



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Council

Wednesday, 6th September, 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: <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) 21st June 2017	7 - 12
b) 5th July 2017	13 - 14
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. Recommendation from Governance Committee of 16th August 2017	15 - 30
To receive and, if approved, adopt the recommendation of the Governance Committee of 16 th August 2017 on changes to Parts 3.2.2 and 3.6.2 of the Constitution.	

7. **Pay Policy Statement 2017/18**

31 - 38

To receive the report of the Chief Executive (Head of Paid Service)

8. **Notice of Motion**

To consider the following Notice of Motion, submitted by Councillor Claire Vickers in accordance with Rule 4a.26 of the Council's Constitution:

"Motion in support of a new Horsham Parkway railway station at land north of Horsham and the maintenance of rail services at Littlehaven Halt".

Background Summary

1. Two new rail stations are proposed between Littlehaven and Ifield stations, on the railway line between Horsham and Crawley. Both proposed stations are within Horsham District. One is at Kilnwood Vale adjacent to the district's boundary with Crawley and the other is a "Parkway" station on the Land North of Horsham development. Business cases have been submitted to the Department for Transport (DfT) by the developers of both these sites. The DfT has however indicated that only one new station could be allowed and this would require the closure of Faygate station. The final decision lies with Network Rail and the DfT.
2. On 19 July 2017, Crawley Borough Council (CBC) passed a notice of motion to adopt a formal position of support for the construction of a new railway station at Kilnwood Vale. CBC agreed to write to Network Rail to make a formal submission in support of Kilnwood Vale and to WSCC requesting that it also adopts a position of support for this site.
3. Both developments are located within Horsham District and so the Council is informing the DfT, before it makes a decision, which option it believes would bring the greater benefits.
4. Where to locate something as important to the population and the district as a new railway station is very much a decision that has long term implications. It is clearly important therefore to look at a minimum 7-10 year and beyond horizon and try to judge the long term difference the geographical position of a new station would make based on a number of factors a) the future predicted homes numbers and businesses within reasonable distance likely to use a station b) ease of access c) parking availability d) the effect on existing rail station provision.

a) The immediate potential catchment would be:

For Horsham Parkway

Land West of Horsham, Broadbridge Heath, Southwater, land North of Horsham (both residential & business park), existing residents in northern Horsham and along the A264 to the west of Crawley.

For Kilnwood Vale

The Kilnwood Vale development itself, existing and future residents in western Crawley and north Horsham.

b) ease of access:

Both stations would be reached from the A264. Horsham Parkway access would be located immediately off the road close to its roundabout junction with A24 and attract commuters off the A264 at an earlier point than Kilnwood Vale which is approximately 4 miles further along the road and where access to a station would be through roads that serve residential areas.

c) Parking availability

Parkway would have 600 places and Kilnwood Vale 200 places.

d) Existing stations

In June 2014 Network Rail completed a project costing £4.5m improving Littlehaven Halt station and extending the platforms allowing longer 8 carriage trains to stop there. Network Rail will want to realise the value of such a large investment and not damage it by reducing services. Usage numbers for Littlehaven (entry/exit) were 33,817 in 2015; 34,604 for 2014 and 35,746 for 2013. There are however significant parking problems at Littlehaven, particularly along Rusper Rd, which in the absence of a new Parkway station would be greatly exacerbated. A Parkway station is likely to reduce pressure on the current limited parking places at Littlehaven, Christ's Hospital and Horsham town station and reduce peak time traffic going through the town.

Further details

1. A new station at either proposed location would mean the closure of Faygate station. Faygate is a village approximately 4 miles north east of Horsham town and 3.5 miles south west of Crawley, to the immediate north of the A264. It has a population of around 1,200 people. Faygate station is on the Arun Valley Line, which links London (Victoria) with Portsmouth. It has five direct services to London Victoria on a weekday, although passengers are able to change at Horsham or Gatwick Airport for a more regular service to London Victoria, and for services to London Bridge. The Annual Usage Figures from National Rail indicate that in 2015 there were a total of 1,617 entry/exits at Faygate station (an average of 32 per week),

2. Horsham Parkway station would be located within the land north of Horsham development, allocated in the Horsham District Planning Framework 2015. The scheme would comprise a two-platform railway station capable of accommodating 12-carriage trains with footbridge and passenger lifts on the Horsham to Crawley line, a bus interchange, short stay car park/drop off area and a 600-space Parkway facility. The Council has granted outline planning permission for the whole development, including the station, subject to the completion of a s106 (which is currently being negotiated and is expected to be completed shortly)

Kilnwood Vale Station would be situated inside the Kilnwood Vale development west of Crawley (but within Horsham District). This strategic development site was identified in the Horsham District Core Strategy 2007 and allocated in the West of Bewbush Joint Area Action Plan in 2009. The Kilnwood Vale development is being built in phases with outline permission including a new station but no specific details of this have been issued.

Network Rail has agreed with the assumptions made in the Strategic Outline Business Case (SOBC) for the Parkway station. The SOBC shows that around 645,000 trips each year would be made to/from the Parkway station based on a projected 2 per hour each way (4 at peak times) service. This compares with 386,000 trips at Kilnwood Vale if the platform length and the service level was the same.

Council notes that the North Horsham Parkway Station would:

- Help promote economic growth in Horsham and the surrounding area and support the success and pace of delivery of the 0.5 million sq.ft. business park, which has the potential to create around 4000 jobs;

- be an attractive facility for residents of the 2,750 homes allocated on the site, which will increase the desirability of the development and speed up delivery;
- provide 600 car parking spaces which will relieve pressures on parking at Horsham station and Littlehaven, where car parking is currently at capacity with little to no land available for expansion;
- increase car parking for rail access for both existing residents of the District and to help meet the needs of the other committed and planned developments in and around Horsham;
- give many more commuters an alternative sustainable mode of transport other than by car for journeys to Crawley, Gatwick, and the Sussex Coast thereby taking pressure off the road network;
- reduce traffic congestion on access roads into Horsham as it will be easier to access the station at north Horsham by car, straight off the main road;
- allow WSCC to look at limiting the on-street parking on Rusper Road and surrounding streets, currently caused by commuters using Littlehaven Station.
- free space on Rusper Road currently used as commuter parking and would allow the delivery of this section of the Crawley-Horsham strategic cycle route;
- free up car parking within the town centre for other users and provide additional economic benefit, rather than being used by commuters to park all day; and
- allow the closure of the level crossing at Wimlands Road with the provision of a new access road.

