cabinet Member for Finance and Resources, to make minor editorial changes to the policy prior to publication.
- (iii) To delegate authority to the Director of Resources, in consultation with the Cabinet Member for Finances and Resources, to agree and implement concessions in line with the said policy.
- (iv) To note that the Monitoring Officer will reflect the above-noted delegation in the Council's constitution (pursuant to her authority to do so per Article 13, paragraph 13.3 b) 3 of the constitution) should the subject delegation be approved.

REASON

- (i) To encourage economic development by supporting local businesses.
- (ii) To strengthen the local community by supporting charitable activities.
- (iii) To formalise processes for offering parking discounts.
- (iv) To adopt the Discount Policy.
- (v) To delegate authority to the Director of Resources, in consultation with the Cabinet Member for Finances and Resources, to implement concessions in line with the policy.

EX/40 **ANPR PROCUREMENT BID**

Councillor Mark Baynham, Cabinet Member for Finance & Resources, stated that the previous 4-year contract for the operation of ANPR (Automatic Number Plate Recognition) car parks in Horsham had expired and a rolling contract with the current provider was currently in place. Following a tender exercise, it was proposed to award the new contract to the winning bidder. The Cabinet Member confirmed that the quality of the bid was taken into account as well as the price.

RESOLVED

- (i) To approve the award of the contract for an Automatic Number Plate Recognition system to the highest scoring bidder on the terms contained in exempt Appendix A (“the contract”).
- (ii) To delegate authority to the Director of Resources in consultation with the Head of Legal & Democratic Services to finalise the terms and conditions of and enter into the contract.

REASON

- (i) To facilitate the award of the ANPR contract to the relevant bidder.

EX/41 **SUPPLY OF TYRES AND ASSOCIATED PARTS & SERVICES FOR HORSHAM DISTRICT COUNCIL & CRAWLEY BOROUGH COUNCIL**

Horsham District Council was acting as the Lead Authority undertaking the procurement process for the supply and fitting of tyres for all Council vehicles, in collaboration with Crawley Borough Council. Councillor Jay Mercer, Cabinet Member for Environmental Health, Recycling & Waste, stated that there had been a thorough procurement exercise and there would be a seamless transition when the new contract began on 1 November.

Suppliers had been assessed on their approach to sustainability and the tender had been designed to reduce the impact on the climate through the use of remoulded tyres where possible. The Cabinet Member stated that the winning bid would deliver a better quality service, which was why an increase in budget was required.

RESOLVED

- (i) To approve the award of the contract for the supply and fit of tyres to the highest scoring bidder on the terms contained in exempt background papers; terms and conditions of the contract and legal clarification log one and three.
- (ii) To delegate authority to the Director of Resources in consultation with the Head of Legal & Democratic Services to finalise the terms and conditions of and to enter into the contract with the highest scoring bidder for the supply and fit of tyres.

RECOMMENDED TO COUNCIL

- (iii) To increase the recycling and waste tyre budget in 2023/24 by £6,600 to cover the expected higher costs under the new contract.

REASON

- (i) and ii) To obtain authority to award the subject contract to the winning bidder pursuant to a legally compliant procurement process.
- (iii) Full Council must approve budget changes.

EX/42 **DISABLED FACILITIES GRANT - APPROVAL OF BUDGET AND GRANT ALLOCATION**

Councillor Jay Mercer, Cabinet Member for Environmental Health, Recycling & Waste, introduced the report on the Disabled Facilities Grant, which was capital funding for the provision of home adaptations to help eligible older and disabled people to live as independently and safely as possible in their homes. This vital service was administered by the Environmental Health team.

Notification of a £122,495 grant had been received by the Council on 7 September 2023. This was part of an additional national top up of £50m for the Disabled Facilities Grant for 2023-24 funded through the Department of Health and Social Care.

RECOMMENDED TO COUNCIL

- (i) To approve the receipt of the 2023/2024 Disabled Facilities Grant in the sum of £122,495.
- (ii) To approve an increase in the 2023/2024 capital programme budget to include the additional £122,495 Disabled Facilities Grant.

RESOLVED

Subject to Council's approval of the above recommendations:

- (i) To approve the allocation of the Disabled Facilities Grant to eligible applicants.
- (ii) To delegate to the Head of Environmental Health and Licensing the authority to allocate the Disabled Facilities Grant in accordance with the West Sussex Disabled Facilities Grants Policy 2020-2024 and Housing Assistance Policy, both contained at Appendix 1 of the Cabinet report, and any policies replacing the same provided that they comply with statutory requirements.

REASON

- (i) Increasing the capital budget will allow the Council to receive and spend the disabled facilities grant offered by Department for Levelling Up, Housing & Communities. This will fund the provision of home

adaptations to help eligible older and disabled people to live as independently and safely as possible in their homes.

- (ii) Full Council must approve increases to budgets.
- (iii) Cabinet approval is required to (i) allocate the grant funds, and, (ii) delegate authority to the relevant officer to administer grant applications in line with existing policy. The allocation of grant funds constitutes a key decision given the allocation of the grant fund pot could significantly affect the lives of people residing in the district.

EX/43 **OVERVIEW & SCRUTINY COMMITTEE**

Councillor Paul Clarke, Chairman of Overview & Scrutiny Committee, stated that there were currently no matters to refer to Cabinet.

EX/44 **FORWARD PLAN**

The Forward Plan was noted.

EX/45 **TO CONSIDER MATTERS OF SPECIAL URGENCY**

Councillor Martin Boffey, Leader of the Council, stated that the following item, 'Swan Walk Car Park Works – contract award and budget allocation' was being taken as a matter of special urgency because it was impractical to comply with legislation regarding advance notice of key decisions. It had not been possible to advertise it at least 28 days in advance, or to make the papers available five clear days before the decision is taken because the works needed to be completed as a matter of priority.

SWAN WALK CAR PARK WORKS - CONTRACT AWARD AND BUDGET ALLOCATION

Councillor Mark Baynham, Cabinet Member for Finance & Resources, advised that the top deck of Swan Walk car park was currently closed because of the condition of its surface. Urgent action was required to prevent it from further deteriorating and to ensure the car park was fully open before the Christmas season.

RESOLVED

- (i) To approve the award of the contract to the winning bidder (in relation to the Swan Walk car park top deck works) on the terms contained in Appendix 1 ("the Contract").
- (ii) To delegate authority to the Director of Resources in consultation with the Head of Legal & Democratic Services to finalise the terms and conditions of and enter into the Contract.

REASON

- (i) To enable the award of the contract to the winning bidder which will facilitate the completion of the Works.
- (ii) It is expected that the total value of the works contract will be circa £350,000 and, therefore, Cabinet approval is required to award this contract.

The meeting closed at 6.55 pm having commenced at 5.30 pm

CHAIRMAN

Report to Cabinet

23 November 2023

By the Cabinet Member for Finance and Resources



DECISION REQUIRED

Not Exempt

Update on the Council's financial position in 2023/24 and Medium-Term Financial Strategy update 2024/25 to 2029/30

Executive Summary

This report updates the Council's financial position in 2023/24 and the Medium-Term Financial Planning scenarios and assumptions and compares it to the budget set in February 2023. The 2024/25 draft settlement and budget challenge process will be completed in December, so the indicative numbers contained within this report are subject to amendment and change.

Economic uncertainty in the context of a cost of living crisis puts significant pressure on balancing the budget. Sustained levels of high inflation in services, materials and utilities together with pressure from salary increases bakes a high level of gross expenditure into the baseline. In these circumstances it is fortunate that the Council is not a borrowing authority and has kept high levels of reserves and thus is able, in the short term, to have time to make considered decisions. It is able to fund some of the rising costs with the interest from its investments. The Council will also have to increase fees and charges to balance the budget in 2024/25, potentially affecting residents that are struggling with the cost of living.

Prior to aligning the budget with the work being undertaken on the Council Plan Annual Plan for 2024/25, a balanced budget is currently estimated in 2024/25.

The medium-term remains very uncertain. We anticipate that a single year settlement in 2024/25 will be broadly similar to 2023/24. We do not expect a multi-year settlement until after the new parliamentary term which reduces the effectiveness of our planning. There are numerous risks to balancing future budgets, including inflation, the associated costs of our commitment to the environment and decarbonisation, the lack of clarity on the future of Government's funding of the sector, their plans for the reform of business rates or how levelling up will affect us, and the recent announcement for mandatory food waste collection by 2026. Spending reserves without generating a financial return or finding income and / or savings elsewhere to replace the lost investment income will exacerbate the situation.

The immediate risk is currently the high level of inflation and we are likely to require substantial action to set balanced budgets across the medium-term, although not necessarily in this forthcoming 2024/25 budget.

Recommendations

The Cabinet is asked to:

- i) Note the changes detailed in this report in the Council's financial position in 2023/24 and medium-term financial strategy.

- ii) Recommend to Council that the charges from 1 April 2024 for the garden waste subscription service are increased from £49 for the first bin to £54 and charge this price for any subsequent bins too.
- iii) Recommend to Council to increase the price of the multi-storey car park day pass tariffs from 1 February 2024 from £5.50 to £8.80 at Piries Place and £7.30 at Swan Walk, and from £3.95 to £5.60 at the Forum car parks.
- iv) Subject to Council approval, support those of working age on Council Tax Support with up to £195 in 2024/25, funded from any 2024/25 Funding Guarantee grant, or reserve and ask Council to approve that this is reflected in the 2024/2025 budget accordingly.
- v) Subject to the scheme status quo remaining and a similar settlement to 2023/24, (i) approve that the Council remains in the West Sussex Business Rates pool in 2024/25 and (ii) to delegate authority to the Director of Resources in consultation with the Cabinet Member for Finance and Resources to (a) agree the operational details of the pooling arrangements with participating authorities, and, (b) enter into any required documentation to give effect to this proposal.

Reasons for Recommendations

- 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. Deficits are predicted 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 drastically reduce expenditure at this stage, but does recommend not worsening the revenue position now.
- ii) and iii) Council required to approve fees and charges, and expenditure as per the constitution.
- iv) Cabinet must approve any such support schemes.
- v) Remaining in the West Sussex business Rates pool should benefit the County and therefore the district by retaining locally generated business rates, using it to further support the economic regeneration of the wider West Sussex area.

Background papers:

- Budget and Medium-Term Financial Strategy report Cabinet 26 January 2023 (approved by Council on 2 February 2023).
- Report on the Council's Finance and Performance (2023/24 at Q1 & M4) Overview and Scrutiny Committee 25 September 2023.
- Report on the Council's Finance and Performance (2023/24 at Q2) Overview and Scrutiny Committee 20 November 2023.

