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Council

Wednesday, 11th October, 2023 at 6.00 pm
Park Suite, Parkside, Chart Way, Horsham

To: All Members of the Council

(Please note that prayers will be taken by The Reverend Kath Jones, Connect Southwater Community Church, before the meeting commences)

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON COUNCIL PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 16
To approve as correct the minutes of the meeting of the Council held on 6 September	
<i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members	
4. Announcements	
To receive any announcements from the Chairman of the Council, the Leader, Members of the Cabinet or the Chief Executive	
5. Questions from the Public	
To receive questions from the public under Rules 4a.2(f) and 4j1.1 – 4j1.12	
6. Recommendations from Cabinet	17 - 20
To receive and, if approved, adopt the recommendations from the meeting of Cabinet held on 28 September:	
(a) The Council Plan 2023-27, the Annual Plan 2023-24 and their	

resourcing (report of the Leader of the Council is available at: [Agenda item 6](#))

- (b) **Conservation Area Assessment and Designations: Horsham (Park Terrace Gardens)** (report of the Cabinet Member for Planning and Infrastructure is available at: [Agenda item 7](#))
- (c) **Supply of Tyres and associated Parts & Services for Horsham District Council & Crawley Borough Council** (report of the Cabinet Member for Environmental Health, Recycling and Waste is available at: [Agenda item 14](#))
- (d) **Disabled Facilities Grant - approval of budget and grant allocation** (report of the Cabinet Member for Environmental Health, Recycling and Waste is available at: [Agenda item 15](#))

7. **Recommendations from Committees**

21 - 24

Governance Committee – 27 September

To receive the following reports of the Monitoring Officer and, if approved, to adopt the recommendations contained therein:

- (a) **Temporary Appointments to Parish Councils** (report available at: [Agenda item 5](#))
- (b) **Public Speaking at Council Meetings** (report available at: [Agenda item 7](#))
- (c) **Public Speaking at Cabinet Meetings** (report available at: [Agenda item 8](#))
- (d) **Delegations to Chief Finance Officer (Section 151 Officer)** (report available at: [Agenda item 9](#))

To receive the following report of the Head of Customer and Digital Services and, if approved, to adopt the recommendations contained therein:

- (e) **Electronic Voting for Council Meetings** (report available at: [Agenda item 6](#))

8. **Report on Special Urgency Decision**

25 - 28

To receive the report of the Leader

9. **Reports of representatives**

To receive reports from representatives on outside bodies

10. **Notice of Motion**

29 - 30

To consider the attached Notices of Motion, submitted in accordance with Rule 4a.26 of the Council's Constitution:

- (a) Proposed by Councillor Roger Noel: The motion proposes that the

Council calls upon the Leader and Cabinet to instruct officers to explore initiatives to support the aspirations of the West Sussex Care Leaver service.

- (b) Proposed by Councillor Philip Circus: The motion proposes that the Council expresses its opposition to further expansion of Gatwick airport.

11. **Members' Questions on Notice**

31 - 32

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

- (a) Question from Councillor Philip Circus: The question is in relation to the provision of MOT services at the Depot
- (b) Question from Councillor Claudia Fisher: The question is in relation to the Local Plan and the Climate Action Strategy

12. **Urgent Business**

To consider matters certified by the Chairman as urgent

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GUIDANCE ON COUNCIL PROCEDURE

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

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

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

Council
6 SEPTEMBER 2023

- Present: Councillors: David Skipp (Chairman), Nigel Emery (Vice-Chairman), Mark Baynham, Emma Beard, Tony Bevis, Martin Boffey, Colette Blackburn, Peter van der Borgh, James Brookes, Jon Campbell, Philip Circus, Paul Clarke, Mike Croker, Joy Dennis, Len Ellis-Brown, Victoria Finnegan, Claudia Fisher, Ruth Fletcher, Chris Franke, Anthony Frankland, Nick Grant, Joan Grech, Kasia Greenwood, Tony Hogben, Alex Jeffery, Liz Kitchen, Joanne Knowles, Lynn Lambert, Dennis Livingstone, Nicholas Marks, John Milne, Colin Minto, Roger Noel, Jon Olson, Sam Raby, Mike Wood and Tricia Youtan
- Apologies: Councillors: Sam Bateman, Malcolm Eastwood, Warwick Hellawell, Richard Landeryou, Alan Manton, Jay Mercer, Josh Potts, Jonathan Taylor, Clive Trott and Belinda Walters
- Absent: Councillors: John Trollope

CO/34 **MINUTES**

The minutes of the meeting of the Council held on 21 June and of the extraordinary meeting of the Council held on 20 July were approved as correct records and signed by the Chairman.

