



Email: committeeservices@horsham.gov.uk
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Council

Wednesday, 7th September, 2016 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 Canon Guy Bridgewater, Vicar of Horsham before the meeting commences)

You are summoned to the meeting to transact the following business

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	
To approve as correct the minutes of the meetings of the Council held on:	
a) 29th June 2016	5 - 10
b) 21st July 2016	11 - 12
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 Rule 2.1 (e)	
6. Questions from Members under Rule 10.2	
To receive questions from Members under Rule 10.2 (Questions by Members on notice)	

7. **Minutes of Committees**

To receive the minutes of the following Committee and, if approved, to adopt any recommendations contained therein:

a) Accounts, Audit and Governance Committee of 28th June 2016 13 - 20

8. **Minutes of the Overview & Scrutiny Committee**

21 - 24

To receive the minutes of the meeting of the Overview & Scrutiny Committee held on 25th July 2016

9. **Public Spaces Protection Order**

25 - 40

To receive the report of the Cabinet Member for Community and Wellbeing on the introduction of a Public Spaces Protection Order

10. **To receive reports from representatives on outside bodies (if any)**

11. **Urgent Business**

To consider matters certified by the Chairman as urgent

GUIDANCE ON COUNCIL PROCEDURE

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

<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>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 on the last but one working day before the meeting)</p>	<p>Directed to Leader, Cabinet Member or Chairman of an ordinary committee. 2 minutes in total to put 1 or 2 questions. Appropriate Member to reply. Questioner may ask one supplementary question. Member to reply. Overall time limit for questions of 15 minutes. If a questioner is unable to attend, the Chairman may ask the question or a written reply may be given. 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>Petitions (See petitions procedure – Part 4J of the Council's Constitution)</p>	<p>Petition organiser has maximum of 5 minutes to present the petition. Relevant Cabinet Member has maximum 5 minutes right of reply. Members discuss for overall maximum of 30 minutes – each Member speaking has a maximum of 3 minutes. Council decides how to respond (e.g. recommend Cabinet Member to take specific action or ask for further investigation/report).</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 Chief Executive by 12.00 on the last but one working day 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 - 5 minutes maximum for the response - 1 minute 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.</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 amend 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"> - A majority of the Members present request a ballot; or - A single Member requests a recorded vote (this overrides a request for a ballot). <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
29 JUNE 2016

Present: Councillors: John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, John Chidlow, Jonathan Chowen, Philip Circus, Roger Clarke, Roy Cornell, Leonard Crosbie, Jonathan Dancer, Ray Dawe, Brian Donnelly, Matthew French, Tony Hogben, David Jenkins, Nigel Jupp, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Christian Mitchell, Mike Morgan, Godfrey Newman, Brian O'Connell, Connor Relleen, Kate Rowbottom, Jim Sanson, David Skipp, Simon Torn, Claire Vickers and Tricia Youtan

Apologies: Councillors: Alan Britten, Karen Burgess, Peter Burgess, Paul Clarke, David Coldwell, Christine Costin, Ian Howard, Liz Kitchen, Josh Murphy, Stuart Ritchie, Ben Staines and Michael Willett

CO/11 **MINUTES**

The minutes of the meetings of the Council held on 27th April and 25th May 2016 were approved as correct records and signed by the Chairman.

CO/12 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/13 **ANNOUNCEMENTS**

The Chairman:

- Announced that he had sent a letter on behalf of the Council offering sincere condolences to the Mayor of Orlando and expressing deepest sympathy for the families affected by the mass shooting at an Orlando Nightclub on 12th June 2016. He also advised that prayers had been offered and he had spoken at the civic service on both this and the death of Jo Cox MP.
- Reported that 24 groups from West Sussex had achieved the Queen's Award for Voluntary Service over the fourteen years since it had been created. This year the Community Minibus Association (West Sussex), which was based in Horsham, had been granted the Award and would be presented with it by Mrs. Susan Pyper, the Lord-Lieutenant at a special ceremony later in the year.
- Announced that he had sent congratulations to the following residents who had been recognised in the Queen's Birthday

Honours List and made Medallists of the Order of the British Empire (BEM):

- Miss Sarah Louise Holmes from Steyning for services to the Order of St. John; and
- Mr. Stuart Stevens from Steyning for services to Scouting and the community in Steyning.
- Also, Mr. Sean Ruth the Deputy Chief Operating Officer for West Sussex County Council and County Fire Officer who had been awarded the Queen's Fire Service Medal.
- Advised Members that the Council and Democracy pages on the Council's website had been refreshed and updated and now included additional information about the Chairman. He also encouraged Members to take advantage of the offer of being copied into all Council press releases as a way of keeping up to date with Council news.

CO/14 **QUESTIONS FROM THE PUBLIC**

(1) Mrs Kornycky asked the following questions:

The existing BBHLC has 3 separate halls, a Badminton Hall, a Table Tennis Hall and 'Hall-Space' at the top-end of the Tube.

The new leisure centre will have one multi-purpose hall with dividing curtains; with total space approaching 1000 sq metres, i.e. an increase of no more than 10%.

For over 6 months, users have been requesting schedules & layouts to show how the many different activities will both fit & feasibly co-exist into this multi-use space. Even as part of the recent 'concept design' exhibition our request for some typical examples (e.g. Table Tennis and Badminton, Archery and Trampolining) was denied.

In good faith, the Joint User Group has proposed for evaluation, an innovative layout for the Sports Hall which appeared to solve many of these issues identified by users.

Q1. Please explain the logic of fixing the sports hall layout in concept design, yet only establishing the feasibility of the activities in the later detailed design phase?

Q2. Why will you not at least evaluate, preferably with 'at the table' user input, the alternative layout proposal to determine the optimal sports hall configuration?

Councillor Jonathan Chowen, the Cabinet Member for Leisure and Culture replied as follows:

Thank you Mrs Kornycky for your questions, as always we welcome your input into the process.

A1. The process to fix the design follows best practice in the design of leisure centres. The council has employed a highly experienced project team with many years of expertise in designing and constructing leisure centres. Members of this team have worked with Sport England to develop guidance on sport hall model layouts. They are therefore well qualified to inform the concept design and have a thorough understanding of the type of activities that can be provided.

During the original consultation the Joint User Group (BJUG) asked for 'activity time-tabling' of the new sports hall which we undertook and shared with you and your members. This programming exercise had been undertaken to demonstrate that current activities (currently offered in the badminton, table tennis and part tube facilities) could take place in the new leisure centre and that there was additional capacity to enable other sports to be played.

We consider, therefore, that the initial 'activity feasibility' of 3x2 courts has already taken place and we have continued to build on this configuration as the basis of the concept design.

We cannot continue to explore variations of a design concept otherwise we will never make a decision and deliver a new leisure centre. We are satisfied that the 3x2 configuration is absolutely the right layout for the centre.