Appendices:

- Appendix I: Summary of high-level assumptions and changes
- Appendix II: Potential capital infrastructure / carbon reducing costs during 2020s

Wards affected: All

Contact: Dominic Bradley, Director of Resources, dominic.bradley@horsham.gov.uk
Samantha Wilson, Head of Finance & Performance, samantha.wilson@horsham.gov.uk

Background Information

1 Introduction and background

- 1.1 The 2023/24 budget was set by Council in February 2023. Inflation as measured by Consumer Price Index has come down from its 11% peak, but remains high, with high energy prices, the general cost of living increases, and global events such as the ongoing war in Ukraine impacting prices and world supply chains, all contributing to budgetary pressures and to a pessimistic outlook. Increasing fees and charges, and the rapid increase in the Bank of England base rate which increases our investment income, has helped to mitigate this in the short term at least.
- 1.2 Rising salary and price costs and the introduction of a food waste collection scheme all contribute to a predicted significant gap of £3.2m in the Medium-Term Financial Strategy by 2029/30 if measures are not taken to minimise the deficit. This is before any expenditure on any new services or large project expenditures might widen the gap considerably.
- 1.3 To rebalance its position, the Council will need to carefully consider the fees that it charges, its service offers and / or ways in which it can generate more income. The Council's reserves mean that in the short term, we do not have to rush to take immediate action, but they cannot be seen as an alternative to taking decisions to bring the budget back to balance. Nor should they be spent without generating a financial return or generating income and / or savings elsewhere to compensate for the loss of investment income, as this will worsen the financial position. Balancing the budget would be difficult for us to do without cutting services.
- 1.4 Last year, Government indicated there would be a similar settlement for 2023-24 and 2024-25. The Fair Funding Review, business rates baseline reset, and other funding reforms are likely to be pushed back to 2025-26 after the new parliamentary term. With an increasing number of local authorities in financial difficulties, there have been calls in the sector for more funding. However, in September 2023, in response to these calls, the MP for Local Government, Lee Rowley, signalled that there "is no more money" with local government being asked to make further efficiency savings, which points to real term funding cuts in the medium-term.

2 Relevant Council policy

- 2.1 Look for opportunities to generate income and reduce costs in order to support our services. Council Plan 2023-27.

3 Details

- 3.1 The forecast outturn at Month 6 for 2023/24 is a £0.38m net overspend. Operationally, investment income from rising interest rates is so far covering the increase in inflationary costs, which include the anticipated £0.3m of salaries overspend because the national pay award offer of £1,925 or 3.88% per person is higher than the flat rate 4.5% in the budget. Extra staffing costs to help deliver priorities have increased the costs.
- 3.2 The updated budget position including the current year forecast and revised interim Medium-Term Financial Strategy is set out in table 1. Appendix I sets out a summary of the assumptions now, against the assumptions that were used when the 2023/24 budget was set and also summarises the key forecast movements in net expenditure between years. Details of the assumptions and any changes are set out in section 3 of the report.

Table 1: interim MTFS Nov 2023

	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
	£000	£000	£000	£000	£000	£000	£000	£000
Estimated net expenditure	12,188	13,513	13,986	14,860	15,510	16,865	18,285	18,910
<i>In year budget adjustments</i>	121	248	-	-	-	-	-	-
<i>Over / (underspend) [*forecast M6*]</i>	(258)	4*	-	-	-	-	-	-
Estimated net expenditure	12,051	13,765	13,986	14,860	15,510	16,865	18,285	18,910
Funding: Council Tax	(10,700)	(11,154)	(11,557)	(11,908)	(12,320)	(12,745)	(13,185)	(13,670)
Government grants	(56)	(222)	(226)	(232)	-	-	-	-
Baseline Business Rates	(2,052)	(2,129)	(2,192)	(2,259)	(2,000)	(2,000)	(2,000)	(2,000)
Rural services grant	(11)	(11)	(11)	(11)	(10)	(10)	(10)	(10)
Total Funding	(12,819)	(13,516)	(13,986)	(14,410)	(14,330)	(14,755)	(15,195)	(15,680)
Net (Surplus) / Deficit rounded	(768)	248	0	450	1,180	2,110	3,090	3,230

Expenditure pressures:

- 3.3 Inflation and pay increases remain the significant area of concern in our projections. We are seeing greater pay pressures in our professions and difficulties in recruitment and retention generally which is compounded by the increase of home working, meaning officers who would work for us to avoid the daily commute to London are now moving into consultancy or London-based jobs because they pay better. We also know that the national cost of living crisis is starting to have an impact on middle income earners, which will include more Council staff on higher pay grades.
- 3.4 The national pay award offer for 2023/24 is £1,925 per post or 3.88% whichever is highest. This is an 8.6% increase for those on the lowest grades. It is projected to cost the Council an extra £0.3m on top of the £1m increase included in the budget which was based at an estimated 4.5% salary increase.
- 3.5 The Medium-Term Financial Strategy assumes a further 4.5% salary increase in 2024/25 as well, adding a further £1.1m, falling to rises of 2% (£0.5m) by 2027/28 on the assumption that a lower rate of inflation will eventually reduce this pressure over the period. The cumulative impact over the six year period to 2029/30 is approximately £4.4m of expenditure growth baked into the baseline which is a significant budgetary pressure ahead.
- 3.6 The inflation rate in August 2023 was 6.7% and 9.1% under the Consumer Price Index (CPI) and Retail Price Index (RPI) respectively, down from the peak of 11.1% and 14.2% respectively in October 2022. The Medium-Term Financial Strategy assumes an average rate of inflation of 6% in 2024/25, slowly falling towards the Bank of England 2% target towards the end of the decade. This is the single largest risk factor in the economic outlook. Inflation may stay higher for longer and may not ever fall back down to the 2% Bank of England target in the 2020s. Building materials are rising much higher than standard CPI / RPI inflation, and the budget for maintenance will need to increase just to stand still.
- 3.7 Other non-inflationary increased costs are expected in 2024/25. For example, budget pressures are being felt in Revenues & Benefits for a variety of reasons, but predominately from the Department for Work and Pensions drive to move more claimants to Universal Credit. This is reducing the amount of overpayments being made. Whilst this is good for Government, recovery of overpayments, which the Council keep, has previously subsidised the running of the service. The amount of recovered overpayments has also dipped as people struggle to make ends meet due to the higher cost of living. This is a budget pressure in addition to the potential loss of subsidy from breaching the upper Local Authority error threshold in the 2022/23 Housing Benefit claim which has yet to be audited.
- 3.8 The Revenues and Benefits budget is also at risk in the future from increases in Supported and Exempt Accommodation costs which are properties that are capped for subsidy. These properties require the Council, where they fall into the exempt classification, to pay benefit above the level of subsidy that can be claimed. This creates a direct pressure to the Council and these types of cases have been increasing each year. The total impact of all the pressures on the cost of the Revenues and Benefits service could be as much as £200,000 in 2024/25.
- 3.9 Public Sector Audit Appointments (PSAA) has informed us that the audit fee for 2023/24, which will take place in 2024/25, will increase by £100,000, so it reflects

current audit requirements. This will cover additional work on estimates and the value for money conclusion, as well as a 151% audit fee uplift to reflect the recent audit procurement outcome designed to keep external auditors in the public sector market.

- 3.10 In 2023/24, the Council extended their support to approximately 3,200 working age claimants on Council Tax Support after taking the impact of cost of living into consideration. Previous schemes since the outbreak of Covid-19 had seen West Sussex County Council (77.5%) and Horsham (22.5%) share the cost of the support scheme up to £150 per claimant. In 2023/24, Government provided full funding for the first £25 and WSCC provided funding for their 77.5% share of the next £25 with this Council providing the remaining funding, topping the support up to £195.
- 3.11 This report recommends support to those of working age on Council Tax Support with up to £195 in 2024/25. The cost of this is likely to be without WSCC support as they have already indicated that they do not have the budget for this. This cost may also be without any Government support either. Although claimants would receive the same amount as they did in 2023/24, it will cost the Council more owing to the lack of WSCC's contribution. The proposal would be funded using around £0.5m of any Funding Guarantee grant in 2024/25. If this grant is not received, it would be funded from reserves. The decision is being taken now so that implementation is earlier. Ideally this will be undertaken through annual billing which is more efficient for both Council and claimant, although this will not be possible if Government support goes ahead as this uses up all the systems functionality, making our process manual. Should any specific funding materialise from Government, it can be applied and the Council's own liability reduced.
- 3.12 The 2024/25 Annual Plan is currently being developed and as part of that process, Cabinet Members are discussing potential opportunities for spending that would support the delivery of the Council Plan objectives. These potential areas of increased spend are currently being refined and will be included in the draft budget. The draft budget would set out how these would be funded, either through increased fees and charges, budget reductions elsewhere in the organisation, or possibly through the one-off use of Reserves should the additional spend also be a one-off.
- 3.13 The 2024/25 budget will also address increased cost pressures to some of the Council's key contracts, as all parts of the economy are being affected by inflationary pressures.
- 3.14 On 21 October 2023 Government announced plans to mandate food waste collection by 31 March 2025 for commercial waste and 31 March 2026 for domestic waste. For a while now, we have been working with consultants Ricardo on the options and estimated costs of domestic food waste collection including a trial. The indicative cost is estimated to be £1.5m per annum for a 3,2,1 service where refuse is collected every three weeks, recycling and garden waste fortnightly and food waste weekly. The initial trial of 100 households indicated that there is capacity within the standard 140 litre residual waste bin once food waste is collected separately. A weekly opt-in absorbent hygiene product collection would increase the costs. Government is consulting on their proposed plans, noting though that their emphasis was on the collection of residual waste every two weeks or less which our data suggests is unnecessary. The estimated cost for the 2,2,1 proposal is higher at £1.8m per annum.

3.15 In anticipation of the introduction of food waste in the latter years of the MTFS, £1.3m from the 2023/24 Settlement was put aside in an earmarked reserve to help fund the first year of initial implementation. The Government announcements include reference to capital funding and some transitional revenue funding. The detail and requirements will emerge in due course and the MTFS will be updated. For now, our assumption is that any revenue funding from Government will be transitional and this together with the earmarked reserve only delays the £1.5m per annum impact to 2027/28 and 2028/29. However, transitional funding may last longer, in which case the full impact may be pushed out to a later year.

Income:

3.16 To help combat rising costs, the current budget forecast for 2024/25 includes a 2.99% (£5.15) increase in Council tax (inclusive of the unparished area special charge) adding £340,000 to overall income. This is split into a 2% increase in the Horsham Council Tax (£3.34) and a 35% increase in the special charge (£9.69), owing to the fact that there are fewer households in the unparished area. The special charge is currently much lower than the average parish council precept. Any reduction in Government funding increases the reliance on local Council tax in the future. Therefore, such an increase is sensible to ensure that future levels of Council tax income are 'banked' as the present cap and referendum thresholds mean that periods beneath the threshold cannot be caught up. If any surplus is generated when the budget is delivered, it could be reinvested for example to support the vulnerable and those in need from the cost of living crisis.