CO/35 **MINUTES - EXEMPT**

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

CO/36 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/37 **ANNOUNCEMENTS**

Councillor David Skipp, Chairman of the Council, announced that he had sent flowers, on behalf of the Council, to ex-Councillor Claire Vickers following the death of her husband.

Councillor Boffey, Leader of the Council announced that two Deputy Cabinet Members had been appointed: Councillor Joanne Knowles for the Local Economy & Place portfolio; and Councillor James Brookes for the Leisure, Culture & Green Spaces portfolio.

Councillor John Milne, Cabinet Member for Planning & Infrastructure, announced that a number of consultation meetings with Parish and

Neighbourhood Councils were being held before the proposed Local Plan was considered by Council. Focus would be on local sites relevant to that area. The first meeting had taken place in Rusper this week, and Members are welcome to attend future sessions.

Councillor Ruth Fletcher, Cabinet Member for Local Economy & Place, made two announcements:

- The Horsham District Job Skills fair was taking place on Saturday 30 September in the Drill Hall. The event has proved successful in the past and gives job seekers the opportunity to talk to a variety of businesses and find out about voluntary work, apprenticeships and training opportunities.
- As part of the Council's ambition to support active travel, the Council was supporting improvements to the White Bridge Link pathway linking Bramber and Upper Beeding to Steyning. This is a car-free cycling and walking route of value to children travelling to school. Unfortunately, WSCC has had to close the bridge due to structural concerns. The Cabinet Member has asked officers to work with WSCC to expedite a solution so the scheme can go ahead as planned.

Councillor Sam Raby, Cabinet Member for Housing, Communities & Wellbeing made three announcements:

- New software, known as LIFT (Low Income Family Tracker) has been implemented by the Council. This enables data from the Revenues and Benefits service to identify households who are not accessing all the financial benefits available to them. HDC has recruited a dedicated LIFT Officer who will work with Revenues and Benefits to support people in accessing state benefits they are entitled to and also identify other cost savings people could benefit from for services such as water and broadband, where they may also be able to access social tariffs.
- HDC have been working in partnership with Saxon Weald on a number of projects including a new housing development at Page Court, Horsham, to provide 48 new homes comprising 40 1- or 2-bedroom flats and eight 2- or 3-bedroom houses. He had visited the site with the Leader last week and was impressed with the high quality of the accommodation. The homes will facilitate people moving to appropriate accommodation while freeing up other accommodation for others on the housing register.
- The Horsham District Crime Reduction Partnership had been launched, with the Council working in partnership with Sussex Police, the Horsham Business Improvement Initiative, Horsham Pubwatch and Swan Walk Management. A secure app, using a system known as DISC, allows businesses and pubs to share information and can be used to report crime and anti-social behaviour quickly. Funding from the Police and Crime Commissioner means there is no cost to businesses for three years. The system has proved highly effective elsewhere and is proving popular with businesses in Horsham.

Councillor Colette Blackburn, Cabinet Member for Climate Action & Nature Recovery announced that public consultation on the draft Climate Action Strategy, which took place over the summer, had received 754 responses. The

results were being analysed and would be used to refine and reshape the Strategy before it is considered for approval later in the year. This week engagement with businesses had begun to ensure that the Strategy meets their needs and supports them to deliver carbon improvements. Some businesses in the district were already undertaking exciting and innovative initiatives to reduce their carbon impact and the Cabinet Member hopes to create an opportunity to showcase these and allow businesses to learn from each other.

CO/38 **QUESTIONS FROM THE PUBLIC**

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

CO/39 **RECOMMENDATIONS FROM COMMITTEES**

Standards Committee – 26 July 2023

Councillor Tony Bevis, Chairman of Standards Committee, outlined the proposed changes to the current Code of Conduct Complaints Procedure. The procedure had been revised in December 2021 when an amended Members' Code of Conduct had been adopted.

The current procedure only allows the Monitoring Officer to deal with complaints, apart from during periods of absence when the Deputy Monitoring Officer can do so. The proposed revisions would allow the Monitoring Officer to delegate any standards related work to nominated deputies at any time. They would also allow the Monitoring Officer to vary the procedure when appropriate to do so as long as that variation does not conflict with statutory requirements. The proposal was seconded by Councillor Joan Grech.