We also offered to meet with you on 16 June to discuss and explain to you why we had discounted your 6x1 proposal. However BJUG asked to postpone this until further meetings with local clubs take place. I still hope we are able to meet soon to provide detailed explanation.

A2. As we have informed BJUG, we have been actively evaluating your proposal and have been engaged in lengthy email dialogue on this matter. We still consider the 3x2 configuration the most appropriate optimum configuration for flexibility and for providing the most efficient use of space.

We have also undertaken a calculation which suggests that your bespoke 6x1 design would add at least another circa £600k to the budget which we cannot afford.

We also consider that your 6x1 proposal does not enable the sports hall to be future proofed if an extension were to be required in the future. Whereas the 3x2 option is designed to accommodate this and could provide an additional 2 courts which will meet community standard play.

Mrs Kornycky asked a supplementary question as to why the Council would not 'tap into' the expertise offered by BJUG.

Councillor Chowen replied that the dialogue with BJUG was continuing but, as previously stated, their 6x1 proposal was not considered a suitable solution.

(2) Mr Kornycky asked the following questions:

Despite pleas from some Council Members to look again at the indoor athletics provision, there appears to have been no objective assessment as to why the Tube cannot be retained until relocation of the outdoor track. Neither apparently is there any joint initiative with the Athletics National Governing Body to seek a co-funded solution.

Realising that some track-side facilities are an essential requirement (e.g. toilets, storage, shelter) the Joint User Group identified a solution for retention of at least the last 30 metres of the existing Tube. This had the added benefit of also providing some limited indoor athletics facilities as well as a safe place for indoor archery.

We have now been advised that 'if feasible it will be purely a storage & toilet facility'.

Q1. Please explain why you apparently prefer any such retained space be used for storage of equipment such as lawnmowers, leaf-blowers, strimmers etc. rather than for the beneficial sporting activity for which it was originally designed & built?

Q2. If you won't provide a shed (or equivalent) for the ground maintenance equipment, the athletes will then have significant peak-time demand on the sports hall. Please explain why you think this is a sensible approach?

Councillor Jonathan Chowen, the Cabinet Member for Leisure and Culture replied as follows:

A1. Our recent structural engineering investigations into this proposal have concluded that keeping part of the tube facility is viable and remains a cost effective option for storage requirements. The brief has always been to solely provide storage and toilets facilities close to the track as defined as 'essential' by users. It has not been our intention to recreate and re-provide an internal athletics facility. We have been consistent and transparent about our intention not to provide this.

Mr Chairman and Councillors may I remind you of the journey we have been on over the last four years. In 2012 we agreed to provide a new leisure centre with a three court sports hall, two studios and 30 gym stations. Since then we have revisited our current and future demands for sport in the locality and have agreed to provide a six court sports hall, three studios, a spin cycle studio, indoor climbing wall, party room, treatment rooms and an 80 station gym.

A2. As we have discussed with the local athletics club, if they require access to facilities in the new leisure centre these can be booked as and when they require them alongside the needs of other hirers.

Mr Kornycky asked a supplementary question as to why the Council was persisting in this approach.

Councillor Chowen replied that the Council was continuing to work with the athletics club and that they had an all-weather track which, by definition, could be used in all weathers.

CO/15 **QUESTIONS FROM MEMBERS UNDER RULE 10.2**

No questions had been received.

CO/16 **MINUTES OF COMMITTEES**

The following minutes were received:

Standards Committee – 8th June 2016

Licensing Committee – 9th June 2016

Personnel Committee – 15th June 2016

Councillor Tim Lloyd, the Vice-Chairman of the Committee, moved the recommendation contained in Minute No. PC/7.

Pay Policy Statement 2016/17

RESOLVED

That the Pay Policy Statement 2016/17 be approved for publication.

REASON

To comply with the requirements of the Localism Act 2011 to approve a published pay policy annually.

CO/17 **MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE**

The minutes of the meetings of the Overview and Scrutiny Committee held on 9th May and 6th June 2016 were received.

CO/18 **URGENT BUSINESS**

There were no urgent matters to be considered.

The meeting closed at 6.32 pm having commenced at 6.00 pm

CHAIRMAN

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Extraordinary Council Meeting **21 JULY 2016**

Present: Councillors: John Bailey, John Blackall, Alan Britten, Karen Burgess, Peter Burgess, John Chidlow, Jonathan Chowen, Philip Circus, Paul Clarke, Roger Clarke, David Coldwell, Roy Cornell, Leonard Crosbie, Ray Dawe, Brian Donnelly, Nigel Jupp, Liz Kitchen, Adrian Lee, Gordon Lindsay, Paul Marshall, Christian Mitchell, Mike Morgan, Josh Murphy, Godfrey Newman, Connor Relleen, Kate Rowbottom, Jim Sanson, Claire Vickers, Michael Willett and Tricia Youtan

Apologies: Councillors: Andrew Baldwin, Toni Bradnum, Christine Costin, Jonathan Dancer, Matthew French, Tony Hogben, Ian Howard, David Jenkins, Tim Lloyd, Brian O'Connell, Stuart Ritchie, David Skipp, Ben Staines and Simon Torn

CO/19 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/20 **ANNOUNCEMENTS**

The Chairman:

- Advised that the Union Flag had been flown at half-mast last week at the Council's offices and the Carfax War Memorial to honour those killed and seriously injured at the terrorist attack in Nice. A letter had also been sent to the Mayor of Nice expressing sympathy for the families affected by this tragic incident.
- Reported the sad news of the deaths of George Cockman, a dedicated Councillor for over 20 years until his retirement in 2015, and of Mrs. Marjorie Ward, who had served as a Councillor for 15 years from 1980 to 1995 and was Chairman for the year 1990-91, together with details of their funerals.

CO/21 **COUNCIL SIZE PROPOSAL TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND**

The Leader reported that the Local Government Boundary Commission for England (LGBCE) had informed the Council in April 2016 that it would be undertaking an Electoral Review of the District to deliver electoral equality for voters in local elections. The Commission assessed electorate data for each local authority annually and conducted reviews where significant electoral inequality was found. In 2016, 32% of Horsham's wards had a variance of greater than 10% with little prospect of the variance correcting itself through development or population movements. The electoral review process would comprise two distinct parts a) council size and b) electoral ward boundaries.

The Council was currently required to make a submission to the LGBCE in respect of council size only, in accordance with their specified criteria.

Members had received a briefing from the LGBCE, been invited to complete a survey and had the opportunity to attend two seminars. The consensus from this programme of engagement with Members was that the Council would need more councillors from May 2019.

RESOLVED

That the submission to the Local Government Boundary Commission for England on Council size be approved as submitted and that the Council size therefore be proposed at 47 councillors from May 2019.

