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# Overview and Scrutiny Committee

Monday, 6th June, 2016 at 6.00 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Toni Bradnum  
Alan Britten  
Paul Clarke  
Roger Clarke  
David Coldwell  
Leonard Crosbie  
Jonathan Dancer  
Matthew French

Nigel Jupp  
Tim Lloyd  
Brian O'Connell  
David Skipp  
Ben Staines  
Michael Willett  
Tricia Youtan

You are summoned to the meeting to transact the following business

## Agenda

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	Page No.
1. <b>Election of Chairman</b> <i>(To be a Member from a party or group other than the majority or controlling party or group (HDC Constitution Part 4 C, para 5.1))</i>	
2. <b>Apologies for absence</b>	
3. <b>Appointment of Vice-Chairman</b> <i>(To be a Member from a party or group different from that of the Chairman of the Committee (HDC Constitution Part 4 C, para 5.2))</i>	
4. <b>To approve the time of the meetings of the Committee for the ensuing year</b>	
5. <b>Minutes</b> To approve as correct the minutes of the meeting held on 9 <sup>th</sup> May 2016	1 - 8
6. <b>Declarations of Members' Interests</b> To receive any declarations of interest from Members of the Committee	
7. <b>Announcements</b> To receive any announcements from the Chairman of the Committee or the	

Chief Executive

8. **Appointment of Members to the Sub-Committees, Election of the Chairman and to approve their Terms of Reference** 9 - 16
- a) Business Improvement Sub-Committee
  - b) Crime and Disorder Sub-Committee
  - c) Finance and Performance Sub-Committee
  - d) Social Inclusion and Health Sub-Committee
9. **Verbal update on CIL consultation response**
10. **To receive any suggestions for the Overview and Scrutiny Work Programme** 17 - 20
- Work Programme attached
11. **Urgent Business**
- Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

## Overview and Scrutiny Committee 9 MAY 2016

Present: Councillors: Leonard Crosbie (Chairman), David Coldwell (Vice-Chairman), Alan Britten, Paul Clarke, Roger Clarke, Matthew French, Tony Hogben, Nigel Jupp, Brian O'Connell, David Skipp, Ben Staines and Michael Willett

Apologies: Councillors: John Chidlow, Jonathan Dancer and Tim Lloyd

Also Present: Councillors: Toni Bradnum, Brian Donnelly, Gordon Lindsay, Christian Mitchell and Mike Morgan

Officers in Attendance: Jane Eaton, Director of Corporate Resources  
Ben Golds, Parking Services Manager

### SO/70 **MINUTES**

The minutes of the meeting of the Committee held on 14<sup>th</sup> March 2016 were approved as a correct record and signed by the Chairman.

### SO/71 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

### SO/72 **ANNOUNCEMENTS**

The Chairman of the Committee thanked the Chairman of all the Working Groups for their work over the course of the Council year, along with all Members for their work with Scrutiny and Overview.

### SO/73 **TO RECEIVE ANY REPLIES FROM CABINET/COUNCIL REGARDING SCRUTINY AND OVERVIEW RECOMMENDATIONS**

a) The Cabinet Member for the Local Economy attended the meeting of the Committee and presented his response to the recommendation which had been made in relation to the future parking provision for the District.

The Cabinet Member explained that the officers were in the process of collating data from a transport survey of the town centre. In addition, external consultants would be used to review the rural car parks.

With the ANPR roll out this would allow officers to gather and analyse data on the usage and patterns of the town car parks.

The Chairman explained that the concerns of the Committee related to the increase in housing in the District which would probably lead to an increase in car ownership. Members felt that there needed to be a strategy in place to address this, otherwise it could affect the local economy. The Parking Services Manager was looking at options to address the increase in housing and car ownership.

Once results from the survey and data had been gathered then possible options and solutions would be explored.

