



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

Council

Wednesday, 5th September, 2018 at 6.00 pm
Park Suite, Parkside, Chart Way, Horsham

To: All Members of the Council
(Please note that prayers will be taken before the meeting commences)

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	
To approve as correct the minutes of the meeting of the Council held on:	
a) 25th April 2018	5 - 8
b) 23rd May 2018 (Annual Meeting)	9 - 16
<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>	
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. Recommendations from Committees	17 - 26
To receive and, if approved, adopt the recommendations of the meeting of the Governance Committee held on 12 th June 2018.	
(agenda online at: Governance Committee agenda)	

7. **Pay Policy Statement 2018/19** 27 - 34
To receive the report of the Director of Corporate Resources
8. **Slinfold Neighbourhood Plan** 35 - 42
To receive the report of the Cabinet Member for Planning and Development
9. **Notice of Motion**
To consider the following Notice of Motion, submitted by Councillor Paul Marshall in accordance with Rule 4a.26 of the Council's Constitution:
- "This motion is seeking the support of Horsham District Council in objecting to the South Downs National Park (SDNP) actions in implementing a Judicial Review challenging Highways England preferred A27 Arundel improvement scheme announced recently.
- The action taken by the SDNP has completely ignored the traffic volume and the environmental impact that residents have had to put with in south of the district that is also part of the South Downs National Park. The residents for years have been waiting for an improvement scheme that will make the A27 route accessible as opposed to circumnavigating A283 and other local roads to avoid the A27 congestion. Residents who live in the vicinity of A283 particularly the villages of Steyning, Wiston, Washington, Storrington, Amberley & Pulborough have had to put up with this traffic in both directions as a consequence.
- Storrington, along with Cowfold, are two villages designated as Air Quality Management Areas, (AQMA). Storrington is a direct consequence of the diversionary traffic. This village has circa 20,000 average vehicle movements daily with high recorded pollutants registered. Two areas, Manleys Hill and West Street have significant pollutant levels recorded well above legal recommendations.
- It is no longer acceptable for residents to put up with the consequences. Residents have participated in the consultation process undertaken by Highways England extensively. The SDNP have not consulted residents in the SDNP or neighbouring villages about their decision to oppose the preferred improvement routes which will be a major relief road for the SDNP.
- I am asking this Council to formally write to the Chair of SDNP objecting to its actions and expressing disappointment about their decision in challenging Highways England. This has a disregard to those residents who have to suffer the environmental impact in the south of the District."
10. **Members' Questions on Notice**
To receive questions from Members under Rules 4a.20(b)-25
11. **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
25 APRIL 2018

Present: Councillors: Peter Burgess (Vice-Chairman), John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Karen Burgess, John Chidlow, Philip Circus, Paul Clarke, David Coldwell, Roy Cornell, Christine Costin, Leonard Crosbie, Ray Dawe, Brian Donnelly, Matthew French, Nigel Jupp, Liz Kitchen, Gordon Lindsay, Tim Lloyd, Paul Marshall, Christian Mitchell, Mike Morgan, Godfrey Newman, Stuart Ritchie, Kate Rowbottom, Jim Sanson, David Skipp, Ben Staines, Claire Vickers, Michael Willett and Tricia Youtan

Apologies: Councillors: Alan Britten, Jonathan Chowen, Jonathan Dancer, Billy Greening, Tony Hogben, David Jenkins, Adrian Lee and Brian O'Connell

Absent: Councillors: Josh Murphy, Connor Relleen and Simon Torn

CO/74 **ELECTION OF CHAIRMAN OF THE MEETING FOR THE NEXT ITEM**

It was moved by Councillor David Coldwell and seconded by Councillor Ray Dawe that Councillor Christian Mitchell be elected Chairman of the meeting for the next item.

There being no other nominations, Councillor Mitchell was declared elected as Chairman for the next item.

CO/75 **ELECTION OF CHAIRMAN OF COUNCIL FOR THE REMAINDER OF THE COUNCIL YEAR**

It was moved by Councillor Claire Vickers and seconded by Councillor Michael Willett that Councillor Peter Burgess be elected Chairman of the Council for the remainder of the Council year.

There being no other nominations, Councillor Peter Burgess was declared elected as Chairman of the Council for the remainder of the Council year. He then signed a declaration of acceptance of office and was invested with the chain of office.

CO/76 **APPOINTMENT OF VICE-CHAIRMAN OF COUNCIL FOR THE REMAINDER OF THE COUNCIL YEAR**

It was moved by Councillor Karen Burgess and seconded by Councillor Gordon Lindsay that Councillor Kate Rowbottom be appointed Vice-Chairman of the Council for the remainder of the Council year.