REASON

To provide the Council's response to stage one of the electoral review process by proposing the number of members that the Council believes will be right for the authority from May 2019 to ensure appropriate levels of governance, scrutiny and community leadership for Horsham District Council.

CO/22 **URGENT BUSINESS**

There were no urgent matters to be considered.

The meeting closed at 7.13 pm having commenced at 7.00 pm

CHAIRMAN

Accounts, Audit & Governance Committee
28 JUNE 2016

Present: Councillors: Godfrey Newman (Chairman), Brian Donnelly, Adrian Lee and Tim Lloyd

Apologies: Councillors: Stuart Ritchie and John Chidlow

Also Present: Councillors Leonard Crosbie and Christian Mitchell
Paul King, Audit Director, Ernst & Young
Jane Eaton, Director of Corporate Resources
Dominic Bradley, Head of Finance
Paul Miller, Chief Internal Auditor

AAG/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Godfrey Newman be elected Chairman of the Committee for the current Council year.

AAG/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor Stuart Ritchie be appointed Vice-Chairman of the Committee for the current Council year.

AAG/3 **TO APPROVE THE TIME OF MEETINGS OF THE COMMITTEE FOR THE ENSUING YEAR**

RESOLVED

That meetings of the Committee be held at 5.30pm for the ensuing Council year.

AAG/4 **MINUTES**

The minutes of the meeting held on 23rd March 2016 were approved as a correct record and signed by the Chairman.

AAG/5 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

AAG/6 **ANNOUNCEMENTS**

There were no announcements.

AAG/7 **AUDIT PROGRESS REPORT**

Paul King, Audit Director, Ernst & Young presented a progress report which provided an overview of their plans for the 2015/16 audit and a summary of work undertaken since the last report to the Committee. The report included a timetable showing the key stages for the 2015/16 audit.

AAG/8 **YEAR END OUTTURN REPORT 2015/16**

The Head of Finance presented a report comparing the 2015/16 actual expenditure (outturn) on revenue and capital with the budget approved by the Council in February 2015.

The budget was monitored on a monthly basis and reports were made to Cabinet, Council and the Finance & Performance Working Group throughout the year.

The Council had achieved a £758,000 surplus in 2015/16 after allowing for budgets carried forward to 2016/17 to cover essential expenditure which had been unavoidably delayed. The surplus comprised a combination of income in excess of budget, efficiencies and net underspends during the year, which were summarised in the report.

Capital expenditure amounted to £7,400,000 for the period, against an approved budget of £29,900,000 for the year. The underspend was a result of a number of capital schemes not progressing as far as expected in the 2015/16 financial year. The significant schemes re-profiled into future years, which had been previously reported, were the Hop Oast depot redevelopment, Broadbridge Heath Leisure Centre, the building of temporary accommodation at the Bishopric, a loan to a third party housing association, the remainder of the commercial property investment fund and the postponement of some vehicle replacements whilst a vehicle review was carried out.

It was noted that the Council held a number of ear marked reserves which could be used in-year to fund associated expenditure. Information on the movements between the general fund and these reserves during the year was reported.

The Council was currently forecasting budget deficits from 2017/18 through to 2019/20 and a range of actions were being considered and, where appropriate, implemented to help reduce these future deficit forecasts, including further income generation, efficiency measures and commissioning. Closing these gaps completely would require further investment in transformational projects and, therefore, £500,000 would be transferred from the General Fund reserve balance to an earmarked transformation reserve for this purpose during

2016/17. Expenditure from this transformation reserve would follow the normal financial authorisation and budget process procedures.

As in previous years, the Head of Finance would provide a briefing for Members of the Committee on the annual Statement of Accounts in the week before they were due to be approved at the next meeting of the Committee in September 2016.

RESOLVED

That the following be noted:

- (i) The financial position of the Council as outlined in the report.
- (ii) The revenue budgets carried forwards as approved by the Director of Corporate Resources and outlined in the report.
- (iii) The transfers between the general reserves and the earmarked reserves as outlined in the report.
- (iv) The transfer of £500,000 from the General Fund reserve to an earmarked transformation reserve.

REASON

Monitoring of the Council's budget is essential, so that action can be taken to safeguard the Council's financial position if required.

AAG/9 **RISK MANAGEMENT - QUARTERLY UPDATE**

The Chief Internal Auditor presented the latest quarterly update of the Corporate Risk Register.

The Senior Leadership Team had reviewed all outstanding actions on the corporate risk register and updated the comments to reflect the current position for each risk. Risk CRR16 (temporary absence of Section 151 Officer) would be removed as the Director of Corporate Resources was now in post.

RESOLVED

That the report be noted.

REASON

To ensure that the Council has adequate risk management arrangements in place.

AAG/10 **INTERNAL AUDIT - QUARTERLY UPDATE REPORT**

The Chief Internal Auditor submitted a report summarising the work of the Internal Audit Section since March 2016.

A summary of audit findings in respect of Purchase Cards (which had achieved an overall audit opinion of substantial assurance); Housing Benefits, Cash and Bank, Creditors, Treasury Management, Payroll, Planning Fees and Declarations of Interest (all of which had achieved an overall audit opinion of satisfactory assurance); and Debtors, Capitol Theatre and Data Access Management (all of which had achieved an overall audit opinion of limited assurance) was submitted. Members were advised in particular of actions being undertaken to address the control weaknesses identified in respect of the limited assurance findings.

Members of the Committee would be provided with further information regarding unpaid debtor accounts being dealt with by the legal department including the total value of outstanding debts, recovery rate, type and age of debts and how much was written off. The Head of Finance would also provide some summary information on the debt balances and bad debt provision within the statement of accounts

RESOLVED

That the summary of audit and project work undertaken since March 2016 be noted.

REASONS

- (i) To comply with the requirements set out in the Public Sector Internal Audit Standards 2013.
- (ii) The Committee is responsible for reviewing the effectiveness of the Council's system of internal control.

AAG/11 **ANNUAL INTERNAL AUDIT REPORT 2015/16**

The Chief Internal Auditor advised that the annual report had been compiled to:

- Provide a statement on conformance with the Public Sector Internal Audit Standards;
- Summarise the effectiveness of internal audit work; and
- Summarise the work undertaken by Internal Audit during 2015/16 and provide an overall opinion on the adequacy of the Council's governance arrangements, risk management systems and control environment.

The Council's Internal Audit Service operated in accordance with the Public Sector Internal Audit Standards, which required the Chief Internal Auditor to undertake a self-assessment of the internal audit service against a Quality Assurance and Improvement Plan checklist the results of which were outlined as part of the Annual Audit Report. It was noted that the Internal Audit Team

had maintained its independence throughout 2015/16 in accordance with the Audit Charter.