Members felt that other factors that should be explored such as car sharing, the underutilisation of the Park and Ride in Horsham and the possibility of an additional Park and Ride on the other side of Horsham, were equally as important as additional car parks.

Henfield village was an example of a rural village which suffered as a result of its limited parking. Members were concerned that many of the villages in the South of the District did not have train links either and this, along with the lack of parking, could be detrimental to them. Also Members were concerned that implementing charges in the village car parks could also be detrimental to the economy

The Parking Services Manager explained that by using the external consultant this would help his department understand what was happening in the villages in terms of rural parking.

The traffic and transport study would take place over the coming months and it was anticipated that a report would be available for the Committee in August.

The Committee welcomed the study and the work that was being undertaken by Parking Services and the Cabinet Member.

b) The Cabinet Member for Finance and Assets attended the meeting of the Committee to provide an update on the recommendation made by the Committee regarding some flexibility in terms of Council Tax collection dates.

The Cabinet Member explained that the Council was aware of the financial difficulties some residents suffered; however there was already an element of flexibility in the system, allowing residents to pay over either 10 or 12 months with the option to choose from one of three collection dates in the month.

The Cabinet Member was concerned that allowing exceptional flexibility could be financially detrimental to the Council; however he explained that he was always interested in exploring options to assist people.

This was a complex area as the Council collected Council Tax on behalf of other agencies.

Some mechanisms were already in place with the Citizens Advice Bureau to assist residents with financial difficulties.

The Committee welcomed the Cabinet Member's response; this had originally arisen at a meeting of the Social Inclusion Working Group when the Financial Inclusion and Engagement Officer from West Sussex County Council attended the meeting and explained about more flexible systems which were currently in place at other councils, which could similarly be adopted at Horsham.

The Director of Finance explained that some work had already begun to address this issue and the Business Transformation Officer would be working on a business case to look at all of the issues involved and the Director of Finance would report back in July.

SO/74 **BUSINESS IMPROVEMENT WORKING GROUP**

The Chairman of the Business Improvement Working Group presented the final report of the on the S106 Review. Members had undertaken an extensive and in-depth review of the procedures used for S106.

One of the biggest concerns originally was lack of Member involvement and communication and this was reflected in the review and recommendations.

The Committee welcomed the report.

Some Members were concerned about the point on page 15 of the agenda that it would not be appropriate for Members to be involved at the stage of negotiation of the agreement between the legal team and the developer. Some Members argued that information should be available to Members at all stages. However the Chairman reassured Members that they could speak to the case officer and legal team before the decision was ratified, rather than being involved with the meeting. But Members remained concerned about this point and also that this put the onus on the local Member

The Chairman of the Working Group hoped that the report would help the S106 procedure become clearer for Members.

The Committee noted that the North Horsham scheme had been negotiated on its own framework criteria.

There was also some concern surrounding the 'clawback' issue and whether the Members would have access to all the information.

In view of the comments made by the Committee, it was agreed that the recommendations would be approved, subject to the Chairman of the Working Group working with the Chairman of the Committee and meeting with the Director of Planning, Economic Development and Property, in order to finalise the two issues raised. An additional comment would be included in the report. This would be reported back to the Committee for approval.

## RECOMMENDED TO CABINET

- 1 When members are notified of a major application (ie ten units or above) in their ward, this advice should also indicate if the application is likely to be subject of an S106 agreement. This would give the members an opportunity to take advice from Parish Councils as to opportunity and requirements and relay this information to the case officer before instructions are issued to the Legal Team to prepare draft agreement.
- 2 Members should be notified of the proposed “Heads of Terms Requirements” of the S106 agreement at the same time as the Legal Department are instructed to draft an agreement.

This would give the members a further opportunity to have discussions with the case officer. The member would also then be aware of the start of the “Consultation Period” and would have the opportunity to keep in touch with any responses to the consultation document.

