Council
27 APRIL 2016

Present: Councillors: John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Karen Burgess, John Chidlow, Jonathan Chowen, Philip Circus, Paul Clarke, Roger Clarke, David Coldwell, Roy Cornell, Leonard Crosbie, Ray Dawe, Brian Donnelly, Matthew French, Tony Hogben, Ian Howard, David Jenkins, Nigel Jupp, Liz Kitchen, Adrian Lee, Gordon Lindsay, Paul Marshall, Christian Mitchell, Mike Morgan, Josh Murphy, Godfrey Newman, Stuart Ritchie, Kate Rowbottom, Jim Sanson, David Skipp, Ben Staines, Simon Torn, Michael Willett and Tricia Youtan

Apologies: Councillors: Alan Britten, Peter Burgess, Christine Costin, Jonathan Dancer, Tim Lloyd, Brian O'Connell, Connor Relleen and Claire Vickers

CO/89 MINUTES

The minutes of the meeting of the Council held on 24th February 2016 were approved as a correct record and signed by the Chairman.

CO/90 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest.

CO/91 ANNOUNCEMENTS

The Chairman announced that:

- on behalf of the Council, she had sent a birthday card to Her Majesty The Queen on the occasion of her 90th birthday
- Metricell Ltd, based in Horsham and Only Natural Products Ltd, based in Storrington, had both received the Queen's Award for Enterprise (International Trade) and she had written to both companies offering the Council's congratulations on this achievement.

CO/92 QUESTIONS FROM THE PUBLIC

There were no questions from members of the public.

CO/93 QUESTIONS FROM MEMBERS UNDER RULE 10.2

No questions had been received.

CO/94 **MINUTES OF COMMITTEES**

The following minutes were received:

Personnel Committee – 9th March 2016

Standards Committee – 16th March 2016

Accounts, Audit and Governance Committee – 23rd March 2016

CO/95 **MINUTES OF THE SCRUTINY & OVERVIEW COMMITTEE**

The minutes of the meeting of the Scrutiny & Overview Committee held on 14th March 2016 were received.

CO/96 **REVIEW OF GOVERNANCE**

The Leader reported that, following the election of the new council in May 2015, he had undertaken to facilitate a review of the Council's current and future governance arrangements in accordance with the provisions of the Localism Act 2011. The Act provided for two permissible forms of council governance: executive arrangements (the Cabinet and Leader model) or the Committee system.

The review of the Council's governance arrangements had been enabled in two parts: a Governance Group of members and three all-member seminars, with the final one hearing and discussing the report and proposals of the Governance Group.

The Governance Group met on 12 occasions and examined how governance arrangements worked in similar councils, visited other councils, received representations from experienced officers who had worked in all arrangements and invited any Members with a particular view on governance to address the Group. The Group also examined the role of Scrutiny.

The seminars explained the history of council governance, possible change considerations and how other councils worked. The seminar notes were circulated to all Members.

Having considered the alternatives to the existing arrangements and having heard the views of Members at two seminars, the Group was generally of the view that cabinet governance arrangements should be retained but modified. This would include the appointment of a single politically balanced Policy Development Advisory Group (PDAG) comprising 11 Members for each Cabinet portfolio which would meet six times a year, with the membership and timetable of meetings for each PDAG being agreed at the annual Council meeting.

If approved, the effectiveness of the proposed changes to the Council's governance arrangements would be reviewed by the Accounts, Audit and Governance Committee after the annual Council meeting in 2017.

RESOLVED

(i) That the Cabinet and Leader model of governance for Horsham District Council be endorsed and supported.

(ii) That the Head of Legal and Democratic Services be authorised to enable the consequences of this review, as detailed in section 3 of the report, throughout the Constitution of the Council with immediate effect.

(iii) That the Accounts, Audit and Governance Committee undertakes a review of the effectiveness of these changes to the Council's governance arrangements in 2017, after one year of operation.

REASON

To enable improvements to the governance arrangements at Horsham District Council in accordance with the findings of the Governance Group.

CO/97 **KEY DECISIONS**

The Leader reported that the majority of decisions taken by a council were operational or administrative and had a limited effect on a council's budgets or its residents. However, there were also some decisions that were regarded as 'key' since they affected large numbers of a council's residents or were of a significant financial value.

