

HORSHAM DISTRICT COUNCIL
21ST DECEMBER 2011

Present: Councillors: Claire Vickers (Chairman), Leonard Crosbie (Vice-Chairman), Roger Arthur, John Bailey, Andrew Baldwin, Adam Breacher, Peter Burgess, John Chidlow, Jonathan Chowen, Philip Circus, David Coldwell, Roy Cornell, Christine Costin, Helena Croft, Malcolm Curnock, Ray Dawe, Laurence Deakins, Brian Donnelly, Andrew Dunlop, Duncan England, Jim Goddard, Frances Haigh, David Holmes, Ian Howard, David Jenkins, Liz Kitchen, Chris Mason, Sheila Matthews, Christian Mitchell, Josh Murphy, Brian O'Connell, Roger Paterson, Jim Rae, Sue Rogers, Kate Rowbottom, Jim Sanson, David Sheldon, David Skipp, Simon Torn, Tricia Youtan

Apologies: Councillors: George Cockman, Gordon Lindsay, Godfrey Newman

Also present: Eric Blackburn, Chairman of Standards Committee

CO/58 **MINUTES**

The minutes of the meeting of the Council held on 19th October 2011 were approved as a correct record and signed by the Chairman.

CO/59 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CO/60 **ANNOUNCEMENTS**

The Chairman of the Council referred to the recent resignation of Robert Nye as both Leader and a Member of the Council. She reminded Members that he had served the Council for over twelve years, initially representing Holbrook West ward and subsequently representing Warnham, Slinfold and Itchingfield ward. He had first been elected as Leader in May 2009 and before that he had been the Cabinet Member for the Environment. During this time he had presided over many significant changes and challenges, including the delivery of the Acorn Plus service. All Members joined with the Chairman in thanking Robert Nye and wishing him all the best for the future.

The Chief Executive advised that the by-election for the vacancy caused by Robert Nye's resignation would be held on 16th February 2012.

CO/61 **QUESTIONS FROM THE PUBLIC**

(i) Ms Paula Glover asked the following questions:

“(1) Can the Council clarify the logic/metrics used in the Leisure Futures Study to establish the assertion that there is an oversupply specifically of Sports Halls (excluding Gym provision which is often driven by revenue considerations & not ‘need’) in the Horsham/Broadbridge Heath area?”

“(2) If BBHLC is removed from the Leisure Services Management Contract, can the Council clarify how they might organise the opening & management of BBHLC beyond December 2012? This could be required, following proper consultation & evaluation, if it is decided to refurbish the existing site or locally relocate?”

The Cabinet Member for Arts, Heritage & Leisure, Councillor Jonathan Chowen, replied as follows:

“(1) The Leisure Futures Study was commissioned by the Council to assess the current level of provision of leisure facilities within the District with a view to assisting with future leisure planning and provision.

In relation to the level of supply for sports halls, the assessment has been made using a calculation that takes account of the Sport England ‘Sports Facility Calculator’, accessibility thresholds, catchment analysis and an evaluation of the current supply (including provision by local authorities, schools and the private and community sectors).

When account is taken of all these factors there is evidence that there is an oversupply of Sports Halls in the north of the Horsham District. In the Horsham town/Broadbridge Heath area there are nine sports halls within a five mile distance, which compares with nine other Sports Halls in the rest of the District.

“(2) It is too soon to say how the building might be operated beyond December 2012. The revised recommendations that I have published and which I will formally propose later this evening make plain the need for a detailed business case and for consultation with stakeholders. The business case and the results of consultation will be reported back to Council by next May and as part of this consideration will be given to the options for management, beyond December 2012, on an interim basis and otherwise.”

Ms Glover asked a supplementary question requesting confirmation that how the Centre would be run beyond the current management contract would be included in the work looking at the future of the Centre.

Councillor Chowen replied that this was the case.

CO/61 Questions from the Public (cont.)

(ii) Mr Martin Jeremiah asked the following question, on behalf of Mr Robert Mayfield:

“Given the Duke of Norfolk’s 1888 legacy “for the public purposes of a town hall” does the Council consider any freehold sale to a non-public organisation that involves transfer from public ownership, might constitute an abdication of its inherited responsibilities as custodians of the building and so may be legally challenged?”

The Deputy Leader, Councillor Ray Dawe, replied as follows:

“The Duke of Norfolk did not bequeath the Town Hall to the Council as a legacy. The Council acquired the Town Hall by virtue of a conveyance dated 28 May 1888 and paid the agreed price of £25 for the property. There are none of the “inherited responsibilities” mentioned in the question and the building is not subject to any covenants, restrictive or otherwise, in respect of its use.

The 1888 document included the words “to be used for the public purposes of a Town Hall”. That was then the existing use of the building. However there are no words of covenant indicating that the Council agreed to be bound by any obligation whatsoever to use the building for that or, indeed, any other purpose in perpetuity.