There being no other nominations, Councillor Kate Rowbottom was declared appointed as Vice-Chairman of the Council for the remainder of the Council

year. She then signed a declaration of acceptance of office and was invested with the badge of office.

CO/77 **MINUTES**

The minutes of the meetings of the ordinary meeting of the Council held on 21st February 2018 and the Extraordinary meeting of 22nd March 2018 were approved as correct records and signed by the Chairman.

CO/78 **DECLARATIONS OF MEMBERS' INTERESTS**

The Monitoring Officer advised that it could be considered that all Members had a personal and pecuniary interest in the item on the agenda concerning the interim report of the Independent Remuneration Panel through the receipt of allowances (Minute No. CO/82 below refers). Therefore, in line with the Constitution and in accordance with Section 33 of the Localism Act 2011, the Monitoring Officer had granted all Members dispensation to enable them to consider, discuss and participate in any vote on this matter. This dispensation would remain in force until 2nd May 2019.

There were no other declarations of interest.

CO/79 **ANNOUNCEMENTS**

The Chairman of Council thanked all officers, including Sue Weston, Sarah Attfield and Chris O'Leary, who had been involved in the organisation of the memorial service for the immediate past Chairman, Roger Clarke, which had taken place the day before the Council meeting. He expressed particular thanks to his PA, Tracey Robbins who had only been in post for a short while during which time she had had to deal with the ramifications of the long illness and subsequent death of the serving Chairman and had then taken on responsibility for the organisation of the memorial service. All Members joined the Chairman in expressing their gratitude.

The Leader advised that Councillor Kate Rowbottom had, on 24th April 2018, resigned from her position as Cabinet Member for Housing and Public Protection in order to take on the role of Vice-Chairman of the Council. He thanked Councillor Rowbottom for her invaluable contribution to Cabinet over the last three years. The Leader also reported that the Community & Wellbeing and Housing & Public Protection portfolios would be combined, with Councillor Tricia Youtan, the current Cabinet Member for Community & Wellbeing, taking on responsibility for those functions.

The Cabinet Member for Waste, Recycling and Cleansing advised Members that the roll-out of the new waste service, which was now almost complete, had been very successful. Early indications were that there had been less contamination of recyclables than had been expected and that there had been a significant increase in recycling levels. He expressed his thanks to all those involved in the introduction and operation of the service.

CO/80 **QUESTIONS FROM THE PUBLIC**

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

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

No questions had been received.

CO/82 **INDEPENDENT REMUNERATION PANEL: INTERIM REPORT OF THE PANEL AND APPOINTMENT OF PANEL FROM NOVEMBER 2018**

One member of the public addressed the Council on this item, suggesting that the recommendation of the Independent Remuneration Panel in respect of a reduction in the Special Responsibility Allowances for the Chairman and Vice-Chairman of the Overview and Scrutiny Committee should not be approved.

The Independent Remuneration Panel had undertaken an interim review following the Council's recent Governance and Constitution Reviews and their findings and recommendations were submitted for consideration.

In addition, Members were advised that the current Panel had been appointed for a four-year term of office from 3rd November 2014. As that period would expire later in the year, approval was sought to advertise for applications from persons interested in serving on the Panel. The existing Panel members had all expressed an interest in continuing in post and would be considered alongside any new applicants.

It was moved by Councillor Philip Circus and seconded by Councillor Stuart Ritchie that the recommendations of the Independent Remuneration Panel should be accepted; the Members' Allowance Scheme for Horsham District Council amended accordingly and the changes implemented with immediate effect and that the recommendations in the covering report should be approved.

During the debate on the motion the Leader indicated that, while he supported the recommendations of the Independent Remuneration Panel, if approved he would not be taking the proposed increase in his Special Responsibility Allowance.

It was then moved by Councillor Andrew Baldwin and seconded by Councillor Christine Costin that the proposed reduction in the Special Responsibility Allowances for the Chairman and Vice-Chairman of the Overview and Scrutiny Committee should not be implemented.

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

Following further debate, the substantive motion was put, declared **CARRIED** and it was:

RESOLVED

- (i) That the interim report and recommendations of the Independent Remuneration Panel be noted.
- (ii) That the Members' Allowance Scheme for Horsham District Council be amended in accordance with the recommendations of the Independent Remuneration Panel with immediate effect and that Part 6 of the Constitution be amended accordingly.
- (iii) That vacancies for the Independent Remuneration Panel be advertised and interested stakeholders also be invited to put forward candidates.
- (iv) That the short listing and interviewing of candidates be carried out by a panel comprising the Chairman, the Vice-Chairman and the Leader of the Council, who shall then make recommendations to appoint the Independent Remuneration Panel to the Council.