Conclusion:

The combination of a) North Horsham's 2,750 houses, business park and 600 space car park b) the current lack of commuter parking close to Horsham, Littlehaven Halt and Christ's Hospital stations is likely to get worse as more housing developments are built and c) Parkway's location adjacent to the residential areas from Southwater northwards up the A24 as well as near the A264, would make a new station at Parkway a far better business opportunity than Kilnwood Vale for Network Rail and bring the greatest benefit to the public and the district.

The Council resolves:

1. To adopt a formal position of support in favour of the construction of a new Horsham Parkway railway station at land north of Horsham for the reasons given in this document.
2. To write to Network Rail and make formal submissions in support of a new Horsham Parkway railway station at land north of Horsham and seeking reassurances about the protection of services to and from Littlehaven.
3. To write to the Leader of West Sussex County Council seeking the County Council's support for a new Horsham Parkway railway station at land north of Horsham.

9. Members' Questions on Notice

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

10. 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)

<p>Addressing the Council</p>	<p>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.</p>
<p>Minutes</p>	<p>Any comments or questions should be limited to the accuracy of the minutes only</p>
<p>Quorum</p>	<p>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.</p>
<p>Declarations of Interest</p>	<p>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</p>
<p>Announcements</p>	<p>These should be brief and to the point and are for information only – no debate/decisions</p>
<p>Questions from the public (Notice must have been given in writing to the Chief Executive by 12.00 three working days before the meeting)</p>	<p>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 but any Member may move that a matter raised by a question is referred to Cabinet or committee. If seconded, no discussion – vote taken.</p>
<p>Cabinet recommendations (see also rules of debate)</p>	<p>Leader/Cabinet Member presents and moves recommendation(s) – seconder required. Members may:</p> <ul style="list-style-type: none"> - ask a question on the item under consideration – max 2 minutes; and/or - make a statement – max 5 minutes.
<p>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)</p>	<p>These are directed to the Chairman, Leader, Cabinet Member or chairman of any committee:</p> <ul style="list-style-type: none"> - 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. <p>No discussion. Maximum of 30 minutes overall for questions and answers.</p>

<p>Rules of debate</p>	<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).
<p>Voting</p>	<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
21 JUNE 2017

Present: Councillors: Roger Clarke (Chairman), Andrew Baldwin, Toni Bradnum, John Chidlow, Philip Circus, Paul Clarke, Christine Costin, Leonard Crosbie, Ray Dawe, Brian Donnelly, Matthew French, Billy Greening, Tony Hogben, David Jenkins, Nigel Jupp, Liz Kitchen, Gordon Lindsay, Christian Mitchell, Mike Morgan, Godfrey Newman, Kate Rowbottom, David Skipp, Ben Staines, Claire Vickers, Michael Willett and Tricia Youtan

Apologies: Councillors: Peter Burgess, John Bailey, John Blackall, Alan Britten, Karen Burgess, Jonathan Chowen, David Coldwell, Roy Cornell, Jonathan Dancer, Adrian Lee, Tim Lloyd, Paul Marshall, Josh Murphy, Brian O'Connell, Connor Relleen, Stuart Ritchie, Jim Sanson and Simon Torn

CO/13 **MINUTES**

The minutes of the meetings of the Council held on 26th April, 22nd May and 24th May 2017 were approved as correct records and signed by the Chairman.

CO/14 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/15 **ANNOUNCEMENTS**

The Chairman referred to the terrible tragedy that had occurred the previous week at Grenfell Tower in London and advised Council that he had written to the Mayor of Kensington and Chelsea on behalf of the people of Horsham District expressing sincere condolences for the loss of life, the injuries sustained and the uncertainty that existed for the relatives and friends of those still missing.

The Chairman also advised that he had written to the Imam of the Finsbury Park Mosque, following the incident earlier in the week, to express condolences for the loss of life and support for the community's commitment to building and maintaining harmonious relationships between people of all races and faiths.

The Chairman reminded Members that this was the last meeting that Paul Cummins, the Monitoring Officer would be attending before leaving to take up the post of Head of Legal at Milton Keynes Council and wished him all the best in his continuing career. Paul Cummins responded.

The Leader advised that, following the resignation of Councillor Roy Cornell from the post of Cabinet Member for Waste, Recycling and Cleansing, he had appointed Councillor Tricia Youtan to the Cabinet and the portfolios were now as follows:

Councillor Jonathan Chowen, Deputy Leader and Leisure and Culture
Councillor Philip Circus, Waste, Recycling and Cleansing
Councillor Brian Donnelly, Finance and Assets
Councillor Gordon Lindsay, Local Economy
Councillor Kate Rowbottom, Housing and Public Protection
Councillor Claire Vickers, Planning and Development
Councillor Tricia Youtan, Community and Wellbeing

The Leader expressed his thanks to Councillor Cornell for his work during his time as a Cabinet Member. The changes to Cabinet would result in some consequential changes to the memberships of a number of committees and the Leader would advise these in due course.

CO/16 **QUESTIONS FROM THE PUBLIC**

No questions relevant to the business of the meeting had been received.

CO/17 **MEMBERS' QUESTIONS ON NOTICE**

Councillor Ben Staines asked:

1. Does all social housing used by Horsham district residents have up-to-date fire safety certificates?

2 Do all the facilities that are used by members of Horsham district staff have up-to-date fire safety certificates?

3. How often are fire safety checks carried out to social housing and the facilities used by staff?

4. Are there any instances in the last three years where fire safety checks were failed and what actions were taken to remedy this?

5. How many instances in the last three years were the fire brigade called to deal with incidents at social housing or at Horsham district facilities?"

Councillor Ray Dawe, Leader replied as follows:

1. Fire safety certificates predate the Regulatory Reform (Fire Safety) Order 2005. It is now up to the 'responsible person', i.e. the landlord/owner/employer effectively to 'self-certify' by doing a fire risk assessment for a building.

Horsham District Council does not own social housing but uses Social Landlords such as Saxon Weald. Landlords are individually responsible for

ensuring that annual fire risk assessments are undertaken and that all health and safety regulations are adhered to.

The Council does own temporary accommodation and all these premises comply with statutory requirements and written Fire Risk Assessments are updated on an annual basis. All fire alarms, smoke detectors and emergency lighting in communal areas are checked on a monthly basis and some premises are checked weekly.

If the Council has to use bed and breakfast accommodation (B&B) for emergency housing the B&Bs have a legal obligation to carry out a fire risk assessment. We have checked with our current suppliers and each has an up to date assessment.

We have also checked with Saxon Weald. Immediately following the fire at Grenfell Tower their Board asked for a report, which concluded that all fire certificates for their buildings are regularly inspected and tested and they carry out detailed fire risk assessments conforming to all regulatory requirements.