Key decisions were defined in legislation as being only the most important ones for a council in terms of value or effect on the community, which should be taken in public in an open and transparent way, specifically a Cabinet decision which:

a) resulted in the council spending money or making savings which were deemed to be 'significant'; and/or

b) was 'significant' in terms of its effects on communities living or working in a district area comprising two or more electoral areas (wards).

The Council currently operated on 'significant value' levels that had been unchanged since the system was introduced in 2001 and it was unclear whether a key decision needed to go to Cabinet, should be made by a portfolio holder or whether an officer could make the decision.

In order to provide clarity for Members, officers and members of the public it was proposed that all key decisions of significant value would be taken by the Cabinet in a public meeting. It was therefore important that the monetary level that made a decision a key one was of sufficient value to ensure that a disproportionate number of such decisions did not overburden or devalue the process of bringing all such decisions to Cabinet meetings. To provide alignment with similar councils, it was proposed that the future key decision monetary figure for the Council should be £250,000 and that this value should be reviewed annually.

Key decisions were required by regulation to appear on the Forward Plan for at least 28 days, except where such a decision needed to be made urgently in which case paragraphs 15 and 16 of Part 4E of the Constitution described the steps that needed to be taken.

RESOLVED

(i) That the financial threshold for a 'key decision' as defined by the Local Government Act 2000 be revised to £250,000.

(ii) That all key decisions be made by the Cabinet meeting in public.

(iii) That the Accounts, Audit and Governance Committee undertake a review of the effectiveness of these changes in 2017 after one year of operation.

REASON

To enable improvement to governance arrangements at Horsham District Council.

CO/98 **CONSTITUTION REVIEW GROUP**

The Leader reported that the Council was required, under section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011), to prepare and keep up to date its Constitution. The current Constitution had first been approved by the Council on 2nd May 2001 and had been subject to various amendments since that time.

As part of its conclusions, the Governance Group had proposed that the Constitution should be reviewed in order to produce a modern, agile Constitution which was flexible, permissive, well understood and realigned to a model constitution in an accessible single-document format.

It was therefore proposed that the Council should appoint a Constitution Review Group to undertake a review of the Constitution and make recommendations to the Council on 7th September 2016. Whilst the original report had proposed a

Group comprising nine Members, the Leader proposed that it should comprise ten Members, with the addition of the immediate past Chairman of the Council. Council signified its consent to this amendment without discussion.

RESOLVED

That a Constitution Review Group of ten Members be approved, comprising the following:

- Chairman of the Council
- Immediate past Chairman of the Council
- Leader of the Council
- Deputy Leader of the Council
- Leader of the minority Group
- Chairman of the Overview and Scrutiny Committee
- Vice-Chairman of the Overview and Scrutiny Committee
- Chairman of the Standards Committee
- Chairman of the Accounts, Audit and Governance Committee
- A Cabinet Member.

REASONS

(i) To satisfy provisions contained within Articles 4 and 16 of the constitution and section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011).

(ii) To facilitate member engagement in the review of the Constitution.

CO/99 **DRAFT SUPPLEMENTARY PLANNING GUIDANCE - PLANNING OBLIGATIONS AND AFFORDABLE HOUSING**

The Leader presented this report on behalf of the Cabinet Member for Planning and Development. The report indicated that, following the adoption of the Horsham District Planning Framework (HDPF) in November 2015, the Council intended to introduce a Community Infrastructure Levy (CIL) that would set a charge on new development to help fund infrastructure requirements set out in the HDPF. The Community Infrastructure Levy (CIL) was a new charge on development that had come into force through the Community Infrastructure Levy Regulations in 2010. The draft CIL Charging Schedule had been approved in February 2016 for public consultation and, once adopted, would be the primary mechanism for seeking developer contributions for infrastructure. However, S106 obligations would still be used in a reduced format to meet site specific requirements which arose from development. To provide details about the collection of contributions and affordable housing requirements, a draft Planning Obligations Supplementary Planning Document (SPD) had been produced which reflected the changing nature of S106. The SPD would be a guidance document and not a policy document.

As CIL and Planning Obligations were closely linked it was considered appropriate to undertake consultation on the CIL documentation and Planning Obligations at the same time.

The SPD would refer to the Infrastructure Delivery Plan and the Regulation 123 lists that set out which projects would be funded through CIL (in whole or in part) and which would be funded through planning obligations and other sources of funding. An updated version of these was submitted with the report for approval.

Members were asked to approve the Draft Planning Obligations and Affordable Housing Supplementary Planning Document for public consultation alongside the CIL Draft Charging Schedule.