The Internal Audit team used a risk based approach when determining the annual audit plan and undertaking audit assignments. In order to respond to new risk areas identified during the year, the audit plan was sufficiently flexible to allow for additional audits to be undertaken. During the year, 87% of audits had been completed against a target of 85%. Details of progress against the annual plan for 2015/16, the implementation of agreed actions, reporting and management feedback were reported.

The Chief Internal Auditor reported that he was of the overall opinion that satisfactory assurance could be given that there was generally a sound system of internal control, designed to meet the Council's objectives, and that the controls were generally being applied consistently.

In response to Members' queries, the Chief Internal Auditor explained how the areas for inclusion in each annual audit plan were determined and the follow up procedures for completed audits.

RESOLVED

- (i) That the statement of compliance with the Public Sector Internal Audit Standards be noted.
- (ii) That the performance of internal audit against performance targets be noted.
- (iii) That the opinion of the Chief Internal Auditor on the overall adequacy and effectiveness of the Council's internal control environment, governance and risk management systems be noted.

REASONS

- (i) To comply with the requirements set out in the Public Sector Internal Auditing Standards 2013.
- (ii) The Committee is responsible for reviewing the effectiveness of the Council's system of internal control.

AAG/12 **DRAFT ANNUAL GOVERNANCE STATEMENT**

The Director of Corporate Resources submitted the Annual Governance Statement (AGS) in draft form for Members' information. The annual review of the Council's governance, risk management and internal control arrangements had been undertaken to support the production of the Annual Governance Statement for 2015/16. This review included information and assurance gathering processes to ensure that the published Annual Governance

Statement was correct as well as a review of the Council's Governance framework against the best practice framework devised by the Chartered Institute of Public Finance Accountants/Society of Local Authority Chief Executives.

The aim of the review process was to ensure that the Council had effective governance, risk management and internal control processes in place to assist with accountability and the delivery of objectives. Additionally, the review process identified any shortfalls in these arrangements to enable them to be addressed.

The AGS would be submitted for final approval by the Committee at its next meeting in September.

RESOLVED

That Members pass any comments on the draft Annual Governance Statement for 2015/16 to the Director of Corporate Resources so they can be incorporated prior to the formal approval of the Statement at the next meeting of the Committee.

REASON

To allow Members the opportunity to comment.

AAG/13 **URGENT BUSINESS**

There were no urgent matters to be considered.

AAG/14 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That, under Section 100A(2) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information, as defined in Part I of Schedule 12A of the Act, by virtue of the paragraph specified against each item, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

AAG/15 **AUDIT FOLLOW-UPS**

The Chief Internal Auditor submitted a report summarising progress since March 2016 on the implementation of actions in respect of audits undertaken in 2015/16, 2014/15, 2013/14 and 2012/13.

RESOLVED

- (i) That progress in terms of agreed actions implemented since March 2016 be noted.
- (ii) That the position in respect of the specific areas highlighted by the Chief Internal Auditor be noted.

REASON

The Committee is responsible for reviewing the effectiveness of the Council's system of internal control.

The meeting closed at 7.12 pm having commenced at 6.00 pm

CHAIRMAN

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Overview and Scrutiny Committee 25 JULY 2016

Present: Councillors: Alan Britten, Paul Clarke, David Coldwell (Vice-Chairman), Leonard Crosbie (Chairman), Nigel Jupp, Michael Willett and Tricia Youtan

Apologies: Councillors: Toni Bradnum, Roger Clarke, Jonathan Dancer, Matthew French, Tim Lloyd, Brian O'Connell, David Skipp and Ben Staines

Also Present:

SO/11 **MINUTES**

The minutes of the meeting of the Committee held on 6th June 2016 were approved as a correct record and signed by the Chairman.

SO/12 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SO/13 **ANNOUNCEMENTS**

There were no announcements.

SO/14 **TO APPROVE THE TERMS OF REFERENCE OF THE SUB-COMMITTEES**

The Terms of Reference (TOR) were approved by the committee.

The Chairman of the Finance and Performance Sub-Committee agreed to report any overlap between the TOR for the Business Improvement Sub-Committee and the TOR for the Finance and Performance Sub-Committee.

The TOR for the Crime and Disorder Sub-Committee would be presented at the next meeting.

SO/15 **UPDATE FROM THE CHAIRMAN OF THE BUSINESS IMPROVEMENT SUB-COMMITTEE**

The Chairman of Overview and Scrutiny gave an update on the Chairman of the Business Improvement Sub-Committee's behalf. The Chairman reported that the Sub-Committee had been discussing the possibility of Members of Development Management (North) working with Members of Development Management (South) on issues regarding S106 monies for both North and South planning applications.

The Chairman of the Business Improvement Sub-Committee would provide further information at the next O&S Committee meeting.

RESOLVED

That an update from the Business Improvement Sub-Committee be given.

REASON

All updates of Sub-Committee meetings are to be received by the Committee.

SO/16 **UPDATE FROM THE CHAIRMAN OF THE CRIME AND DISORDER SUB-COMMITTEE**

It was reported that the Sub-Committee would continue to work in partnership with Sussex Police and the Horsham District Community Safety Partnership to create, refine and enforce their proposed action plans.

RESOLVED

That an update from the Crime and Disorder Sub-Committee be given.

REASON

All updates of Sub-Committee meetings are to be received by the Committee.

SO/17 **UPDATE FROM THE CHAIRMAN OF THE FINANCE AND PERFORMANCE SUB-COMMITTEE**

It was reported that the Sub-Committee would receive an update from CenSus Revenue and Benefits at the next meeting.

RESOLVED

That an update from the Finance and Performance Sub-Committee be given.

REASON

All updates of Sub-Committee meetings are to be received by the Committee.

SO/18 **UPDATE FROM THE CHAIRMAN OF THE SOCIAL INCLUSION AND HEALTH SUB-COMMITTEE**

It was reported that the Sub-Committee would be investigating ways for the Council to improve Council Tax collection and the flexibility surrounding it.

RESOLVED

That an update from the Social Inclusion and Health Sub-Committee be given.

REASON

All updates of Sub-Committee meetings are to be received by the Committee.

SO/19 **REPORT FROM THE BUSINESS TRANSFORMATION MANAGER ON COUNCIL TAX PAYMENTS, DEBT AND IMPROVING OUTCOMES**

Members noted the contents of the report.

Members were in favour of the 'next steps' as stated in the report.

Members agreed to review the progress of the 'next steps' section in 6 months' time.

RESOLVED

The Members noted the contents of the report.

SO/20 **TO RECEIVE THE REPORT OF THE JOINT SCRUTINY REVIEW ON THE 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.

RESOLVED

The Members approved the recommendations as set out in the report.

SO/21 **SUGGESTED PROGRAMME FOR INVITING CABINET MEMBERS TO THE OVERVIEW AND SCRUTINY COMMITTEE**

Members discussed potential programmes, based on examples used by other authorities, for inviting Cabinet Members to speak at Overview and Scrutiny Committee meetings.