Councillor Lynn Lambert reminded Members that the 2021 revision of the procedure had been Member-led with ex-Councillor Diana van der Klugt chairing a sub-committee that undertook the review. She extended her thanks to Diana and acknowledged her hard work and commitment.

Members agreed that the current volume of standards work generated by parish councils was such that it was sensible and proper to make this delegation. It was noted that the statutory requirements were still met.

RESOLVED

That the proposed amendments to the Code of Conduct Complaints Procedure be approved.

REASON

To provide the Monitoring Officer and Standards Team a greater degree of flexibility when dealing with code of conduct complaints.

CO/40 **INTERIM REPORT OF THE INDEPENDENT REMUNERATION PANEL**

Jane Eaton, Chief Executive, introduced the report of the Independent Remuneration Panel (IRP) and then invited Alan Ladley, Chairman of the IRP, to speak and answer questions. The IRP had undertaken an interim review, as recommended after the last full review in 2021. The next full review would be in 2025.

Alan Ladley summarised his report, including the intention to undertake a review of Parish Council allowances in 2025. He reminded Members that the fixed-sum pay rise for staff last year had required the Panel to calculate a percentage increase for Members Allowances, which had been approved by Council in February. Index linking Members' allowances in line with officers' percentage increases was already part of the Scheme of Allowances and in the constitution. The Monitoring Officer confirmed that the Governance Committee would look at changing the constitution to include how to deal with fixed-sum pay rises.

Councillor Philip Circus congratulated the IRP for their hard work and diligence and emphasised the importance of having Members' allowances independently reviewed. The recommendations were moved by Councillor Martin Boffey and seconded by Councillor Philip Circus.

RESOLVED

- (i) To note the report of the IRP and its recommendations which are contained in the appendix to the report.
- ii) To approve the payment of an honorarium, in the sum of £500, to each IRP member in respect of this interim review, and the review completed in February 2023.

REASON

- (i) To note the IRP's recommendations.
- (ii) To approve the payment of an honorarium to the members of the IRP.

CO/41 **HOUSEHOLD SUPPORT FUND GRANT**

Councillor Sam Raby, Cabinet Member for Housing, Communities & Wellbeing, advised that WSCC had allocated the Household Support Fund grant of £255,000 to HDC. Notification of this grant was received in August, after the community development budgets had been set as part of the Council's annual budget in February. As the grant was required to be spent this financial year, Council was required to increase the budgets.

The grant was to be spent on a number of areas, as set out in the report, including food and fuel vouchers, financial support and advice, targeted support

for households that are financially vulnerable and multi-agency network and information sharing. The proposal was seconded by Councillor Mark Baynham.

RESOLVED

- (i) To approve the receipt and expenditure of the grant in the sum of £255,000 for Household Support Fund.
- (ii) To approve an increase in the community development team's 2023/24 revenue income and expenditure budgets of £255,000 to cater for the receipt of the grant.

REASON

- (i) Increasing the revenue income and expenditure budgets in the community development service will allow the Council to receive and spend the grant offered by WSCC.
- (ii) Full Council must approve an increase to the community development team's budget.
- (iii) To provide appropriate support for residents and organisations supporting residents affected by the cost of living as specified in the grant conditions.

CO/42 **APPOINTMENT OF CO-OPTED PARISH REPRESENTATIVE TO THE STANDARDS COMMITTEE**

The Monitoring Officer explained that a new Parish Representative to the Standards Committee was required because Parish Councillor Philip Baxter had resigned in May. It was therefore necessary to fill the vacancy for this co-optee position on the Standards Committee.

David Green had been nominated by HALC (Horsham Association of Local Councils). The appointment was proposed by Councillor Tony Bevis and seconded by Councillor Joan Grech.

RESOLVED

To appoint Councillor David Green of West Grinstead Parish Council to the Standards Committee as a Parish Representative for a term of office ending on the fourth day after the Local Elections in May 2027.

REASON

- (i) To fill the Parish Representative vacancy on the Standards Committee that was created following the retirement of Parish Councillor Philip Baxter, and

- (ii) To satisfy the constitutional requirements in relation to the Standard Committee's composition.

CO/43 **REPORTS OF REPRESENTATIVES**

There were no reports to receive.

