



Council

Wednesday, 21st June, 2017 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

Tom Crowley
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	
To approve as correct the minutes of the meetings of the Council held on the following dates: <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
a) 26th April 2017	5 - 8
b) 22nd May 2017	9 - 12
c) 24th May 2017	13 - 20
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 Rules 4a.2(f) and 4a.8-18	
6. Members' Questions on Notice	

To receive questions from Members under Rules 4a.20(b)-25

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|----|--|---------|
| 7. | Wineham & Shermanbury and Woodmancote Neighbourhood Plans | 21 - 28 |
| | To receive the report of the Cabinet Member for Planning and Development | |
| 8. | Appointment of Interim Monitoring Officer | 29 - 32 |
| | To receive the report of the Chief Executive | |
| 9. | 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)

Addressing the Council	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.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only
Quorum	Quorum is one quarter of the whole number of Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.
Declarations of Interest	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
Announcements	These should be brief and to the point and are for information only – no debate/decisions
Questions from the public (Notice must have been given in writing to the Chief Executive by 12.00 three working days before the meeting)	Directed to Leader, Cabinet Member or Chairman of an ordinary committee and relevant to the business of the meeting. 2 minutes in total to put the question. Appropriate Member to reply. Questioner may ask one supplementary question. Member to reply (max 2 minutes unless Chairman consents to a longer period). Overall time limit for questions of 15 minutes or six questions, whichever is greater. The questioner must be present. 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 <u>but</u> any Member may move that a matter raised by a question is referred to Cabinet or committee. If seconded, no discussion – vote taken.
Cabinet recommendations (see also rules of debate)	Leader/Cabinet Member presents and moves recommendation(s) – seconder required. Members may: - ask a question on the item under consideration – max 2 minutes; and/or - make a statement – max 5 minutes.
Questions from Members on Notice (Notice must have been given in writing to the Chief Executive by 12.00 two working days before the meeting)	These are directed to the Chairman, Leader, Cabinet Member or chairman of any committee: - 2 minutes maximum for initial question - 2 minutes maximum for the response - 2 minutes 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. No discussion. Maximum of 30 minutes overall for questions and answers.

Rules of debate	<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 alter 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).
Voting	<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"> - Two Members request a recorded vote - A recorded vote is required by law. <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 26 APRIL 2017

Present: Councillors: Christian Mitchell (Chairman), Roger Clarke (Vice-Chairman), John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Karen Burgess, Peter Burgess, Jonathan Chowen, Philip Circus, Paul Clarke, David Coldwell, Roy Cornell, Christine Costin, Leonard Crosbie, Jonathan Dancer, Ray Dawe, Brian Donnelly, Matthew French, Billy Greening, Tony Hogben, Nigel Jupp, Gordon Lindsay, Paul Marshall, Mike Morgan, Godfrey Newman, Brian O'Connell, Connor Relleen, Stuart Ritchie (arrived 6.25pm), Kate Rowbottom, Jim Sanson, David Skipp, Ben Staines, Simon Torn (arrived 6.22pm), Claire Vickers, Michael Willett and Tricia Youtan

Apologies: Councillors: Alan Britten, John Chidlow, David Jenkins, Liz Kitchen, Adrian Lee, Tim Lloyd and Josh Murphy

CO/77 MINUTES

The minutes of the meeting of the Council held on 15th February and the Extraordinary meeting of Council held on 30th March 2017 were approved as correct records and signed by the Chairman.

CO/78 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest.

CO/79 ANNOUNCEMENTS

The Chairman:

- reminded Members of the special tribute concert in memory of George Cockman which would be taking place at the Church of St. Andrew and St. Cuthman in Steyning at 2pm on Saturday 6th May 2017
- referred to the impending departure of the following officers, wishing them well for the future and thanking them for their significant contributions during their time at Horsham:
 - Natalie Brahma-Pearl, Director of Community Services, leaving at the end of June to take up the post of Chief Executive of Crawley Borough Council;
 - Aidan Thatcher, Head of Development, leaving at the beginning of June to take up the post of Head of Planning for Lewes District and Eastbourne Borough Councils; and
 - Paul Cummins, Head of Legal and Democratic Services, leaving at the end of June to take up the post of Head of Legal Services at Milton Keynes Council.

The Cabinet Member for Planning and Development congratulated the Head of Development and his team on achieving a 100% success rate in meeting their targets for the processing of planning applications.

CO/80 **QUESTIONS FROM THE PUBLIC**

No questions had been received.

CO/81 **MEMBERS' QUESTIONS ON NOTICE**

No questions had been received.

CO/82 **RECOMMENDATIONS FROM CABINET**

Community Infrastructure Levy Charging Schedule

Mr Kornycky addressed the Council in respect of this item with particular reference to the area of land designated as zero rated for residential development in the North of Horsham Strategic Development Area.

The Cabinet Member for Planning and Development reported that, following three rounds of public consultation, the Council had now received the Independent Examiner's report following his examination of the draft Horsham District Council Community Infrastructure Levy (CIL) Charging Schedule.

The Independent Examiner had recommended that the draft Horsham CIL Charging Schedule should be approved without any further modifications and Cabinet was therefore recommending the adoption of the Horsham District Council Community Infrastructure Levy (CIL) Charging Schedule to Council.

RESOLVED

That the Horsham District Council Community Infrastructure Levy Charging Schedule be adopted, to be implemented from 1st October 2017 or as soon as practicable thereafter, in consultation with the Cabinet Member.

