

Appendix B

Council 24 APRIL 2019

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

Apologies: Councillors: John Chidlow, Philip Circus and David Jenkins
Absent: Councillors: Jonathan Dancer, Josh Murphy, Connor Relleen, Stuart Ritchie and Simon Torn

CO/55 **MINUTES**

The minutes of the meeting of the Council held on 13th February 2019 were approved as a correct record and signed by the Chairman

CO/56 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/57 **ANNOUNCEMENTS**

The Chairman:

- Advised Council that he had written to Lady Emma Barnard and Mr Gary Shipton congratulating them on their appointments as Deputy Lord Lieutenants for West Sussex.
- Congratulated all staff and colleagues who had taken part in the YMCA homeless sleep-over on 22nd March 2019.
- Thanked all Councillors for their service over the last four years. He made particular reference to two retiring Members: Councillor David Jenkins who had served the Council for 43 years, including terms as Chairman of the Council in 1999/2000 and as Cabinet Member for Strategic Planning from 2001 to 2011, and Councillor John Bailey who had served the Council for 16 years, including a term as Chairman of the Council in 2008/09.

The Cabinet Member for Local Economy thanked and congratulated all staff involved in the organisation of this year's Piazza Italia over the Easter weekend.

The Cabinet Member for Community and Wellbeing advised that it had recently been agreed to lease nine flats from Saxon Weald for use as temporary accommodation. Also, the homelessness team had secured £84,000 of new funding from the Ministry for Housing, Communities and Local Government to enable the further development of services for homeless individuals. Lastly, disabled facilities grants totalling more than £1,300,000 had been approved over the last year for adaptations to enable residents in the District to remain in their homes.

CO/58 **QUESTIONS FROM THE PUBLIC**

(i) Mrs Sue Kornicky asked the following question:

In our representative democracy, the geographical ward or constituency is the critical association between the electorate and their elected representative. This is particularly so at district council level. The local ward member represents his or her local ward. Residents are promised that and expect it. It is much valued.

Planning decisions do, of course, need to be made on valid planning grounds. But, as they determine the usage of land, a good local knowledge of the area involved should surely enhance and enrich those decisions. A brief site visit seems a very poor substitute for such local knowledge and affinity. Communities expect that cases heard by planning committee will have strong local representation; not to raise 'nimby' concerns, but to ensure that the local impact is correctly assessed and properly represented.

The current planning committees have that strong local link inherently inbuilt. I have personally witnessed members of planning committees discharging that duty, admirably, whilst still retaining the necessary 'open mind'.

In that context, please explain how a single planning committee of 18 members (out of 48) would be established and, in particular, if the current geographical/Ward representation would be completely forsaken in favour of a politically balanced one?

Councillor Michael Willett, the Chairman of the Governance Committee replied as follows:

None of the recommendations restrict the ability of councillors to call in applications or represent the views of their constituents at planning committees as all members whether sitting on the committee or not will have the ability to speak and make representation on behalf of their ward. In fact it is argued that members not sitting on the Planning Committee have more freedom to speak and impart their local knowledge to Committee members therefore geographical and ward representation would continue.

As a supplementary question, Mrs Kornycky asked, if recommendations (i) and (ii) of the Governance Committee were approved by Council, would Members' planning training records be published on the Council's website.

Councillor Willett noted the question and advised that, if not covered by the discussion on this item later on the agenda, a response would be provided.

(ii) Mr Paul Kornycky asked the following question:

In order to reduce the number of planning applications going to committee, Paragraph 31 of the PAS report states, regarding any change to the delegation rules: 'A review would need to be conducted in detail to set clear objectives and to fully understand the impact the options would have'.

Agenda Item 7(a) proposes an increase in the public call-in threshold from 8 to 15.

The statistics referenced in the original report apparently logged just the first reason for call-in, even when there were multiple reasons e.g. a case with both public call-in and Parish/Neighbourhood Council call-in was simply logged as a public call-in. The report does not make this at all clear and is highly misleading.

No official report has been published showing, for example, those cases only being determined by committee because of public call-in, nor any impact analysis of any proposed threshold change.

The recommendation to increase the public call-in threshold from 8 to 15 therefore appears unjustified, unsubstantiated and arbitrary. It would clearly be unfair to those residents living in small hamlets.

So, as required by the PAS report, please explain the rationale behind the proposed threshold increase together with the supporting evidence, and clarify the impact that this is expected to have on the volume of cases coming to planning committee?