Members agreed to hold further discussions on the topic with the Director of Corporate Resources before presenting a draft programme to the Committee.

SO/22 **TO RECEIVE ANY SUGGESTIONS FOR THE OVERVIEW AND SCRUTINY WORK PROGRAMME**

Members suggested that an Empty Homes Strategy report be presented at the next meeting.

Members also suggested that a Review of the properties that HDC owns, combined with a Q&A with the relevant Cabinet Member, be added to January's agenda.

SO/23 **URGENT BUSINESS**

There was no Urgent Business.

The meeting closed at 7.09 pm having commenced at 5.30 pm

CHAIRMAN

Report to Council

7 September 2016

Cabinet Member for Community and Wellbeing

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Public Spaces Protection Order

Executive Summary

The purpose of this report is to recommend that the Council exercises its powers under the Anti-Social Behaviour Crime and Policing Act 2014 to introduce a Public Spaces Protection Order (PSPO).

The PSPO aims to address a number of key issues raised by members the Community Safety Partnership that are having a detrimental effect on the quality of life for residents and visitors to the District.

The proposed PSPO contains the following prohibitions:

- Consumption of Alcohol in a Public Place (to replace the existing Designated Public Place Order).
- Parkour or “Free-Running” within Horsham Town Centre.
- Anti-social use of Vehicles.
- Anti-social use of Horse Drawn Vehicles.
- Dog Fouling.
- Control of Dogs.

The Community Safety Team in conjunction with other agencies which form the Community Safety Partnership, have compiled significant evidence to support the need to introduce these prohibitions which existing powers either do not address as they do not exist; have been repealed previously or can only be applied after problems escalate.

The Council is asked to support the adoption of the PSPO to protect the majority of law abiding citizens and contribute towards the Districts reputation as being a very safe place in which to live, work and visit.

Recommendations

That the Council is recommended:

- To exercise its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to introduce a Public Spaces Protection Order.
- To delegate any minor amendment to the PSPO to the Director of Community Services.

Reasons for Recommendations

- i) To allow Horsham District Council and Sussex Police to tackle the anti-social behaviours outlined within the report, therefore protecting the quality of life of those who live in, work in and visit our district.

Background Papers

Anti-Social Behaviour, Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm>

Anti-Social Behaviour, Crime and Policing Act 2014 – Reform of Anti-Social Behaviour Powers, Statutory Guidance for Frontline Professionals (July 2014).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

Wards affected: All

Contacts:

Greg Charman, Community Safety Manager, Ext: 5124

Neil Worth, Community Safety Officer, Ext 5116

Background Information

1 Introduction and Background

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent in May 2014 and simplified the range of powers available to professionals to tackle anti-social behaviour (ASB) from the previous 19 powers down to nine. The Act also introduced new statutory duties for local authorities and other relevant bodies; which include the requirement to conduct case reviews when requested to do so by members of the public. These changes are fundamental in our approach to dealing with all forms of anti-social behaviour.
- 1.2 Contained within the legislation are a number of powers that can be exercised by local authorities as well as the Police. The Act creates the ability for local authorities to prohibit all forms of anti-social behaviour by way of a Public Spaces Protection Order (PSPO). Following various Community Safety Partnership meetings a number of behaviours have been identified as causing concern to the community and meet the necessity test for the introduction of a PSPO within Horsham District

2 Relevant Council policy

- 2.1 Anti-Social Behaviour Policy, adopted 2015.
- 2.2 The HDC Corporate Plan 2016 – 2019 states that the Council will work to support the reduction in anti-social behaviour to ensure that residents are safe. The introduction of a PSPO will enhance the ability of HDC officers and Sussex Police to do just that, particularly with regard to the behaviour that has been identified within this report.

3 Details

- 3.1 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure that law-abiding citizens can enjoy public spaces, safe from ASB.
- 3.2 When making an order the Council must be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - Is, or is likely to be, persistent or continuing in nature;
 - Is, or is likely to be, unreasonable; and
 - Justifies the restrictions imposed.
- 3.3 The Council can make a PSPO on any public space within the boundaries of Horsham District (the definition of a public space includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission).

- 3.4 It is an offence for a person, without reasonable excuse, to do anything that they are prohibited from doing by a PSPO or for them to fail to comply with a requirement to which they are subject to under a PSPO.
- 3.5 Taking into account the specific test outlined in 3.2 above, the following prohibitions are proposed:
- Consumption of Alcohol in a Public Place (to replace the existing Designated Public Place Order).
 - Parkour or “Free-Running” within Horsham Town Centre.
 - Anti-social use of Vehicles.
 - Anti-social use of Horse Drawn Vehicles.
 - Dog Fouling.
 - Control of Dogs.
- 3.6 Research undertaken in preparation for this report has established that between March 2015 and February that there is a need to address the specific issues outlined above as they are of a persistent and ongoing nature. In terms of complaints to the Police regarding Parkour, Anti-social use of vehicles and the anti-social use of horse drawn vehicles, the following number of complaints have been received:
- Parkour – 57 recorded complaints mainly based around Horsham Town Centre. These complaints have resulted in damage to properties and over £36,000 to one property in West Street alone.
 - Anti-social use of vehicles – 125 recorded complaints relating to mainly young drivers gathering in groups and performing dangerous manoeuvres.
 - Anti-social use of horse drawn vehicles. This relates to the practice known as “Trotting” whereby a pony and trap race each other or conduct time trials along stretches of dual carriageway (public highway) within the district. This causes significant disruption to the road network and has potentially serious road safety consequences. Sussex Police have received 45 complaints during the time period in question and the problem is increasing.
- 3.7 With regard to the proposed prohibitions on alcohol and dog fouling, the PSPO will replace the existing Designated Public Place Order that was approved by Council 11 December 2013, whilst extending the restrictions introduced across the district. Likewise it will replace the previous designation to prohibit Dog Fouling made under the Dogs (Fouling of Land) Act 1996 which has been repealed. Likewise there is nothing currently in place to address the issue of dogs being kept under control, particularly around livestock. As a result a requirement for people to put their dogs on a lead, when asked to do so by an authorised officer, has been included.
- 3.8 A copy of the proposed PSPO can be found at Appendix A.

4 Next Steps

- 4.1 Once granted the PSPO must be widely advertised, this includes a legal requirement to publish the Order on the council's website. Appropriate signage will also need to be placed at strategic locations throughout the district.
- 4.2 A guidance document on enforcing the PSPO will be prepared for both HDC officers and Sussex Police officers to ensure that they understand these new powers. IT will ensure that a consistent approach is taken with regard to enforcing the Order and will mirror advice previously provided following the introduction of the Designated Public Place Order in 2013.
- 4.3 Horsham District Council's Enforcement Policy needs to be revised and re-published to incorporate the introduction of the Order and the specific details.