REASON

To enable the Horsham CIL Charging Schedule to be adopted as Council Policy and to ensure that CIL contributions are provided to support the development identified in the HDPF over the Plan period (up to 2031).

CO/83 **THAKEHAM NEIGHBOURHOOD PLAN**

The Cabinet Member for Planning and Development reported that, following extensive preparations and Examination, the Thakeham Neighbourhood Plan

had been subject to a Referendum on 22nd March 2017, where the majority (93%) of those who voted were in favour of the Plan.

Council's approval was therefore now sought to make the Thakeham Neighbourhood Plan part of the statutory Development Plan, as required by the Town and Country Planning Act 1990 and the Localism Act 2011. This would mean that the Plan would be used in the determination of planning applications in Thakeham Parish in addition to the Horsham District Planning Framework.

RESOLVED

That the Thakeham Neighbourhood Plan be formally "made" part of the statutory Development Plan, following the Referendum held on 22nd March 2017.

REASONS

- (i) The preparation of the Thakeham Neighbourhood Plan to 2031 has followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). The plan has successfully undergone examination and has satisfied the basic conditions and 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 within 8 weeks of the referendum decision in accordance with Regulations.

CO/84 **AMENDMENT TO SCHEME OF MEMBERS' ALLOWANCES**

Members were reminded that, at its meeting on 7th December 2016, Council had created a new Governance Committee and dissolved the Personnel Committee as part of its review of the Constitution.

An amendment to the Scheme of Members' Allowances was therefore now sought such that the Chairman of the Governance Committee would receive a Special Responsibility Allowance in respect of that role. The members of the Independent Remuneration Panel had been consulted and recommended that the Chairman of the Governance Committee should receive the same allowance as would have been paid to the Chairman of Personnel Committee. This meant that the proposed amendment to the Scheme of Members' Allowances would effectively be cost neutral in respect of the overall scheme.

RESOLVED

- (i) That the recommendation of the Independent Remuneration Panel be noted, as submitted.

- (ii) That the Scheme of Members' Allowances be amended to award a Special Responsibility Allowance to the Chairman of Governance Committee in accordance with the recommendation of the Independent Remuneration Panel.
- (iii) That the Special Responsibility Allowance for the Chairman of Governance Committee be backdated to the date of his election as Chairman of that Committee on 1st March 2017.
- (iv) That the Monitoring Officer be authorised to make the necessary amendments to the Constitution to put into effect the recommendations at (i), (ii) and (iii).

REASON

To put into effect the recommendation of the Independent Remuneration Panel.

CO/85 **TO RECEIVE REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

No reports had been received.

CO/86 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 6.25 pm having commenced at 6.00 pm

CHAIRMAN

Council
22 MAY 2017

Present: Councillors: Christian Mitchell (Chairman), Roger Clarke (Vice-Chairman), John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, John Chidlow, Jonathan Chowen, Philip Circus, Paul Clarke, David Coldwell, Roy Cornell, Christine Costin, Jonathan Dancer, Ray Dawe, Brian Donnelly, Matthew French, Billy Greening, Tony Hogben, David Jenkins, Nigel Jupp, Liz Kitchen, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Josh Murphy, Godfrey Newman, Brian O'Connell, Stuart Ritchie, Kate Rowbottom, Jim Sanson, David Skipp, Ben Staines, Claire Vickers, Michael Willett and Tricia Youtan

Apologies: Councillors: Leonard Crosbie, Connor Relleen and Simon Torn

CO/87 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/88 **ANNOUNCEMENTS**

There were no announcements.

CO/89 **PLANNING APPLICATION DC/16/1677 - LAND NORTH OF HORSHAM
WARDS: HOLBROOK WEST, RUSPER & COLGATE, HOLBROOK EAST
APPLICANT: MR DEREK LLOYD, LIBERTY PROPERTY TRUST**

The Chairman invited the Director of Planning, Economic Development & Property to present the report on the outline application which sought permission for a mixed use strategic development, with all matters, except for access, reserved for future determination.

The application had been referred to full Council by Planning Committee (North) on 28th April 2017. The Committee had resolved to do so because of the scale and significance of the proposal (Minute No. PCN/121 (28.04.17) refers).

Details of the proposal included: up to 2,750 homes, to include 30% housing for local need, of which 18% would be affordable housing; a number of education and community facilities; 46,450 square metre business park; retail facilities including local shopping facilities; open space and recreation facilities; and landscaping.

The application site was located adjacent to the northern boundary of Horsham, north of the A264 between Langhurstwood Road and Wimland Road. The suburban area of Crawley was approximately two miles to the north east. The

site was predominantly made up of agricultural fields, with some copses and three areas of ancient woodland.

Members were referred to the report and addendum that had been considered by the Planning Committee, which contained details of the application, relevant policies, planning history, the outcome of consultations, a planning assessment of the proposal and recommendations. They were also referred to the appendix to the original report, which outlined proposed Heads of Terms to be secured through a Legal Agreement.

Since the application had been reported to the Planning Committee, three letters of objection and one of comment had been received.

Three members of the public spoke in objection to the application, comprising a member of Horsham District Cycle Forum, a member of the Horsham Society, and a representative of Horsham Labour Party. A representative of Horsham Town Community Partnership commented on the proposal. The applicant and the applicant's agent both addressed the meeting in support of the proposal.

Representatives from North Horsham Parish Council, Rusper Parish Council and Warnham Parish Council all addressed the meeting in objection to the proposal.