2. Fire assessments are undertaken at all relevant sites. Such premises are also the subject of regular testing regimes and drills.

3. Whilst Fire Risk Assessments are annual, as a minimum fire alarms are tested weekly.

4. There have been no incidents.

5. The Council does not have any social housing of its own. The housing associations we use such as Saxon Weald have the entire responsibility for their housing and their tenants. The Council does not keep records. Having said that, we are aware of one incident in which a social housing unit was damaged by fire.

In the last two years there have been three fires on HDC-owned property but none which were housing related. For information they were: a fire in the bin store at Piries Place; Southwater Country Park garage fire; and a small fire in the stairwell at Piries Place. There is no record of injury having occurred in any of these incidents

There is no residential accommodation in the District which is above 18 metres (six storeys) in height.

CO/18 **WINEHAM & SHERMANBURY AND WOODMANCOTE NEIGHBOURHOOD PLANS**

Representatives of both Shermanbury and Woodmancote Parish Councils addressed the Council in support of the making of their respective Neighbourhood Plans.

The Cabinet Member for Planning and Development reported that, following extensive preparations and Examination, both the Wineham and Shermanbury Neighbourhood Plan (WASP) and the Woodmancote Neighbourhood Plan (WNP) had been subject to Referendum on 4th May 2017, where the majority of those who voted were in favour of the Plans (71% in favour of WASP and 93% in favour of WNP).

Council's approval was therefore now sought to make both the WASP and the WNP 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 Plans would be used in the determination of planning applications in the respective Parishes in addition to the Horsham District Planning Framework.

RESOLVED

That the Wineham and Shermanbury Neighbourhood Plan and the Woodmancote Neighbourhood Plan both be formally "made" part of the statutory Development Plan, following the referendums held on 4th May 2017.

REASONS

- (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 Regulations.

CO/19 **APPOINTMENT OF INTERIM MONITORING OFFICER**

The Chief Executive submitted a report seeking 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, the Council's current Head of Legal and Democratic Services and Monitoring Officer. This arrangement would be effective pending the future appointment of a permanent replacement as Monitoring Officer.

RESOLVED

That Ann-Maria Brown, an employee of Crawley Borough Council, be appointed interim Monitoring Officer for Horsham District Council with effect from 1st July 2017.

REASON

The Council must have a Monitoring Officer at all times. The current Monitoring Officer has resigned and will leave the Council on 30th 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.

CO/20 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 6.23 pm having commenced at 6.00 pm

CHAIRMAN

This page is intentionally left blank

Council
5 JULY 2017

Present: Councillors: Roger Clarke (Chairman), Peter Burgess (Vice-Chairman), John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Alan Britten, Karen Burgess, Jonathan Chowen, Philip Circus, Paul Clarke, David Coldwell, Christine Costin, Leonard Crosbie, Ray Dawe, Brian Donnelly, Matthew French, Tony Hogben, David Jenkins, Nigel Jupp, Liz Kitchen, Christian Mitchell, Stuart Ritchie, Kate Rowbottom, Jim Sanson, David Skipp, Claire Vickers, Michael Willett and Tricia Youtan

Apologies: Councillors: John Chidlow, Roy Cornell, Jonathan Dancer, Billy Greening, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Josh Murphy, Godfrey Newman, Brian O'Connell, Connor Relleen, Ben Staines and Simon Torn

CO/21 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

CO/22 **ANNOUNCEMENTS**

The Chairman:

- Welcomed Ann-Maria Brown, Interim Monitoring Officer to her first meeting of the Council
- Advised Members that he had sent congratulations to Mr David Sayers of Henfield who had been recognised in the Queen's Birthday Honours List and made a Medallist of the Order of the British Empire for services to the community in Henfield.

The Cabinet Member for Community and Wellbeing reported that Horsham had gained dementia-friendly community status.

CO/23 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That, under Section 100A 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 Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972 (*information relating to the financial and business affairs of any particular person (including the Authority holding that information)*), and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CO/24 **CABINET RECOMMENDATIONS**

The Leader reported that Cabinet, at its meeting on 29th June 2017, had approved the proposed acquisition of a commercial property in Horsham town centre for investment purposes subject to Council's approval of the required capital budget in the current year.

The Leader detailed the rationale for acquiring the property and outlined the expected impact of the proposed purchase on the Medium Term Financial Strategy.

It was moved and seconded that the required supplementary capital budget should be approved.

RESOLVED

That a supplementary capital budget of £15,000,000 be approved to enable the purchase to proceed.

REASON

To enable the Council to expand its commercial investment portfolio in order to continue to build a revenue stream to support the Council's general activities.

CO/25 **URGENT BUSINESS**

There was no urgent business to be transacted.

The meeting closed at 6.29 pm having commenced at 6.00 pm

CHAIRMAN

Public Document Pack Agenda Item 6

Governance Committee 16 AUGUST 2017

Present: Councillors: Michael Willett (Chairman), David Coldwell (Vice-Chairman), Toni Bradnum, Karen Burgess, Peter Burgess and Leonard Crosbie

Apologies: Councillors: Philip Circus, Roger Clarke and Matthew French

Also Present: Councillors: David Skipp and Claire Vickers

GO/15 MINUTES

RESOLVED

That the minutes of the meeting held on 26th July 2017 be approved as a correct record.

GO/16 DECLARATION OF MEMBERS' INTERESTS

There were no declarations of interest.

GO/17 ANNOUNCEMENTS

With reference to a statement made by Mr Kornycky at the last meeting of the Committee, the Chairman stated that the review of governance arrangements approved by Council on 27th April 2016 had been focused on improving the involvement and engagement of Members in policy development. The subsequent one year review had therefore been designed to gauge the effectiveness of the revised arrangements for Members. In these circumstances there was no need for public consultation at any stage nor was there a requirement for any form of public consultation to be undertaken as no formal change in governance arrangements, as defined by the Localism Act 2011, were proposed. The Council, at its meeting on 7th December 2016, and separately from the revised governance arrangements, had agreed a revised Constitution which included rules on public speaking and questions at meetings. Article 3 of the Constitution summarised the rights of members of the public in terms of information, the opportunity to participate and the ability to make complaints. In addition, members of the public could submit suggestions for the work programme of the Overview and Scrutiny Committee.

GO/18 CHANGES TO THE CONSTITUTION OF HORSHAM DISTRICT COUNCIL

Three members of the public addressed the Committee in objection to the proposed changes to the Constitution relating to the delegation of certain planning functions.