The building has not been used for the public purposes of a Town Hall for nearly 25 years and there are no proposals to use it as a Town Hall.

The Council’s view, therefore, is that there are no grounds on which a sale of the building could be legally challenged on the strength of the wording referred to.”

CO/62 **PETITIONS**

The Chairman of the Council welcomed Sheila White, who presented a petition containing 7322 signatures opposing the closure and demolition of Broadbridge Heath Leisure Centre and seeking confirmation that the Centre would remain open, fully supported by the Council, running all the current activities. Mrs White addressed the Council.

The Cabinet Member for Arts, Heritage & Leisure, Councillor Jonathan Chowen, responded, thanking Mrs White for organising and presenting the petition and indicating that the arguments put forward were reflected in the revised recommendations that he would be proposing to Council. He also stated that he wished to ensure that a sound business case was developed in respect of the future of the centre and that all interested parties were consulted about that case. In the meantime, therefore, he would continue

CO/62 Petitions (cont.)

his dialogue with all the clubs and organisations with an interest in leisure in Broadbridge Heath.

The Chairman indicated that any discussion on the petition would take place as part of the overall debate on the recommendations from Cabinet.

RECOMMENDATIONS FROM CABINET

CO/63 **Leisure Futures Study – An Assessment of Horsham’s Needs**

(Councillor David Sheldon declared a personal interest as he was the Chief Executive of Horsham Matters and one of the public speakers was the Chairman the same organisation)

The Deputy Leader, Councillor Ray Dawe, introduced this item, indicating that he and the Cabinet Member for Arts, Heritage & Leisure, Councillor Jonathan Chowen, had been working on producing recommendations revised from those considered by the Cabinet. They recognised that leisure facilities were vital to the quality of life enjoyed by residents of the District. It was therefore considered that, in order to help Members assess the future of Broadbridge Heath Leisure Centre, additional to the information so far received there needed to be a thorough business case set against the Council’s financial position; full discussion with users of facilities about ongoing provision; and more time than originally envisaged to allow full consideration of all the issues.

The Cabinet Member for Arts, Heritage & Leisure, Councillor Jonathan Chowen, reported that since the Cabinet meeting on 24th November 2011 he had had many meetings with and received many letters, emails and petitions from members of the public on this subject. He had noted a willingness amongst those he had engaged with to work with the Council in finding a solution to this issue. It had always been intended that this was to be the beginning of a dialogue that would continue until a final resolution was reached. However, the final resolution would also have to have regard to the Council’s financial position.

In response to many comments made, he referred to the Council’s expenditure on the provision and maintenance of leisure facilities over the last ten years and to the cost of the maintenance that would be required in respect of Broadbridge Heath Leisure Centre in the very near future if it were to continue to operate.

Nine members of the public addressed the Council in opposition to the recommendations before Members. The statements made included: reference to the view that, since the meeting of the Cabinet, the Leisure Futures Study had been discredited; requests that Broadbridge Heath Leisure Centre should be retained within the specification for the new contract (or contractors be given the opportunity to tender both with and

CO/63 Leisure Futures Study – An Assessment of Horsham’s Needs (cont.)

without the Leisure included); the view that the exclusion of the Leisure Centre from the contract would result in the loss of excellent, well-used facilities; an indication that public opinion across all age groups opposed the closure of the Leisure Centre; an expression of doubt that the Leisure could continue operation after the end of November, if it were excluded from the new contract, as the equipment belonged to the existing contractor and would therefore be removed at the end of the current contract; and reference to the importance of the Leisure Centre in promoting social cohesion and wellbeing of the community.

The Chief Executive reminded Members that the Council was only being asked to consider recommendations (i) to (iv) and that resolutions (i) to (vi) were decisions that had already been taken by Cabinet and were not, therefore, before Members for debate.

The Cabinet Member for Arts, Heritage & Leisure, Councillor Jonathan Chowen, then moved that the recommendations before the Council be amended to read:

- “(i) The Broadbridge Heath Leisure Centre is excluded from the new Leisure Management contract.
- (ii) A detailed business case relating to the future of the Broadbridge Heath Leisure Centre is prepared, for consultation with current leaseholders, core users and other stakeholders.
- (iii) A Planning Brief for the Broadbridge Heath Quadrant, together with an appraisal of options for the future of the Leisure Centre site and adjacent Council owned land, are prepared and are reported to Council for approval.
- (iv) The Business Case and the results of consultations shall be submitted to the Council for decision by May 2012. No final decision about the future of the centre will be made until the reports referred to in recommendations (ii) and (iii) have been approved by Council.”