Councillor Michael Willett, the Chairman of the Governance Committee replied as follows:

The purpose of a planning committee is to consider strategically important developments, which are of importance to the whole District. It was considered that 8 representations or more, which resulted in 44% of planning applications being considered at committee, did not represent the more strategically important applications. A threshold of 15 or more is considered to better represent this position and ensure that more time can be spent on the most complex and contentious applications. This proposed threshold of 15 should be viewed in the context of the proposal to increase the speaking time of Parish and Neighbourhood Councils to 5 minutes. This will allow Parishes to represent their whole Parishes and not just those objecting or supporting a proposal. Furthermore the proposed increase in the threshold to 15 letters does not remove the ability for any application to be considered at committee if it is

considered that it is important to do so. Applications would still be able to be elevated to committee by a district Councillor, Parish or Neighbourhood Council or at the discretion of the Head of Development.

As a supplementary question, Mr Kornycky asked, if the proposed increase in the threshold was not unfair to those living in small hamlets.

Councillor Willett noted the question and advised that, if not covered by the discussion on this item later on the agenda, a response would be provided.

CO/59 **RECOMMENDATIONS FROM CABINET**

Affordable Housing Investment - Proposal to set up Development and Management Companies to provide Affordable Rented Housing in Horsham District – Approval of Funding

The Cabinet Member for Community and Wellbeing reminded Members that the Council was committed to delivering affordable housing to support its residents.

The Council had an excellent record in this area and had:

- Delivered the highest number of affordable homes in Sussex during the past three years;
- Supported Registered Providers with funding in excess of £9,000,000 to deliver 1,107 affordable homes since 2010; and
- Invested in excess of £5,500,000 in temporary accommodation, which would see the provision of 34 properties to prevent households that were managing the challenges of homelessness from having to be accommodated in bed and breakfast accommodation.

At its meeting in March, Cabinet had approved the setting up of a property development company and a property holding company, which would see the Council invest £10,000,000 to deliver its own permanent affordable housing through an Affordable Housing Company model. This funding would support the delivery of up to 70 units in some of the District's most in demand areas and reduce the number of households on the Council's Housing Register. Alongside providing additional affordable rented homes, this would also build an asset base that could enable the delivery of affordable homes into the future.

The Cabinet Member thanked officers for their work in developing this proposal and sought Council's approval for £500,000 in equity funding to the Property Development Company.

Members spoke in support of the proposal.

RESOLVED

That the provision of £500,000 equity funding to the Property Development Company be approved.

REASONS

- (i) To increase the delivery of affordable housing.
- (ii) To make the best use of Section 106 Commuted Sums.
- (iii) To provide a financial return to the Council for reinvestment in the District.

CO/60 **RECOMMENDATIONS FROM COMMITTEES**

(a) **Governance Committee - 19th March 2019** **Review of the Functions, Responsibilities and Constitution of** **Planning Committees at Horsham District Council**

Four members of the public addressed the Committee in respect of the recommendations of the Governance Committee with particular reference to the proposed composition of Planning Committees and the rules in respect of speaking.

Councillor Michael Willett, the Chairman of the Governance Committee, introduced the item giving a brief overview of the research undertaken and the process followed by the Committee in reaching its conclusions.

Each of the recommendations was moved in turn by Councillor Willett, seconded by Councillor David Coldwell and debated as follows:

Recommendation (i) - That all Members need to be adequately trained and must attend the full programme of mandatory training – only trained members may sit on Planning Committee.

Members supported this proposal.

Recommendation (ii) - Members can opt out of sitting on Planning Committee if they so choose on an annual basis. If Members do opt out they are still encouraged to attend training.

Some concern was expressed regarding the operation and implications of the opt-out. Other views were that it was innovative and would allow withdrawal from membership of a planning committee rather than being an 'absent' Member.

Recommendation (iii) - That the scheme of delegation of responsibilities to Committees of the Council be amended as follows:

Amend part 3.2.2 Functions of the Planning Committee para c) 5 of Constitution:

“Where a Local Ward Member requests it and where an objection is received. Such request to be in writing (to include e-mail) and received by the Head of Development within 35 days of the date of validation for all applications with the exception of clauses i to iv and viii below.”

Amend part 3.2.2 Functions of the Planning Committee para c) 6 of Constitution:

“Where fifteen or more persons in different households (living within the district or close to the neighbouring authority boundary) or bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Development’s recommendation with the exception of clauses i to viii below.”

Councillors Willett and Councillor Coldwell accepted an amendment to the proposed wording of part 3.2.2 para c) 5 deleting the words: “and where an objection is received”.

It was moved by Councillor Paul Clarke and seconded by Councillor Jim Sanson that the proposed wording of part 3.2.2 para c) 6 be amended by the substitution of the word “ten” for “fifteen”. On being put, the amendment was declared LOST.

It was then moved by Councillor Christian Mitchell and seconded by Councillor Toni Bradnum that the proposed wording of part 3.2.2 para c) 6 be amended by the substitution of the word “eight” for “fifteen”. On being put, the amendment was declared CARRIED.