3.17 The Medium-Term Financial Strategy models an indicative 2.99% Council tax increase per year. This equates to approximately £5.46 each year for a band D equivalent and approximately £380,000 of income each year on average over the period. Future referendum threshold levels are unknown but we have assumed the threshold cap remains at limiting the increase to a maximum 2.99% or £5. Should the percentage cap fall to 2%, we would assume the £5 is used. The difference and impact on income is relatively small.

3.18 The wider economic situation has had one benefit to the Council in the form of high interest rates. Most economists are forecasting that the base interest rate will peak between 5.25% and 5.75% and that the days of very low interest rates are over. Arlingclose, our treasury management advisors, are predicting interest rates peak at 5.5% and then level out at around 4.5% in 2026. In 2023/24, we are forecasting income of £3m from our investments, which is helping to balance the overspend from high inflation on costs.

3.19 Being reliant on investment income though puts the Council at risk of a widening deficit if the interest rate falls or if the investments are spent on something that does not generate the same amount of return as Treasury Management.

3.20 The Council is also at risk of losing Government funding. In September 2023, in response to local government asking for more sector support, the Minister for Local Government, Lee Rowley, signalled that there "is no more money" with local government being asked to make further efficiency savings. We have consistently received just over £2m of business rates income as part of the annual settlement and in 2023/24 received £3m of temporary funding through a one-off funding guarantee grant to ensure no council had a decrease in Core Spending Power.

3.21 The expectation is that Government funding in 2024/25 will be broadly similar to 2023/24 but that the temporary funding will cease when either the current business

rates system is reformed or Government's funding of the sector is levelled up. The Medium-Term Financial Strategy models the removal of the temporary funding guarantee grant, which is not taken into revenue because it is classed as temporary, but retains the £2m from business rates (or equivalent). There is a risk that a significant change to business rates could reduce or remove this funding completely as well, albeit we do not expect this to be done before 2026 following a period of consultation. We may though only find out about this as part of a future December Settlement, but this could considerably worsen our funding position.

- 3.22 Some of our current contracts expire before 2029/30. The leisure services contract for running the leisure centres for example will need to be retendered in 2027/28. In the current market, were this to be retendered now, we are likely to find that the management fee income payment made to us would be significantly lower than the current £0.6m p.a. we currently receive. The Medium-Term Financial Strategy factors in some loss of income, but there is a risk that the loss of income could be worse.

Fees

- 3.23 To help the annual process of garden waste billing run smoothly, this report recommends to Council that the charges from 1 April 2024 for the garden waste subscription service are increased from £49 for the first bin to £54 and that fee is charged for all subsequent bins as well. This early notification will inform customers of the price increase at the same time as reminding them about their forthcoming subscription renewal. The fee rise will increase income by approx. £200,000 depending on whether the price increase causes any significant drop-off in subscriptions. The extra income will pay for the high cost of Hydrotreated Vegetable Oil fuel touching £1.90 per litre, rising salary costs and higher costs for maintenance and parts. The garden waste fee will still be the lowest in West Sussex.
- 3.24 Parking habits have changed since the advent of Covid-19 and the Parking service has reviewed its fees and charges for daily passes within the multi-storey car parks in Horsham. The daily passes offer more flexibility than a season ticket. This report recommends increasing the price of the multi-storey car park day pass tariffs from 1 February 2024 to £8.80 at Piries Place, £7.30 at Swan Walk and £5.60 at the Forum car parks. The changes from 1 February 2024 are not expected to make an impact on the 2023/24 budget as these passes can be bought in advance but additional income of around £150,000 will be added during the budget setting for 2024/25.
- 3.25 Given the level of uncertainty about the Council's funding position, future levels of inflation, and the strength of the reserves position, officers have not yet spent time drafting detailed significant savings proposals for 2024/25, or indeed later years yet, unless Councillors are minded to not increase Council Tax next year. Councillors must though be prepared to consider increasing fees and charges at levels matching inflation in 2024/25 and future years too, otherwise the net cost of services gap widens even further. Fee increases become more difficult as some of our customers are already feeling the effects of the rising cost of living and energy price increases.
- 3.26 Housing services are considering updating the rents of temporary accommodation housing rents to Local Housing Allowance rates. Some rents are currently set at January 2011 rates. Most households are on full housing benefit so this would not impact them. Hfurther work to identify those who are partially self-funded to assess

the impact and looking at the options for a transitional discretionary support fund. If all temporary accommodation rents were increased to current LHA rates, this could generate around £270,000 per annum. After setting aside some of these additional funds for the discretionary transitional support fund, this could be used to support other housing services.

Infrastructure, decarbonisation and improving the environment

- 3.27 The current Medium-Term Financial Strategy includes an indicative £0.1m revenue impact each year representing numerous anticipated smaller actions to improve our lower-level decarbonisation efforts through our climate action plan, and as we take a variety of steps to improve the natural environment. However, to get close to achieving the 2030 net zero target, and replace our aging infrastructure, we would need to address some significant and costly items over the remainder of the decade. These are not yet taken into consideration in the MTFs numbers as we may decide not to undertake them but are indicatively set out in Appendix II.
- 3.28 The expenditure in Appendix II is split into two unrefined categories. Some £20m might be considered more probable simply because we may have to do it, such as improving the carbon standing of our commercial investment portfolio to be able to continue to rent them out if Government requires landlords to achieve certain EPC type ratings, and replacement of our aging waste collection vehicles so that we can continue to collect the waste and recycling in the district. Some options though might come with a higher degree of choice, such as the refurbishment and decarbonisation of leisure centres or the Capitol Theatre where there is a not a statutory requirement to deliver the services or meet certain standards in the short to medium term. The estimate for this portion is around £25m.
- 3.29 Some of the larger decisions, in either category, to achieve net zero will considerably impact the Council's financial position in the medium and long term and will therefore need to be reviewed alongside the Council's decisions made in the revenue and capital budgets and the need to set a balanced budget, as is required by law, and which maintain sufficient reserve levels.
- 3.30 The unaudited useable Reserves as at 31 March 2023 contain £26.4m in the general fund reserve with £14.7m in an environment and infrastructure earmarked reserve. This level of reserves is significantly above the minimum level of reserves set at £6m. However, it should be seen in the context of a potential £3.2m forecast budget gap by 2029/30 which would cumulatively require £10m of the GF reserves to plug the deficits if no action is taken, and also the significant decarbonisation and infrastructure replacement costs set out in Appendix II.
- 3.31 The revenue impact from spending £45m on top of the £5m to £6m standard annual capital programme could be as much as £2.7m p.a. by the end of the period for loss of interest, borrowing costs and Minimum Revenue Provision. In addition, it is likely that some of the facilities would close for refurbishment. In the case of a leisure centre for example, it would reduce income through a reduction in management fee. Again, these have not yet been factored into the Medium-Term Financial Strategy yet but will need to be factored into the decision making.

The impact of a large capital project on the MTFs

- 3.32 A team of consultants were appointed in August 2022 to carry out a study to review options for refurbishment and redevelopment of the Capitol Theatre in support of the developing business plan. Several options are being explored to improve audience facilities, to improve the carbon efficiency of the building, to increase the

theatre capacity to try to reduce the annual subsidy, and to redesign and refurbish the venue. Such refurbishment and improvement will be very costly and a report will be brought to Council in due course.

- 3.33 The table below also sets out the estimated impact over the Medium-term if significant decarbonisation, refurbishment and seating replacement works of £11m started in the Capitol in early 2025, running across two years.

Table shown in £'000 and indicative impact [rounded]

Capitol £11m	2025/26	2026/27	2027/28	2028/29	2029/30	Reserves needed*
Original Net Deficit	450	1,180	2,110	3,090	3,230	10,000
Investment inc loss	250	300				
Capitol closure / reopen	50		(50)			
Reduction in subsidy			(125)			
MTFS cumulative effect	300	600	425	425	425	2,175
New Net Deficit [rounded]	750	1,780	2,530	3,525	3,650	12,175

- 3.34 The original net deficit would use £11m from reserves if no action is taken to close the deficits. The £11m Capitol refurbishment would use a further £2.2m of reserves and then leave a £3.6m deficit to plug each year by the end of the decade. It indicates that any major project brings with it a considerable revenue impact that would also need to be funded through additional income or by reductions to services elsewhere.
- 3.35 Savings in 2025/26 may require the closure or reduction of non-statutory public services. This is because action taken in November 2020 during the Covid-19 pandemic which put the Council in reasonable shape financially has stretched the capacity to deliver services with current levels of staff. Further savings could only be achieved if services were withdrawn.

Business Rates pooling in West Sussex

- 3.36 Authorities in West Sussex have another opportunity to form a business rates pool in 2024/25. A West Sussex business rates pool should benefit the County and therefore the district by retaining locally generated business rates, using it to further support the economic regeneration of the wider West Sussex area. This report recommends that Horsham remain in the pool with West Sussex County Council and the districts of Arun, Adur and Mid Sussex, as this combination maximises the amount of local retention. The 'gain' is estimated at £5m across the County, depending on how well business rates perform. Horsham have been part of the pool since 2022/23, when the Pool reformed after being disbanded in 2021/22 due to the perceived risk from the level of economic uncertainty on business rates under Covid-19.

4 Next steps

- 4.1 On 25 January 2024, the 2024/25 Budget will be taken to Cabinet to recommend approval at the 21 February 2024 full Council meeting where the Council Tax for 2024/25 will be set. The Medium-Term Financial Strategy will also be again updated at this time to take account of our settlement, if known at that date.

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

- 5.1 Finance and Resources Policy Development Advisory Group met on 13 November 2023 and discussed the key assumption in the immediate and longer-term, especially the ongoing impact of expenditure pressures on the Medium-Term Financial Strategy and the uncertainties and the implications to balance future budgets. The Environmental Health, Recycling and Waste PDAG met on 16 November 2023 and discussed the garden waste fees.
- 5.2 The Chief Executive, Directors, and Heads of Services have been involved in preparing the immediate budget forecast and will be finalising the 2024/25 budget in the ledger. Officers are already thinking of ways to address the medium-term financial gap through fee charges and income. They are supportive of its contents. The Monitoring Officer has also been consulted during the preparation of the document and acknowledges its contents.

6 Other courses of action considered but rejected

- 6.1 Making cuts to popular non-statutory services such as parks and countryside, planning enforcement and cultural and leisure services was considered. This was rejected because the scale of the proposed deficits in the future is very uncertain. While designed to protect services, this approach does risk the Council having greater difficulties balancing its financial position in two to three years' time and this could have a damaging impact on reserves, unless income is increased through fees and charges.