Councillor Christian Mitchell seconded the amendment. He stated that the amended recommendations would ensure that stakeholders views were at the centre of the final proposals and that it was important that Members had a detailed business case before making a final decision. The recommendations would afford the opportunity to look at alternatives and options, such as the possible use of land within the west of Horsham development area for the provision of leisure facilities and the possibility of providing better facilities whilst also making savings. He also noted that the Council had a responsibility to the electors of the whole District; that it was important to have regard to the Council’s financial position but that it was also important to have regard to the views of residents.

CO/63 Leisure Futures Study – An Assessment of Horsham’s Needs (cont.)

Members then debated the amended recommendations. Overall, it was considered that the amended recommendations demonstrated that the Council had listened to residents and that the proposals would ensure that Members would have the benefit of both the results of consultations and a full business case before reaching a final decision in respect of the future of Broadbridge Heath Leisure Centre. Whilst Members were sensitive to the concerns of the users of the Leisure Centre, the Council had a responsibility to all its residents across the District both in terms of leisure provision and the use of public money. Some Members expressed concern regarding the soundness of the study on which the proposals had been based and the future operation of the Leisure Centre beyond the end of November 2012, if it were excluded from the new leisure management contract.

On being put, the amended recommendations were **CARRIED** and became the substantive motion.

An amendment was then moved by Councillor David Holmes and seconded by Councillor Malcolm Curnock that the substantive recommendations be amended, by the addition of the following:

- “(v) That the business case is produced in consultation with representatives of all users of Broadbridge Heath Leisure Centre.
- (vi) That the exclusion of Broadbridge Heath Leisure Centre from the new leisure services contract must not prejudice decisions about the leisure centre’s future use.
- (vii) That existing Broadbridge Heath Leisure Centre clubs and activities are enabled to continue to operate effectively and that their vitality, membership and survival is not put at risk by decisions made by the Council in relation to Broadbridge Heath Leisure Centre.
- (viii) When determining policy for Broadbridge Heath Leisure Centre and the quadrant that consideration is given to both District needs and the specific needs of the residents of Broadbridge Heath.”

Both the Deputy Leader, Councillor Ray Dawe and the Cabinet Member for Arts, Heritage & Leisure, Councillor Jonathan Chowen, indicated that all these points would be picked up as part of the business case and that the Council could, if it wished when it received details of the business case and results of consultations, decide to continue operating Broadbridge Heath Leisure Centre.

In accordance with Rule 16.5 of Part 4A of the Council’s Constitution, it was requested that the voting in respect of this amendment should be recorded.

CO/63 Leisure Futures Study – An Assessment of Horsham’s Needs (cont.)

The voting was as follows:

FOR THE AMENDMENT

Councillors: Christine Costin, Leonard Crosbie, Malcolm Curnock, Frances Haigh, David Holmes, David Sheldon, David Skipp

AGAINST THE AMENDMENT

Councillors: Roger Arthur, John Bailey, Andrew Baldwin, Adam Breacher, Peter Burgess, John Chidlow, Jonathan Chowen, Philip Circus, David Coldwell, Roy Cornell, Helena Croft, Ray Dawe, Laurence Deakins, Brian Donnelly, Andrew Dunlop, Duncan England, Jim Goddard, Ian Howard, David Jenkins, Liz Kitchen, Chris Mason, Sheila Matthews, Christian Mitchell, Josh Murphy, Brian O’Connell, Roger Paterson, Jim Rae, Sue Rogers, Kate Rowbottom, Jim Sanson, Simon Torn, Claire Vickers, Tricia Youtan

ABSENT

Councillors: George Cockman, Gordon Lindsay, Godfrey Newman

The amendment was therefore declared **LOST**.

The substantive motion was then put and it was:

RESOLVED

- (i) That the Broadbridge Heath Leisure Centre be excluded from the new leisure management contract.
- (ii) That a detailed business case relating to the future of the Broadbridge Heath Leisure Centre be prepared, for consultation with current leaseholders, core users and other stakeholders.
- (iii) That a Planning Brief for the Broadbridge Heath Quadrant, together with an appraisal of options for the future of the Leisure Centre site and adjacent Council owned land, be prepared and reported to Council for approval.

CO/63 Leisure Futures Study – An Assessment of Horsham’s Needs (cont.)

- (iv) That the business case and the results of consultations be submitted to Council for decision by May 2012 and that no final decision about the future of the centre be made until the reports referred to in recommendations (ii) and (iii) have been approved by Council.

REASON

To provide the evidence base of community need/provision and ensure the Council provides leisure facilities in the most efficient and cost effective manner in a difficult economic climate.

CO/64 **QUESTIONS FROM MEMBERS UNDER RULE 10.2**

No questions had been received.

CO/65 **MINUTES OF COMMITTEES**

The following minutes were received:

Licensing Committee – 3rd November 2011
Employment Committee – 30th November 2011

RESOLVED

That Katharine Eberhart be offered the appointment of Director of Corporate Resources and Chief Finance (s151) Officer, with effect from a date to be agreed.