Members were reminded that one of the functions of the Committee was to receive reports from the Monitoring Officer on amendments to the Constitution and make any consequent recommendations to Full Council.

The report of the Interim Monitoring Officer set out a number of proposed variations to the Constitution in respect of the discharge of planning functions delegated to the Planning Committees and minor changes to the Scheme of Delegation to Officers (Director of Planning, Economic Development and Property). The changes were proposed as a number of ambiguities had arisen, as a consequence of the introduction of a new streamlined Constitution, regarding the delegation to the Planning Committees of the determination of applications under the Town and Country Planning Act 1990 and related Regulations. The effect of these ambiguities was that many minor applications would now have to be considered by the Planning Committees as the term “application” referred to in the delegation of planning functions to the Planning Committees (paragraph 3.2.2 of the current Constitution) was not defined in any way.

The changes now proposed were intended to overcome these ambiguities by setting out clear definitions of applications that would be determined by the Planning Committees and those that would be delegated to the Director of Planning, Economic Development and Property for determination. If approved, these changes would enable the efficient discharge of planning functions by the Council.

The Committee discussed the report with particular reference to the exception clauses contained in the proposed changes to the delegation of planning functions to the Planning Committees (Part 3, Paragraph 3.2.2 of the Constitution), as set out in Appendix 2 of the report.

As a result of the discussion it was agreed that Members should be able to request Committee consideration of “Applications to modify or discharge an obligation contained within a Unilateral Undertaking or a S106 Agreement” and that this clause should therefore be omitted from the list of exceptions in the proposed Part 3, Paragraph 3.2.2 (c) 5 of the Constitution, as set out in Appendix 2 of the report.

RECOMMENDED TO COUNCIL

That the proposed amendments to the Constitution as set out in the Appendix to these minutes be approved.

GO/19 **URGENT BUSINESS**

There were no matters of special urgency to be considered.

The meeting closed at 6.31 pm having commenced at 5.30 pm

CHAIRMAN

PROPOSED CHANGES (NEW WORDING BOLD AND UNDERLINED) TO THE DELEGATION OF PLANNING FUNCTIONS TO THE PLANNING COMMITTEES UNDER PART 3 PARAGRAPH 3.2.2 OF THE CONSTITUTION: FUNCTIONS OF THE PLANNING COMMITTEES

- (a) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.
- (b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1 April 2011, shall be discharged by the Planning Committee (South) only.
- (c) Determination of applications as follows:
1. Where the Head of Development considers the application should be presented to the Planning Committee for a decision.
 2. Any planning application that is defined as a departure application under the Town & Country Planning (Development Management Procedure) (England) Order 2015 where the recommendation of the Head of Development would represent **an initial** departure from the development plan **with the exception of where the initial departure has already been agreed by virtue of a previous grant of planning permission (extant and not extant) and the application represents a subsequent application for either the same, similar or alternative development on the same or an adjacent site which would not alter the previous material planning considerations.**
 3. **Planning Applications, Outline Planning Applications and Applications for Approval of Reserved Matters or Listed Building Consent made by or on behalf of the Council or on land owned by the Council or in which the Council has a legal interest with the exception of: a) Applications to vary or remove a condition; b) Applications seeking advertisement consent; and c) clauses i to viii below.**
 4. An application that has been made by a council member or an officer or a member of their immediate family with **the exception of: a) Applications to remove or vary a condition; b) Applications seeking advertisement consent; and c) clauses i to viii below.**
 5. Where a Member of the relevant Planning Committee 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 vi and viii below.**
 6. Where eight or more persons in different households 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.**
 7. Where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Head of Development's recommendation, within the consultation period, and wishes to address the Planning Committee **with the exception of clauses i to viii below.**

Exception clauses applying to 3-7 above:

- i. Applications for a Certificate of Lawfulness (proposed or existing)
- ii. Applications for Prior Approval (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iii. Applications for Prior Notification (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iv. Applications for the submission of details of conditions pursuant to planning permission
- v. Applications for works to trees in a Conservation Area
- vi. Applications for works to trees covered by a Tree Preservation Order
- vii. Applications to modify or discharge an obligation contained within a Unilateral Undertaking or a S106 Agreement
- viii. Applications for a non-material amendment

PROPOSED CHANGES (ADDITIONAL WORDING SET OUT IN BOLD AND UNDERLINED IN (B)) TO THE DELEGATION OF PLANNING FUNCTIONS TO THE DIRECTOR OF PLANNING, ECONOMIC DEVELOPMENT AND PROPERTY

3.6.2 Director of Planning, Economic Development and Property

Within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution: Planning Policy, Development Management, Building Control, Housing Strategy and Economic Development and specifically:

a) Administer, subject to the Key Decision framework, the acquisition, re-use appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings and all consequent operational and administrative matters.

b) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part 1 paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.

c) Exercise all the functions of the Council relating to town and country planning matters, including development management, **except for** those matters reserved to a committee in part three of this constitution.

d) Refer to Full Council if he is of the opinion that the relevant Planning Committee is minded to make a decision in which there are likely to be significant cost implications.

Report to Governance Committee

16 August 2017

By the Interim Monitoring Officer

DECISION REQUIRED



Not Exempt

Changes to the Constitution of Horsham District Council

Executive Summary

The Governance Committee was created by Council on 7 December 2016. One of the functions of the Governance Committee is to receive reports from the Monitoring Officer on amendments to the Constitution and make any consequent recommendation to Full Council.

The report sets out a number of proposed variations to the Constitution in respect of the discharge of planning functions delegated to the Planning Committees and minor changes to the Scheme of Delegation to Officers (Director of Planning, Economic Development and Property). The reason for the proposed changes are that a number of ambiguities have arisen regarding the delegation to the planning committees regarding the determination of applications under the Town and Country Planning Act 1990 and related Regulations, these ambiguities have arisen as a consequence of the introduction of a new streamlined Constitution. The effect being that Applications under the scheme of delegation to the Planning Committee are not defined. The report fully explains the context of this with reference to the Old and New Constitution and recommends changes to address the ambiguities. The Committee are to decide whether to recommend the amendments to Full Council for approval.

Recommendations

That the Committee is recommended to consider the proposed amendments to the Constitution as set out in Appendix 2 and if agreed to recommend approval of changes to the Constitution to the Full Council.

Reasons for Recommendations

To comply with Article 13, Review and Revision of the Constitution.

Background Papers

The Constitution of Horsham District Council 7 December 2016 (Amended April 2017).

Wards affected: All

Contact: Ann-Maria Brown, Interim Monitoring Officer.

