

Cabinet
28 SEPTEMBER 2023

Present: Councillors: Martin Boffey (Leader), John Milne (Deputy Leader), Mark Baynham, Colette Blackburn, Ruth Fletcher, Jay Mercer and Sam Raby

Apologies: Councillors: Jon Olson

Also Present: Jon Campbell, Philip Circus, Paul Clarke, Liz Kitchen, Lynn Lambert, Richard Landeryou, Roger Noel and Alan Manton

EX/28 **MINUTES**

The minutes of the meeting of the Cabinet held on 20 July were approved as a correct record and signed by the Leader.

EX/29 **MINUTES - EXEMPT**

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

EX/30 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

EX/31 **ANNOUNCEMENTS**

There were no announcements.

EX/32 **PUBLIC QUESTIONS**

No questions had been received.

EX/33 **THE COUNCIL PLAN 2023-27, THE ANNUAL PLAN 2023-24 AND THEIR RESOURCING**

Councillor Martin Boffey, Leader of the Council, introduced the report, which reflected the administration's vision and priorities for the next four years. The Council Plan contained four main themes: supporting people and communities; inspiring greener futures; building a thriving local economy; and always listening, learning and improving. The Council Plan will inform the Council's policy framework until 2027.

The Leader advised that each year there would be an Annual Plan comprising the achievable projects and workstreams Cabinet wished to focus on. It was

noted that officers had identified the need for two new posts, in Property and in Project Management, so that existing projects could be completed without delaying the start of new projects in the Annual Plan 2023-24.

The Leader advised that the Council remained committed to hosting events in Horsham Town and elsewhere in the district and would review previous events to inform future ones. Councillor Ruth Fletcher, Cabinet Member for the Local Economy & Place, stated that should the Horsham BID ballot be successful, businesses would have the opportunity to initiate events of their own, in addition to those run by the Council (Minute No EX/38 refers).

The emphasis on green initiatives and the administration's commitment to nature recovery was noted. Councillor John Milne, Cabinet Member for Planning & Infrastructure, advised that biodiversity net gain and carbon credits could become potential income generators for the Council.

RESOLVED

To approve the Council Plan 2023-2027 and the Annual Plan 2023-24.

RECOMMENDED TO COUNCIL

- (i) To adopt both plans as approved.
- (ii) To add £48,010 expenditure for the two new posts, outlined in section 3 of the Cabinet report, to the budget for 2023/24.

REASON

- (i) The Council must have a policy framework on which to base its decisions. The Council Plan and Annual Plan are the core documents of this framework. Page 15 Agenda Item 6.
- (ii) The Council needs enough staff in project management and property to progress the current year's capital programme and new projects in the Annual Plan.

EX/34 **CONSERVATION AREA ASSESSMENT AND DESIGNATIONS: HORSHAM (PARK TERRACE GARDENS)**

Councillor John Milne, Cabinet Member for Planning & Infrastructure, stated that following requests from residents officers had researched and identified the area around Norfolk Terrace (Park Terrace Gardens) to be of special architectural quality worthy of designation as a Conservation Area.

Public consultation regarding the proposed designation had taken place between 1 September – 6 October 2022 and 13 October – 10 November 2022. There had been further informal consultation during the summer of 2023.

The Cabinet Member advised that in light of consultation responses the proposal had been amended to exclude some businesses in Park Street, as detailed in the report, and a reasonable compromise had been reached.

Councillor Ruth Fletcher, who represented Denne Ward, thanked officers for undertaking extensive consultation and agreed that the compromise reached was sensible and reasonable. She, along with other Councillors, gave her deep appreciation and thanks to the local residents who had worked so hard in gathering information on the history of the area and for assisting officers in coming to their considered conclusions.

The Cabinet Member stated that there was some misunderstanding regarding the extent of responsibilities imposed on those in a conservation area, and it was noted that the Management Plan set out what positive historical features were and how they could be enhanced.

It was noted that work on the proposed designation of Wells Cottages, West Chiltington, had been delayed for practical resource reasons and could proceed once work on the current designation had progressed.

RECOMMENDED TO COUNCIL

- (i) To approve the designation of Park Terrace Gardens, (as shown on the Conservation Area designation map (Map 1) included in the Cabinet report) as a conservation area.
- (ii) To approve and adopt the Conservation Area Appraisal and Management Plan for Park Terrace Gardens as set out in Appendix 2.
- (iii) To delegate authority to the Cabinet Member for Planning & Infrastructure to approve minor changes prior to final publication of the Conservation Area designation map and Conservation Area Appraisal and Management Plan.

REASON

- (i) To formally designate the new conservation area boundary.
- (ii) To provide updated conservation area guidance for residents, occupiers, developers and Members in determining applications.
- (iii) To give the Cabinet Member for Planning and Infrastructure delegated authority to approve minor changes to the Conservation Area designation map and Conservation Appraisal and Management Plan, without the need for it to be referred back to Cabinet.