CO/44 **MEMBERS' QUESTIONS ON NOTICE**

- (a) Councillor Liz Kitchen asked Councillor John Milne, Cabinet Member for Planning & Infrastructure, the following question about the use of bore holes to overcome water neutrality issues, particularly for larger developments:

“Before any more larger scale developments are granted, will the Cabinet Member get the assurance from the Environment Agency and from the water companies that we are not permanently damaging our ecology by abstracting too much water from the aquifers which are already at a low level and that run dry when we have a prolonged dry spell?”

The Cabinet Member replied:

“Any development which proposes to abstract more than 20 cubic metres of water per day is required by law to obtain an abstraction license from the Environment Agency. To give you an idea of that that means in terms of size of the development, 20 cubic metres* per day is enough to supply about 80 homes. The process of gaining an abstraction license requires the applicant to satisfy the Environment Agency on matters of water volumes, water quality and ecological impact. For those developments proposing to abstract less than 20,000 litres per day Horsham District Council have provided detailed guidance and online FAQs on the information required. This guidance has been prepared in close consultation with, and with the formal agreement of, the Environment Agency and Natural England.*

“Senior Planning Officers... and Environmental Health Officers met with the Environment Agency and Natural England on more than one occasion and exchanged communications in preparing our draft FAQ wording so as to find an agreed form of words ahead of publication on our website. Therefore, in any submission proposing a borehole we require clear evidence from professionally qualified persons on a number of points including: checking the hydrological connectivity of the water source with other aquifers in the area; checking that there is sufficient and reliable yield from the borehole; checking the water quality can be treated to a potable standard; and to confirm there will not be adverse impacts on nearby ecological sites or features. We are also required by law to consult Natural England on all water neutrality proposals, including any which propose private boreholes. Putting all this together, the Council is confident that the impact of boreholes on water supply and ecology in the district and wider area is being suitably considered in consultation with all the relevant bodies and in line with our

statutory obligations. Whilst we understand a large number of boreholes are being proposed, only a handful, three, have actually received approval.”

[*The Director of Place clarified that the correct amount of water was 20 cubic metres (or 20,000 litres), not 20,000 cubic metres as stated by the Cabinet Member. She confirmed all other details in the statement were accurate.]

The Cabinet Member concluded by reminding Members that it is open to any Member to request any planning application involving a bore hole to be considered by a Planning Committee for closer examination.

Councillor Kitchen thanked the Cabinet Member and said that her concern that there should be a protocol of guidelines for sustainable boreholes had been partially answered, and she requested that these guidelines should be kept under review.

The Cabinet Member said that he would raise this with officers.

- (b) Councillor Philip Circus asked Councillor John Milne, Cabinet Member for Planning & Infrastructure, the following question:

“Is the Cabinet Member aware that Westminster City Council is working on a scheme whereby its fleet of refuse vehicles will be powered by electricity generated by the energy from waste incinerator to which the Council sends its residual waste?”

“Does he consider this could prove a worthwhile idea to pursue in conjunction with the incinerator being built near the Horsham MBT plant, and would the incinerator have a role to play in providing heat for local homes and businesses as well?”

The Cabinet Member, who was answering the question on behalf of Councillor Jay Mercer, Cabinet Member for Environmental Health, Recycling & Waste, thanked Councillor Circus for his question and replied:

“Local authorities up and down the country are coming up with a variety of ways to tackle climate change. In particular they’re looking for ways to reduce their reliance on both gas and traditional vehicle fuel.

“It’s important that all local authorities keep up to date with new trials and initiatives in case there are any innovations which could be applied locally for the benefit of Horsham District. We are aware for instance that St Helen’s Borough Council are trialling a hydrogen fuelled refuse collection vehicle and we’ll be monitoring the success of that.

“In the example you give in Westminster, the idea of locally generated energy from waste going directly into local homes is certainly appealing. However, our circumstances are very different. Westminster City Council is a unitary council serving a small geographic area. They face a completely different set

of challenges and opportunities to Horsham District Council in providing their waste service. In particular, they are able to provide an integrated collection and disposal service. Their incinerator is situated adjacent to their Council Depot which makes it practical for them to use the energy generated to power their electric vehicles. This isn't something that would be easily achievable for Horsham District Council as it would require a new Depot to be built adjacent to the Qair site.

"It is also worth noting that Westminster has very different local conditions. They have a high number of flats and low number of large gardens, which is the exact opposite to Horsham District. In 2021 for example Westminster had a much higher amount of residual waste than us. Their recycling rate is about 24%, while ours is currently 53%. As a result they typically generate far more waste for incineration and therefore more to gain from harnessing any resulting energy.