Standards Committee – 7th December 2011

CO/66 **MINUTES OF THE MEETING OF SCRUTINY & OVERVIEW COMMITTEE OF 7TH NOVEMBER 2011**

The minutes of the meeting of the Scrutiny & Overview Committee held on 7th November 2011 were received.

RESOLVED

That each Councillor be encouraged to invite representatives of their local parish councils to Horsham District Community Partnership annual conferences as a first step towards greater engagement of parish councils.

CO/67 **HORSHAM TOWN HALL**

The Cabinet Member for Efficiency & Resources reminded Members that the future of Horsham Town Hall had been the subject of considerable interest in recent years. The building's use for civic purposes had ceased in 1988 and, in February 2008, the Council had decided that the building should be marketed for use as a quality restaurant. There was initial interest and an offer for use as a restaurant but delays and changing economic circumstances led to the offer being withdrawn. Despite extensive marketing it had not proved sufficiently attractive for potential offers.

The building had now been vacant since September 2009. It was a drain on resources and there would be a significant cost in bringing the building up to appropriate standards (including the need to meet the requirements of the Disability Discrimination Act if it were to remain in use as a public building). It would be very difficult for the Council to justify such expenditure in the current financial climate.

It was therefore proposed that Horsham Town Hall should be re-marketed without prescribing the use to which it should be put other than to require that the use should be suitable for the Town Hall's status as a Listed Building and its location in the Horsham Town Centre Conservation Area. In addition, rather than only offering the building on a leasehold basis it was proposed that bids for freehold sale should also be entertained.

If offers for other than the existing authorised uses (including the A3 (restaurant) use permitted in 2009) were put forward, and they were considered suitable in terms of the proposed disposal, agreement with the successful bidder would need to be made subject to the necessary planning approvals being obtained.

The Cabinet Member indicated that the Council had very recently received one tender and one expression of interest based on the previous marketing exercise. It was not proposed to proceed with these offers but rather that those now expressing an interest should be given the opportunity to submit offers based on the proposed marketing exercise.

Some Members expressed concern regarding the proposal to invite bids for the freehold sale of the premises in addition to leasehold disposal. The costs of returning the building to use were queried and it was suggested that grants might be available to offset these costs, particularly in respect of facilitating disabled access. It was suggested that, in the spirit of the Localism Act, the local community should be given the opportunity to submit bids before any decision was made to seek commercial bids. It was also suggested that a full business case for the proposed disposal was required.

CO/67 Horsham Town Hall (cont.)

However, other Members expressed support for the proposal, referring to the need to limit the Council's expenditure on the building and to realise the value of redundant assets. It was also considered that a commercial operator would be likely to enhance the appearance of the building and bring added vitality to Market Square.

The Chief Executive clarified that the provisions within the Localism Act regarding the right for communities or community groups to bid to acquire and run community assets had not yet been implemented; it would be a right to bid and not a right to buy; and that the Council was obliged, when disposing of any asset, to satisfy itself that best value was obtained. The Chief Executive also reminded Members that, a few years ago, the Council had commissioned a professional building and architectural surveying exercise in order to establish the costs of refurbishing the building and making it Disability Discrimination Act compliant. As a result of that exercise, the cost had been estimated at £750,000 if it were to be retained in public use. This information was fully documented and available for inspection.

An amendment was moved by Councillor David Holmes and seconded by Councillor David Sheldon that the recommendations be amended, by their deletion and the substitution of the following:

“That, in the spirit of the Localism Act, the community is allowed an exclusive period in which it can prepare and submit bids and raise any required sums, as the Localism Act requires.”

On being put the amendment was declared **LOST**.

The substantive motion was then put and it was:

RESOLVED

- (i) That Horsham Town Hall be remarketed and that offers be invited for leasehold or freehold disposal.
- (ii) That the preparation of the sales particulars and agreement and publication of the evaluation criteria for any bids, taking into account the building's status as a listed building and its location within the Town Centre conservation area, be delegated to the Cabinet Member for Efficiency & Resources.

CO/67 Horsham Town Hall (cont.)

- (iii) That, following completion of the marketing exercise and the evaluation of bids, the Cabinet Member for Efficiency & Resources recommends the most beneficial bid to Council for decision.

REASON

To maximise the chances of securing an appropriate, beneficial and viable use for the Town Hall.

CO/68 **URGENT MATTERS**

There were no urgent matters to be considered.

CO/69 **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 the item, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CO/70 **MINUTES OF THE MEETING OF THE EMPLOYMENT COMMITTEE OF 3RD & 11TH NOVEMBER 2011 (PARAGRAPH 1)**

The minutes of the meeting of the Employment Committee held on 3rd & 11th November 2011 were received.

The meeting closed at 9.25pm having commenced at 6.00pm.

CHAIRMAN