REASONS

- (i) It is a legal requirement that the Council has regard to the recommendations of an Independent Remuneration Panel when agreeing the level of Allowances paid to Members.
- (ii) It is a function of Full Council to agree the level of Member Allowances.
- (iii) The Local Authorities (Members Allowances) Regulations 2003 require the Council to appoint an Independent Remuneration Panel at least every four years to review Members' allowances.

CO/83 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 7.02 pm having commenced at 6.00 pm

CHAIRMAN

Council
23 MAY 2018

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

Apologies: Councillors: Jonathan Chowen and David Jenkins

Absent: Councillors: Josh Murphy, Brian O'Connell, Connor Relleen and Ben Staines

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

As a nominee for the position of Chairman of the Council for the coming year, the Chairman relinquished his position and the Vice-Chairman took the Chair for this item.

It was moved by Councillor Claire Vickers and seconded by Councillor Michael Willett that Councillor Peter Burgess be elected Chairman of the Council until the next annual meeting of the Council.

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

CO/2 **TO APPOINT A VICE-CHAIRMAN OF THE COUNCIL FOR THE ENSUING YEAR**

It was moved by Councillor Karen Burgess and seconded by Councillor Gordon Lindsay that Councillor Kate Rowbottom be appointed Vice-Chairman of the Council until the next annual meeting of the Council.

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

CO/3 **ANNOUNCEMENTS**

The Chairman presented Mrs Penny Clarke with a past Chairman's badge and a framed photograph of Councillor Roger Clarke, the previous Chairman of the Council who had sadly passed away during his term of office.

The Chairman advised that the nominations from the Group Leaders for the membership of Committees and Policy Development Advisory Groups in 2018/19 were shown on the schedule circulated at the meeting.

CO/4 **TO APPOINT THE OVERVIEW AND SCRUTINY COMMITTEE OF THE COUNCIL FOR THE YEAR (15 MEMBERS OF THE COUNCIL)**

It was moved by Councillor Ray Dawe, seconded by Councillor David Skipp and **RESOLVED**

That the membership of the Overview and Scrutiny Committee of the Council for the municipal year 2018/19 be as follows:

Cllr Toni Bradnum	Cllr Nigel Jupp
Cllr Paul Clarke	Cllr Tim Lloyd
Cllr David Coldwell	Cllr Mike Morgan
Cllr Leonard Crosbie	Cllr Brian O'Connell
Cllr Jonathan Dancer	Cllr Kate Rowbottom
Cllr Matthew French	Cllr Ben Staines
Cllr Billy Greening	Cllr Michael Willett
+ one vacancy	

CO/5 **CONSTITUTION OF THE PLANNING AND EMPLOYMENT COMMITTEES**

It was moved by Councillor Ray Dawe, seconded by Councillor David Skipp and **RESOLVED**

That, in accordance with Section 17 (1) of the Local Government and Housing Act 1989, the Planning and Employment Committees be constituted on the basis set out in Minute Nos CO/6 and CO/7 below rather than political balance.

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

CO/6 **TO APPOINT THE PLANNING COMMITTEES OF THE COUNCIL FOR THE YEAR, AS FOLLOWS:**

It was moved by Councillor Ray Dawe, seconded by Councillor David Skipp and **RESOLVED**

That the membership of the two Planning Committees of the Council for the municipal year 2018/19 be as follows:

PLANNING COMMITTEE (NORTH)

Cllr John Bailey
Cllr Andrew Baldwin
Cllr Toni Bradnum
Cllr Alan Britten
Cllr Karen Burgess
Cllr Peter Burgess
Cllr John Chidlow
Cllr Roy Cornell
Cllr Christine Costin
Cllr Leonard Crosbie
Cllr Jonathan Dancer
Cllr Matthew French
Cllr Billy Greening

Cllr Tony Hogben
Cllr Liz Kitchen
Cllr Adrian Lee
Cllr Christian Mitchell
Cllr Josh Murphy
Cllr Godfrey Newman
Cllr Connor Relleen
Cllr Stuart Ritchie
Cllr David Skipp
Cllr Simon Torn
Cllr Claire Vickers
Cllr Tricia Youtan

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

PLANNING COMMITTEE (SOUTH)

Cllr John Blackall
Cllr Jonathan Chowen
Cllr Philip Circus
Cllr Paul Clarke
Cllr David Coldwell
Cllr Ray Dawe
Cllr Brian Donnelly
Cllr David Jenkins
Cllr Nigel Jupp
+ one vacancy (Cowfold,
Shermanbury & W Grinstead)

Cllr Gordon Lindsay
Cllr Tim Lloyd
Cllr Paul Marshall
Cllr Mike Morgan
Cllr Brian O'Connell
Cllr Kate Rowbottom
Cllr Jim Sanson
Cllr Michael Willett
Cllr Ben Staines