"Going back to the intentions for Horsham, Qair have said that their development will provide up to 23 megawatts of baseload sustainable electricity, which will be fed into the grid. So local houses will be powered by it one way or another.

"The possibility of providing heat directly to the new housing estate at Mowbray was also considered at an earlier stage of the process, but it was judged that the distances made it impractical. Bear in mind that Qair is a private operation so what arrangements they make are essentially up to them."

Councillor Circus stated that he knew how important cooperation was to ensure waste is processed to maximum effect and asked a supplementary question:

"Will the Cabinet Member assure us that whatever differences he may perceive between Westminster and Horsham he will keep this idea on the books and not dismiss it as we move forward?"

The Cabinet Member replied:

"All things are on the table... it would be a while in any case before we reach this stage because, as you know, our vehicles were converted to HVO fuel fairly recently and it will be a while before we switch to electric vehicles and at this point we haven't found a satisfactory vehicle to get up Bury Hill amongst other issues. And of course our district covers a much wider area than Westminster, which is also a factor. As yet the technology and the cost haven't really come to light but we will certainly keep everything under consideration."

The Cabinet Member concluded by saying that as Councillor Circus had a lot of knowledge and experience in this area, having held this portfolio for a long time, he would appreciate any input from him in the future.

Councillor circus made a closing statement:

“I believe that several local authorities, I think including Sheffield... are looking at exploiting the energy from waste incinerators in order to fuel council vehicles. Therefore... there are a number of precedents and this is not something to be easily dismissed and I hope the Cabinet Member will have a look at those examples.”

Councillor Circus concluded by asking if information on the progress and results of trials by other local authorities could be brought to an Environmental Health, Recycling & Waste Policy Development Advisory Group for discussion in the future.

CO/45 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 6.55 pm having commenced at 6.00 pm

CHAIRMAN

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COUNCIL
11 October 2023
CABINET RECOMMENDATIONS

Recommendations to Council Made at the Cabinet meeting held on 28 September

(a) The Council Plan 2023-27, the Annual Plan 2023-24 and their resourcing

Each Council sets a key policy plan near the beginning of its term of office outlining its priorities for the next four years. This plan meets the political ambitions of this administration as well as the communities' needs. Details for the Council Plan, as set out in appendix 1 of the report, come under four headings: supporting people and communities; inspiring greener futures; building a thriving local economy; and always listening, learning and improving. This Council Plan will inform the Council's policy framework until 2027.

The Annual Plan, set out in appendix 2 of the report, includes the main projects and workstreams the Cabinet wishes to focus on for the first year. There are two service areas, Property and Project Management, where the current staffing requirement is holding up progress on existing projects and will delay the start of new projects in the Annual Plan. Cabinet therefore recommends two new posts to help resolve this problem and asks Council to fund these posts.

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.

(b) Conservation Area Assessment and Designations: Horsham (Park Terrace Gardens)

In July 2022, Cabinet agreed to undertake public consultation regarding the proposed designation of a new Conservation Area for the Park Terrace Gardens Conservation Area (Horsham).

A public consultation exercise was held between 1 September – 6 October 2022, and 13 October – 10 November 2022 inviting comments on the designation of the proposed Park Terrace Gardens Conservation Area, and its Appraisal and Management Plan. There was further informal consultation during the summer of 2023.

The Cabinet report sets out key issues raised by respondents to the draft Conservation Area Appraisal during the consultation period, and the recommended responses to the comments.

RECOMMEND 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.

(c) Supply of Tyres and associated Parts & Services for Horsham District Council & Crawley Borough Council

This Council is acting as the Lead Authority to undertake a procurement process for the supply and fitting of tyres for all Council vehicles, in collaboration with Crawley Borough Council. The procurement exercise went out as one collaborative tender with two contracts that will be awarded separately. The contract will commence on 1 November 2023 for a specified term following a robust procurement process.

Cabinet resolved to award the contact to the highest scoring bidder and delegate authority to the Director of Resources and the Head of Legal & Democratic Services to enter into the contract for the supply and fit of tyres.

RECOMMENDED TO COUNCIL

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

Full Council must approve budget changes.

(d) Disabled Facilities Grant - approval of budget and grant allocation

The Council received notification of a £122,495 grant on 7 September 2023. This is 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.