7 Resource consequences

- 7.1 Specific actions to address the future financial gaps are not detailed in this report. Over the next few weeks, the detailed 2024/25 budgets will be developed as part of the budget setting process in February 2024, alongside the 2024/25 Annual Plan.
- 7.2 The significant cost of infrastructure replacement and accompanying carbon reduction across the decade are not included in this Medium-Term Financial Plan as the costs and timings are broad estimates. Adoption of the 2030 net zero target and action plan to achieve net zero will considerably worsen the Council's financial position in the medium and long term. This together with the replacement of key infrastructure could cost as much £45m between now and 2030, as shown in appendix II. In the carbon improvement works done so far, as a rule of thumb, around one third of the costs might be attributable to carbon reduction.
- 7.3 The Chief Finance Officer's view is that the Council needs to maintain financial discipline, both now and in the future, and not spend more than is affordable. Additional spending now without financial return or extra income and / or savings to compensate will only sharpen the need for deeper cuts or much higher fees and charges increases later. It may also limit the scope in the future for capital projects

that produce social rather than financial returns. The CFO therefore advises that existing resources are reshaped, rather than added to.

8 Legal consequences

- 8.1 The Council is required under the Local Government Finance Act 1992 to produce a 'balanced budget'. This report indicates the Council is able to get to a balanced budget for 2024/25 if income is increased through fees and charges, but may face difficulties in future years if it doesn't.
- 8.2 This report sets out the Council's current and expected financial position. The Director of Resources has a statutory duty, under Section 151 of the Local Government Act 1972 and Section 73 of the Local Government Act 1985, to ensure that there are proper arrangements in place to administer the Council's financial affairs.
- 8.3 The Local Government Act 1999 places a duty on the Council as a 'Best Value' authority to secure continuous improvement in the way its functions are exercised so as to secure economy, efficiency and effectiveness.
- 8.4 The Monitoring Office endorses the sentiment expressed by the Chief Finance Officer at paragraph 7.3 of this report.

9 Risk assessment

- 9.1 The Council's reliance on central government funding and balancing the Medium-Term Financial Plan is captured on the corporate risk register at CRR01. The risk on inflation and uncertainty in the economy reducing income is captured in CRR 19. The risk registers are regularly reviewed and updated and is monitored at Audit Committee on a quarterly basis.
- 9.2 Many figures provided in this report are estimated at this stage. There is a risk that actual reductions in income and stronger expenditure pressures that the Council faces could increase the range of losses.
- 9.3 There is a moderate risk that customer habits will change for paid services such as parking and the cultural and leisure offers if customers reduce their expenditure as they struggle financially. This is especially so if fees and charges are raised by inflationary levels. Income might not therefore hit the budgeted levels.
- 9.4 There is a high risk the Government's proposal for business rates reform will worsen the financial situation earlier or more deeply than current predicted. There is also a risk that Government implements other initiatives such Extended Producer Responsibility (EPR) for recycling packaging which may detrimentally affect the cost of operations.

10 Procurement implications

- 10.1 There are no procurement implications arising from this report.

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

- 11.1 There are no equality or human rights implications arising from this report because there are no decisions for cuts in this report at this stage.

12 Environmental implications

12.1 There are no environmental implications because there are no decision for cuts or growth at this stage of our budget development.

13 Other considerations

13.1 There are no other considerations to take into account at this stage of developing the Medium-Term Financial Strategy.

Appendix I – summary of high-level assumptions and changes

Area	November 2023 assumptions	February 2023 assumptions
Inflation cost non-salaries	6% increase in 2024/25, falling to 2% by 2027/28. Risk that it remains higher.	6.5% average in 2024/25, falling by 1.5% each year across the period.
Income	5.5% increases in fees and charges on average in 2024/25, falling to 2% by 2027/28.	5% to 6% increases in fees and charges in 2023/24 on average, reducing to 3% by end of the period.
Increase in salaries budget	Increase of 4.5% in 2024/25, falling to 2% by 2027/28.	4.5% in 2023/24 falling by 0.5% each year across the period.
Contribution to pension fund	No change. 18% which is baseline minimum. Pension Fund £75m asset at 31 March 2023.	18% which is baseline minimum. Pension Fund £36m asset at 31 March 2022.
Local Business Rates	Business Rates review triggering a re-base lining in 2026/27. No worse off until then, but then reducing our funding.	Business Rates review triggering a re-base lining in 2025/26. No worse off until then, but then reducing our funding.
Increase in Council Tax	2.99% per year for future years across the period.	2% per year for future years across the period.
Increase in Band D equivalent dwellings	Significant impact of water neutrality dampening housing numbers. Less than 100 homes per year increasing to 500 per year by the end of the decade.	Impact of water neutrality dampening housing numbers. 600 to 700 per year.
New Homes Bonus	One-off single payment of £0.8m ending in 2023-24. Council instead hoping to receive Funding Guarantee grant in 2024/25 to ensure Council is no worse off overall.	One-off single year payment of £0.8m ending in 2023/24. Note that Council may receive Funding Guarantee grant instead in 2023/24 and 2024/25 to ensure Council is no worse off overall.
Minimum reserve level	£6m – no change.	£6m.
Food waste	Food waste from Autumn 2025 at £1.5m cost for a 3,2,1 service. Transitional one-year revenue funding and earmarked reserve £1.3m delays revenue impact to 2027/28 and 2028/29.	Food waste from Autumn 2025. £1.3m for a 3,2,1 service. No funding included – as we don't yet know.

Summary of key operational cost and income changes							Assumptions					
	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Net cost b/fwd	13,516	13,986	14,860	15,510	16,865	18,285						
Inflation	1,055	861	607	418	448	479	6.00%	4.50%	3.00%	2.00%	2.00%	2.00%
Salaries	1,082	889	787	538	548	557	4.50%	3.50%	3.00%	2.00%	2.00%	2.00%
Salary catch up	350						£1,925 less 4.5%					
Investment income catch up	-1,100	-100					5% i.r.					
Other fee increases	-935	-725	-571	-396	-408	-420	5.50%	4.00%	3.00%	2.00%	2.00%	2.00%
Garden waste	-190	-190	-190	-190	-190	-190	£5	£5	£5	£5	£5	£5
Food waste				800	700		Govt fund Reserve					
Parking	-250											
Revs & Bens / Arb contract / Auc	400			-100								
Increased leisure costs				300	300					Contract renewal		
Carbon initiatives	100	100	100	100	100	100						
Other net income / costs - vario	-42	38	-82	-116	-78	99						
Net cost predicted	13,986	14,860	15,510	16,865	18,285	18,910						
Annual increase	470	873	650	1,355	1,420	625						
Additional C-Tax increase	-345	-356	-368	-381	-394	-409	2.99%	2.99%	2.99%	2.99%	2.99%	2.99%
To find	125	517	281	974	1,026	217						

Appendix II – potential capital infrastructure and added carbon reducing costs during 2020s

Medium and long-term indicative capital infrastructure with added carbon reducing commitments

	2024/25		2025/26	2026/27	2027/28	2028/29	2029/30	Total
Fleet vehicle replacement	1,540,000		1,410,000	1,000,000	1,500,000	4,000,000	4,500,000	13,950,000
Commercial portfolio infrastructure and carbon reduction	500,000		500,000	500,000	500,000	500,000	500,000	3,000,000
Car park refurbishment	180,000		170,000	150,000	150,000	150,000	150,000	950,000
Housing (temp)	150,000		150,000	50,000	50,000	50,000	50,000	500,000
Mowbray cemetery	2,000,000							2,000,000
<i>Capitol refurbishment</i>			5,000,000	6,000,000				11,000,000
<i>Leisure Centre/s refurbishment</i>					6,000,000	6,000,000		12,000,000
<i>Office refurb / move</i>						1,000,000	1,000,000	2,000,000
TOTAL	4,370,000		7,230,000	7,700,000	8,200,000	11,700,000	6,200,000	45,400,000

Notes:

- Most costs guesstimated at this stage
- Circa £5m to £6m in the 'standard' capital programme (e.g. disabled facility / housing enabling grants) each year not included here
- 'Lost' investment interest estimated at 5%
- Borrowing not assumed before 2028/29
- Borrowing costs estimated at 6% and MRP 2% on average
- By 2029/30, the revenue impact of the 'lost' interest, borrowing costs and MRP would add £2.7m p.a. to the revenue budget.

Report to Cabinet

23 November 2023

By the Cabinet Member for Local Economy and Place

DECISION REQUIRED



**Horsham
District
Council**

Partially Exempt

Exempt Appendices under Paragraph 3 of Part 1 of
Schedule 12A to the Local Government Act 1972

Hills Cemetery Lodge Refurbishment and Decarbonisation Project

Executive Summary

Hills Cemetery Lodge is a residential property at the entrance to Hill Cemetery. The property was formerly occupied by a cemetery worker, but it is now surplus to Council requirements.

Given the proximity of the house to the Cemetery, it is considered undesirable for the Council to sell the property and therefore lose management control of the building. Different options were considered, and it was decided that the most appropriate future use would be as affordable housing, let on an Assured Shorthold Tenancy (AST) through the Council owned affordable housing company. The opportunity will also be taken to decarbonise the building by removing the oil-fired heating and replacing with an air source heat pump. Additionally, the access will be turned so that the approach to the house is from a small lane to the East rather than through the cemetery gates.

A budget of £225,000 was previously allocated to this project, but this has proven to be inadequate because of both the technical challenges of decarbonising a Victorian building and the desire to convert the house into a 4-bedroom accessible house, which would not otherwise be provided to qualifying households on the housing list. The Council could compromise on the extent of decarbonisation or the nature of the accommodation (four bedroom accessible). However, this route has been rejected because the decarbonisation works are in keeping with the Council's zero carbon policy and because this type of accommodation does not get provided by Registered Providers or the private sector.

The additional funding required for the project is available and will be vired from existing budgets. The virement will need to be approved by the Cabinet Member for Local Economy and Place. The Cabinet is requested to approve the award of the building contract which is over £250,000.

Recommendations

That the Cabinet is recommended:

- i) To award the contract for the building works to the highest scoring bidder on the terms contained in Appendix A

- ii) To delegate authority to the Director of Place, in consultation with the Head of Legal and Democratic Services, to finalise the terms of and enter into the building contract.

Reasons for Recommendations

To comply with the Council's constitutional requirements for approvals.

To enable building works to be carried out to Hills Cemetery Lodge.