Background Information

1 Introduction and Background

- 1.1 It is a legal requirement for the Council to have a Constitution under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011).
- 1.2 The Council undertook a major review of the Constitution in 2016 resulting in the adoption of a revised Constitution by Full Council on 7 December 2016. At the same time as the adoption of a revised Constitution, Full Council created a Governance Committee.
- 1.3 One of the functions of the Governance Committee is to ensure that the Council's Constitution is kept up to date and fit for purpose. This includes receiving reports from the Monitoring Officer to amend the Constitution and to make recommendations to Full Council on any changes that are not covered by the Monitoring Officer's delegated powers.
- 1.4 The discharge of planning functions are delegated to the Planning Committees of the Council (Planning Committee North and South). These are currently set out in Part 3 of the Constitution (Responsibility for and delegation of functions), Delegation of Functions 3:2:2 a) – c). The determination of Applications to the Committee are set out in 3.2.2 c) i. – vii. Further under the Council's Scheme of Delegation to Officers, the Director of Planning, Economic Development and Property under Part 3 of the Constitution at paragraph 3:6:2 has delegated authority for all operational and administrative matters relating to the discharge of functions of the Council relating to Town and Country Planning matters including development management **except for** those matters reserved to Planning Committee.
- 1.5 It is considered that there are a number of ambiguities currently set out in the Scheme of Delegation to the Planning Committee regarding the determination of applications under the Town and Country Planning Act 1990 and related Regulations. To explain this, reference is made to the Council's former Constitution. In the old Constitution (prior to December 2016) there was no mention of the type of application which would be determined by the respective Planning Committees. The description of the applications to be determined was set out in the Scheme of Delegation to Officers Part 3F (Article 13) of the Constitution, October 2015 and in particular paragraph 10 Powers delegated to the Head of Planning and Environmental Services. Under the old Constitution and Scheme of Delegation to Officers paragraph 10.6 referred to applications for planning permission, 10.7 referred to applications for consent, whilst paragraph 10.8 referred to planning consultations and opinions. Paragraph 10.9 specified those matters that were not delegated to an Officer, they included the determination of applications referred to in paragraphs 10.6, 10.7 and 10.8 i.e. applications for planning permission, application for consent, that were departure applications, those that needed to be referred to the Secretary of State (SOS), those made by the Council, by a Member, Officer or their family or where the Committee directed otherwise, where a Member of the Committee requests it, where the Head of Service considers it should go to Committee or where the Parish or neighbourhood Council request it. In the new Constitution which was adopted in December 2016, this level of detail was removed from the delegation to Officers but was included in

the delegation to the Planning Committee. However, the context in which it was read i.e. 10.6 and 10.7 planning permissions and consent was not carried over. . The ambiguity that has arisen is that the term “Applications” which is referred in the delegation of planning functions to the Planning Committee in paragraph 3.2.2 of the Constitution is not defined in any way.

The effect of the wording in the current Constitution is that the term “application” would seem to cover everything i.e. variation of condition application, minor material amendment application, non-material amendment, discharge of condition application with the effect that all such minor applications falling within 3:2:2.(c).(i) – (vii) would have to be considered by the Planning Committee.

For ease of reference, Appendix 1 shows as a comparison the delegations to the Planning Committee(s) and officers under the Old Constitution compared to the current delegations to the Planning Committee(s) and to officers under the Council’s current Constitution approved in December 2016.

- 1.6 To enable the efficient discharge of planning functions, changes have been made to the Delegation of Planning functions to the Planning Committee and to the Scheme of Delegation to Officers (Director of Planning, Economic Development and Property) in order to address the ambiguities that have arisen. These draft changes to Part 3 paragraph 3:2:2 Functions of the Planning Committees are set out in Appendix 2, these changes will replace the current delegation of Functions of the Planning Committees relating to the determination of applications as set out in 3.2.2 (c) i. - vii. New wording is highlighted in **bold** and **underlined**. Appendix 2 also includes additional wording in paragraph 3:6:2 of the Constitution Delegation to the Director of Planning, Economic Development and Property this additional wording is also set out in **bold and underlined** in Appendix 2

2 Relevant Council policy

- 2.1 The Corporate Plan 2016-19 heading Efficiency – Great value services will be better enabled by a modern, agile constitution which if flexible, permissive, well-understood, and realigned to a model constitution in an accessible single-document format.

3 Details of the Proposed Variations and Amendments

- 3.1 The draft changes to the delegation of planning functions to the Planning Committee under Part 3 paragraph 3:2:2 and paragraph 3:6:2 of the Constitution Delegation to the Director of Planning, Economic Development and Property are set out in Bold and underlined in Appendix 2 attached to this Report.

4 Next Steps

- 4.1 These changes are not considered to fall within the delegations of the Monitoring Officer to make minor changes to the Constitution, if approved the Governance Committee will make a Recommendation to Full Council to make the changes to the

Constitution. Following approval by Full Council the Monitoring Officer will publish the amendments on the Council's website.

5 Outcome of Consultation

- 5.1 Consultation has taken place with the Director of Planning, Economic Development and Property and Service Managers.

6 Other Courses of Action Considered but Rejected

- 6.1 The Constitution requires to be updated for effective governance it needs to be treated as a 'living' document with the need for frequent amendments to ensure it remains up to date and reflects the operation of the Council.

7 Resource Consequences

- 7.1 There are no cost implications arising from these changes.

8 Legal Consequences

- 8.1 Under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011), it is a legal requirement for the Council to have a Constitution. It is the responsibility of the Monitoring Officer to monitor and review the operation of the Council's Constitution to ensure that the aims and principles of it are given full effect and to make recommendations for ways in which the Constitution could be amended in order to enable decisions to be taken efficiently and effectively.

9 Risk Assessment

- 9.1 The recommendations within this report are part of mitigating corporate risk CRR08 described in the Corporate Risk Register. The risk source: The Council's decision-making processes are based on Constitution that is overly bureaucratic and unnecessarily complicated. Event: Non-compliance with the Constitution and delays in decision-making. The potential consequences described are: opportunities lost, complaints/claims/litigation/financial losses and lack of openness and transparency.

10 Other Considerations

- 10.1 The Constitution and its Procedures, Rules and Codes act as an enabling tool in helping the Council meet its obligations under the Human Rights Act 1998 and the Equality Act 2010.
- 10.2 Consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making and the Constitution will facilitate such considerations.

DELEGATIONS TO PLANNING COMMITTEE

1. OLD CONSTITUTION (May 2016)

2.2 Development Management (North) Committee

Matters delegated to the Committee:

Those matters falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended

2.3. Development Management (South) Committee

Matters delegated to the Committee:

(a) Those matters falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.