Members considered the additional information and details set out in Addendum B which sought to assist Members in considering the points of concern that had been raised by the Planning Committee regarding: transport and highways; the Viability Assessment and affordable housing provision; and services and infrastructure. The addendum also included two corrections to paragraphs 6.133 and 6.9 of the original report. Members also noted a letter from the applicant which sought to clarify how points raised by the Planning Committee had been addressed.

Members commented on the outline application, weighing the benefits of the proposal against the harm, with particular reference to:

- Transport and highways issues, including: Langhurstwood Road and the impact of HGVs travelling through a residential area; and traffic impact on the wider highway network, in particular on Rusper and Warnham. The proposal's impact on the A264 and connectivity with Horsham Town were also raised.

The Director of Planning, Economic Development & Property advised that officers and the applicant were in discussion regarding other available options for Langhurstwood Road. These discussions would continue with the Highways Authority.

It was also confirmed that the applicant had agreed to monitor future traffic movements through Rusper and to monitor accident 'hot spots' identified by Warnham Parish Council with a view to funding safety measures should they be required.

- The need for a comprehensive cycle route plan to ensure connectivity. The Director of Planning, Economic Development & Property agreed that a condition would be added to secure an overarching cycle plan for the development, with details to be secured through reserved matters applications.
- Concerns regarding the Riverside Walk, which ran through the site. Members were advised that the applicant had agreed to formalise and enhance the route of the Riverside Walk through the site.
- The need to scrutinise the supply of services, in particular sewerage capacity. The Director of Planning, Economic Development & Property advised that Southern Water had confirmed there were suitable technical solutions to sewerage issues.
- The percentage of Affordable Housing was considered inadequate by a number of Members. Members were referred to Counsel's advice which was that the application achieved a reasonable percentage of affordable housing.

With regards to the Viability Assessment, concern was expressed regarding its accuracy and the need for it to be updated. It was moved that the item be deferred to allow for a new Viability Assessment to be undertaken. The motion fell.

The Legal Agreement would contain a mechanism for reviewing of the scheme's viability every five years throughout the development's delivery. The Director of Planning, Economic Development & Property reassured Council that this mechanism would claw back a percentage of any future uplift, which could result in an increase in affordable housing provision.

At the conclusion of the debate, the Cabinet Member for Planning & Development asked Members to support the recommendation that the application be determined by the Director of Planning, Economic Development & Property, in consultation with the Chairmen and Vice-Chairmen of the Planning Committee (North) and the Planning Committee (South) and the Cabinet Member for Planning & Development, with a view to granting permission, subject to the completion of a Legal Agreement and appropriate conditions.

In accordance with Rule 4a.31 (d) of the Council's Constitution, it was requested that the voting in respect of the motion should be recorded.

The voting was as follows:

FOR THE MOTION Councillors: John Blackall, Peter Burgess, Jonathan Chowen, Philip Circus, Paul Clarke, Roger Clarke, David Coldwell, Roy Cornell, Ray Dawe, Brian Donnelly, Matthew French, Billy Greening, Nigel Jupp, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Brian O'Connell,

Stuart Ritchie, Kate Rowbottom, Jim Sanson, Ben Staines, Claire Vickers, Michael Willett, Tricia Youtan

AGAINST THE MOTION Councillors: John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Christine Costin, Jonathan Dancer, Tony Hogben, Liz Kitchen, Christian Mitchell, Josh Murphy, Godfrey Newman, David Skipp

ABSTAINED Councillors: Karen Burgess, John Chidlow, David Jenkins

ABSENT Councillors: Leonard Crosbie, Connor Relleen, Simon Torn

The motion was therefore declared **CARRIED** and it was:

RESOLVED

That planning application DC/16/1677 be determined by the Director of Planning, Economic Development & Property, in consultation with the Chairmen and Vice-Chairmen of the Planning Committee (North) and the Planning Committee (South) and the Cabinet Member for Planning & Development, with a view to granting permission, subject to the completion of a Legal Agreement to secure the details as set out in the Heads of Terms and appropriate conditions.

During determination both the Legal Agreement and planning conditions may be added to, removed or varied.

CO/90 **URGENT BUSINESS**

There were no urgent matters to be considered.

The meeting closed at 8.05 pm having commenced at 6.00 pm

CHAIRMAN

Council
24 MAY 2017

Present: Councillors: Christian Mitchell (Chairman), Roger Clarke (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, John Chidlow, Jonathan Chowen, Philip Circus, Paul Clarke, David Coldwell, Roy Cornell, Ray Dawe, Brian Donnelly, Billy Greening, Tony Hogben, Nigel Jupp, Liz Kitchen, Adrian Lee, Paul Marshall, Mike Morgan, Godfrey Newman, Brian O'Connell, Stuart Ritchie, Kate Rowbottom, Jim Sanson, Ben Staines, Simon Torn, Claire Vickers and Tricia Youtan

Apologies: Councillors: John Blackall, Christine Costin, Leonard Crosbie, Jonathan Dancer, Matthew French, David Jenkins, Gordon Lindsay, Tim Lloyd, Josh Murphy, Connor Relleen, David Skipp and Michael Willett

CO/1 **TO ELECT A CHAIRMAN OF THE COUNCIL FOR THE ENSUING YEAR**

It was moved by Councillor Jonathan Chowen and seconded by Councillor John Chidlow that Councillor Roger Clarke be elected Chairman of the Council until the next annual meeting of the Council.

There being no other nominations, Councillor Clarke was then declared elected as Chairman of the Council until the next annual meeting of the Council.