- 3 That a “Clawback” clause be included in all in future S106 agreements where the proportion of affordable housing does not meet the required level, following negotiation through a viability agreement.
- 4 At briefings on planning applications the officers will present a summary of the Heads of Terms within current S106 agreements being negotiated
- 5 Heads of Terms within committee reports should explained in more detail than currently is the practice
- 6 The Chairman of the relevant planning committees would be sent copies of all the Heads of Terms at the same time that they are sent to Local Members. It would then be at the discretion of the Chairmen whether members from other wards should be sent the information as well.

### SO/75 **CRIME AND DISORDER WORKING GROUP**

The Chairman of the Crime and Disorder Working Group presented the notes of the meeting held on 18<sup>th</sup> April 2016. The Working Group had received the end

of year reports on the Horsham District Community Safety Partnership action plans.

The Group was disappointed that Sussex Police did not attend the meeting to present their plan on Vulnerable Victims.

Members were also disappointed to learn that the Mocktail Apprentice project would not be continuing as it could no longer be supported financially.

RESOLVED

That the notes of the Crime and Disorder Working Group meeting held on 18<sup>th</sup> April 2016, be received.

REASON

All notes of Working Group meetings are to be received by the Committee.

SO/76 **FINANCE AND PERFORMANCE WORKING GROUP**

The Committee noted that there had been no further meetings of the Finance and Performance Working Group.

RESOLVED

That an update from the Finance and Performance Working Group be given.

REASON

All updates of Working Group meetings are to be received by the Committee.

SO/77 **SOCIAL INCLUSION WORKING GROUP**

The Committee noted that there had been no further meetings of the Social Inclusion Working Group.

RESOLVED

That an update from the Social Inclusion Working Group be given.

REASON

All updates of Working Group meetings are to be received by the Committee.

SO/78 **HEALTH PROVISION WORKING GROUP**

The Chairman of the Health Provision Working Group presented the notes of the meeting held 30<sup>th</sup> March 2016.

Since the last meeting the Working Group had received a letter from the Chairman of the West Sussex Health and Adult Social Care Committee in response to the concerns over the health provision in Horsham. The Group would be meeting again soon.

RESOLVED

That the notes of the Health Provision Working Group meeting held 30<sup>th</sup> March 2016, be received.

REASON

All notes of Working Group meetings are to be received by the Committee.

SO/79 **FEEDBACK FROM WEST SUSSEX JOINT SCRUTINY TASK AND FINISH GROUP ON HOUSING PROVISION FOR CARE LEAVERS**

Councillor Britten represented Horsham District Council on the West Sussex Joint Scrutiny Task and Finish Group on Housing Provision for Care Leavers and provided the Committee with an update on the progress of the review.

The Group had met for the final time on 18<sup>th</sup> April 2016. A number of draft recommendations had been produced as a result of the findings of the Group and Members were awaiting the final report, it was anticipated that this would be available for the Scrutiny and Overview Committee in the summer.

SO/80 **ISSUES FOR SCRUTINY AND OVERVIEW AS A RESULT OF THE GOVERNANCE REVIEW**

The Chairman and Vice Chairman of the Committee presented the proposals for the new Overview and Scrutiny function at Horsham following the Governance Review.

A presentation was given which highlighted the main changes following the Review which had recently taken place. Overall Scrutiny and Overview would remain the same, however, the changes would include: that the Committee would be known as 'Overview and Scrutiny Committee' in future, there would be more emphasis on holding Cabinet Members to account at the Committee meetings, changes to working groups - these would in future be known as 'sub-committees' and the review also highlighted a better understanding of the 'call-in' function which was available to the Committee.

The minutes of the new 'sub-committees' would no longer be presented in full to the main Committee, but instead the Chairman of the sub-committee would be asked to give a brief update and it was suggested that there could be a link from the agenda front page to the minutes of the sub-committee meeting, which would also be available on the Council's website.