Background Papers

None

Wards affected: Denne Ward

Contact: Brian Elliott Head of Property and Facilities 07468 708953

Background Information

1 Introduction and Background

- 1.1 Horsham District Council owns a portfolio of residential property, most of which is used as temporary accommodation to house people in housing need. However, the Council also owns a property at Hills Cemetery, which was previously used by a cemetery worker and is now vacant.
- 1.2 Consideration has been given to the different options for this property, which include the following (a) incorporating it within the Temporary Housing portfolio (b) disposal or (c) letting it on an Assured Shorthold Tenancy at an affordable rent to a family on the housing list. After careful consideration, Option (a) was dismissed because the house is at the gateway to the cemetery and not suitable for families on a temporary basis. Similarly, Option (b) was discounted because of the need to exercise control over the property, which would be lost if the house was sold. Therefore, the logical conclusion is to proceed with Option (c) and let the property on an AST at an affordable rent.
- 1.3 The house comprises a 3-bedroom house accessed via the main cemetery gate. It has an unusual configuration because it has three bedrooms upstairs and four rooms, including kitchen on the ground floor. A number of design iterations were looked at including the opportunity of converting the property into a 4-bedroom house, with the fourth bedroom and a wet room on the ground floor. This would be suitable for a family with a family member with reduced mobility. This is a more expensive option but 4-bedroom accessible houses at affordable rents are not being delivered by the market, despite demand existing for this type of accommodation. Therefore, this is an opportunity for the Council to provide a unit that would otherwise not be delivered by other means.
- 1.4 Also, the access to the house has been considered and the decision made to take the main access from a small lane to the east of the property, which means that it can be separated from the cemetery.
- 1.5 The house is a Victorian two-storey three bedroom detached house which is in poor condition and has an EPC of E. The property is heated with an oil-fired heating system.
- 1.6 Building Surveyors Crowther Overton-Hart (COH) were instructed to design a scheme to convert the building into a 4 bedroom accessible property fit for use by a family member with impaired mobility and to decarbonise the building by making it all electric and removing the oil system. Planning permission was granted to these works at the 4th July 2023 Planning Committee.
- 1.7 The total approved budget for the project including fees is £225,000 which is below the key decision threshold.
- 1.8 A tender was held in August and the best bidder's price was above the approved budget (see appendix A (exempt)). Discussions have taken place with the contractor to value engineer the project, but significant reductions cannot be achieved, without compromising the scheme.

- 1.9 Given that the contract sum will be in excess of £250,000, this becomes a key decision and Cabinet approval is required.
- 1.10 This report requests that Cabinet approves the contract award for the works at Hills Cemetery Lodge as set out in Appendix A (exempt).

2 Relevant Council policy

2.1 The project helps the Council with the following policies:

- **Improve access to affordable housing**
- **Inspiring Greener Futures**

3 Details

- 3.1 Hills Cemetery Lodge is a 3-Bedroom, Late Victorian built property situated at the entrance to Hills Cemetery. There was an extension made sometime in the mid-20th Century. The property has no gas and an oil-fired boiler is the primary heat source.
- 3.2 When substantial works are undertaken to properties it is necessary to upgrade them to comply with Building Regulations. Horsham District Council also has a policy to be Carbon Neutral for all emissions under its direct control by 2030. Therefore, the works will incorporate extensive additional insulation and air source heat pump technology.
- 3.3 The works comprise the following:
- Reconfiguration of the Property into a four Bedroom Property suitable for Assisted Living:
 - Installation of a Wet Room.
 - Reconfiguring downstairs layout into an open plan layout and removing the chimney to increase usable internal floor space.
 - Levelling the ground floor.
 - Installation of an accessible ramp and doors to enable wheelchair accessibility throughout the ground floor.
 - Energy Efficiency Measures:
 - Removing the existing Oil Heating system and installing an Air Source Heat Pump (ASHP).
 - Improving the insulation of the property, which is being achieved by lining the internal walls with insulation material and renewing windows. Cheaper external cladding is not suitable because of the architectural merit of the building.
 - Separating the Lodge from the Cemetery:
 - Changing access to the property so that it is off the drive to the side rather than the Cemetery.
 - Demolishing outbuildings to the back to create a car space.

Planning permission was granted following Planning Committee on 4th July for the external works.

- 3.4 Tender documents were prepared and sent to 5 selected bidders on the Council's e-tendering portal as per the Council's procurement code. The bidders were contacted prior to the tender and expressed interest in making a bid. The tender lasted 4 weeks with deadline for submissions on 15th August 2023. The results of the tender process are set out in Appendix A.
- 3.5 The works are expected to take 16 weeks, with a 6 to 8 week lead in time following contract award. Steps will be taken to ensure any disruption is kept to a minimum and access to the Cemetery will always be maintained.
- 3.6 As the best tendered price is over £250,000, Cabinet sign-off is required to be able to enter into the contract with the successful bidder.

4 Next Steps

- 4.1 Formal contract award to the successful tenderer. A start date for the works then to be agreed with the contractor.

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

- 5.1 The following groups were consulted during the design process:

- Denne Neighbourhood Council were consulted on the design and supported the chosen design.
- HDC housing Team, who confirm that the property meets the needs of a 4 bedroom accessible house.
- Policy Development and Advisory Group for Local Economy and Place who noted that the cost was not insignificant but that it was preferred to retain the property and thereby keep control.

The Director of Resources was consulted as part of the funding approval process.

The Cabinet Member for Finance & Resources has approved the virement of funds from other budgets that would not otherwise be used this year, in order to fund the budget gap.

6 Other Courses of Action Considered but Rejected

- 6.1 See matters considered under paragraph 1.2.
- 6.2 A comparison exercise was undertaken to review the cost of providing a 3-bedroom house rather than a 4 bedroom adapted house. Working with the consultants and proposed contractors it was established that a cost saving of c£50,000 could be achieved by reducing the scope of the works to a 3-bed home only. However, this would also reduce the rental level that could be achieved by £4,140 pa, net of management fees. The financial return on the additional £50,000 would therefore be +8%, which is an acceptable return.
- 6.3 The overall financial return is set out in the exempt appendix.

7 Resource Consequences

- 6.1 Funding for this capital scheme will be vired from existing budgets approved for the capital expenditure process for 2023/24.
- 6.2 There are no staffing consequences as a result of this scheme. Works are to be managed within existing staff resource.
- 6.3 The rental from the property will, after management costs, generate an income to the Council which provides a return on the capital expended, see Appendix A.

8 Legal Considerations and Implications

- 7.1 The Monitoring Officer is satisfied that (i) the cabinet has the authority to award the contract to the winning bidder, and, (ii) the decision to undertake the building works and subsequent let of the unit sits within the Council's policy framework.
- 7.2 The Council has the power to undertake the subject works pursuant to its general power of competence contained in the Localism Act 2011.

9 Risk Assessment

- 8.1 Normal risks associated with a small construction project, such as planning, programme, cost control, construction risks and consultation risks. A detailed risk register has been prepared by both the client and the contractor as part of the tender process.

10 Procurement implications

- 10.1 The procurement team were consulted during the procurement process and the procurement is compliant with the Council's procurement rules.

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

- 11.1 The works will improve living conditions for disabled residents of the district by providing a living space tailored towards their requirements.

12 Environmental Implications

- 12.1 This project will decarbonise the building by removing all fossil fuel heating from the property along with reducing its energy consumption.

13 Other Considerations

13.1 This project will have no GDPR, Data Protection or Crime & Disorder implications.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report to Cabinet

Thursday, 23 November 2023

By the Leader of the Council

DECISION REQUIRED



**Horsham
District
Council**

New Head of Service Position – Sustainability and Green Spaces

Executive Summary

The resignations of the Head of Leisure and Culture and Head of Housing and Communities provided an opportunity to review the structure of teams and the Heads of Service offering. Whilst it was considered unnecessary to change the Housing and Communities service area, there were opportunities for change with Leisure and Culture. This report proposes that the Parks and Countryside element of that function be moved into a new service area alongside the Council's climate change work.

Recommendation

That Council be recommended to agree funding of £2,680 be included in the 2023/24 Revenue Budget for the new position of Head of Sustainability and Green Spaces.

Reasons for Recommendations

To ensure that the management of the organisation is best structured to achieve the Council's objectives.

Full council is required to approve expenditure outside of the budget.

Background Papers

None

Wards affected: All

Contact: Paul Anderson, Director of Communities.

Background Information

1 Introduction and Background

- 1.1 The resignation of the Head of Leisure and Culture and Head of Housing and Communities provided an opportunity to review of the Heads of Service structure to ensure it was best placed to deliver the objectives set out in the Council Plan. Whilst it was considered unnecessary to change the Housing and Communities service area, there were opportunities for change with Leisure and Culture.
- 1.2 The Head of Leisure and Culture will have some key projects to deliver during the period of the Council Plan. They will be required to plan for and undertake the procurement of the contract for the management of the Council's Leisure Centres, with a new contract due to commence in 2027. Subject to consideration by Council later in the year, there is likely to be a project around improvements to the Capitol. In addition, there will be key pieces of work around the further establishment and shaping of the events programme, which was introduced in the current Council year, the development and implementation of a plan for the development of the museum and to review the running track at Broadbridge Heath Leisure centre which reaches end of life in 2026.
- 1.3 Furthermore, we have not had a Head of Service responsible for Climate Change and Nature Recovery. As one of the key areas of priority for the Council, it is considered that it needs senior manager visibility and leadership.
- 1.4 This report therefore proposes that additional funding be created for this new post.

2 Relevant Council policy

- 2.1 The proposal supports the priority around 'Always Listening, Learning and Improving'.

3 Details

- 3.1 SLT considered that there was talent within the organisation to fulfil this role. The post was ringfenced to identified officers, in line with our employment policies, and an offer has been made to an officer, subject to Council approval of the funding for this post. They have accepted the offer.

4 Next Steps

- 4.1 Subject to Council approval, the Director of Communities and the Head of Service will work on shaping the future of the team, and identifying the backfill arrangements that will be needed to best place the Council to achieve its objectives. These will be included in the 2024/25 budget proposals. In the interim, the Director of Communities will support the Head of Service to deliver the Annual Plan.

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

- 5.1 Group Leaders have been consulted on the proposal.
- 5.2 The Monitoring Officer and Director of Resources have been consulted to ensure financial and legal probity.

6 Other Courses of Action Considered but Rejected

- 6.1 The possibility of a like for like replacement was considered, although it was concluded that the benefits of the Parks and Countryside Team working directly alongside the Climate Change Team under a single Head of Service would add more value, particularly around the delivery of the Nature Recovery objectives, in the light of the Council declaring an ecological emergency.

7 Resource Consequences

- 7.1 This proposal will require an increase in the budget in the current year of £2,680

8 Legal Considerations and Implications

- 8.1 None.

9 Risk Assessment

- 9.1 It is considered that there is a reputational risk of not having a Head of Service with clear responsibility for climate change and nature recovery, particularly in light of the recent declaration of climate and ecological emergencies. The creation of the new position sends a clear statement to officer colleagues and partners around the importance of climate change and nature recovery to the core business of Horsham District Council.
- 9.2 There are no identified negative risks as a consequence of the recommendations within this report.

10 Procurement implications

- 10.1 None.

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

- 11.1 None.

12 Environmental Implications

- 12.1 This post has been created to ensure that the authority is best placed to deliver against the Council objectives, in particular 'Inspiring Greener Futures'.

13 Other Considerations

- 13.1 None.

Report to Cabinet

Thursday, 23 November 2023

By the Cabinet Member for Leisure, Culture and Green Spaces

DECISION REQUIRED



**Horsham
District
Council**

Partnership between Horsham District Council and The Shelley Memorial Project Community Interest Company

Executive Summary

Horsham District Council has been working with the Shelley Memorial Project for some time to support their ambition to establish a lasting public memorial to the poet Percy Bysshe Shelley. This report proposes that HDC signs up to a Memorandum of Understanding in order to formalise the relationship with the Shelley Memorial project company.