CO/2 **TO MOVE A VOTE OF THANKS TO THE RETIRING CHAIRMAN**

It was moved by Councillor Toni Bradnum, seconded by Councillor Peter Burgess and

RESOLVED

That the Council's grateful thanks be extended to the retiring Chairman, Councillor Christian Mitchell, for his service as Chairman of the Council during the municipal year 2016/2017.

CO/3 **TO APPOINT A VICE-CHAIRMAN OF THE COUNCIL FOR THE ENSUING YEAR**

It was moved by Councillor Claire Vickers and seconded by Councillor Paul Clarke that Councillor Peter Burgess be appointed Vice-Chairman of the Council until the next annual meeting of the Council.

There being no other nominations, Councillor Peter Burgess was declared appointed as Vice-Chairman of the Council for the ensuing Council year.

CO/4 **ANNOUNCEMENTS**

The Chairman announced that this was the last Council meeting that the Director of Community Services would attend, before taking up her role of Chief Executive at Crawley Borough Council in June. The Chairman thanked the Director for her outstanding achievements over the past seven years at Horsham and congratulated her on her new appointment.

The Chairman advised that the nominations from the Group Leaders for the membership of Committees and Policy Development Advisory Groups in 2017/18 were shown on the schedule circulated at the meeting.

CO/5 **TO APPOINT THE OVERVIEW AND SCRUTINY COMMITTEE OF THE COUNCIL FOR THE YEAR (15 MEMBERS OF THE COUNCIL)**

It was moved by Councillor Ray Dawe, seconded by Councillor Godfrey Newman and **RESOLVED**

That the membership of the Overview and Scrutiny Committee of the Council for the municipal year 2017/18 be as follows:

Cllr Toni Bradnum	Cllr Nigel Jupp
Cllr Alan Britten	Cllr Tim Lloyd
Cllr Peter Burgess	Cllr Mike Morgan
Cllr Paul Clarke	Cllr Brian O'Connell
Cllr David Coldwell	Cllr Ben Staines
Cllr Leonard Crosbie	Cllr Michael Willett
Cllr Jonathan Dancer	Cllr Tricia Youtan
Cllr Matthew French	

CO/6 **CONSTITUTION OF THE PLANNING AND EMPLOYMENT COMMITTEES**

It was moved by Councillor Ray Dawe, seconded by Councillor Godfrey Newman and **RESOLVED**

That, in accordance with Section 17 (1) of the Local Government and Housing Act 1989, the Planning and Employment Committees be constituted on the basis set out in Minute No CO/97 and CO/98 below rather than political balance.

(Note: The above resolution was adopted without any Member of the Council voting against)

CO/7 **TO APPOINT THE PLANNING COMMITTEES OF THE COUNCIL FOR THE YEAR, AS FOLLOWS:**

It was moved by Councillor Ray Dawe, seconded by Councillor Godfrey Newman and **RESOLVED**

That the membership of the two Planning Committees of the Council for the municipal year 2017/18 be as follows:

PLANNING COMMITTEE (NORTH)

Councillor John Bailey	Councillor Tony Hogben
Councillor Andrew Baldwin	Councillor Liz Kitchen
Councillor Toni Bradnum	Councillor Adrian Lee
Councillor Alan Britten	Councillor Christian Mitchell
Councillor Karen Burgess	Councillor Josh Murphy
Councillor Peter Burgess	Councillor Godfrey Newman
Councillor John Chidlow	Councillor Connor Relleen
Councillor Roy Cornell	Councillor Stuart Ritchie
Councillor Christine Costin	Councillor David Skipp
Councillor Leonard Crosbie	Councillor Simon Torn
Councillor Jonathan Dancer	Councillor Claire Vickers
Councillor Matthew French	Councillor Tricia Youtan
Councillor Billy Greening	

Plus the Cabinet Member with responsibility for strategic planning issues and the Chairman of Planning Committee (South)

PLANNING COMMITTEE (SOUTH)

Councillor John Blackall	Councillor Gordon Lindsay
Councillor Jonathan Chowen	Councillor Tim Lloyd
Councillor Philip Circus	Councillor Paul Marshall
Councillor Paul Clarke	Councillor Mike Morgan
Councillor Roger Clarke	Councillor Brian O'Connell
Councillor David Coldwell	Councillor Kate Rowbottom
Councillor Ray Dawe	Councillor Jim Sanson
Councillor Brian Donnelly	Councillor Michael Willett
Councillor David Jenkins	Councillor Ben Staines
Councillor Nigel Jupp	

Plus the Cabinet Member with responsibility for strategic planning issues and the Chairman of Planning Committee (North)

CO/8 **TO APPOINT THE FOLLOWING ORDINARY COMMITTEES OF THE COUNCIL FOR THE YEAR:**

It was moved by Councillor Ray Dawe, seconded by Councillor Godfrey Newman and **RESOLVED**

That the membership of the ordinary committees of the Council for the municipal year 2017/18 be as follows:

AUDIT COMMITTEE

Cllr John Chidlow
Cllr Brian Donnelly
Cllr Adrian Lee
Cllr Tim Lloyd

Cllr Paul Marshall
Cllr Godfrey Newman
Cllr Stuart Ritchie

EMPLOYMENT COMMITTEE

Chairman of Council	Leader of the Council
Leader of the Minority Group	
plus a substitute pool of five additional Members:	
Deputy Leader	Cllr Godfrey Newman
Councillor Philip Circus	Cllr Michael Willett
Cllr Leonard Crosbie	