Disabled Facilities Grant is 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. They can also help to deal with access issues, enable rapid discharge of people from hospital, or prevent admission to hospital or residential care.

Subject to Council approval of receipt of the grant and the resulting increase to the budget, Cabinet agreed to delegate authority to the Head of Environmental Health & Licensing to allocate the grant to eligible applicants in accordance with the District and County Council policies.

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.

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.

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COUNCIL
11 October 2023
COMMITTEE RECOMMENDATIONS

Recommendations to Council made at the meeting of the Governance Committee held on 27 September 2023

(a) **Temporary Appointments to Parish Councils**

The report recommended that the power to make temporary appointments to parish councils under section 91 of the Local Government Act 1972 be delegated to the Council's Returning Officer.

The Committee noted that the Monitoring Officer will reflect the delegation in the Constitution (pursuant to her authority to do so, per Article 13, paragraph 13.3 b) 3 of the Constitution) should the recommendation be approved.

RECOMMENDED TO COUNCIL

To delegate authority to the Returning Officer to make temporary appointments to parish councils under section 91 of the Local Government Act 1972.

REASON

Granting the Returning Officer authority to make temporary appointments to parish councils should (i) minimise the period within which a parish council is inquorate and so unable to carry out any business, as Council would otherwise be required to meet and approve the temporary appointment, and, (ii) negate the requirement to convene council meetings to consider and make such appointments.

(b) **Public Speaking at Council Meetings**

The report asked the Governance Committee to consider whether any changes should be made to the provisions that exist under the Constitution for public speaking at ordinary and extraordinary meetings of Council.

The Committee considered whether the changes (as detailed in Appendix D to the report) to the existing provisions (as contained in the Constitution) for public speaking at (a) ordinary and (b) extraordinary meetings of Council were appropriate.

RECOMMENDED TO COUNCIL

- (i) To approve and adopt the changes recommended by the Committee, as detailed in Appendix D to the report; and

- (ii) To note that any adopted changes will be reflected in the Constitution per the Monitoring Officer's authority to implement any such revisions pursuant to Article 13, paragraph 13.3 b) 3 of the Constitution.

REASON

- (i) To review public speaking rights at ordinary and extraordinary Council meetings and adopt any revisions considered appropriate.
- (ii) It is good practice for councils to keep their constitutions and arrangements under regular review.

(c) **Public Speaking at Cabinet Meetings**

This report asked the Governance Committee to consider whether any changes should be made to the provisions that exist under the Constitution for public speaking at meetings and special meetings of the Cabinet.

The Committee considered whether the changes (as detailed in Appendix D to the report) to the existing provisions (as contained in the Constitution) for public speaking at (a) Cabinet meetings and (b) special Cabinet meetings were appropriate.

RECOMMENDED TO COUNCIL

- (i) To approve and adopt the changes recommended by the Committee, as detailed in Appendix D to the report with the addition of the following wording in 4j 4.5 Scope of questions:
 - e) in the opinion of the Head of Paid Service, relates to personal and/or inappropriate matters of the speaker.
- (ii) To note that any adopted changes will be reflected in the Constitution per the Monitoring Officer's authority to implement any such revisions pursuant to Article 13, paragraph 13.3 b) 3 of the Constitution.

REASON

- (i) To review public speaking rights at ordinary and special Cabinet meetings and adopt any revisions considered appropriate.
- (ii) It is good practice for councils to keep their constitutions and arrangements under regular review.

(d) **Delegations to Chief Finance Officer (Section 151 Officer)**

The report recommended changes to the Chief Finance Officer's delegations contained in the Council's Constitution. It also incorporated a review of the delegation made by Council in June 2022 in relation to the receipt and expenditure of external grant funding.

The recommendations extend to:

- Grants up to £100,000 for new projects or new service areas;
- Grants up to £249,999 for existing projects or existing service areas; and
- Any other changes to the Council's budget relating to income or expenditure up to £100,000.

The Committee noted that the Monitoring Officer will reflect the delegations in the Constitution (pursuant to her authority to do so, per Article 13, paragraph 13.3 b) 3 of the Constitution) should the recommendations be approved.

RECOMMENDED TO COUNCIL

- (i) To approve that the delegation to the Chief Finance Officer (Section 151 Officer) in paragraph 10 of section 3.5.2 of Part Three of the Constitution be removed and replaced by the following:

"10. With the Leader of the Council, to approve the receipt and consequent expenditure and/or allocation (as the case may be) of grant monies for new projects or new service areas for which there is no provision in the Council's budget up to a threshold of £100,000 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee.