Recommendation

That Cabinet:

(1) agrees the formation of a partnership between Horsham District Council (HDC) and The Shelley Memorial Project Community Interest Company (SMP), and,

(2) delegates authority to the Director of Communities, in consultation with the Head of Legal and Democratic Services, to finalise the terms of and enter into any required documentation to give effect to the partnership and the subsequent transfer of the memorial to HDC.

Reasons for Recommendations

To enable HDC to support the SMP, enabling the group's vision of a lasting memorial to the poet Percy Bysshe Shelley to be realised. To provide a location within Horsham Park for the resulting sculpture and to take on ownership of the artwork once it is installed.

Background Papers

None

Wards affected: Denne

Contact: Paul Anderson, Director of Communities.

Background Information

1 Introduction and Background

- 1.1 The Shelley Memorial Project Community Interest Company (SMP) was incorporated in May 2023. Its aim is to establish a lasting public memorial to the poet Percy Bysshe Shelley – for public enjoyment, inspiration and education and to commemorate Horsham’s most famous citizen.
- 1.2 The SMP’s members include local community representatives from Horsham and the District, leading academics with an interest in the poet’s substantive works and experts from national arts institutions.
- 1.3 Horsham District Council (HDC) is supportive of the SMP’s wish for a lasting public memorial and has agreed to host the resulting sculpture within Horsham Park so that it is accessible and able to be enjoyed by all of the community.
- 1.4 The partnership will enable a joint approach to the project, promoting and engaging with the public to gain support for the resulting memorial. This should also enable the SMP to fundraise effectively in order to commission the artwork.

2 Relevant Council policy

- 2.1 Council Plan 2023 – 2027 A fresh vision for Horsham District: Invest in local arts and leisure and foster civic pride.

3 Details

- 3.1 Percy Bysshe Shelley (Shelley) is one of the major English romantic poets and is internationally known as one of the most influential poets in the English language. He was born in Warnham, in Horsham, in 1792 and spent his early years in Field Place.
- 3.2 A sculpture entitled ‘Rising Universe’ by Angela Conner was installed in Horsham town centre in 1996. It was commissioned to commemorate the bicentenary of the birth of Shelley and contained a plaque with an excerpt from his 1817 poem ‘Mont Blanc’. The public had mixed views about the sculpture, particularly due to the working mechanism and maintenance implications. In 2016, after seeking the views of local residents, HDC voted to remove the sculpture.
- 3.3 Over the last few years, HDC has been working informally to support the SMP in achieving their vision for a lasting memorial to Shelley. HDC and SMP have now agreed to work in a more formal partnership manner to ensure that the shared objectives and approach are defined through a Memorandum of Understanding.
- 3.4 The shared intention in commissioning a lasting public memorial is to:
 - Celebrate the achievement of a major literary figure from the Horsham community
 - Provide literary, historical and philosophical inspiration to Horsham residents and visitors

- Highlight Horsham's place within the UK's cultural and historical heritage
- Represent and inspire the talent within Horsham District's community, with a particular emphasis on young talent as represented by Shelley's phenomenal body of work achieved in his young life.

- 3.5 The Partnership of HDC and the SMP will jointly manage the commissioning process, providing support to the shortlisted artists and the final chosen artist.
- 3.6 The Partnership will ensure that a public consultation takes place allowing members of the public to express their preferences and views of the shortlisted artistic concepts.
- 3.7 The agreed location for the memorial is in the central Circus area of Horsham Park, where the main paths meet and near the pond. This will give the sculpture prominence for all in the community to enjoy and ensure it is easily accessible.

4 Next Steps

- 4.1 A Memorandum of Understanding will be agreed between HDC and the SMP.

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

- 5.1 The Leisure, Culture and Green Spaces Policy Development and Advisory Group was consulted on 14 November 2023 and was supportive.
- 5.2 The Monitoring Officer and Director of Resources have been consulted to ensure financial and legal probity.
- 5.3 Denne Neighbourhood Council has been invited to attend Partnership meetings and will be updated throughout the project. The Friends of Horsham Park are members of the SMP and are consulted regularly.

6 Other Courses of Action Considered but Rejected

- 6.1 The SMP is responsible for all fundraising for the commissioning of the memorial. The Council has also ringfenced Section 106 funding of £10,000 to be used within a period of five years.
- 6.2 The Council will support with in-kind offers utilising staff time, communications channels and premises where appropriate.
- 6.3 Once the sculpture is complete and installed in Horsham Park, the ownership will transfer to The Council. Therefore, all ongoing future costs for maintenance, insurance, inspections, cleaning etc will be the responsibility of the Council and this will have an ongoing negative revenue implication.

7 Resource Consequences

- 7.1 The SMP is responsible for all fundraising for the commissioning of the memorial. The Council has also ringfenced Section 106 funding of £10,000 to be used within a period of five years.
- 7.2 The Council will support with in-kind offers utilising staff time, communications channels and premises where appropriate.
- 7.3 Once the sculpture is complete and installed in Horsham Park, the ownership will transfer to The Council. Therefore, all ongoing future costs for maintenance, insurance, inspections, cleaning etc will be the responsibility of the Council and this will have an ongoing negative revenue implication.

8 Legal Considerations and Implications

- 8.1 The Cabinet has the authority to form partnerships with other organisations.
- 8.2 All legal documentation required to give effect to the partnership and subsequent transfer of the memorial to HDC will be undertaken by the Legal Services team.

9 Risk Assessment

- 9.1 The key risk is that the project may take many years for fundraising to be complete and costs of materials are likely to increase. This may leave a funding gap or could mean that the fundraising is spread over the long-term.
- 9.2 Although there will be a public consultation on the shortlisted artists, there is a risk that public sentiments change and the resulting sculpture does not gain community support when installed. The Partnership of HDC and SMP will ensure that there is ongoing engagement with the public throughout the project enabling full feedback and consultation.

10 Procurement implications

- 10.1 The SMP will be leading the procurement of the final artist, with HDC involvement and support throughout. An open competitive process has been followed in-line with best practice.

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

- 11.1 The Partnership will ensure that both HDC and SMP resources are used to facilitate the public consultation on the shortlisted artists and will be designed to meet the needs of all groups with protected characteristics, as defined by the Equality Act.
- 11.2 The Partnership will also look to engage people of all ages from across the District in the heritage of Shelley's poetry and the wider historical landscape.

12 Environmental Implications

- 12.1 The final sculpture design may have environmental implications depending on the materials chosen by the winning artist. HDC will also have responsibility and oversight for the installation methods and environmental impact when the memorial is installed in Horsham Park.
- 12.2 HDC is the planning authority, the SMP and chosen artist will need to meet all planning obligations. The final application will go to Planning Committee for consideration and authorisation.

13 Other Considerations

- 13.1 GDPR legislation will be adhered to by both HDC and SMP.
- 13.2 There is little expectation of any crime associated with the installation of a memorial in Horsham Park. Vandalism may be expected periodically and all shortlisted artists have been asked to ensure that the materials are easy to clean and the designs are suitably robust. If the memorial is vandalised to a point where it is either dangerous or beyond repair, it may need to be removed and placed into storage. It will be insured appropriately to mitigate against this potential situation but there is the risk of additional costs that would need to be considered at that time.

APPENDICES TO REPORT

Proposed Memorandum of Understanding



**Horsham
District
Council**



**Shelley
Memorial
Project**

Horsham District Council and the Shelley Memorial Project Partnership

Memorandum of understanding

9th November 2023

Contents

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1 Background

1.1 Horsham District Council (The Council) and the Shelley Memorial Project Community Interest Company (SMP) have formed this partnership to jointly deliver a lasting public memorial sculpture to the poet Percy Bysshe Shelley. The memorial will celebrate and commemorate 'the most eminent person to whom Horsham can lay claim', and his works. The intention in delivering this memorial is not only to celebrate the achievement of a major literary figure from the Horsham community, but also to:

- Provide literary, historical and philosophical inspiration to Horsham residents and visitors,
- Highlight Horsham's place in our country's cultural and historical heritage,
- Represent and inspire the talent within our community, with a particular emphasis on young talent as represented by Shelley's phenomenal body of work, achieved in his young life.

2 Partnership Aims and Objectives

2.1 The overarching aim of this partnership is to deliver a lasting public memorial sculpture to Percy Bysshe Shelley.

2.2 Specific objectives are:

2.2.1 For the SMP and the Council to constitute a 'Partnership' to jointly manage the project to which will be invited additional specialists where appropriate.

2.2.2 The 'Partnership' will be responsible for arranging a 'Selection Panel' for determining the preferred artist to deliver the memorial sculpture.

2.2.3 The 'Selection Panel' will comprise four (4) voting SMP representatives and three (3) voting Council representatives. Invitations to attend the 'Selection Panel', as non-voting members, shall be offered to Horsham Denne Neighbourhood Council and the Friends of Horsham Park.

2.2.4 The 'Partnership' will jointly manage the commissioning process, provide support to the shortlisted artists and the final chosen artist.

2.2.5 For the SMP and the Council to agree and undertake a public consultation exercise and consider overall responses to the four shortlisted artist's concepts.

- 2.2.6 The public consultation exercise shall include a voting system giving members of the public an opportunity to rank all the artists' concepts, relative to each other, based on their individual preferences.
- 2.2.7 The 'Selection Panel' will consider all the results of the public consultation exercise including the 'preferential' voting before making its final decision on the preferred artist in line with the voting allocation in Section 2.2.3.
- 2.2.8 The 'Selection Panel' will forward their recommendation to the Council for consideration and final confirmation as landowner. It is expected that this confirmation will be a formality following the collaborative delivery and commissioning process as set out in this Memorandum of Understanding. It is appreciated that the Council, as landowner, reserves the right of confirmation to take account of any unforeseen circumstances which may have occurred, in the interim, which may unduly affect the Council's overall reputation.

3 Partnership Activities and Contributions

- 3.1 Contributions and activities to be delivered by the Partnership are:
 - 3.1.1 The Council will provide a site for the installation of the memorial which will be the centre of the 'Circus Area' within Horsham Park as has been advised to the shortlisted artists.
 - 3.1.2 The Council, if required, will consider alternative locations if requested to do so by the Partnership, with the agreement of the artist, if this will result in a better-quality outcome when considering the sculpture and its relationship with the space around it.
 - 3.1.3 The Council has confirmed the provision of Section 106 funding support of £10,000 for use within a period of five years.
 - 3.1.4 The Shelley Memorial Project group will provide support of £500 to three of four shortlisted artists with the Council providing a further £500 to allow the four shortlisted artists to develop their proposals in more detail prior to the public consultation.
 - 3.1.5 The Council may consider further S106 financial support of up to £5,000 subject to the agreement of Denne Neighbourhood Council.
 - 3.1.6 Once the memorial has been successfully installed, the Council will be responsible for its future maintenance and upkeep in perpetuity.
 - 3.1.7 The Council will arrange appropriate insurance cover.