GOVERNANCE COMMITTEE

Cllr Toni Bradnum
Cllr Peter Burgess
Cllr Philip Circus
Cllr David Coldwell
Cllr Leonard Crosbie

Cllr Roger Clarke
Cllr Matthew French
Cllr Michael Willett
Cllr Tricia Youtan

LICENSING COMMITTEE

Cllr John Blackall
Cllr Karen Burgess
Cllr Peter Burgess
Cllr Philip Circus
Cllr Roger Clarke
Cllr Billy Greening
Cllr Tony Hogben
Cllr Adrian Lee

Cllr Paul Marshall
Cllr Christian Mitchell
Cllr Mike Morgan
Cllr Godfrey Newman
Cllr Brian O'Connell
Cllr Kate Rowbottom
Cllr Jim Sanson

STANDARDS COMMITTEE

Cllr David Coldwell
Cllr Roger Clarke
Cllr Brian Donnelly
Cllr Mike Morgan

Cllr Godfrey Newman
Cllr Michael Willett
Cllr Tricia Youtan

Plus two co-opted Parish Council representatives, nominated by the Horsham Association of Local Councils, and two independent persons previously appointed by Council.

CO/9 TO APPOINT MEMBERS TO THE FOLLOWING JOINT COMMITTEES:

It was moved by Councillor Ray Dawe, seconded by Councillor Godfrey Newman and **RESOLVED**

That Members be appointed to the joint committees of the Council for the municipal year 2017/18 as follows:

HENFIELD COMMONS JOINT COMMITTEE

Cllr David Coldwell
Cllr Mike Morgan

Cllr Brian O'Connell

CENSUS JOINT COMMITTEE

Cllr Brian Donnelly

Cllr Gordon Lindsay

CO/10 **TO APPOINT MEMBERS TO THE CABINET MEMBERS' POLICY
DEVELOPMENT ADVISORY GROUPS AND AGREE THEIR PROGRAMME
OF MEETINGS FOR THE YEAR**

It was moved by Councillor Ray Dawe, seconded by Councillor Godfrey Newman and **RESOLVED**

That the membership of the Cabinet Members' Policy Development Advisory Groups for the municipal year 2017/18 and their programme of meetings be as follows:

COMMUNITY AND WELLBEING

MEMBERS

DATES OF MEETINGS

Cllr Kate Rowbottom
Cllr Andrew Baldwin
Cllr John Blackall
Cllr Alan Britten
Cllr Karen Burgess
Cllr David Coldwell
Cllr Billy Greening
Cllr Josh Murphy
Cllr Jim Sanson
Cllr David Skipp
Cllr Ben Staines

13 June 2017
22 August 2017
31 October 2017
2 January 2018
13 March 2018
22 May 2018

FINANCE AND ASSETS

MEMBERS

DATES OF MEETINGS

Cllr Brian Donnelly
Cllr John Bailey
Cllr John Chidlow
Cllr Paul Clarke

10 July 2017
11 September 2017
30 October 2017
8 January 2018

Cllr David Coldwell	12 March 2018
Cllr Leonard Crosbie	14 May 2018
Cllr Nigel Jupp	
Cllr Adrian Lee	
Cllr Tim Lloyd	
Cllr Stuart Ritchie	
Cllr Simon Torn	

HOUSING AND PUBLIC PROTECTION

<u>MEMBERS</u>	<u>DATES OF MEETINGS</u>
Cllr Philip Circus	3 July 2017
Cllr Andrew Baldwin	21 August 2017
Cllr Alan Britten	20 November 2017
Cllr Matthew French	22 January 2018
Cllr Nigel Jupp	26 February 2018
Cllr Paul Marshall	30 April 2018
Cllr Mike Morgan	
Cllr Jim Sanson	
Cllr David Skipp	

LEISURE AND CULTURE

<u>MEMBERS</u>	<u>DATES OF MEETINGS</u>
Cllr Jonathan Chowen	12 July 2017
Cllr Roger Clarke	13 September 2017
Cllr Christine Costin	15 November 2017
Cllr Matthew French	17 January 2018
Cllr Tony Hogben	14 March 2018
Cllr Nigel Jupp	16 May 2018
Cllr Adrian Lee	
Cllr Christian Mitchell	
Cllr Michael Willett	
Cllr Tricia Youtan	

LOCAL ECONOMY

<u>MEMBERS</u>	<u>DATES OF MEETINGS</u>
Cllr Gordon Lindsay	28 June 2017
Cllr John Bailey	23 August 2017
Cllr Peter Burgess	1 November 2017
Cllr John Chidlow	10 January 2018
Cllr David Coldwell	7 March 2018
Cllr Leonard Crosbie	2 May 2018
Cllr Tony Hogben	
Cllr Liz Kitchen	
Cllr Adrian Lee	
Cllr Stuart Ritchie	

PLANNING AND DEVELOPMENT

MEMBERS

DATES OF MEETINGS

Cllr Claire Vickers	6 July 2017
Cllr Toni Bradnum	7 September 2017
Cllr Karen Burgess	9 November 2017
Cllr Paul Clarke	4 January 2018
Cllr Liz Kitchen	8 March 2018
Cllr Paul Marshall	10 May 2018
Cllr Christian Mitchell	
Cllr Godfrey Newman	
Cllr Brian O'Connell	
Cllr Michael Willett	
Cllr Tricia Youtan	

WASTE, RECYCLING AND CLEANSING

MEMBERS

DATES OF MEETINGS

Cllr Roy Cornell	31 July 2017
Cllr John Bailey	20 September 2017
Cllr John Blackall	14 November 2017
Cllr Toni Bradnum	24 January 2018
Cllr David Coldwell	27 March 2018
Cllr Matthew French	9 May 2018
Cllr Tim Lloyd	
Cllr Christian Mitchell	
Cllr Mike Morgan	
Cllr Godfrey Newman	
Cllr Simon Torn	

CO/11 **APPOINTMENT OF A PARISH REPRESENTATIVE TO THE STANDARDS COMMITTEE**

It was moved by Councillor Ray Dawe, seconded by Councillor Godfrey Newman and **RESOLVED**

That Mr Philip Baxter of Shipley Parish Council be appointed to serve as a Parish Representative on the Standards Committee for a term in office ending May 2019.