EX/35 **HORSHAM DISTRICT COUNCIL - LOCAL DEVELOPMENT SCHEME**

Councillor John Milne, Cabinet Member for Planning & Infrastructure, explained that a Local Development Scheme had to be adopted and maintained by every local planning authority to ensure that the Council acts in accordance with statutory requirements. The Council's current scheme needed updating to reflect the current Local Plan timetable, as well as the latest guidance and requirements. Changes to the NPPF (National Planning Policy Framework) and then the issue of water neutrality had led to delays and the previous 2021 scheme had to be updated.

The Cabinet Member anticipated Cabinet and Council approval of the draft Local Plan in December, prior to a six-week public consultation. It was expected that the Local Plan could then be adopted in 2025 following examination by an Independent Inspector.

In response to concerns raised regarding the effectiveness of Neighbourhood Plans in relation to the delayed Local Plan, the Cabinet Member commented that as Neighbourhood Plans ran for a 5-year period and the Local Plan for a 17-year period, they could not be fully aligned. The Director of Place added that once the Local Plan was adopted any new Neighbourhood Plan would be made in accordance with it. There was also a possibility of a change in legislation to allow Neighbourhood Plans to last for a longer period.

In response to a question regarding CIL (Community Infrastructure Levy) payments, the Director of Place advised that officers found the current rules were inflexible and would benefit from being more pragmatic. She confirmed that the Council had made this view clear in their response to a recent consultation on proposed changes to the current CIL arrangements.

RESOLVED

- (i) To approve the adoption of the attached Local Development Scheme 2023 - 2026 covering the period September 2023 to July 2026.
- (ii) To approve that the Local Development Scheme 2023 - 2026 will have effect from 29 September 2023.

REASON

- (i) To ensure that the Council acts in accordance with statutory requirements to prepare and maintain a Local Development Scheme.

EX/36 **ELECTRICITY AND GAS PROCUREMENT CONTRACT**

Councillor Ruth Fletcher, Cabinet Member for the Local Economy & Place, outlined details of the proposed new LASER framework agreement. The current flexible energy procurement arrangement, which was used by over 200 organisations, was due to expire in September 2024, and a new contract would

continue the same arrangement. This was the first part of the process and focussed on the type of procurement. It was noted that details of what energy sources could be chosen, including direct green energy purchases, would be considered at a later date.

RESOLVED

- (i) To note the expiry of the existing LASER framework agreement on 30 September 2024.
- (ii) To note that a new LASER framework agreement will be put in place for a four year period from 1 October 2024 to 30 September 2028.
- (iii) To approve that the Council (a) accesses, and, (b) calls off from (contracts with any of the listed suppliers in the framework agreement for the supply of electricity and gas to the Council) the new LASER framework agreement.
- (iv) To delegate authority to the Director of Resources, in consultation with the Cabinet Member for Local Economy and Place, to complete all necessary legal documentation to give effect to the recommendation above-noted.

REASON

- (i) To allow the Council to access and call off from the new LASER Framework Agreement.
- (ii) To delegate authority to the relevant Director and Cabinet Member to complete all legal documentation required to give effect to the recommendations contained in this report.
- (iii) LASER benchmarks its purchasing performance each year and shares this information with its customers. This benchmarking exercise indicates that LASER has been able to deliver prices to customers up to 50% below the market average over the last 4 years
- (iv) Government policy recommends that to spread market risk, and avoid buying during periods of peak market pricing, “all public sector organisations adopt aggregated, flexible and risk-managed energy procurement” as provided under the LASER framework.
- (v) LASER offers full flexibility to secure energy in line with the Council’s policy to reduce its carbon footprint.

EX/37 **SHARED PROCUREMENT SERVICE - JOINT PROCUREMENT STRATEGY
2024 - 2030**

Councillor Mark Baynham, Cabinet Member for Finance & Resources, introduced the proposed updated Joint Procurement Strategy, which established the Council's strategy in a legally compliant and cost-effective way. This would apply to the four Councils in the joint procurement service; Crawley Borough Council, Mid Sussex, Mole Valley and Horsham District Councils.

RESOLVED

- (i) To adopt the Shared Procurement Service Joint Procurement Strategy 2024 – 2030, as attached to the Cabinet report.

REASON

- (i) The spend across the four councils is over £100m and is crucial to the way we deliver our core and discretionary services to our local communities. How the councils' source and deliver these services has a direct impact on the ways in which local people, communities and businesses judge the value that we provide and the quality of outcomes that we achieve.
- (ii) To ensure the Council has an up-to-date procurement strategy. The Joint Procurement Strategy establishes the Council's approach to buying these goods, works and services in a legally compliant and cost-effective way, whilst meeting sustainability and social value outcomes.