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

CO/7 **TO APPOINT THE FOLLOWING ORDINARY COMMITTEES OF THE COUNCIL FOR THE YEAR:**

It was moved by Councillor Ray Dawe, seconded by Councillor David Skipp and **RESOLVED**

That the membership of the ordinary committees of the Council for the municipal year 2018/19 be as follows:

AUDIT COMMITTEE

Cllr John Chidlow
Cllr Paul Clarke
Cllr Brian Donnelly
Cllr Tim Lloyd

Cllr Godfrey Newman
Cllr Stuart Ritchie
Cllr Paul Marshall

EMPLOYMENT COMMITTEE

Chairman of Council
Leader of the Minority Group

Leader of the Council

Plus a substitute pool of six additional Members::

Vice-Chairman of Council
Deputy Leader
Cllr Philip Circus
Cllr Michael Willett

Cllr Leonard Crosbie
Cllr Godfrey Newman

GOVERNANCE COMMITTEE

Cllr Andrew Baldwin
Cllr Toni Bradnum
Cllr Karen Burgess
Cllr Peter Burgess
Cllr Philip Circus

Cllr David Coldwell
Cllr Matthew French
Cllr Michael Willett
Cllr Leonard Crosbie

LICENSING COMMITTEE

Cllr John Blackall
Cllr Karen Burgess
Cllr Peter Burgess
Cllr Philip Circus
Cllr Billy Greening
Cllr Tony Hogben
Cllr Adrian Lee
+ one vacancy

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

STANDARDS COMMITTEE

Cllr Peter Burgess
Cllr David Coldwell
Cllr Brian Donnelly
Cllr Paul Marshall

Cllr Mike Morgan
Cllr Godfrey Newman
Cllr Michael Willett

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

CO/8 **TO APPOINT MEMBERS TO THE HENFIELD COMMONS JOINT COMMITTEE (3 MEMBERS OF THE COUNCIL)**

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

That Members be appointed to the Henfield Commons Joint Committee for the municipal year 2018/19 as follows:

Cllr David Coldwell
Cllr Mike Morgan
Cllr Brian O'Connell

CO/9 **TO APPOINT MEMBERS TO THE CABINET MEMBERS' POLICY DEVELOPMENT ADVISORY GROUPS AND AGREE THEIR PROGRAMME OF MEETINGS FOR THE YEAR**

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

That the membership of the Cabinet Members' Policy Development Advisory Groups for the municipal year 2018/19 and their programme of meetings be as follows

COMMUNITY AND WELLBEING

MEMBERS

Cllr Tricia Youtan
Cllr Andrew Baldwin
Cllr Alan Britten
Cllr Karen Burgess
Cllr David Coldwell
Cllr Nigel Jupp
Cllr Paul Marshall
Cllr Mike Morgan
Cllr Kate Rowbottom
Cllr Jim Sanson
Cllr David Skipp

DATES OF MEETINGS

11th July 2018
11th September 2018
29th October 2018
18th December 2018
25th February 2019
15th April 2019

FINANCE AND ASSETS

MEMBERS

Cllr Brian Donnelly
Cllr John Bailey
Cllr John Chidlow
Cllr Paul Clarke
Cllr David Coldwell
Cllr Leonard Crosbie
Cllr Nigel Jupp
Cllr Adrian Lee
Cllr Tim Lloyd
Cllr Stuart Ritchie
Cllr Simon Torn

DATES OF MEETINGS

9th July 2018
10th September 2018
5th November 2018
7th January 2019
11th March 2019
8th April 2019

LEISURE AND CULTURE

MEMBERS

Cllr Jonathan Chowen
Cllr Christine Costin
Cllr Matthew French
Cllr Billy Greening
Cllr Tony Hogben
Cllr Nigel Jupp
Cllr Adrian Lee
Cllr Christian Mitchell
Cllr Mike Morgan
Cllr Kate Rowbottom
Cllr Michael Willett

DATES OF MEETINGS

18th July 2018
19th September 2018
14th November 2018
16th January 2019
6th March 2019
17th April 2019

LOCAL ECONOMY

MEMBERS

Cllr Gordon Lindsay
Cllr Peter Burgess
Cllr John Chidlow
Cllr David Coldwell
Cllr Leonard Crosbie
Cllr Tony Hogben
Cllr Liz Kitchen
Cllr Adrian Lee
Cllr Paul Marshall
Cllr Stuart Ritchie
+ one vacancy

DATES OF MEETINGS

27th June 2018
12th September 2018
31st October 2018
19th December 2018
6th February 2019
3rd April 2019