(b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1st April 2011 until 31st March 2014.

2. NEW CONSTITUTION (December 2016)

“3.2 Scheme of delegation of responsibilities to Committees of the Council

Article 8 establishes the Committees of the Council, this scheme allocates responsibilities to those Committees.

3.2.2 Functions of the Planning Committees

EXISTING CONSTITUTION 2016

a) Discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.

b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1 April 2011, will be discharged by the Planning Committee (South) only.

c) Determination of applications as follows:

- i. Applications made by or on behalf of, the Council.
- ii. Where the application has been made by a Member or an officer or a member of their immediate family.

- iii. Where a Member of the relevant Planning Committee requests; such request to be in writing (to include e-mail) and received by the Development Manager within 35 days of the date of validation of the application.
- iv. Where eight or more persons in different households or bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Development Manager's recommendation.
- v. Any application that is defined as a departure application under the Town & Country Planning (Development Management Procedure)(England) Order 2015, where the recommendation of the Development Manager would represent a departure to the development plan.
- vi. Where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Development Manager's recommendation, within the consultation period, and wishes to address the Planning Committee.
- vii. Where the Development Manager considers the application should be presented to the Development Management Committee for a decision."

DELEGATION TO DIRECTOR OF PLANNING

Old Constitution (October 2015)

Part 3F (Article 13)

SCHEME OF DELEGATION TO OFFICERS

10. POWERS DELEGATED TO HEAD OF PLANNING & ENVIRONMENTAL SERVICES

10.1 Regulatory Functions

The exercise of the Council's regulatory functions relating to:

- (a) amenities on the highway;
- (b) animal welfare;
- (c) caravan sites;
- (d) environmental protection;
- (e) fitness and standards of housing;
- (f) food safety and hygiene;
- (g) gambling;
- (h) gaming permits;
- (i) hackney carriages and drivers;
- (j) health and safety at work;

- (k) houses in multiple occupation;
- (l) house to house collections;
- (m) highways management;
- (n) licensable activities under the Licensing Act 2003;
- (o) lotteries;
- (p) markets;
- (q) motor salvage operators;
- (r) pest control;
- (s) pleasure boats;
- (t) private hire vehicles, drivers and operators;
- (u) public health;
- (v) public safety;
- (w) registration plates;
- (x) residential accommodation;
- (y) scrap metal dealers;
- (z) shops and Sunday trading;
- (aa) street collections;
- (bb) street trading;
- (cc) water and sewerage
- (dd) smoke-free regulations

(
[10.2 Housing Fitness](#)

The determination of any matter affecting the fitness or standards of housing.

[10.3 Building Control](#)

[Applications](#)

The determination of the following :

- (a) Applications for building regulations approval including the passing or rejection of plans;
- (b) Application for the relaxation of building regulations.

[10.4. Building Control](#)

[Enforcement](#)

Without prejudice to Paragraphs 2.8(b) above, the issue and service of notices pursuant to the Building Act 1984, and Building Regulations and the carrying out of works in default.

[10.5 Planning Agreements](#)

The entering into of planning or other agreements regulating or controlling the use or development of land (except where the determining body for any associated planning application is a committee

[10.6 Applications for Planning](#)

[Permission](#)

Subject to Paragraph 11.9, the determination of applications for planning permission pursuant to the Planning Acts Including

- (a) Development specified in the GPDO where express planning permission is required by reason of limitations or conditions imposed by that Order;
- (b) Determinations in connection with the prior notification procedure under GPDO.

10.7 Applications for Consent - Planning

Subject to Paragraph 11.9, the determination of applications for consent pursuant to the Planning Acts.

10.8 Planning Consultations and opinions

Subject to Paragraph 10.9 the determination of the Council's stance in respect of consultations and opinions concerning matters referred to in Paragraphs 10.6 and 10.7.

10.9 Non-Delegated Planning Matters

The determination of the following applications mentioned in Paragraphs 10.6 to 10.8 above shall not be delegated:

(a) departure applications within the meaning of the Town and Country (Development Plans and Consultations) (Departures) Directions 1999;

(b) applications requiring reference to the Secretary of State (but not applications for listed building consent);

(c) applications for development requiring an environmental impact assessment (but not the requirement for an environmental impact assessment or matters in connection with an environmental impact assessment);

(d) applications made by, on behalf of, jointly with or promoted by the Council;

(e) where the application has been made by a Member or an officer or a member of their immediate family;

(f) where the appropriate Development Control Committee directs otherwise;

(g) where a members of the relevant Development Control Committee requests; such request to be in writing (to include email) and received by the Head of Service within 35 days of the date of validation of the application;

(h) where five or more persons in different households or bodies make a representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Service's recommendation;

(i) where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Head of Service's recommendation within the consultation period and wishes to address the Committee;

(j) where the Head of Service considers the application should be presented to the Committee for a decision.

10.10 Planning - Lawful Development Certificates

The determination of applications for lawful development certificates (TCPA ss 191, 192).

10.11 Planning - Miscellaneous Planning Applications

The determination of applications under the Local Government (Miscellaneous Provisions) Act 1972 s 37 (temporary markets).

10.12 Planning - Orders etc. under the Planning Acts

The giving, making and confirmation of any order or direction under the Planning Acts.

10.13 South Downs National Park

Those matters referred to in an agreement between South Downs National Park and Horsham District Council having effect from 1st April 2011 until 31st March 2014.

10.14 Enforcement Action and Notices under the Planning Acts Etc.

Without prejudice to Paragraph 2.8(b) above the issue, service, modification and withdrawal of any notice under the Planning Acts and the carrying out of works in default including notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, s 79).

10.15 High Hedges

The determination of application and the taking of any action under the Anti- Social Behaviour Act 2003 Part 8.

10.16 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisations.

10.17 Goods Vehicle Operators' Licences

The determination of the Council's stance relating to Goods Vehicle Operators' Licences

New Constitution (December 2016)

3.4 Scheme of delegation to officers

3.6.2 Director of Planning, Economic Development and Property

Within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution: Planning Policy, Development Management, Building Control, Housing Strategy and Economic Development and specifically:

a) Administer, subject to the Key Decision framework, the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves

and variations of rent of the Council's land and buildings and all consequent operational and administrative matters.

b) Exercise all the functions of the Council relating to town and country planning matters, including development management, **except for** those matters reserved to a committee in part three of this constitution.

c) Refer to Full Council if he is of the opinion that the relevant Planning Committee is minded to make a decision in which there are likely to be significant cost implications.