CO/12 **ORDINARY MEETINGS OF THE COUNCIL**

It was moved by Councillor Ray Dawe, seconded by Councillor Godfrey Newman and **RESOLVED**

- (i) That the dates of ordinary meetings of the Council during the municipal year 2017/18 be:

Wednesday 21st June 2017
Wednesday 6th September 2017
Wednesday 18th October 2017
Wednesday 6th December 2017
Wednesday 21st February 2018
Wednesday 25th April 2018
Wednesday 23rd May 2018 (Annual Meeting)

- (ii) That ordinary meetings of the Council during the municipal year 2017/18 commence at 6.00pm.

The meeting closed at 6.52 pm having commenced at 6.00 pm

CHAIRMAN

Report to Council

21 June 2017

By the Cabinet Member for Planning and Development

KEY DECISION



**Horsham
District
Council**

Not Exempt

Woodmancote Neighbourhood Plan and Wineham & Shermanbury Neighbourhood Plan

Executive Summary

Following extensive preparations and Examination both the Wineham and Shermanbury Neighbourhood Plan (WASP), and Woodmancote Neighbourhood Plan (WNP) were subject to a Referendum on 4 May 2017, where the majority of those who voted were in favour of their respective plans. (Wineham and Shermanbury 71%, and Woodmancote 93% respectively). The purpose of this report is to seek Council's formal approval to "make" both the Wineham and Shermanbury, and Woodmancote Neighbourhood Plans part of the statutory Development Plan as required by the Town and Country Planning Act 1990 and the Localism Act 2011. This will mean that both plans will be used to determine planning applications in their respective parishes in addition to the Horsham District Planning Framework.

Recommendations

Council is recommended:

- i) To formally "make" both the Wineham and Shermanbury Neighbourhood Plan, and the Woodmancote Neighbourhood Plan as part of the statutory Development Plan, following the Referendum held on 4 May 2017.

Reasons for Recommendations

- i) The preparation of both Neighbourhood Plans to 2031 has followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). Both plans have successfully undergone Examination and have satisfied the basic conditions and the plans are 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 within 8 weeks of the Referendum decision in accordance with the Regulations. This will enable the District Council to use the both the Wineham and Shermanbury Neighbourhood Plan and the Woodmancote Neighbourhood Plan to determine planning applications in their respective parishes.

Background Papers

- i) The Localism Act 2011
- ii) The Neighbourhood Planning (General) Regulations 2012 (as amended)
- iii) Woodmancote Neighbourhood Plan
- iv) Wineham and Shermanbury Neighbourhood Plan
- v) Examiner's Report & HDC Decision Statement for both Neighbourhood Plans

Parishes affected: Shermanbury and Woodmancote respectively

Contact:

Dr Chris Lyons, Director of Planning, Economic Development & Property ext 5401

Barbara Childs, Head of Strategic Planning and Sustainability ext 5181

Background Information

1 Introduction and Background

- 1.1 The Localism Act, which received Royal Assent on 15 November 2011, introduced new rights and powers to allow local communities to shape development in their areas by coming together to prepare neighbourhood plans. The Act allows Parish/Town Councils and other forums to prepare a Neighbourhood Plan for their designated area.
- 1.2 Preparation of a Neighbourhood Plan is subject to several key stages set out in The Neighbourhood Planning (General) Regulations 2012 (as amended) which include:
 1. Designation of the neighbourhood plan area;
 2. Pre-submission publicity and consultation;
 3. Submission of the plan to the Local Planning Authority;
 4. Independent Examination;
 5. Referendum; and
 6. Making the Neighbourhood Plan (i.e. bringing it into force).
- 1.3 The Wineham and Shermanbury and Woodmancote Neighbourhood Plan steering groups have undertaken the preparation of a Neighbourhood Plan for their respective Parishes, and both plans went through a Referendum on 4 May 2017 to seek the support of the community for the plans. The result of the Referendums was a majority 'yes' vote in favour of both plans with 71% of the turnout voting in favour of the Wineham and Shermanbury Plan and 93% majority voting in favour of the Woodmancote Plan.

2 Relevant Council policy

- 2.1 The Local Plan for Horsham District, (the Horsham District Planning Framework or HDPF), sets out the key planning policies against which development in the District is considered. It is a requirement that Neighbourhood Plans contain policies which are broadly in accordance with the Local Plan. This includes a requirement that Neighbourhood Plans allocate a proportion of the 1,500 homes that the Local Plan identifies to be delivered through neighbourhood planning.

3.0 DETAILS

Preparation of the Wineman and Shermanbury Neighbourhood Plan

- 3.1 Shermanbury Parish Council, as the qualifying body, successfully applied to Horsham District Council to be designated as a Neighbourhood Area under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan Area for Shermanbury covers the whole of the Parish of Shermanbury and was designated as a Neighbourhood Plan Area on the 19 December 2013.
- 3.2 Shermanbury Parish Council completed a number of tasks that are required to prepare a Neighbourhood Plan. These included the preparation and gathering of

evidence and undertaking various consultation exercises before drawing up a draft of the plan (known as the Pre-submissionPlan). The Pre-Submission Plan then underwent consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, from **7 December 2015 to 25 January 2016**.