PLANNING AND DEVELOPMENT

MEMBERS

Cllr Claire Vickers
Cllr Toni Bradnum
Cllr Karen Burgess
Cllr Paul Clarke
Cllr Liz Kitchen
Cllr Paul Marshall
Cllr Christian Mitchell
Cllr Godfrey Newman
Cllr Brian O'Connell
Cllr Kate Rowbottom
Cllr Michael Willett

DATES OF MEETINGS

5th July 2018
6th September 2018
8th November 2018
10th January 2019
14th March 2019
25th April 2019

WASTE, RECYCLING AND CLEANSING

MEMBERS

Cllr Philip Circus
Cllr John Blackall
Cllr Toni Bradnum
Cllr David Coldwell
Cllr Matthew French
Cllr Tim Lloyd
Cllr Christian Mitchell
Cllr Mike Morgan
Cllr Godfrey Newman
Cllr Kate Rowbottom
+ one vacancy

DATES OF MEETINGS

2nd July 2018
17th September 2018
19th November 2018
21st January 2019
4th March 2019
29th April 2019

CO/10 **ORDINARY MEETINGS OF THE COUNCIL**

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

- (i) That the dates of ordinary meetings of the Council during the municipal year 2018/19 be:

Wednesday 13th June 2018
Wednesday 5th September 2018
Wednesday 17th October 2018
Wednesday 5th December 2018
Wednesday 13th February 2019
Wednesday 24th April 2019
Wednesday 22nd May 2019 (Annual Meeting)

- (ii) That ordinary meetings of the Council during the municipal year 2018/19 commence at 6.00pm.

The meeting closed at 6.23 pm having commenced at 6.00 pm

CHAIRMAN

GOVERNANCE COMMITTEE
12th June 2018
Extract from the Minutes

GO/6 **Changes to the Constitution of Horsham District Council**

The Monitoring Officer reported on a number of proposed variations to the Constitution that were considered necessary to address ambiguities and omissions that had become apparent in recent months. The report also referred to a suggestion that the name of this Committee should be changed to avoid confusion with the role of the Audit Committee, which was responsible for financial governance.

Members of the Committee considered that there was no need for a change of name as they were not aware of any confusion regarding the roles of the two Committees, whose respective functions were clearly set out in the Constitution.

The Committee then discussed the Protocol on Member/Officer Relations, which had inadvertently been omitted from the Constitution when it was adopted in December 2016, and proposed a number of minor amendments to the submitted document. The purpose of this Protocol was to provide guidance to Members and Officers of the Council in their relations with one another and it was considered essential that this should be reinstated in the Constitution.

The Committee also agreed amendments to Article 8 of the Constitution in respect of the formation of the Employment Committee and the Policy Development Advisory Groups for the purposes of clarity.

RESOLVED

That no change be made to the name of this Committee.

RECOMMENDED TO COUNCIL

- (i) That the Protocol on Member/Officer Relations, as amended by the Committee and attached to these Minutes, be reinstated in the Constitution as Part 5d.
- (ii) That Article 8 of the Constitution (8.2 Other Committees and Bodies) be amended at parts a) and c) only to read as follows:
 - “a) Employment Committee (the Leader of the Council, the Chairman of the Council and the Leader of the Opposition Group or, if they are not available, a Member chosen from a pool of named substitutes)
 - b) ...
 - c) One Policy Development Advisory Group for each of the following portfolios: Community & Wellbeing; Finance & Assets; Leisure & Culture; Local

Economy; Planning & Development; and Waste, Recycling & Cleansing (11 Members each including the Cabinet Member) (A variance in size (not exceeding 11) will be permitted by notification of group leaders and the subsequent assent of Council).

- d) ...
- e) ...”

REASON

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

5d Protocol on Member/Officer relations

Introduction

- 5d. 1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another.

Given the variety and complexity of such relations, the Protocol does not seek to be prescriptive and it may not cover all situations. However, it does seek to provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.

The Protocol is a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and Officers. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

Members and Officers are servants of the public and they depend on each other in carrying out the work of the Authority. Members are responsible to the electorate and serve only so long as their term of office lasts, while Officers are responsible to the Council. Their job is to give advice to the Council, as well as to individual Members, and to carry out the Council's work under the direction and control of the Council and its various bodies. Mutual respect between Members and Officers is essential to good local government. However, close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers.

The relationship has to function without compromising the ultimate responsibilities of Officers to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Officers.

Roles of Members

- 5d. 2 Members undertake many different roles. Broadly these are:
- a) Expressing political values and supporting the policies of the party or group to which they belong (if any).
 - b) Representing their ward and being advocates for the citizens who live in the area.
 - c) Involvement in active partnerships with other organisations as community leaders.
 - d) Contributing to the decisions taken in full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
 - e) Helping to develop and review policy and strategy.

- f) Monitoring and reviewing policy implementation and service quality.
- g) Involvement in quasi-judicial work through their membership of regulatory committees.