Draft changes (new wording bold and underlined) to the delegation of planning functions to the Planning Committees under Part 3 Paragraph 3.2.2 of the Constitution: Functions of the Planning Committees

- (a) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.
- (b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1 April 2011, shall be discharged by the Planning Committee (South) only.
- (c) Determination of applications as follows:
 1. Where the Head of Development considers the application should be presented to the Planning Committee for a decision.
 2. Any planning application that is defined as a departure application under the Town & Country Planning (Development Management Procedure) (England) Order 2015 where the recommendation of the Head of Development would represent **an initial** departure from the development plan **with the exception of:**
 - a) **Where the initial departure has already been agreed by virtue of a previous grant of planning permission (extant and not extant) and the application represents a subsequent application for either the same, similar or alternative development on the same or an adjacent site which would not alter the previous material planning considerations.**
 3. **Planning Applications, Outline Planning Applications and Applications for Approval of Reserved Matters or Listed Building Consent made by or on behalf of the Council or on land owned by the Council or in which the Council has a legal interest with the exception of a) Applications to vary or remove a condition b) Applications seeking advertisement consent and c) clauses i to viii below.**
 4. An application that has been made by a council member or an officer or a member of their immediate family with **the exception of a) Applications to remove or vary a condition b) Applications seeking advertisement consent and c) clauses i to viii below.**
 5. Where a Member of the relevant Planning Committee 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 viii below.**
 6. Where eight or more persons in different households 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.**
 7. Where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Head of Development's recommendation, within the consultation period, and wishes to address the Planning Committee **with the exception of clauses i to viii below.**

Exception clauses applying to 3-7 above:

- i. Applications for a Certificate of Lawfulness (proposed or existing)
- ii. Applications for Prior Approval (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iii. Applications for Prior Notification (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iv. Applications for the submission of details of conditions pursuant to planning permission
- v. Applications for works to trees in a Conservation Area
- vi. Applications for works to trees covered by a Tree Preservation Order
- vii. Applications to modify or discharge an obligation contained within a Unilateral Undertaking or a S106 Agreement
- viii. Applications for a non-material amendment

Draft changes (additional wording set out in bold and underlined in (b)) to the delegation of planning functions to the Director of Planning, Economic Development and Property

3.6.2 Director of Planning, Economic Development and Property

Within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution: Planning Policy, Development Management, Building Control, Housing Strategy and Economic Development and specifically:

a) Administer, subject to the Key Decision framework, the acquisition, re-use appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings and all consequent operational and administrative matters.

b) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part 1 paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.

c) Exercise all the functions of the Council relating to town and country planning matters, including development management, **except for** those matters reserved to a committee in part three of this constitution.

d) Refer to Full Council if he is of the opinion that the relevant Planning Committee is minded to make a decision in which there are likely to be significant cost implications.

Report to Council

6th September 2017

By the Chief Executive

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Pay Policy Statement – 2017/18

Executive Summary

The Localism Act 2011 set out a provision that requires local authorities to prepare and publish an Annual Pay Policy Statement.

Recommendations

The Council is recommended to approve the Pay Policy Statement 2017/18 for publication.

Reason for Recommendations

To comply with the requirements of the Localism Act 2011 to approve a published pay policy Statement annually.

Background Papers

None.

Wards affected: All.

Contact: Robert Laban, Head of Human Resources and Organisational Development.

Background Information

1 Introduction and Background

- 1.1 The Localism Act 2011 set out a provision in section 38 that requires local authorities to prepare and publish an Annual Pay Policy Statement. The Pay Policy Statement refers to all employees.
- 1.2 The Pay Policy Statement has been updated in order to comply with the requirements of the Act and to incorporate changes to pay bandings as a result of increases in the Living Wage (Foundation), the National Living Wage and the various bands of the National Minimum Wage (applicable to casual employees below the age of 25 in some grades only).
- 1.3 The Localism Act 2011, sections 38 – 43, contains provisions in relation to “Pay Accountability” and sets out the requirements for Councils to determine and publish annual pay policy statements. The Secretary of State has produced guidance on the Act’s provisions relating to openness and accountability to which the Council must have regard. The Council’s Pay Policy Statement takes account of this Guidance as well as the provisions of the Act.

2 Relevant Council policy

- 2.1 The Council Policy on Senior Pay follows the Joint Negotiating Committee for Chief Executives and the Joint Negotiating Committee for Chief Officers. The Council Policy in relation to other members of staff follows the National Joint Council for Local Government Services.

3 Details

- 3.1 The Pay Policy Statement must be approved annually by Council and be published on its website.
- 3.2 The Pay Policy Statement must set out the Council’s policies relating to:
 - Chief Officer remuneration
 - Remuneration of its lowest paid employees
 - The relationship between Chief Officer remuneration and that of other employees.
- 3.3 For contextual information, the tables below set out some high level national benchmarking figures (table A) to contrast the comparison with data from neighbouring Local Authorities (table B).
 - 3.3.1 The “Median” figure is the ratio between the highest paid employee, which is the Chief Executive Officer, and the median average salary of the whole of the Council’s workforce, which stands at 1:4.44 and is amongst the lowest of those surveyed.
 - 3.3.2 The “Ratio of bottom to top pay” refers to the ratio between the highest paid employee and the lowest paid employee, which is 1:6.92.

Table A

Selected national benchmarks	Median
Hutton Review proposal	1:20
Median of FTSE 100	1:88
Local Authorities average	1:15
Charities average	1:10

Table B

Neighbouring Local Authorities	Median	Ratio of bottom to top pay
Mid Sussex	not yet published	
Crawley	1:4.6	1:6.6
Tandridge	1:4.3	1:7.6
Mole Valley	1:3.7	1:7.0
Arun	1:4.1	1:8.2
Worthing	1:5.0	1:7.3
Horsham	1:4.4	1:6.9

4 Next Steps

- 4.1 Once approved, the Pay Policy Statement for 2017/18 will be published on the Council's website.

5 Outcome of Consultations

- 5.1 The comments of the Interim Monitoring Officer have been incorporated.

6 Other Courses of Action Considered but Rejected

- 6.1 No other courses of action have been considered as it is a legal requirement to approve and publish a pay policy statement annually.

7 Resource Consequences

- 7.1 The Council's Pay Policy Statement draws together existing local policies relating to pay and reward. The financial implications of these policies were taken into account at the time they were established. There are no further financial implications arising.

8 Legal Consequences

- 8.1 See paragraphs 1 and 2 above for relevant Government and Council policies.