RESOLVED

(i) That the Draft Planning Obligations and Affordable Housing Supplementary Planning Document be approved for consultation.

(ii) That the revised Regulation 123 list be approved.

(iii) That the Cabinet Member for Planning and Development be authorised to agree any necessary changes before consultation.

REASONS

(i) The Planning Obligations and Affordable Housing SPD is needed to support the next stage in preparing the Community Infrastructure Levy. The SPD sets out the guidance and mechanisms that will be used to justify the requirement to secure the developer contributions and affordable housing, alongside the new Horsham District CIL.

(ii) To ensure that the Regulation 123 list is fully consistent with the approach taken in the Infrastructure Delivery Plan and in addition the draft Planning Obligations and Affordable Housing Supplementary Planning Document.

CO/100 HENFIELD PARISH NEIGHBOURHOOD PLAN

The Leader, on behalf of the Cabinet Member for Planning and Development, reported that following extensive preparation and successful Examination, the Henfield Neighbourhood Plan was the second in the District to have been subject to a referendum, where a majority had voted in its favour.

Council's formal approval was now sought to "make" the Nuthurst Neighbourhood Plan part of the Development Plan, as required by the Town and Country Planning Act 1990 and the Localism Act 2011.

RESOLVED

That the Henfield Neighbourhood Plan be formally "made" part of the Development Plan, following the Referendum held on 12th April 2016.

REASONS

(i) The preparation of the Henfield Neighbourhood Plan has followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012. The plan has successfully undergone examination and has satisfied the basic test that the plan is in conformity with the Horsham District Planning Framework (HDPF).

(ii) Where a Referendum results in a majority 'yes' vote, the Local Planning Authority is required to "make" the Neighbourhood Plan as soon as reasonably possible. This will enable the District Council to use the plan to determine planning applications in Henfield Parish.

CO/101 **REMOVAL OF THE RISING UNIVERSE SCULPTURE AND BISHOPRIC/WORTHING ROAD IMPROVEMENT SCHEME**

Two members of the public addressed the Council in opposition to the proposed removal of the Rising Universe sculpture, asking that ways of funding its restoration and continued operation be sought.

The Cabinet Member for Leisure and Culture reported that, in October 2014, the Council had consulted on options to improve the Bishopric area. In line with previous surveys, a significant majority had been strongly in favour of the removal of the Rising Universe sculpture.

Given the need to undertake further major repairs and the ongoing costs of maintenance, the sculpture had been maintained in static mode pending consideration of its future. Unfortunately, it was now considered that the sculpture had effectively reached the end of its serviceable life as it required repeated and costly repairs in addition to regular weekly and monthly maintenance. This situation was not considered to be sustainable given the current and anticipated pressures on the Council's finances and it was therefore proposed that the globe and satellite arms should be removed.

In view of renewed investment in this area including the recent opening of the John Lewis at Home and Waitrose development; the current refurbishment of Bishops Weald House; and the recently announced proposals for a

revitalisation of the 'Trend' building to provide family restaurants and a multiplex cinema, a fresh approach to the short and longer term improvement of the Bishopric public realm area was required.

As part of the work to develop a Town Centre Vision for Horsham, it was proposed to make a modest improvement by converting the sculpture's splash pool into a planting bed which would provide an immediate visual enhancement of the area in the short to medium term. Consultation would take place in the summer on a more comprehensive scheme that addressed the current and future needs generated by the proposed developments in the area.

To complement the public realm improvements and to support the overall presentation of the town centre as a whole it was also proposed to provide landscape enhancements to add vibrancy, colour and visual interest.

Whilst expressing regret for the loss of this distinctive feature, Members agreed that it should be removed as it was not practical to maintain it in working order.

RESOLVED

(i) That a capital budget allocation of £40,000 be approved for the removal of the Rising Universe sculpture and the implementation of the Bishopric/Worthing Road landscaping improvement scheme.

(ii) That a revenue budget allocation of £15,000 be approved for town centre landscape enhancements, to be met from existing budgets.

REASONS

(i) The sculpture has reached the end of its serviceable life and is too costly to repair and maintain.

(ii) Council approval is required for capital expenditure where funding has not been previously allocated within the capital programme.

CO/102 **URGENT BUSINESS**

There were no urgent matters to be considered.

The meeting closed at 8.05 pm having commenced at 6.00 pm

CHAIRMAN