The Chairman circulated two examples of Cabinet Member reports to Overview and Scrutiny Committees, to illustrate how we could improve the way in which Cabinet Members were held to account. Members were invited to take the examples away and submit any comments or preferences to the Chairman.

The Committee noted that the Accounts, Audit and Governance Committee would review all the changes made by the Governance Review after 12 months of operation.

SO/81 **TO RECEIVE ANY SUGGESTIONS FOR THE SCRUTINY AND OVERVIEW WORK PROGRAMME**

The Committee noted the latest Scrutiny and Overview Work Programme.

There were no suggestions for the Work Programme.

SO/82 **SCRUTINY AND OVERVIEW ANNUAL REPORT 2015/16**

The Committee noted the Scrutiny and Overview Annual Report 2015/16.

SO/83 **URGENT BUSINESS**

None.

*The meeting closed at 8.04 pm having commenced at 6.00 pm*

CHAIRMAN

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## Terms of Reference for Business Improvement Sub-Committee

1. The Chairman of this Sub-Committee will be a Member of the Overview and Scrutiny Committee having been elected by the Overview and Scrutiny Committee
2. Scrutinise business improvement proposals focusing on the most significant in terms of benefit, effect upon services and risk
3. Encourage consideration of best practice
4. Monitor progress including post-implementation review
5. Report findings and recommendations in terms of benefits, effect upon services, risk and progress to Overview and Scrutiny
6. To investigate other matters related to operational effectiveness and business improvement that the Overview and Scrutiny Committee or the Finance and Performance Sub-Committee might request be investigated
7. To liaise with other Sub-Committees to avoid duplication of activity
8. To make recommendations to Overview and Scrutiny Committee and discharge functions externally, where appropriate.

June 2016

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## Terms of Reference for the Crime and Disorder Sub-Committee

(In accordance with the Protocol for the Scrutiny for Crime and Disorder Matters  
In accordance with the legislation)

The function and terms of reference of the Scrutiny and Overview Committee in relation to Crime and Disorder issues are as follows:

1. The Chairman of this Sub-Committee will be a Member of the Overview and Scrutiny Committee having been elected by the Overview and Scrutiny Committee
2. To scrutinise the work of the CSP and the partners who comprise it, insofar as their activities relate to the partnership itself;
3. To make reports and / or recommendations to the Council with respect to the discharge by the CSP of its crime and disorder functions;
4. To act as a 'critical friend' of the CSP, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level;
5. To consider Councillor Call for Actions (CCfAs) that arise through the Council's CCfA process and which relate to Crime and Disorder matters.
6. To make recommendations to decision makers and discharge functions directly, where appropriate and in accordance with legislation

June 2016

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## Terms of Reference for the Finance and Performance Sub-Committee

1. The Chairman of this Sub-Committee will be a Member of the Overview and Scrutiny Committee having been elected by the Overview and Scrutiny Committee
2. To scrutinise the Medium Term Financial Strategy to achieve a balanced budget, including the achievement of savings identified within it
3. To monitor the Council's performance against the District Plan, the basket of key performance indicators and major projects list on a quarterly basis
4. To review any financial outturn report and identify areas of concern to Overview and Scrutiny Committee
5. To identify areas of excellence and areas for improvement and refer to Business Improvement Sub-Committee for consideration and note
6. To request and receive reports/presentations on areas of concern regarding service performance or overspend/underspend
7. To identify and, where necessary, question budget and performance targets, taking account of the prevailing economic conditions, pressures and assumptions used
8. To review the impact of budget changes upon the delivery of corporate priorities
9. To consider any other relevant performance and financial matters identified by the Overview and Scrutiny Committee
10. To make recommendations to Overview and Scrutiny Committee and discharge functions externally, where appropriate.

