

Overview and Scrutiny Committee – Call-in request
20 OCTOBER 2022

Present: Councillors: Tony Bevis (Chairman), Ian Stannard (Vice-Chairman), Paul Clarke, Ruth Fletcher, Nigel Jupp, Richard Landeryou, Tim Lloyd, John Milne, Josh Potts and David Skipp

Apologies: Councillors: Philip Circus, Billy Greening, Bob Platt and Jack Saheid
Absent: Councillors:

Also Present: Martin Boffey, Lynn Lambert, Colin Minto, Christian Mitchell, Jon Olson and Belinda Walters

SO/32 **CALL-IN REQUEST OF CABINET DECISION: CIL GOVERNANCE FOR THE UNPARISHED AREA OF HORSHAM TOWN**

PRESENT:

Called in by: Cllr Martin Boffey with the support of:
Cllrs: John Milne, Colin Minto, Jon Olson, Belinda Walters

Committee Members:

Cllrs: Tony Bevis (Chairman), Paul Clarke, Ruth Fletcher, Nigel Jupp, Richard Landeryou, Tim Lloyd, John Milne, Josh Potts, David Skipp, Ian Stannard

Also in attendance:

Cllr Lynn Lambert (Cabinet Member for Planning & Development)
Cllr Christian Mitchell (Cabinet Member for Horsham Town)

CABINET DECISION:

Cabinet Decision made on 29 September:

Community Infrastructure Levy Governance Arrangements for the three Neighbourhood Councils/unparished areas of Horsham Town

- Recommendation agreed at Cabinet:

To agree to delegate the Governance arrangements for the prioritisation, allocation and spend of the unparished areas of Horsham Town CIL receipts to the Director of Place in consultation with the Cabinet Member for Planning and the Cabinet Member for Horsham Town.

Reason

It is necessary to update the current CIL Governance arrangements to provide clarity, transparency and consistency in the collection, allocation and spending of

CIL receipts within the three Neighbourhood Councils/unparished areas of Horsham Town.

The Chairman of the Overview & Scrutiny Committee invited the Members who had asked for the decision to be called in to explain their reasons for the request and what they feel should be reviewed.

Councillor Boffey and the supporting Councillors raised the following concerns:

- The Cabinet resolution delegated the arrangements for allocating CIL receipts to one officer, the Director of Place, in consultation with two Cabinet Members and did not include Local Ward Members or other stakeholders.
- There was no mention in the resolution of how and by whom the governance structure needed to carry out the allocation of CIL receipts would be arrived at, and there was concern there would be minimal local input or control.
- The structure needs to reflect that of Parish Councils so that Neighbourhood Councils are not disadvantaged.
- Whilst the Planning & Development PDAG had discussed that a panel to help allocate contributions was required, and who might be involved in that panel, including a Ward Member and Neighbourhood Councillor from each area, this had not been finalised or communicated clearly to Local Members.

The Chairman invited Councillor Lynn Lambert, Cabinet Member for Planning & Development, to comment:

- Councillor Lambert stated that the delegation in the resolution at Cabinet was intended to allow the Director of Place, in consultation with the Cabinet Members, to set up a panel, which would include a Local Member from each Ward and Neighbourhood Council representatives.

The Chairman invited Committee members for comments and to ask questions of Members and Officers in attendance.

- The Head of Planning & Development Control stated that the same resolution had been used for the whole CIL pot, and she confirmed the intention to set up a panel that would decide how CIL contributions for the unparished area would be spent.
- The Monitoring Officer advised that although Neighbourhood Councils were unlike Parishes and did not have the same legal status, the Council sought to treat them fairly. The delegation to an officer was required because of the Neighbourhood Councils' legal status.
- The Monitoring officer drew attention to the executive summary of the Cabinet report. This indicated that the infrastructure needs in the unparished area of Horsham Town would be identified and prioritised through consultation with Local Members, Neighbourhood Councils and interested parties using a dedicated

process, which would be established for that purpose. The purpose of the report had been to enable these Governance arrangements to be finalised.

- Councillor Christian Mitchell, Cabinet Member for Horsham Town, confirmed that Neighbourhood Council chairmen had attended a meeting on 26 April 2022 where the matter had been discussed.
- Committee members agreed that there was a need for the Cabinet resolution to mention specifically that Local Members would be included in the delegation

COMMITTEE DECISION:

Committee Members were invited to make one of the following resolutions, as set out at 4c. 21 of the Constitution:

- a) to take no further action, in which case the decision will take effect immediately;
- b) to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Committee's concerns; the decision-maker must then reconsider the matter with a further 10 working days, taking into account the concerns of the Overview and Scrutiny Committee, before making a final decision; or
- c) to refer the matter to Full Council, in which case 4c. 23 will apply.

Councillor Ian Stannard, Vice Chairman of Overview & Scrutiny, proposed (b) to refer the decision back to the decision-maker for reconsideration, with a view to adding some additional wording to the Cabinet resolution to ensure there was no ambiguity and so that the resolution reflected the intention within the report.

The proposal would address the reason for the call-in request by confirming that the required consultation would take place.

Proposed amended resolution:

To agree to delegate the Governance arrangements for the prioritisation, allocation and spend of the unparished areas of Horsham Town CIL receipts to the Director of Place in consultation with the Cabinet Member for Planning and the Cabinet Member for Horsham Town **and all local Ward Members of the unparished areas of Horsham Town.**

The proposal was put to the vote and AGREED by a majority of Committee Members present.

CABINET RESPONSE:

Councillor Lynn Lambert took the Committee's proposal to Informal Cabinet on 20 October where it was AGREED that the Cabinet resolution be amended as above.

The meeting closed at 3.00 pm having commenced at 2.00 pm

CHAIRMAN