11. With the Leader of the Council, to approve the receipt and consequent expenditure and/or allocation (as the case may be) of grant monies for existing projects or existing service areas for which there is no provision in the Council's budget up to a threshold of £249,999 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee."

- (ii) To approve that an additional delegation to the Chief Finance Officer (Section 151 Officer) be included in section 3.5.2 of Part Three of the Constitution as follows:

"12. With the Leader of the Council, to be authorised to make decisions relating to any other income or expenditure for which there is no provision in the Council's budget up to a threshold of £100,000 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee, such income or expenditure being the gross amount."

REASON

The recommendations will further streamline the decision-making process by allowing certain decisions to be made by the Chief Finance Officer (Section 151 Officer) and the Leader of the Council in a timely manner without the need to obtain prior approval from

Council. The Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee will have oversight of these decisions.

(e) **Electronic Voting**

The report recommended that electronic voting be adopted for use at Full Council meetings.

The Committee noted that the Monitoring Officer will reflect the arrangement in the Council's Constitution (pursuant to her authority to do so as per Article 13, paragraph 13.3 b) 3 of the Constitution) should the recommendation be approved.

RECOMMENDED TO COUNCIL

- (i) To adopt and use an electronic voting system at its Full Council meetings.
- (ii) To approve a £9,667 increase to the Technology Services' 2023/24 revenue expenditure budget to cover the one-off implementation costs.

REASON

- (i) To achieve accurate voting.
- (ii) Full Council must approve all budget changes.

Report to Council

11 October 2023

By the Leader of the Council

INFORMATION REPORT



**Horsham
District
Council**

Not Exempt

Report on Special Urgency Decision

Executive Summary

This report is to inform members that an urgent decision was taken at my cabinet meeting on 28 September 2023.

Recommendations

That the Council is recommended:

- i) To note that the Cabinet agreed, as a matter of special urgency, to the contract award in relation to top deck resurfacing works at the Swan Walk Car Park

Reasons for Recommendations

- i) To report that cabinet made an urgent decision
- ii) To ensure constitutional compliance

Background Papers

Report to Cabinet 28 September 2023- Swan Walk Car Park Works - contract award and budget allocation

Special Urgency Notice – 27 September 2023

Wards affected: All

Contact: Aisha Nottage, Democratic Services & Elections Manager, 01403 215562

Background Information

1 Introduction and Background

- 1.1 The provisions contained in the constitution provide that decisions taken, as a matter of special urgency, must be reported to the council.
- 1.2 The cabinet made one such decision at its meeting on 28 September 2023.

2 Relevant Council policy

- 2.1 Rule 4c.26 of the Overview and Scrutiny Procedure Rules (contained in the council's constitution) stipulates that decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

3 Details

- 3.1 At its meeting on 28 September 2023, the Cabinet decided to award a works contract in relation to resurfacing works at the Swan Walk Car Park.
- 3.2 The subject contract award constitutes a key decision. Local Authorities are required, broadly, to provide details of any key decisions and these are to be made available for public inspection at least of 28 clear days prior to the date the relevant decision is made.
- 3.3 That said, key decisions may be taken in contravention of the above noted provisions if, broadly, (i) it was impracticable to comply with these requirements, and, (ii) 5 clear days' notice of the intention to make a decision has been given.
- 3.4 It was impracticable to comply with the above-noted requirements as the contract needed to be awarded as a matter of urgency and the decision could not be reasonably deferred.
- 3.5 This is because the car park is currently exposed to inclement weather potentially causing deterioration to the top deck of the car park, as well as allowing water through to the lower floors which is a safety concern. The spaces on the top deck are presently unusable and are required for the Christmas period when there will be an increased parking demand. Therefore, the works need to be concluded as a matter of priority.
- 3.6 Accordingly, I obtained the agreement of the Chairman of the Overview and Scrutiny Committee that the required decision (to award the contract) is urgent and cannot be unreasonably deferred.
- 3.7 As such, the purpose of this report is to report to council that cabinet made a decision as a matter of special urgency.

4 Next Steps

- 4.1 This matter of special urgency will be reported to Council in May, as part of the Annual report on matters of special urgency.

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

- 5.1 The reporting of a decision taken as a matter of urgency does not comprise policy development and, as such, the views of any Policy Development Advisory Groups have not been sought.