June 2016

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## Terms of Reference for the Social Inclusion and Health Sub-Committee

To review:

1. The Chairman of this Sub-Committee will be a Member of the Overview and Scrutiny Committee having been elected by the Overview and Scrutiny Committee
2. Initiatives to develop the Council's approach to social inclusion, equality and diversity
3. Access to services and supporting vulnerable people
4. Anti-poverty initiatives
5. Reports received from Cabinet Members / service heads on specific issues relating to social inclusion, equality and diversity
6. Health matters affecting the Horsham District
7. To make recommendations to Overview and Scrutiny Committee and discharge functions externally, where appropriate.

June 2016

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**Overview and Scrutiny Work Programme**  
**January 2016 to January 2017**

	<b>Scrutiny &amp; Overview</b>	<b>Social Inclusion</b>	<b>Finance &amp; Performance</b>	<b>Business Improvement</b>	<b>Crime &amp; Disorder</b>	<b>Health Provision</b>	<b>West Sussex Joint Scrutiny Group</b>	<b>Temporary Working Groups</b>
<b>January 2016</b>	Meeting			<b>Additional Meeting</b>  -S106 Review -Normal business -Q RIPA Update		Local Health Provision in the Town Centre	<b>Joint Scrutiny Steering Group –</b>  To agree work programme	
<b>February</b>			<b>Meeting</b>  Q KPI Report  Q Complaints Report  Q FOI Report  CenSus Mins	<b>Additional Meeting</b>  -S106 Review			<b>Meeting (TBC)</b>  Housing Provision for Care Leavers Review Group	
<b>March</b>	<b>Meeting</b>  Work Programming  Procedure note on planning appeals (TBC)	Digital Inclusion	Meeting	<b>Additional Meeting</b>  -S106 Review		Local Health Provision in the Town Centre		
<b>April</b>				<b>Meeting</b>  -S106 Review -Normal Business -Q RIPA Update	<b>Meeting</b>  Update on action plans at year end	Further meeting dates TBC		HDC Affordable Housing Stock (tbc)
<b>May</b>	<b>Meeting</b>  S106 Report from BIWG (TBC)  Annual Report							
<b>June</b>	Approve new sub-committee membership and terms of reference	Meeting	<b>Meeting</b>  Q KPI Report  Q Complaints Report					Review of Constitution (TBC)

**Overview and Scrutiny Work Programme**  
**January 2016 to January 2017**

			<p>Q FOI Report</p> <p>CenSus Mins</p> <p>** Council Property update Brian Elliott</p> <p>Monitoring of CenSus Housing Benefit Subsidy Audit</p>				
<b>July</b>	<p>Report back on recommendation re planning appeals (see minutes from 11/1/16) 6 months on</p> <p>Report back from JE and RW on business case for council tax collection dates (see mins of 9/5/16)</p> <p>Final Report from Joint T&amp;F Group on Housing Provision for Care Leavers to S&amp;O (TBC)</p>			<p>Meeting -Q RIPA Update</p>			<p>Final Report from Joint T&amp;F Group on Housing Provision for Care Leavers to S&amp;O (TBC)</p>
<b>August</b>			<p><b>Meeting</b></p> <p>Q KPI Report</p> <p>Q Complaints Report</p> <p>Q FOI Report</p> <p>CenSus Mins</p>				
<b>September</b>	Report on car	Meeting					

**Overview and Scrutiny Work Programme**  
**January 2016 to January 2017**

	parking from BG and GL following rec of Committee (see mins 9/5/16)							
	Boundary Commission Review (timescales TBC)							
<b>October</b>		Meeting		Meeting				
				-Annual RIPA Report				
<b>November</b>	<b>Meeting</b>				Meeting (TBC)			
	Trade Waste WG update on report recs see mins of S&O 9/11/15							
<b>December</b>								
<b>January 2017</b>								
<b>February</b>								
<b>March</b>								
<b>April</b>								
<b>May</b>								
				<i>12 month follow up on s106 review by BIWG see SO minutes 14/03/16</i>				
<b>June</b>								
<b>July</b>								
<b>August</b>								

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