EX/38 **HORSHAM BUSINESS IMPROVEMENT DISTRICT (BID) PROPOSAL**

Councillor Ruth Fletcher, Cabinet Member for the Local Economy & Place, introduced the report on the proposal to make Horsham Town a Business Improvement District (BID). This was an arrangement whereby businesses cooperate with each other to create a costed business plan of improvements and initiatives which focus on areas that are not the statutory responsibility of the local authority.

The Cabinet Member advised that the Council had been supporting the BID process and had a legal duty to fund and run a ballot of local businesses and, if successful, then collect and process the levy due from each business. HDC would have six votes because it owned six relevant properties.

There had been extensive consultation with businesses and feedback had been generally positive. The postal ballot would run throughout November.

RESOLVED

- (i) To note the Council's role and expenses in exercising its legal duty to run the BID ballot.
- (ii) To agree to vote "yes" with its votes in the BID ballot.
- (iii) To delegate making the Council's votes to the Monitoring Officer.

That, in the event of an overall 'Yes' vote in the BID Ballot:

- (iv) To note the Council's role in the collection of the annual BID levy on behalf of the BID Company.
- (v) To authorise the Monitoring Officer to approve and enter into the Operating Agreement between Horsham District Council and the Horsham BID Company.
- (vi) To nominate the Director of Place as the Council's representative on the BID Company Board.
- (vii) To approve that Horsham District Council enters into the Operating Agreement.
- (viii) To note the Council will incur an annual cost in relation to its levy contributions which will be reflected in the Medium-Term Financial Plan and Budget accordingly.

REASON

- i) and iv) The Council has a legal duty to carry out these tasks.
- (ii) Supporting the BID is a key action of the current Corporate Plan and proposed Council Plan.
- (iii), (v) and (vi) These are delegations not included in the current scheme of delegations.
- (vii) To facilitate the operation of the BID.
- (viii) To note the cost of the levy contributions payable by the Council if the BID ballot is successful.

EX/39 **PARKING SERVICES BUSINESS AND CHARITY DISCOUNT POLICY**

Councillor Mark Baynham, Cabinet Member for Finance & Resources, stated that the policy contained several discounts for businesses, charities and not-for profit organisations with the aim of supporting the local economy. The policy would formalise the current processes and ensure a consistent approach in the

use of bulk discount rates for businesses and charities. Not-for-profit organisations would receive discounts at the discretion of the Cabinet Member, due to the variety in types of organisations that are registered as not-for-profit. The Director of Resources confirmed that the status of organisations applying for discounts would be checked with due diligence before discounts were applied.

RESOLVED

- (i) To approve adoption of the Discount Policy.
- (ii) To delegate authority to the Director of Resources, in consultation with the Cabinet Member for Finance and Resources, to make minor editorial changes to the policy prior to publication.
- (iii) To delegate authority to the Director of Resources, in consultation with the Cabinet Member for Finances and Resources, to agree and implement concessions in line with the said policy.
- (iv) To note that the Monitoring Officer will reflect the above-noted delegation in the Council's constitution (pursuant to her authority to do so per Article 13, paragraph 13.3 b) 3 of the constitution) should the subject delegation be approved.

REASON

- (i) To encourage economic development by supporting local businesses.
- (ii) To strengthen the local community by supporting charitable activities.
- (iii) To formalise processes for offering parking discounts.
- (iv) To adopt the Discount Policy.
- (v) To delegate authority to the Director of Resources, in consultation with the Cabinet Member for Finances and Resources, to implement concessions in line with the policy.

EX/40 **ANPR PROCUREMENT BID**

Councillor Mark Baynham, Cabinet Member for Finance & Resources, stated that the previous 4-year contract for the operation of ANPR (Automatic Number Plate Recognition) car parks in Horsham had expired and a rolling contract with the current provider was currently in place. Following a tender exercise, it was proposed to award the new contract to the winning bidder. The Cabinet Member confirmed that the quality of the bid was taken into account as well as the price.

RESOLVED

- (i) To approve the award of the contract for an Automatic Number Plate Recognition system to the highest scoring bidder on the terms contained in exempt Appendix A (“the contract”).
- (ii) To delegate authority to the Director of Resources in consultation with the Head of Legal & Democratic Services to finalise the terms and conditions of and enter into the contract.

REASON

- (i) To facilitate the award of the ANPR contract to the relevant bidder.

EX/41 **SUPPLY OF TYRES AND ASSOCIATED PARTS & SERVICES FOR HORSHAM DISTRICT COUNCIL & CRAWLEY BOROUGH COUNCIL**

Horsham District Council was acting as the Lead Authority undertaking the procurement process for the supply and fitting of tyres for all Council vehicles, in collaboration with Crawley Borough Council. Councillor Jay Mercer, Cabinet Member for Environmental Health, Recycling & Waste, stated that there had been a thorough procurement exercise and there would be a seamless transition when the new contract began on 1 November.