- 3.3 The Pre-Submission Plan was subsequently amended in response to the comments made during the consultation and the “Submission Plan” was then formally submitted to the District Council. The Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, undertook a further consultation of the Submission Plan. Representations were invited between **11 March 2016 and 22 April 2016**. Following further communication with the Examiner the Submission Plan went out to re-consultation again on **21 October 2016 to 2 December 2016** seeking further comment on policy 13 alone in order to be procedurally compliant with the Neighbourhood Plan Regulations.
- 3.4 In agreement with the Parish Council, Horsham District Council appointed Mr John Mattocks on to carry out an independent Examination of the Neighbourhood Plan. The purpose of the Examination was to determine whether the Plan met the Basic Conditions together with other legislative requirements and therefore whether the Plan should proceed to Referendum. The Examiner’s Report was formally completed and sent to Horsham District Council on the 9 January 2017. The Examiner concluded that with a number of modifications the Submission WASP Neighbourhood Plan would meet the Basic Conditions and could proceed to Referendum on that basis.
- 3.5 On 20 March 2017, Horsham District Council resolved that the Wineham and Shermanbury Submission Plan (incorporating the Examiner’s modifications and recommendations as set out in the Horsham District Council ‘Decision Statement’) should proceed to Referendum.
- 3.6 On 4 May 2017, the Wineham and Shermanbury Neighbourhood Development Plan to 2031 successfully passed referendum with 71% of the votes cast agreeing that the Wineham and Shermanbury Neighbourhood Development Plan be used by Horsham District Council to help in the determination of planning applications in the Parish of Shermanbury (turnout at the Referendum was 51.79%).

Preparation of the Woodmancote Neighbourhood Plan

- 3.7 The Woodmancote Neighbourhood Plan (“WNP”) relates to the area that was designated by the Council as a neighbourhood area on **25 Feb 2014** and the South Downs National Park Authority (SDNPA) on **17 Feb 2014**. This area is coterminous with the parish council boundary that lies within the Horsham District Council and South Downs National Park Local Planning Authority Area.
- 3.8 The Pre Submission Plan underwent consultation under Regulation 14 from **22 Feb 2016 to 3 April 2016**.
- 3.9 Woodmancote Parish Council (“WPC”) then submitted the Pre Submission Plan to the Council and the SDNPA. The Plan was publicised and representations were invited between **9 September 2016 and the 26 October 2016**.

- 3.10 John Slater (“the Examiner”) was appointed by the Council with the consent of WPC, to carry out an independent Examination of the Neighbourhood Plan and to prepare a report of the independent Examination. The Examiner returned his report on the 30 January 2017. The Examiner’s Report concluded that the Plan met the Basic Conditions set out in the Legislation, subject to a number of recommended changes and should proceed to Referendum.
- 3.11 On 4 May 2017, the Woodmancote Neighbourhood Development Plan to 2031 successfully passed referendum with 93% of the votes cast agreeing that the Woodmancote Neighbourhood Development Plan be used by Horsham District Council and South Downs National Park Authority to help in the determination of planning applications in the Parish of Woodmancote. (turnout at the Referendum was 46.05%).

Strategic Environmental Assessment (SEA)

- 3.12 Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 requires the Council as local planning authority to outline what action to take in response to the recommendations of the Examiner made his report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act). The Council has given further consideration to the commentary made by the Examiner, including having regard to the adequacy of the plan in meeting EU legislation.
- 3.13 Taking into account the National Planning Policy Guidance (‘the NPPG’) which states: “*(The SEA) should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.*” the Council is in agreement with the Examiner of the Wineham and Shermanbury Plan that the SEAs has considered an appropriate range of alternatives, and in addition makes reference to cumulative impacts of the Plan. On this basis the Council agrees with the Examiners’ view that the SEA of both Plans met the regulatory requirements. The Woodmancote Neighbourhood Plan was screened by the Council and the statutory consultees as not requiring a Strategic Environmental Assessment, and was not subject to this process.

4 Next Steps

- 4.1 As a result of their respective Referendums, the Council is required, in accordance with Legislation to formally ‘make’ both the Wineham and Shermanbury Neighbourhood Plan, and the Woodmancote Neighbourhood Plan as over 50% of those who voted in each Referendum were in favour of the Plans. Making the Plans will allow the Plans to be given full weight in determining planning applications within both parishes. Horsham District Council is required to ‘make’ the Plans within 8 weeks of the Referendums in accordance with the Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended).

5 Outcome of Consultations

- 5.1 The preparation of both Neighbourhood Plans has been undertaken in consultation with stakeholders and the community. These consultations have been

carried out by both the Parish and District Council in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended).

6 Other Courses of Action Considered but Rejected

- 6.1 The Council could reject Wineham and Shermanbury Neighbourhood Plan and Woodmancote Neighbourhood Plan should it be considered that it the Plans are in breach of any EU or other legal obligations, convention or rights. Taking into account the views of the Examiner, as set out in section three of this report, it is not considered that this is the case. The Council is therefore required to make the Plans in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

7 Resource Consequences

- 7.1 Failure to adopt either Neighbourhood Plan could result in the Council being open to High Court challenge on the ground that it has acted in breach of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. This would incur significant costs in terms of Officer's time and costs associated with legal challenges and appeals.
- 7.2 There are no other staffing or financial consequences resulting from this decision.