- 3.1.8 The Council and the SMP will agree arrangements for the ‘gifting’ of the completed artwork to the Council. The SMP will directly commission the chosen artwork.
 - 3.1.9 The Council will use its Communications Team to promote and conduct the public vote on the shortlisted artists’ concepts. The results of the public vote will be reported to the ‘Selection Panel’ to consider in determining the preferred artist.
 - 3.1.10 As part of the public consultation exercise, the SMP will lead on the promotion of the commission and the public engagement programme, particularly looking to consult with a range of local groups, schools, and under-represented communities. The Council’s Communications Team will assist wherever possible.
 - 3.1.11 The SMP will be responsible for fundraising to achieve a memorial budget of approximately £100,000. The Council’s Communications Team will promote any fundraising events organised by the SMP.
 - 3.1.12 The SMP will be responsible for making payments to the artist according to any payment schedule.
 - 3.1.13 Initially the SMP will be the main point of contact with the shortlisted artists and preferred artist prior to installation. The Council will be the main point of contact during the installation phase as landowner and to meet its statutory responsibilities.
- 3.2 The initial timeframe for partnership activities will be up to five (5) years, commencing from the date of this MOU.
 - 3.3 The Partnership will annually review activities to ensure that they are being delivered as agreed, and that they are having the intended impact.
 - 3.4 The Council and the SMP may terminate the Partnership at any time giving 30 days’ notice.

4 Partnership Governance

- 4.1 The Partnership shall meet quarterly. The Council will provide a suitable ‘hybrid’ meeting venue.
- 4.2 The ‘Partnership’ shall comprise the following members:
 - A: The Council: Cllr Martin Boffey – Council Leader, Cllr Jon Olson – Cabinet Member for Leisure, Culture and Green Spaces, Cllr James Brookes –

Deputy Cabinet Member for Leisure, Culture and Green Spaces, Head of Leisure and Culture or another Horsham District Council officer, or their respective successors in the above roles.

B: The SMP: Alison Caldwell, Carol Hayton, David Hide, Steve Sandham or their respective successors in the above role

C: Additional specialists where appropriate.

4.3 Organisations may provide alternative representatives to those listed above, to attend meetings as necessary, so long as both Partnership Leads are informed in advance.

4.4 As set out at Section 2.2.3: The 'Selection Panel' will comprise four (4) voting SMP representatives and three (3) voting Council representatives. Invitations to attend the 'Selection Panel,' as non-voting members, shall be offered to Horsham Denne Neighbourhood Council and the Friends of Horsham Park.

4.5 The Council, as the Local Planning Authority, will determine the planning application for the installation of the memorial to be submitted by the chosen artist and/or the SMP.

5 Designated Partnership Leads

5.1 The Council and the SMP will appoint two members to lead on the work of the partnership on a practical, operational, day to day basis, between the quarterly meetings of the Partnership.

5.2 The designated partnership leads will be: Two Horsham District Council officers interchangeable between the Head of Leisure and Culture, Nikki Caxton, Curator of Horsham Museum and Clive Burley, Corporate Project Manager.

5.3 The SMP Partnership Leads will be: Carol Hayton and David Hide.

6 Disclaimer

6.1 It should be noted that by signing this document or by participating in the partnership, the partners are not committing to legally binding obligations. It is intended that the partners remain independent of each other and that their collaboration and use of the term 'partner' does not constitute the creation of a legal entity, nor authorise the entry into a commitment for or on behalf of each other.

Signed on behalf of Horsham District Council

CLlr Jon Olson, Cabinet Member for Leisure, Culture and Green Spaces

Signature Date xx November 2023.

Signed on behalf of Shelley Memorial Project Community Interest Company. Company number: 14889435

David Hide, Director of Shelley Memorial Project Community Interest Company

Signature Date xx November 2023

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Report to Cabinet

23 November 2023

By the Cabinet Member for Local Economy and Place



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

Queen Street Pedestrian Infrastructure Improvements

Executive Summary

This report outlines work to the Horsham District Council owned land in front of the Queen Street and Queensway parade of shops, to deter vehicles from parking on the land. It also incorporates the removal of deteriorating planter boxes in exchange for trees being planted along with additional bollards.

The proposals have been developed in response to Councillor concerns following numerous on-going complaints from residents about cars and take-away food scooters parking on the pavement in the immediate area.

The purpose of this report is to approve the project which is included in the Annual Plan. Although unbudgeted, funds of £70,000 can be vired from alternative capital project budgets that will not be spent. A proposed schedule of works has been costed by a reputable contractor to determine this budget.

Recommendations

Cabinet is recommended to:

- i) Approve the works described in this report; and
- ii) Delegate authority to the Director of Place, in consultation with the Head of Legal and Democratic Services, to agree contractual terms and award the contract to the winning contractor.

Reasons for Recommendations

- (i) To improve infrastructure to stop vehicles from driving on the pedestrian area in around the parade of shops
- (ii) To install sustainable green landscaping by changing out large planter boxes with planted trees.

Background Papers

1. Results of consultation with local businesses, residents, Town Centre and Local Economy & Place PDAGs.

Wards affected: Denne

Contact: Elizabeth Williams, Property Management Team Leader, 01403215150.

Background Information

1 Introduction and Background

- 1.1 Horsham District Council owns land outside the parade of shops at 4-32 Queen Street. The HDC land is bordered by Highway Authority managed footpaths with short stay parking allowed on Queensway. Currently there is a variety of infrastructure on the land including bollards, large planter boxes, signs and paving variation.
- 1.2 The principal issue comes from cars and scooters using the area to park while they get takeaways or employees using scooters to collect food for delivery. This makes the area unsafe for pedestrians and causes damage to the pedestrian area.
- 1.3 As one of the main entrance points to Horsham it is unattractive with a cluttered mixture of redundant promotional signs and deteriorating planter boxes that are costly to maintain.
- 1.4 The proposed works will move existing bollards to the edge of the Highway Authority footpaths to stop cars entering the pedestrianised area. Planter boxes will be changed out for trees making the green infrastructure more sustainable with a reduced ongoing maintenance requirement.

2 Relevant Council policy

- 2.1 These works align with inspiring greener futures and creating safer routes for walking Council Plan priority.

3 Details

- 3.1 To declutter the area the proposed work includes the removal of six redundant planter boxes, two promotional signs and uneven paving.
- 3.2 Eleven existing bollards will be relocated to the edge of the carriageway on Queen Street.
- 3.3 Seven new trees will be installed in tree pits forming a leafy edge to the pedestrian area as well as forming a further barrier for cars.
- 3.4 An application for a Traffic Regulation Order was submitted to West Sussex County Council (WSSCC) to make provision for a scooter bay and to change the hours of operation of the parking bays on Queensway but was rejected. With the absence of a scooter bay they may remain parking in front of the Pizza shop but cars will not be able to enter the area.
- 3.5 The focus of these works is to make the area safer and deter vehicles from parking on the land. Where possible items have been reused such as the bollards and paving slabs by the pedestrian crossing.

Fig 1 – photo of existing layout



4 Next Steps

- 4.1 Following Cabinet, construction plans and schedules will be finalised and a selection of contractors requested to price the work.

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

- 5.1 Consultation with the Town Centre PDAG meeting took place on 20 September 2022 and on 25 January 2023. Prior to the January PDAG meeting Members were asked for their views and comments on various options which had also been distributed to local businesses and residents in a questionnaire and plan format.
- 5.2 The proposals were also considered at the Local Economy & Place PDAG on 3rd July 2023 and most recently on 11th September 2023, when Members were updated on the outcome of the TRO application.
- 5.3 Members were supportive of the proposed work at both meetings and agreed with the consultation outcome attached in Appendix 1.
- 5.4 The Horsham District Council Monitoring Officer and the Director of Resources have been consulted to ensure legal and financial probity.
- 5.5 Consultation has taken place with Cabinet Member, Ruth Fletcher and West Sussex County Councillor, John Milne both of whom are supportive.
- 5.6 Consultation with West Sussex Highway Authority has taken place. An application was made to WSCC on the proposed changes to the parking order on Queensway and for the provision of a scooter parking bay but was rejected.

6 Other Courses of Action Considered but Rejected

- 6.1 The proposed works have been determined from consultation with local businesses, residents and the Highway Authority. Elements rejected include retaining planter boxes due additional maintenance being required, siting bollards on the outer edge of the footpath as this would reduce the width for pedestrians and retaining promotional signs which are not kept updated.

7 Resource Consequences

- 7.1 The financial consequences include expenditure of £70,000 which can be vired from existing related budgets that will not be spent. There will be no net effect to the 2023/24 capital programme.

8 Legal Considerations and Implications

- 8.1 Section 1 of the Localism Act 2011 provides a general power of competence for local authorities. It gives local authorities the same power to act that an individual generally has and provides that the power may be used in innovative ways. Accordingly, as the registered proprietor of the subject parcel of Queen Street, the Council may carry out such works as are required to ensure the safety of pedestrians and otherwise.
- 8.2 Otherwise, the legal documentation required to give effect to the subject works will be undertaken by the Council's Legal Services Team.

9 Risk Assessment

- 9.1 Disagreement by the proprietors of the takeaway restaurants may take place, however this is mitigated by parking controls that are currently in place.
- 9.2 If the measures are not put in place pedestrians are at risk of interaction with the vehicles that park illegally.
- 9.3 There is a risk that the works exceed the budget, due to continuing increases in the costs of works and materials. This will be mitigated by the procurement process and value engineering the costs down if necessary.

10 Procurement implications

- 10.1 A works estimate indicates the work to be in the region of £70,000. This requires three written quotations to be obtained and which will be reviewed by at least two of the Council's officers with requisite expertise.
- 10.2 A shortlist of contractors will be asked to quote on the work. These will be selected on their experience and positive references.

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

- 11.1 A consultation of local businesses and residents was undertaken in December 2022. The results are included in the appendix of this report with the proposed works including the preferred elements.

11.2 The proposed work provides for a more clutter free environment for visually impaired pedestrians.

11.3 The contract for works will include a requirement of equal opportunity.

12 Environmental Implications

12.1 The proposed work will remove unsustainable planter boxes with trees placed in the ground sequestering carbon and providing a location for birds to occupy.

13 Other Considerations

13.1 It is not considered that the approval of these works will have any further additional impacts including those in relation to GDPR/Data Protection or Crime & Disorder.