Recommendation (iv) - Site visits are to be undertaken as per the Constitution Part 5c (Planning protocol) para 7 to include – Planning Officers will facilitate a site visit to sites where access is restricted.

Members supported this proposal.

Recommendation (v) - Officers to devise a suitable code of practice which sets out general rules for Member and Officer communication at the pre-application stage subject to advice from Planning Officers.

Members supported this proposal.

Recommendation (vi) - That there should be a single Planning Committee comprising 18 Members.

It was moved by Councillor Ray Dawe and seconded by Councillor Adrian Lee that this recommendation be amended to read “That the existing two area-based Planning Committees be retained.”

It was then moved and seconded that a recorded vote be taken. The voting was as follows:

FOR THE MOTION: Councillors: John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, Jonathan Chowen, Paul Clarke, Roy Cornell, Christine Costin, Leonard Crosbie, Ray Dawe, Brian Donnelly, Matthew French, Billy Greening, Tony Hogben Nigel Jupp, Lynn Lambert, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Christian Mitchell, Mike Morgan, Godfrey Newman, Kate Rowbottom, Jim Sanson, David Skipp, Ben Staines, Claire Vickers, Tricia Youtan

AGAINST: None

ABSTAINED: Councillors: David Coldwell, Brian O'Connell, Michael Willett,

ABSENT: Councillors: John Chidlow, Philip Circus, Jonathan Dancer, David Jenkins, Liz Kitchen Josh Murphy, Connor Relleen, Stuart Ritchie, Simon Torn

The amendment was therefore declared CARRIED.

Recommendation (vii) - That part 4a of the Constitution (Council procedure rules) para19 (Public speaking on agenda items) be amended to allow Parish Council or Neighbourhood Councils to speak for up to 5 minutes instead of 2 minutes on Planning or Licensing applications.

Members supported this proposal.

Recommendation (viii) - That any changes agreed will be reviewed after 12 months of operation.

Members supported this proposal.

The substantive motion was therefore **RESOLVED** as follows:

- (i) That all Members need to be adequately trained and must attend the full programme of mandatory training – only trained members may sit on Planning Committee.
- (ii) Members can opt out of sitting on a Planning Committee if they so choose on an annual basis. If Members do opt out they are still encouraged to attend training.
- (iii) That the scheme of delegation of responsibilities to Committees of the Council be amended as follows:

Amend part 3.2.2 Functions of the Planning Committee para c) 5 of Constitution:

“Where a Local Ward Member requests it. Such request to be in writing (to include e-mail) and received by the Head of Development within 35 days of the date of validation for all applications with the exception of clauses i to iv and viii below.”

Amend part 3.2.2 Functions of the Planning Committee para c) 6 of Constitution:

“Where eight or more persons in different households (living within the district or close to the neighbouring authority boundary) or bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Development’s recommendation with the exception of clauses i to viii below.”

- (iv) Site visits are to be undertaken as per the Constitution Part 5c (Planning protocol) para 7 to include – Planning Officers will facilitate a site visit to sites where access is restricted.
- (v) Officers to devise a suitable code of practice which sets out general rules for Member and Officer communication at the pre-application stage subject to advice from Planning Officers.
- (vi) That the existing two area-based Planning Committees be retained.
- (vii) That part 4a of the Constitution (Council procedure rules) para 19 (Public speaking on agenda items) be amended to allow Parish Council or Neighbourhood Councils to speak for up to 5 minutes instead of 2 minutes on Planning or Licensing applications.
- (viii) That any changes agreed will be reviewed after 12 months of operation

(b) Overview and Scrutiny Committee – 25th March 2019
Recommendations in respect of the West Sussex County Council
S106 Task and Finish Group

Councillor Leonard Crosbie, the Chairman of the Overview and Scrutiny Committee, introduced the item and moved the recommendations of the Committee.

Councillor Brian O’Connell, who had chaired the Task and Finish Group, seconded the motion and presented the recommendations.

RESOLVED

- (i) That the current protocol agreed between West Sussex County Council and Horsham District Council be reviewed and updated as required, as agreed by the West Sussex County Council Team

Manager in conjunction with Horsham District Council in accordance with new legislation regarding CIL.

- (ii) That the protocol be reviewed by the Business Improvement Working Group on an annual basis.
- (iii) That the West Sussex County Council Team Manager be invited to attend the Business Improvement Working Group annually to update members and talk through current procedures employed and review effectiveness.
- (iv) That a training seminar be offered to parish clerks and members on the S106 procedure and how to interpret the monthly reports issued to parishes.
- (v) That the annual report produced by West Sussex County Council be distributed to all Members and Parish Councils.

CO/61 **REPORTS OF REPRESENTATIVES**

None.

CO/62 **MEMBERS' QUESTIONS ON NOTICE**

No questions had been received.

CO/63 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 8.50 pm having commenced at 6.00 pm

CHAIRMAN