8 Legal Consequences

- 8.1 The Section 38A (3) the Act/regulations apply to neighbourhood plans and orders Section 38A (4) (b) Subsection 4 (b) states that: LPA must make the plan as soon as reasonably practicable after the referendum is held.
- 8.2 Furthermore, the Neighbourhood Planning (General) Regulations 2012 (as amended) stipulate under Regulation 18a the following: "Prescribed date for making a neighbourhood development plan 18A.—(1) The date prescribed for the purposes of section 38A(4)(b) of the 2004 Act is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held. It follows if the plan is not made within the 8 weeks, it will not be in accordance with the regulations.
- 8.3 Under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended) (3) a person aggrieved may make an application to the High Court on the ground that a procedural requirement has not been complied with. The application must be made within 6 weeks. A procedural requirement is a requirement made by regulations or an order which relates to the adoption publication or approval of a plan/document. Therefore if either Neighbourhood Plans are not adopted by the Council within 8 weeks of the Referendums, they could be challenged by way of a Judicial Review which can result in the Plan/Plans being quashed.

9 Risk Assessment

- 9.1 Following the adoption of the Wineham and Shermanbury Neighbourhood Plan and the Woodmancote Neighbourhood Plan there is a six week period when the

decision to adopt the Plans can be judicially reviewed. The Council has sought to minimise the likelihood of a successful challenge.

10 Other Considerations

- 10.1 There are no Crime & Disorder; Human Rights; Equality & Diversity or Sustainability consequences resulting from this decision.

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Report to Council

21 June 2017

By the Chief Executive

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Appointment of Interim Monitoring Officer

Executive Summary

This report seeks Council approval for the appointment of Crawley Borough Council's Monitoring Officer, Ann-Maria Brown, as this Council's Monitoring Officer on an interim basis following the departure of Paul Cummins, our Head of Legal and Democratic Services and pending the future appointment of a permanent replacement as Monitoring Officer.

Recommendations

Council is recommended:

- i) to appoint Ann-Maria Brown, an employee of Crawley Borough Council, as its interim Monitoring Officer with effect from 1 July 2017

Reasons for Recommendations

The Council must have a Monitoring Officer at all times. The current Monitoring Officer has resigned and will leave the Council on 30 June 2017. Crawley Borough Council has agreed to allow its Monitoring Officer to act in that capacity also for our Council on an interim basis pending the appointment of a permanent Monitoring Officer.

Background Papers

None

Wards affected: all

Jane Eaton, Director of Corporate Resources, 01403 215300

Background Information

1 Introduction and Background

- 1.1 The role of Monitoring Officer is a requirement of the Local Government & Housing Act 1989 and its duties are outlined in paragraph 3.5.3 of the Council's Constitution. In summary the officer is responsible for ensuring the legality and probity of all Council actions and decisions.
- 1.2 The Council's current Monitoring Officer, Paul Cummins, leaves the Council on 30 June 2017.
- 1.3 It is now necessary to put in place a temporary Monitoring Officer arrangement from 1 July 2017.

2 Relevant Council policy

- 2.1 This report supports the Corporate Plan objective of securing value for money from all Council services by allowing the Head of Paid Service time to reflect on the most cost effective and efficient way to provide the Monitoring Officer role.

3 Details

- 3.1 The Chief Executive, as Head of Paid Service, has commissioned consultants to carry out a review of Legal and Democratic Services to inform his decision on the future organisation of those functions and to identify the post to which to allocate the Monitoring Officer role in future.
- 3.2 Following a review of various interim solutions it is proposed to appoint the Monitoring Officer from Crawley Borough Council to act as the Horsham District Council Monitoring Officer until a decision is made on the permanent arrangement.

4 Next Steps

- 4.1 The Head of Paid Service will receive his report on Legal and Democratic Services in mid-July and, following staff consultations on whatever changes to the organisation of these functions might be proposed, a report on the Monitoring Officer appointment will be submitted to Council.

5 Outcome of Consultations

- 5.1 The Acting Chief Executive and Monitoring Officer of Crawley Borough Council have been consulted.
- 5.2 The Director of Corporate Resources has commented on the financial implications of the change and the Head of Human Resources on the employment implications.

6 Other Courses of Action Considered but Rejected

- 6.1 The Chief Executive and Director of Corporate Resources considered whether to appoint an interim Head of Legal and Democratic Services to carry out the review and take the Monitoring Officer role. They rejected this option because of the high cost and scarcity of senior interim lawyers in local government.

7 Resource Consequences

- 7.1 Payments to Crawley Borough Council for their Monitoring Officer and temporary backfill arrangements to support the role will be containable within the budgeted costs for the role of Head of Legal and Democratic Services.

8 Legal Consequences

- 8.1 S113 of the Local Government Act 1972 allows the sharing of Council staff between authorities. Under those provisions an officer of Crawley Borough Council is treated as an employee of Horsham for the purposes of the discharge of Horsham's functions.

9 Risk Assessment

- 9.1 In appointing a part-time Monitoring Officer based in another location the Council's officers and members will not have immediate on site access to advice, and there is some risk of delays in completing standards investigations. The Director of Corporate Resources will put in place extra resources to support the Monitoring Officer to minimise any delays.

10 Other Considerations

- 10.1 There are no Crime & Disorder; Human Rights; Equality & Diversity and Sustainability issues arising from this report.

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