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Appendix One: Consultation Outcome

The outcome of the consultation provided the following responses to the questionnaire:

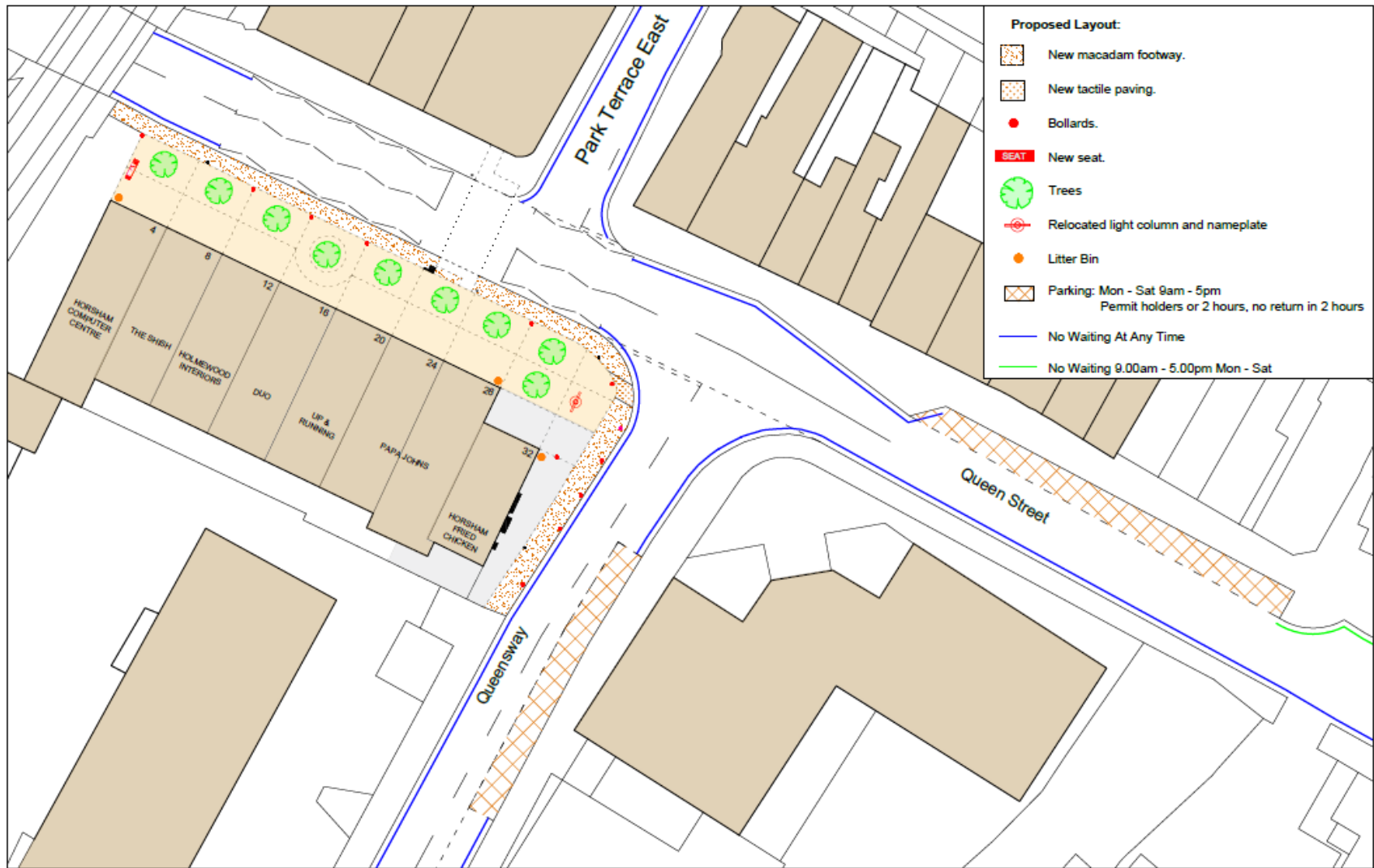
OPTIONS	A	A	B	B	C	C	D	D	D	E	E	As Existing	F	F1	J	G	G	D	H	H	K1	K2	K3	L	L
Respondents	Keep Sign	Replace with Tree	Keep QS Bollards	Remove Bollards	Remove Planters Install Tree	Retain Planters	Relocate Heritage Lamp Column	Remove	Retain As Is	Keep Area Open	Install Tree	Scooters in Front of Papa Johns	Area F	Area F1	Bay Opposite	Retain Sign	Remove Sign	Remove & Replace with Heritage Column (Option D)	Install Bollards	Leave As Is	Retain Parking Controls As Is	Mon-Sun 9am - 11.30pm 30 Min, No Return 30 Min	Other	TRO - No Riding of Scooters	No TRO
Overall Preferences	6	22	10	19	23	3	24	1	3	3	25	10	5	4	15	1	4	25	26	1	9	14	6	20	3


The results of the consultation were considered by the Council's Horsham Town Policy Advisory Group who agreed with the recommendations highlighted in green.

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Appendix Two: Plan of proposed work

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Queen Street Shops, Horsham
Proposed Works

Design	HDC	Drawn	NW	Project No.	Date	March 2023
Scale	1:200 @ A2			Drawing No.	QSS/14	
File				Crown Copyright 2000. SIA No. 100018563		

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Report to Cabinet

Thursday, 23 November 2023

By the Cabinet Member for Local Economy & Place

DECISION REQUIRED



Partially Exempt

Appendix 1 exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

Swan Walk Car Park Works – contract award and budget allocation

Executive Summary

The resurfacing of the top deck of Swan Walk car park is required to maintain the integrity of the building.

A procurement exercise was completed in April 2023 in relation to these works.

The works contract was awarded to the winning bidder, however, the contractual relationship has now ended with the consent of both parties, following the removal of the membrane.

Accordingly, the Council's procurement officers have consequently sought new quotes from suppliers to ensure the proper and urgent completion of the works. The winning bidder has provided a price to repair areas of deterioration and to lay a new membrane.

With the removal of the existing membrane having been carried out, costing £99,000, and a contingency of 10% for the remaining works added, the approved budget of £350,000 for this project is now insufficient.

This report is therefore seeking Cabinet authority to recommend Council approve a further capital budget amount of £298,845 to award the contract to the winning bidder.

Recommendations

That the Cabinet is recommended:

- i) To approve the award of the contract to the winning bidder (in relation to the Swan Walk car park top deck works), subject to Council approving the allocation of funds for this award
- ii) To recommend to Council that a further capital budget amount of £298,845 is approved to enable the contract to be awarded to the winning bidder.
- i) To delegate authority to the Director of Resources in consultation with the Head of Legal & Democratic Services to finalise the terms and conditions of

and enter into the Contract on the terms contained in Appendix 1 (“the Contract”)

Reasons for Recommendations

- (i) To enable the award of the contract to the winning bidder which will facilitate the completion of the Works.
- (ii) It is expected that the total value of the project will be £648,845 and therefore, Council approval is required to award this contract.

Background Papers

Nil

Wards affected: Denne

Contact: Elizabeth Williams, Property Management Team Leader

Phone number: 07727 807 835

Background Information

1 Introduction and Background

- 1.1 The top deck of Swan Walk car park has a Triflex membrane coating which was installed in 2005. It had a warranted life span of 10 years and is now starting to deteriorate. To date the deterioration has been localised and patch repairs have been carried out over the past three years, pending full replacement.
- 1.2 The membrane on the top deck protects the lower floors and concrete structure of the car park from water ingress. Too much water ingress would cause the reinforcing steel within the concrete to rust and break up.
- 1.3 Applying a new membrane coating was considered the best option due to the alternative coating of asphalt being too heavy for the structure.
- 1.4 The membrane coating also integrates line marking and different colours for parking, driving lanes and pedestrian walkways making it clearer for the user and is what is expected in a modern carpark.
- 1.5 The existing membrane has now been removed by the original contractor and has exposed a greater area of substrate repair than anticipated.
- 1.6 This proposal was brought before Cabinet on 28 September 2023 and approval was sought to award the Contract to the winning bidder in advance of the completion of the requisite procurement exercise. The procurement exercise is now complete and the bids are in excess of not only the original amount budgeted for this project but also the amounts anticipated subsequently for the completion of the Works. Therefore, this proposal is returning to Cabinet, broadly, to (i) obtain authority to award the contract to the winning bidder for the revised contract sum, and, (ii) recommend that full council increases the capital budget by the amount required to enable the Works to be undertaken.

2 Relevant Council policy

- 2.1 This work contributes to Horsham District by ensuring that Swan Walk carpark is available and safe in the long term, supporting Horsham as an easy place to carry out business and shop.

3 Details

- 3.1 The quality of membrane is specified to be either Sika or Triflex and considered by the Council's specialist car park consultant engineer as the most suitable coating in this situation.

- 3.2 Four contractors with many years of experience in the industry, were requested to price the work while providing a manufacturer's warranty of 10 years.

4 Next Steps

- 4.1 Following the usual procurement checks, the winning bidder will be awarded the contract to carry out the required works.
- 4.2 A prestart meeting will be held with Parking Management.
- 4.3 Customers will be advised of the upcoming work and the applicable timing.

5 Outcome of Consultations

- 5.1 Stripe Consultants, who specialise in carpark maintenance, were consulted to specify the required work, and carry out a tender exercise to five contractors. Following the departure from site of the initial contractor, a second tender exercise took place for the repair of the exposed screed substrate and the application of the waterproof membrane.
- 5.2 Internal consultation with the Parking Services Manager has taken place to consider likely impact on the availability of parking at Swan Walk and agreement of appropriate mitigation measures. These include relocating season ticket holders on a temporary basis and creating additional Christmas carparking.
- 5.3 The project has been referred to the Director of Resources who has approved the procurement route and the Monitoring Officer confirms legal probity.

6 Other Courses of Action Considered but Rejected

- 6.1 An alternative resurfacing in Asphalt was considered but determined too heavy for the structure.

7 Resource Consequences

- 7.1 The winning tender bid with an added contingency of £49,985 and combined with phase 1 of the work at £99,000 brings in the total cost for the project to £648,845.
- 7.2 This exceeds the approved capital budget of £350,000.
- 7.3 A further amount of £298,845 of capital budget in 2023/24 is required for completion of the project.

8 Legal Considerations and Implications

- 8.1 The Cabinet has the authority to award the contract and the decision to do so sits within the Council's Budget and Policy Framework.
- 8.2 The Council has the authority to increase the capital budget by the amount required to facilitate the completion of the Works.
- 8.3 The Council's legal team will oversee the award of the contract to the winning bidder and the completion of the required works contract.

9 Risk Assessment

- 9.1 The tendered price is inclusive of all substrate repair work so the risk for further costs is minimal.
- 9.2 There is a risk relating to the timing of the work extending into a time when the temperatures reduce to a level lower than is required for the resin to set.

10 Procurement implications

- 10.1 Due to the membrane work requiring specialist contractors a dispensation under the Council's Procurement Code was approved by the Director of Resources to carry out a tender with four certified contractors.

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

- 11.1 The work has no impact on any of the groups named in the equality legislation and Equalities Impact Assessment is not required.

12 Environmental Implications

- 12.1 The environmental impact principally revolves around the disposal of the existing 18 year-old membrane as it is sent to a general waste landfill. Empty tins used in the process will be recycled and any concrete that is broken out will also be recycled.

13 Other Considerations

- 13.1 None

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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