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

- 5.1 It should be noted that the report was presented in draft format and discussed by member of the Community and Wellbeing Policy Development Advisory Group on 26/07/16. Appropriate comments have been incorporated into this report.
- 5.2 A full public consultation was held in June 2016. Through this consultation the Kennel Club of Great Britain replied, broadly welcoming the introduction of the Order in a sensitive manner.
- 5.3 All Parish and Neighbourhood Councils were written to and replies were received from Denne and Trafalgar Neighbourhood Councils and Southwater Parish Council. These bodies were supportive of the introduction of the Order. They did, however, enquire about including littering and use of illegal drugs within the proposed Order. As these offences are already covered by existing legislation this has been discounted.
- 5.4 The District Commander (Sussex Police) has made the following comments about each element of the order:

Anti-social Consumption of Alcohol in a Public Place (District wide).

There has been a Designated Public Place Order in Horsham since 2014, which the local police were instrumental in providing evidence for such an order. Whilst the order affords the police to deal with anyone in the particular area who has alcohol, the good practice highlighted in the Home Office Guidance on Designated Public Place Orders for local authorities suggested certain conditions that we have used. These conditions are that individuals with alcohol would not be approached and asked to stop drinking unless (i) they were engaged in anti-social behaviour or disorder; (ii) the police were of the view that there was likely to be anti-social behaviour or disorder; or (iii) complaints had been received from other members of the public.

This has been proven to be a vital tool in tackling anti-social behaviour in our community. It has ensured that officers have had sufficient powers to deal with such incidents at the outset and hence prevented further escalation whilst allowing

law abiding members of the public to consume alcohol in parks and other public places. This legislation has now been superseded by the Anti-Social Behaviour, Crime and Policing Act 2014.

The PSPO proposal affords a similar type of legislation. However, under S59 (6)(a) of the ASB, Crime and Policing Act 2014, it does state the prohibition may be framed so as to apply in all circumstances, or only in specified circumstances. We would therefore suggest a condition is inserted similar to that outlined in the Home Office Guidance on Designated Place Public Order (DPPO), as above for specific circumstances.

This would therefore provide the police with relevant powers to deal with alcohol related disorder or nuisance, replacing the existing legislation.

Parkour or Free-running (Horsham Town Centre only).

Free running has increased in the Town Centre which has not only caused a nuisance to those witnessing such behaviour, but also damage to property in which they partake of such activity. It is further compounded by the frustration that unless criminal damage occurs, there is no current legislation to deal with behaviour which at times is very distressing for those who witness it due to the likelihood of serious harm occurring. We would therefore welcome the opportunity to have legislation that can be implemented to deal with such behaviour, accepting that it will still be restrictive.

Anti-social Use of Vehicles (District wide).

Anti-social use of vehicles has been a source of annoyance to a considerable number of residents in Horsham District. This piece of legislation will afford the relevant authorities to have a positive impact on such behaviour.

Anti-social Use of Horse Drawn Vehicles (District wide).

This activity has a significant effect on the flow of traffic on the district. The majority of reports relate to the A24 during the week-end. Despite many calls from the public, there is very little the police can do about such an activity due to a lack of legislation. The advent of a PSPO will afford the police to deal with the matter effectively and hopefully reduce the traffic disruption at the weekends.

Dog Fouling (District wide).

Dog fouling is raised at local community events, so Sussex Police would be supportive of this legislation.

Control of Dogs (District wide).

Whilst there is legislation under Chapter 21 of the Dogs (Protection of Livestock) Act 1953 which affords police powers for dogs that worry livestock, the proposal above provides a more preventive element which would be welcomed.

- 5.5 The Chief Constable of Sussex Police has said the following in relation to PSPO generally within Sussex.

“Whilst we are supportive of the Public Space Protection Orders, we would also like to comment on any potential enforcement of the orders by Sussex Police through local Commanders, including what resources we may have available to enforce the orders. As you are aware, the Local Policing Programme is currently reviewing the delivery of policing across Sussex. This includes the future role of our Prevention Teams, currently our Neighbourhood Policing Teams.

Our Prevention Teams will focus on problem solving within our communities and will be tasked against areas of threat, risk and harm. With the changes in resource allocation, we will need to work in effective partnerships across West Sussex in order to deliver against the competing priorities and demands.

This approach will require working with partners to ensure that threat, risk and harm are appropriately assessed to enable the most appropriate agency to lead on prevention and enforcement.

Public Space Protection Orders are intended to deal with a particular nuisance or problem in an area that is deemed to be detrimental to the community’s quality of life. These can be enforced by police officers, Police Community Support Officers (PCSOs) and Council Officers.

However, the Chief Constable of Sussex Police has made the decision not to designate powers to enforce PSPOs to PCSOs in this County.

Police officers will be able to enforce PSPOs. However, as they will be tasked against threat, risk and harm, there must be no general presumption that they will be available to enforce PSPOs or that local Prevention Teams will be able to support Council Officers around enforcement. It is therefore, worthwhile your consideration as to how you may be able to enforce these orders from within the Council.

Every case will be reviewed on merit and, where any PSPO breaches are linked to wider issues that cause harm, enforcement of PSPOs may be considered as part of a wider problem solving approach”.

- 5.6 The Office of the Sussex Police and Crime Commissioner (OPCC) has indicated that they are supportive of PSPO’s where it can be evidenced that there is a real and genuine need for additional powers. Beyond that the OPCC has suggested that local Police Teams are best placed to comment on local need (as per Section 5.5)
- 5.7 The introduction of the Order has been discussed extensively within the Executive Board of the Community Safety Partnership, chaired by Cllr Rowbottom and attended by senior officers including the Director of Community Services. During these conversations it has been made very clear that the Order should only prohibit behaviour for which legislation does not already exist.

6 Other Courses of Action Considered but Rejected

- 6.1 Anti-social behaviour is a key issue for the local community and the problems outlined within this report have been persistent and ongoing for a number of years. As a result of the legislation the Council are able to tackle these issues where in the past they may not have been able to. The only other course of action is to maintain the status quo and allow the problem to continue. This, however, is neither appropriate nor viable.

7 Resource Consequences

- 7.1 There are no direct financial consequences as a result of this report as any resulting costs will be met by the Community Safety Partnership funds. It should be noted however that they may be additional staff training costs as well as staffing costs associated with enforcing the PSPO.

8 Legal Consequences

- 8.1 The legal authority for this matter comes directly from the legislation in question and the duties that arise from it.

9 Risk Assessment

- 9.1 By not taking action to tackle anti-social behaviour there is a risk to the Council in terms of meeting both statutory duties and also with regard to public perception.