Members may not:

- h) Instruct Officers other than through the formal decision-making process. In particular, the management of staff is a matter for senior officers and not for Members.
- i) Initiate or certify financial transactions, or enter into contracts on behalf of the Council.
- j) Bring the Council or their position as Members into disrepute or use their position improperly to gain an advantage or disadvantage for themselves or any other person.

Roles of Officers

- 5d. 3 Briefly, Officers have the following main roles:
- a) Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
 - b) Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
 - c) Initiating policy proposals.
 - d) Implementing agreed policy.
 - e) Ensuring that the Council always acts in a lawful manner.

Respect and Courtesy

- 5d. 4 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays a very important part in the Council's reputation and how it is seen in public. It is important that both Members and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Officers.

Undue Pressure

It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position. In their dealings with Officers (especially junior Officers), Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.

Officers serve the Council as a whole. Heads of Service have a duty to implement the properly authorised decisions of the Council and its various bodies. Other Officers work to the instructions of their senior Officers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their manager. Members should approach the appropriate Head of Service in the first instance with respect to controversial or corporate issues.

A Member should not apply undue pressure on an Officer either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Officers. *(The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's Confidential Reporting Code).*

Familiarity

Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

Such familiarity could also cause embarrassment to other Members and/or other Officers and even give rise to suspicions of favouritism. For these reasons close personal familiarity must be avoided.

Breach of Protocol

If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Officer's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the Officer concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Officer if the circumstances warrant it.

If an Officer considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by the Standards Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Chief Executive will assist in this process if necessary.

Provision of Advice and Information to Members

- 5d. 5 Members are free to approach Officers of the Council to provide Members with information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Officers should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be

any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed (i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within 5 working days of the receipt of the enquiry).

The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.

The Access to Information Procedure Rules of the Constitution explain the position with regard to access to papers relating to the business of a Council body.

The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.

The information sought by a Member should only be provided by the respective service as long as it is within the limits of the service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.

It is important for services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that they represent. Local Members should be informed about proposals that affect their ward and should also be invited to attend Council initiated events within their ward.

If a Member asks for specific information relating to the work of a particular service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chairman concerned should be advised about the information provided.

Officers have to advise Members from time to time that a certain course of action cannot be carried out. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.

Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the "need to know". Officers are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Council's Head of Legal and Democratic Services and Monitoring

Officer will be able to advise on whether any request would fall within the Freedom of Information Act.

Confidentiality

- 5d. 6 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:-
- a) he/she has the consent of a person authorised to give it;
 - b) he/she is required by law to do so;
 - c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - d) the disclosure is –
reasonable and in the public interest; and
made in good faith and in compliance with the reasonable requirements of the authority.

Confidential Council/Cabinet/Committee papers are to be treated as confidential information unless the relevant body resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the body. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained. Information and correspondence about an individual's private or business affairs will normally be confidential.

Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.

Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.

If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

Provision of Support Services to Members

- 5d. 7 The only basis on which the Council can lawfully provide support services (e.g. stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council

business. They should never be used in connection with party political or campaigning activity or for private purposes.

Correspondence

Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Officers provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Director, Head of Service or the Head of Communications.

Officers must ensure that all enquiries from the media are directed in the first instance to the Head of Communications.

Officers should keep Members informed of press matters relating to their ward or their specific areas of responsibility. In particular, the Leader, the appropriate Cabinet Member and/or committee Chairman must be advised if the Council has been contacted by the media on a high profile issue.

If a Member contacts or is contacted by the media on an issue, he or she should:

- a) Indicate in what capacity he or she is speaking (e.g. in a personal capacity, as a Local Member, as a Cabinet Member, as a chairman or on behalf of a party political group).
- b) Be sure of the facts of the matter.
- c) Seek assistance from the Head of Communications and/or the appropriate Officer(s), but not in relation to a statement which is party political in nature.
- d) Consider the likely consequences for the Council of his or her statement.
- e) Not speak on behalf of the Council unless authorised to do so.

The Council's Role as Employer

- 5d. 8 In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could use the inappropriate behaviour of a Member in an employment case against the Council.

Political Activity

- 5d 9 There are a number of constraints that apply to an Officer who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

In summary, such Officers are prevented from:

- being a Member of Parliament, European Parliament or local authority;
- acting as an election agent or sub-agent for a candidate for election as a member of any the bodies referred to above;
- being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch;
- canvassing on behalf of a political party or a candidate for election to any the bodies referred to above;
- speaking to the public with the apparent intent of affecting public support for a political party; and
- publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection – if the work appears to be intended to affect public support for a political party.

It is common for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles e.g. chairperson or spokesperson. Officers should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers.