6 Other Courses of Action Considered but Rejected

- 6.1 No other courses of action were considered appropriate as the provisions of the constitution require that urgent decisions are reported to the council.

7 Resource Consequences

- 7.1 There are no resource consequences in relating to the reporting of this item.

8 Legal Considerations and Implications

- 8.1 Rule 4c.26 of the Overview and Scrutiny Procedure Rules provides that decisions taken as a matter of urgency are reported to the next available meeting of the Council, together with the reasons for urgency.

9 Risk Assessment

- 9.1 There are no risks associated with reporting the urgent item to the council.

10 Procurement implications

- 10.1 There are no procurement implications associated with reporting the urgent item to the council.

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

- 11.1 There are no such implications in relation to reporting the urgent item to the council.

12 Environmental Implications

12.1 There are no environmental implications in relation to reporting the urgent item to the council.

13 Other Considerations

13.1 There are no other considerations.

COUNCIL
11 October 2023
Motions for consideration by Council

(a) Proposed by Councillor Roger Noel

The Care Leavers service in West Sussex supports young people to exit care successfully as they move towards independence and operates under a clear legislative framework provided by the Children (Leaving Care) Act 2000 and the Children and Social Work Act 2017.

The most recent Children and Young People's Scrutiny Committee held on the 13th September 2023, included a paper on 'Leaving Care in West Sussex' which was in direct response to the recent comments in the full inspection by Ofsted back in March 2023 with respect to meeting the needs of care leavers.

The Children and Social Work Act 2017 introduces corporate parenting principles which comprise seven needs that local authorities in England must have regard to. The West Sussex Care Leavers service and increasingly our partners, operate in line with these principles which centre around the promotion of physical and mental health and wellbeing of those children and young people; to encourage those children and young people to express their views and to take those views into account; to help children and young people gain access to and make the best use of services provided by the local authority and its relevant partners; to promote high aspirations and seek to secure the best outcomes for those children and young people; for those children and young people to be safe and have stability in their homelives, relationships and in education or work, and ultimately to prepare those children and young people for adulthood and independent living.

Whilst it is accepted that corporate parenting is not the statutory responsibility of the District Council, as District Councillors we should acknowledge that we are all corporate parents, particularly given that the West Sussex House Project Memorandum of Understanding was recently signed by all seven of the District and Boroughs Council partners, endorsing this view.

But as Horsham District Councillors, we could be the first to go further and support the further aspirations of the West Sussex Care Leaver service through initiatives such as;

- Providing a shopfront facing community base for our Care Leavers – providing a communal space to meet, laundry facility, life skills, WiFi and a place to meet Leaving Care Personal Advisors
- Linking to the above objective, a space for the County Council's Youth Emotional Support Service for meeting with children from across the county.
- To offer free access to local gym/leisure centre/swimming pool to support young people's health and wellbeing.
- An apprenticeship or work based opportunity provided by the District for any Care Leaver who wanted to explore this as an alternative Employment Education and Training option.

This Council therefore calls upon the Leader and Cabinet to instruct officers to explore these initiatives, by engaging directly with the West Sussex Care Leavers Service, to proactively help the service move towards Good and onto Outstanding status through the implementation of these initiatives for the benefit of our young people leaving care.

(b) Proposed by Councillor Philip Circus

This Council, whilst acknowledging the very significant contribution made to the local economy and the Gatwick Diamond Area, expresses its opposition to further expansion of Gatwick airport. Such expansion, the Council believes, would be damaging to the interests of residents in respect of noise and pollution and the Council does not believe the existing infrastructure, particularly in terms of road and rail, is adequate for the needs of the airport. There is, in our view, no realistic possibility that further expansion could be matched by the necessary investment that would be needed in terms of further infrastructure.

With a newly elected Council, we have resolved to confirm our long-standing position on this important issue.

COUNCIL
11 October 2023
Questions from Members

Question from Councillor Philip Circus

When I was the portfolio holder for waste issues at Reigate and Banstead Borough Council, we introduced a scheme whereby councillors, staff and the public could book in vehicles for MOT tests when there was spare capacity at the depot. Will the Cabinet member give consideration to a similar scheme at Horsham as it would not only be a benefit to those making use of the scheme but a potential additional source of revenue?

Question from Councillor Claudia Fisher

Will the current administration reassure us that the quality of the build in the new Local Plan will be consistent with the Climate Action Strategy for HDC?

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