Suppliers had been assessed on their approach to sustainability and the tender had been designed to reduce the impact on the climate through the use of remoulded tyres where possible. The Cabinet Member stated that the winning bid would deliver a better quality service, which was why an increase in budget was required.

RESOLVED

- (i) To approve the award of the contract for the supply and fit of tyres to the highest scoring bidder on the terms contained in exempt background papers; terms and conditions of the contract and legal clarification log one and three.
- (ii) To delegate authority to the Director of Resources in consultation with the Head of Legal & Democratic Services to finalise the terms and conditions of and to enter into the contract with the highest scoring bidder for the supply and fit of tyres.

RECOMMENDED TO COUNCIL

- (iii) To increase the recycling and waste tyre budget in 2023/24 by £6,600 to cover the expected higher costs under the new contract.

REASON

- (i) and ii) To obtain authority to award the subject contract to the winning bidder pursuant to a legally compliant procurement process.
- (iii) Full Council must approve budget changes.

EX/42 **DISABLED FACILITIES GRANT - APPROVAL OF BUDGET AND GRANT ALLOCATION**

Councillor Jay Mercer, Cabinet Member for Environmental Health, Recycling & Waste, introduced the report on the Disabled Facilities Grant, which was capital funding for the provision of home adaptations to help eligible older and disabled people to live as independently and safely as possible in their homes. This vital service was administered by the Environmental Health team.

Notification of a £122,495 grant had been received by the Council on 7 September 2023. This was part of an additional national top up of £50m for the Disabled Facilities Grant for 2023-24 funded through the Department of Health and Social Care.

RECOMMENDED TO COUNCIL

- (i) To approve the receipt of the 2023/2024 Disabled Facilities Grant in the sum of £122,495.
- (ii) To approve an increase in the 2023/2024 capital programme budget to include the additional £122,495 Disabled Facilities Grant.

RESOLVED

Subject to Council's approval of the above recommendations:

- (i) To approve the allocation of the Disabled Facilities Grant to eligible applicants.
- (ii) To delegate to the Head of Environmental Health and Licensing the authority to allocate the Disabled Facilities Grant in accordance with the West Sussex Disabled Facilities Grants Policy 2020-2024 and Housing Assistance Policy, both contained at Appendix 1 of the Cabinet report, and any policies replacing the same provided that they comply with statutory requirements.

REASON

- (i) Increasing the capital budget will allow the Council to receive and spend the disabled facilities grant offered by Department for Levelling Up, Housing & Communities. This will fund the provision of home

adaptations to help eligible older and disabled people to live as independently and safely as possible in their homes.

- (ii) Full Council must approve increases to budgets.
- (iii) Cabinet approval is required to (i) allocate the grant funds, and, (ii) delegate authority to the relevant officer to administer grant applications in line with existing policy. The allocation of grant funds constitutes a key decision given the allocation of the grant fund pot could significantly affect the lives of people residing in the district.

EX/43 **OVERVIEW & SCRUTINY COMMITTEE**

Councillor Paul Clarke, Chairman of Overview & Scrutiny Committee, stated that there were currently no matters to refer to Cabinet.

EX/44 **FORWARD PLAN**

The Forward Plan was noted.

EX/45 **TO CONSIDER MATTERS OF SPECIAL URGENCY**

Councillor Martin Boffey, Leader of the Council, stated that the following item, 'Swan Walk Car Park Works – contract award and budget allocation' was being taken as a matter of special urgency because it was impractical to comply with legislation regarding advance notice of key decisions. It had not been possible to advertise it at least 28 days in advance, or to make the papers available five clear days before the decision is taken because the works needed to be completed as a matter of priority.

SWAN WALK CAR PARK WORKS - CONTRACT AWARD AND BUDGET ALLOCATION

Councillor Mark Baynham, Cabinet Member for Finance & Resources, advised that the top deck of Swan Walk car park was currently closed because of the condition of its surface. Urgent action was required to prevent it from further deteriorating and to ensure the car park was fully open before the Christmas season.

RESOLVED

- (i) To approve the award of the contract to the winning bidder (in relation to the Swan Walk car park top deck works) on the terms contained in Appendix 1 ("the Contract").
- (ii) To delegate authority to the Director of Resources in consultation with the Head of Legal & Democratic Services to finalise the terms and conditions of and enter into the Contract.

REASON

- (i) To enable the award of the contract to the winning bidder which will facilitate the completion of the Works.
- (ii) It is expected that the total value of the works contract will be circa £350,000 and, therefore, Cabinet approval is required to award this contract.

The meeting closed at 6.55 pm having commenced at 5.30 pm

CHAIRMAN