10 Other Considerations

- 10.1 Making an Order under the Anti-Social Behaviour, Crime and Policing Act 2014 supports the Council's duties under that act and also under Section 17 of the Crime and Disorder Act 1998. The appropriate use of these powers will allow council officers, working in partnership, to directly tackle anti-social behaviour. Any enforcement action undertaken in connection with these powers will be done taking into account that Right to a Fair Trial under The Human Rights Act 1998. All actions taken will be proportionate, lawful and necessary with officers remaining fully accountable for their decisions. Any use of legal powers by council officers is undertaken with due regard to eliminating unlawful discrimination. As the powers discussed in the report form part of the Criminal Law they will only be applied to those over the age of criminal responsibility (age ten) and then taking into account the specific protected characteristics and needs of the individual. The powers are designed to enable local authority officers to tackle a range of anti-social behaviour, including behaviour that adversely impacts the environment.

**Horsham District Council
Public Spaces Protection Order 2016
Anti-Social Behaviour, Crime and Policing Act 2014**

This Order may be cited as the Public Spaces Protection Order (Horsham District) 2016. Horsham District Council (“The Council”) makes this Order, being satisfied on reasonable grounds that the activities set out below have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the Order. In all circumstances the making of this Order is considered expedient for the purpose of reducing anti-social behaviour in a public place.

The Order comes into force at midnight on _____ 2016 for a period of three years thereafter, unless extended by further orders under the Council’s statutory powers.

The activities described below are hereby prohibited from the date of this Order:

1. Consumption of Alcohol in a Public Place (Section 63)

The consumption of alcohol in any place to which the public has access within Horsham District is prohibited, where a Police Constable or duly authorised Horsham District Council Officer (hereafter “Authorised Officer”) reasonably believes that a person:

- a) is or has been consuming alcohol in breach of this prohibition, or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition

The Police Constable or authorised officer may require the person:

- a) not to consume, in breach of this Order, alcohol or anything which the Police Constable or authorised officer reasonably believes to be alcohol;
- b) to surrender anything in the persons possession which is, or which the Police Constable or authorised officer reasonably believes to be, alcohol or a container for alcohol.

A Police Constable or authorised officer who imposes a requirement on a person must tell that person that failing without reasonable excuse to comply with that requirement is an offence.

Authorised Officers

A requirement imposed by an authorised officer is not valid if the person asks the officer to show evidence of his or her authorisation and they fail to do so.

Disposal of Items

A Police Constable or authorised officer may dispose of anything surrendered under this section in any way he or she thinks appropriate.

Premises to Which this Prohibition Does Not Apply

This prohibition does not apply to the following premises:

- a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
- b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;

- c) a place within the curtilage of premises within paragraphs a) or b) above;
- d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

This prohibition does not apply to council-operated licensed premises:

- a) when the premises are being used for the supply of alcohol, or
- b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

Failure to Comply with Order (Alcohol Prohibition)

In relation to the prohibition on consuming alcohol made by this Order outlined above, a person who without reasonable excuse fails to comply with a requirement imposed on him or her to stop drinking or surrender containers commits an offence and is liable on summary conviction to a fine not exceeding Level 2 on the standard scale or to a Fixed Penalty Notice up to £100.

2. Parkour or Free-Running

The sport or activity of running through urban areas while performing various gymnastic manoeuvres over or on man-made obstacles such as walls and buildings (known as Parkour or free running), is hereby prohibited in any place to which the public has access within the confines of Horsham Town Centre (as defined on the map found at Map 2).

3. Anti-social Use of Vehicles

The use of any mechanically propelled vehicle in a manner that has, or is likely to cause harassment, alarm or annoyance in any place to which the public has access within Horsham District is hereby prohibited. This includes the following behaviour:

- a) The revving of engines as to cause annoyance;
- b) Repeated sudden and rapid acceleration;
- c) Racing;
- d) Performing stunts;
- e) Sounding horns so as to cause annoyance;
- f) Playing music within the vehicle at excessive volume as to cause annoyance;
- g) Gathering in groups of two or more vehicles as to cause harassment, alarm or annoyance;
- h) Causing an obstruction on the highway, whether moving or stationary, including driving in convoy; and
- i) Using threatening or intimidating behaviour towards another person.

4. Horse Drawn Vehicles

The racing of, conducting time trials with, or exercising of a horse (including pony, ass or mule) and horse-drawn vehicle on any dual carriageway road within Horsham District is hereby prohibited. This includes both the A24 and A264 roads.

5. Dog Fouling

If a dog defecates at any time on any land open to the air to which the public has access within the Horsham District the owner, or person in charge of, said dog shall remove the faeces from the land.

Exceptions (Dog Fouling)

This section does not apply if:

- a) The owner, occupier or other person in authority having control of the land consents to a person not removing faeces.
- b) The owner of or person in charge of the dog, is registered blind.

6. Control of Dogs

The owner or person in charge of a dog must, upon the request of a constable, PCSO or authorised officer, keep the dog under control on a lead as long as is reasonable to prevent nuisance to other people, animals or birds.

Geographical Extent of this Order

With the exception of the activity prohibited in Section 2, the land in relation to which this Order applies is any place to which the public has access within the Horsham District as is delineated and shown on the map (No 1) forming part of the Order.

With regard to the activity prohibited in Section 2, the land to which this Order applies is any place to which the public has access with Horsham Town Centre as is delineated and shown on the map (No 2) forming part of this Order.