9 Risk Assessment

9.1 No risks have been identified.

10 Other Considerations

10.1 Where there are recommendations regarding disclosure of personal data, these are in accordance with relevant legislation specifically to The Human Rights Act and Data Protection Act.

10.2 The Council Policy for all staff groups follows the respective national Joint Negotiating Committees or is determined at local level through collective bargaining and agreement. Relevant Impact Assessments are being made as part of changes to pay and grading in the context of those reviews.

10.3 There are no crime and disorder or sustainability implications.

Pay Policy Statement

Financial Year 2017 - 18

Aim

The purpose of Horsham District Council's approach to pay and reward is to balance affordability and value for money with achieving the following aims:

1. Recruit and retain appropriately experienced and qualified employees
2. Pay at competitive rates
3. Increase motivation and drive service improvements
4. Comply with equal pay legislation

Definitions

For the purpose of this pay policy the following definitions will apply: -

- **'Pay'** in addition to salary includes charges, fees, allowances, benefits in kind, increases/enhancements to pension entitlements, and severance payments.
 - **'Chief Officer'** refers to the following roles within Horsham District Council: -
 - Chief Executive*, also Head of Paid Service ⁽¹⁾
 - Director of Corporate Resources*, also s.151 Officer⁽¹⁾
 - Director of Community Services*
 - Director of Planning, Economic Development & Property *
 - Head of Legal and Democratic Services, also Monitoring Officer⁽¹⁾
- * Members of the Council's Senior Leadership Team (SLT)
⁽¹⁾ Statutory Officer / Appointment
- **'Lowest paid employees'** refers to those employees employed on pay grade A, which has one spinal column point (scp) 12, and is the lowest grade of the Council's pay framework.
 - **'Employee who is not a Chief Officer'** refers to all employees that are not covered under the 'Chief Officer' group above.

Pay Framework and Remuneration Levels

General approach

Remuneration at all levels needs to be adequate to secure and retain high-quality employees, dedicated to fulfilling the Council's business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is not, nor is seen to be, unnecessarily excessive. Consideration also needs to be given to other non-salary benefits provided to staff.

Responsibility for decisions on remuneration

Decisions for remuneration for all employees are determined by their manager in consultation with the relevant Director and following the principles of the agreed job evaluation scheme.

Salary and pay framework

Pay grades are agreed locally. Pay grades A, G1 to G7 are determined in line with a locally agreed evaluation process, pay grades G8 to SM4, Directors and the Chief Executive are determined in line with Hay job evaluation process. The Pay and Grading structure was agreed by Personnel Committee on 23rd July 2014.

There are 17 Pay grades

- Grade A
- G1 to G10
- SM1 – SM4
- Director
- Chief Executive

The salary ranges for each of the Grades are detailed in the Council's Pay Structure table. [\[LINK will be enclosed when published\]](#)

Each employee will be on one of the 17 grades based on the pay grade evaluation of their role. Each Pay grade comprises of a number of salary points. New employees will normally be appointed on the lowest point of the grade for the role and can progress to the salary maximum of their pay grade, subject to assessment of their performance in the annual performance review process.

Pay awards are considered annually for all employee categories in negotiation with their relevant national bodies of Trades Unions and Employers' representatives.

Employees who are not Chief Officers received a pay award from April 2016, worth 2% over two years covering the period from April 2016 to March 2018 (1% per annum).

Chief Officers received a pay award of 1% from April 2017, the same as in the previous year.

The **Chief Executive Officer** received a pay award of 1% from April 2017, the same as in the previous year. Prior to that, no annual pay award had been made since April 2008.

Remuneration

Salaries

Salaries are annual and paid in 12 equal monthly instalments.

“Lowest paid employees”

Each “lowest paid employee” is paid on Grade A, scp 12, which is £8.45 per hour. This is in line with the current recommended UK living wage (Foundation).

Casual workers are paid at least the national minimum wage were they are aged below 25 and the National Living Wage where they are 25 years of age and above. In addition, the Council employs apprentices in line with agreed apprentice schemes.

Other pay elements

Other pay elements include:

- Employer’s pension contribution
- Essential User Car Allowance
- Mileage Allowance in line with the HMRC Approved Mileage Allowance Payments
- One Professional subscription (where this is required for the function of the role)
- Election fees, in the case of the Chief Executive, Director of Resources and the Monitoring Officer.

Election fees are set nationally and locally depending on the type of elections and can vary according to the size of the electorate and number of postal voters; they are separate to salaries for additional election duties.

The salary bands for Directors and Chief Executive include the requirement to provide a vehicle for work, if so required.

New starters joining the Council

New employees to the Council will normally be appointed to the first point of the salary range for their pay grade. Where the candidate’s current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager. This will be within the salary range for the pay grade. The candidate’s level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

Any proposal to offer a new senior appointment on terms and conditions which include a total remuneration package of £100,000 or more, including salary, fees, allowances and any benefits in kind to which the officer would be entitled as a result of their employment (but excluding employer’s pension contributions), will be referred to full Council for approval.

Market Supplements

The Council has a policy to use market supplements. In professions where there is a particular skills shortage, as a temporary arrangement, it may be necessary to consider a market premium to attract and retain high quality employees. Market supplements can be applied to existing employees and/ or to new employees. The final decision as regards any discretion lies with the Chief Executive.

Pension

All employees are automatically enrolled in the Local Government Pension Scheme, unless they choose to opt out.

Severance Payments

The Organisational Change Framework includes details of the general principles of Organisational Design and details of redeployment, redundancy and early retirements.

All severance payments in excess of £100,000 will be voted on at a meeting of Full Council. This will be reviewed in line with an anticipated statutory cap, arising from the Public Sector Exit Payment Regulations 2016, currently still in draft.

Relationship between remuneration of “Chief Executive” and “employees who are not Chief Officers”

The ratio between the highest paid employee and the median average salary of the whole of the Council’s workforce is 4.44. This has been calculated using all taxable earnings including base salary, variable pay and any allowances paid.

The ratio between the highest paid employee and the lowest paid employee is 6.92.

Publication of information regarding remuneration of employees over £50,000

The remuneration details of employees earning over £50,000 are included in the annual accounts and in the Management Structure Chart. **[LINK will be enclosed when published]**

This document is available in alternative formats upon request, such as large print.

Please contact Personnel on 01403 215133 or personnel@horsham.gov.uk

Also see info below on where to get alternative formats (page 10 onwards):

http://hdc-intranet.horsham.gov.uk/files/Dealing_with_Disabled_Customers_HDC_2011.pdf