Offence of Failing to Comply with Order

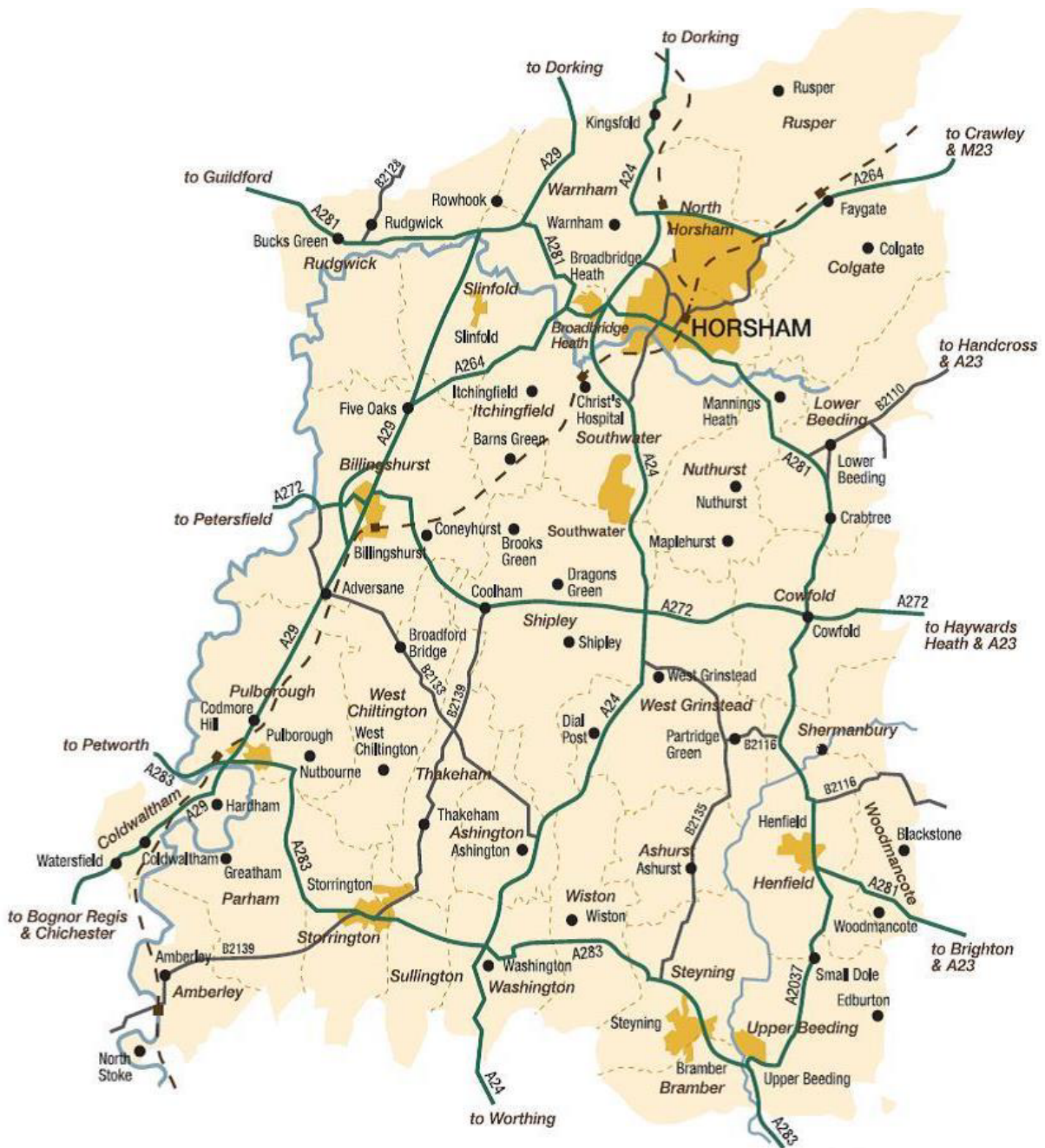
It is an offence for a person, without reasonable excuse to engage in any activity prohibited by this Order. Any person found guilty is liable, upon summary conviction, to a fine not exceeding Level 2 on the standard scale; or to a Fixed Penalty Notice up to £100.

GIVEN under the Common Seal of Horsham District Council on the

.....day of2016

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MAP OF THE HORSHAM DISTRICT

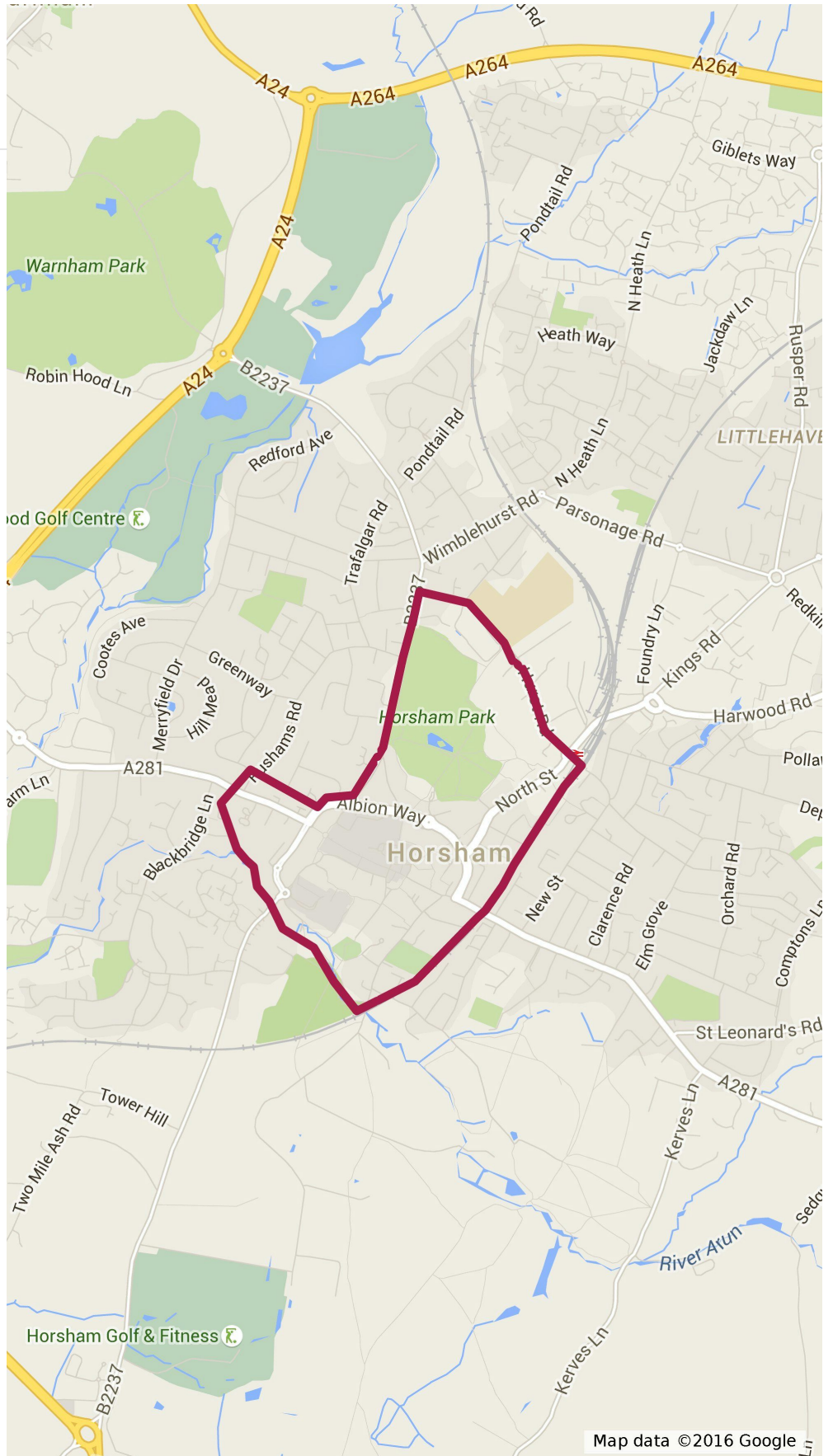


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Proposed PSPO Freerunning Boundary

Horsham Town Centre PSPO
Boundary

Line 2



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