Usually the only Officers involved in attending group meetings will be the Chief Executive, Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions. Officers are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive (Head of Paid Service) and their respective Directors/ Heads of Service, and not to individual Members of the Council whatever office they might hold.

Both Members and Officers are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and Officers. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

Sanctions

- 5d. 10 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

Complaints about any breach of this protocol by an Officer may be referred to the relevant Chief Officer, the Chief Executive or the Head of Legal and Democratic Services.

Conclusion

- 5d. 11 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Officers, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

Report to Council

5 September 2018

By the Director of Corporate Resources

DECISION REQUIRED

Not Exempt



**Horsham
District
Council**

Pay Policy Statement – 2018/19

Executive Summary

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

Recommendations

The Council is recommended to approve the Pay Policy 2018/19 for publication.

Reasons for Recommendations

To comply with the requirements of the Localism Act 2011 to approve a published pay policy 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 40 that requires local authorities to prepare and publish an Annual Pay Policy. 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 points as a result of the nationally agreed cost of living rise settlement and 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)..

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 Executive Officer remuneration and that of other staff.

4 Next Steps

- 4.1 Once approved, the Pay Policy Statement for 2018/19 will be published on the Council's website.

5 Other Courses of Action Considered but Rejected

- 5.1 None.

6 Resource Consequences

- 6.1 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.

9 Risk Assessment

- 9.1 There are no risks 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.

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Pay Policy Statement Financial Year 2018 - 2019



Horsham
District
Council

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 Place*
 - 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 set locally. The Pay and Grading structure was agreed by the then Personnel Committee on 23rd July 2014. All Pay grades are determined in line with the council's adopted Hay job evaluation process.

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](#).

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 nationally agreed pay award from April 2018, worth 4% over two years, covering the period from April 2018 to March 2020 (2% per annum).

Chief Officers received the same pay award.

The **Chief Executive Officer** received the same pay award.

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 £8.90 per hour. This is in excess of the current recommended UK living wage (Foundation) of £8.75 per hour, outside London. Grade A will be adjusted should the UK living wage (Foundation) rise, to be not below that rate.

Casual workers are paid at least the national minimum wage where 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 (Nationally agreed “Green Book” rates)
- 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 on the use of 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 4.1.

The ratio between the highest paid employee and the lowest paid employee is 6.68.

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](#).

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

Report to Council

5 September 2018

By the Cabinet Member for Planning and Development

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Slinfold Neighbourhood Plan

Executive Summary

Following extensive preparations and Examination the Slinfold Neighbourhood Plan was subject to a Referendum on 19 July 2018, where the majority of those who voted were in favour of the plan. The purpose of this report is to seek Council's formal approval to "make" the Slinfold Plan part of the statutory Development Plan as required by the Town and Country Planning Act 1990 (as amended) and the Localism Act 2011. Once made, the plan will be used to determine planning applications within Slinfold Parish in addition to the Horsham District Planning Framework (HDPF).

The preparation of Slinfold Neighbourhood Plan to 2031 has followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). The plan has successfully undergone Examination and has satisfied the basic conditions and the plan is in conformity with the Horsham District Planning Framework (HDPF).

Where a Referendum results in a majority 'yes' vote, the Local Planning Authority is required to "make" the Slinfold Neighbourhood Plan within 8 weeks of the Referendum decision in accordance with the Regulations. This will enable the District Council to use the Slinfold Neighbourhood Plan to determine planning applications in the parish area.

Under recent changes to the Planning and Compulsory Purchase Act 2004 pursuant to the Neighbourhood Planning Act 2017, the Plan forms part of the statutory Development Plan and carries full weight in planning decisions as soon as it is approved at a referendum, rather than when it is made. Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Recommendation(s)

Council is recommended to:

- i) Formally "make" the Slinfold Neighbourhood Plan as part of the statutory Development Plan, following the Referendum held on 19 July 2018.

Reason for Recommendation

- i) To meet the requirements of the Town and Country Planning Act 1990 (as amended), the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended)

Background Papers

- i) The Localism Act 2011
- ii) The Neighbourhood Planning (General) Regulations 2012 (as amended)
- iii) Slinfold Neighbourhood Plan
- iv) Examiner's Report & HDC Decision Statement (5 March 2018 and 8 June 2018) for the Neighbourhood Plan

Parishes affected: Slinfold Parish

Contact:

Barbara Childs, Director of Place ext. 5181

Background Information

1 Introduction and Background

- 1.1 The Localism Act, which received Royal Assent on 15 November 2011, introduced new rights and powers to allow local communities to shape development in their areas by coming together to prepare neighbourhood plan. The Act allows Parish/Town Councils and other forums to prepare a Neighbourhood Plan for their designated area.
- 1.2 Preparation of a Neighbourhood Plan is subject to several key stages set out in The Neighbourhood Planning (General) Regulations 2012 (as amended) which include:
 1. Designation of the neighbourhood plan area;
 2. Pre-submission publicity and consultation;
 3. Submission of the plan to the Local Planning Authority;
 4. Independent Examination;
 5. Referendum; and
 6. Making the Neighbourhood Plan (i.e. bringing it into force).
- 1.3 Slinfold Parish Council has undertaken the preparation of a Neighbourhood Plan, and following the completion of the Examination process a Referendum was held on 19 July 2018 to seek the support of the community for the plan. The result of the Referendum was a majority 'yes' vote in favour of the plan with a turnout of 31.65% and 83% voting in favour of the Slinfold Neighbourhood Plan.

2 Relevant Council policy

- 2.1 The Local Plan for Horsham District, (the Horsham District Planning Framework or HDPF), sets out the key planning policies against which development in the District is considered. It is a requirement that Neighbourhood Plans contain policies, which are broadly in accordance with the Local Plan. This includes a requirement that Neighbourhood Plans allocate a proportion of the 1,500 homes that the Local Plan identifies to be delivered through neighbourhood planning (Policy 15 HDPF). The Slinfold Neighbourhood Plan has been positively prepared and will contribute a proportion of the Council housing's supply.

3 DETAILS

Preparation of the Slinfold Neighbourhood Plan

- 3.1 Slinfold Parish Council, as the qualifying body, successfully applied to Horsham District Council to be designated as a Neighbourhood Area under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan Area for Slinfold covers the whole of the Parish of Slinfold and was designated as a Neighbourhood Plan Area on the 20 May 2014.

- 3.2 Slinfold Parish Council completed a number of tasks that are required to prepare a Neighbourhood Plan. These included the preparation and gathering of evidence and undertaking various consultation exercises before drawing up a draft of the plan (known as the Pre-Submission Plan). The Pre-Submission Plan then underwent consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, from 25 April 2016 – 6 June 2016.
- 3.3 The Pre-Submission Plan was amended in response to the comments made during the consultation and the “Submission Plan” was then formally submitted to the District Council. The Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, undertook a further consultation of the Submission Plan. Representations were invited between 11 March 2017 and 22 April 2017. Following further communication with the Parish the Submission Plan went out to re-consultation again on 11 September 2017 to 23 October 2017 in order to be procedurally compliant with the Neighbourhood Plan Regulations.
- 3.4 In agreement with the Parish Council, Horsham District Council appointed Mr Andy Meads to carry out an independent Examination of the Neighbourhood Plan. The purpose of the Examination was to determine whether the Plan met the Basic Conditions together with other legislative requirements and therefore whether the Plan should proceed to Referendum. The Examiner’s Report was formally completed and sent to Horsham District Council on the 29 January 2018. The Examiner concluded that with a number of modifications the Submission Slinfold Neighbourhood Plan would meet the Basic Conditions and could proceed to Referendum on that basis.
- 3.5 Following consultation with the Parish Council, both HDC and the Parish Council accepted the majority of the Examiner’s recommendations. The Examiner did however propose a number of significant changes to the submission draft Slinfold Neighbourhood Plan including the deletion of one site that had been identified for housing development (End of East Way). The Examiner also recommended the removal of the criteria relating to each allocation in the neighbourhood plan and instead rely on the HDPF to inform and guide development.
- 3.6 The Council, as the Local Planning Authority, is responsible for deciding what action to take in response to the Examiner’s recommendations. The Regulations provide that where the Council disagrees with the Examiner’s Report it can make alternative modifications, which must be subject to re-consultation and if required, further examination.
- 3.7 The Council, with the agreement of the Parish Council, decided to put forward a number of further modifications out for consultation. The decision statement was published on the 5 March 2018, and informed stakeholders and the wider public of modifications proposed by the Council. This included the reintroduction of policy

criterion for each of the allocations specifically in relation to guiding scale, form and character, and ascribing a quantum of development to the allocated sites.

- 3.8 The further modifications proposed by Horsham District Council were published in accordance with paragraph 13a of Schedule 4B of the 1990 Town and Country Planning Act for a period of 7 weeks starting on the 16 March 2018 and concluding on the 4 May 2018. Over 70 representations were received in response to the proposed modifications.
- 3.9 During and following the consultation period, Horsham District Council took the opportunity to update the Sustainability Appraisal in light of the new evidence submitted during the consultation and to test the options that were proposed by the Examiner. This enabled the Council to ensure that the final decision considered a range of sustainability impacts and was able to demonstrate that the plan continued to meet the basic conditions. The Council is therefore of the view that the SEA meets the necessary regulatory requirements.
- 3.10 Following the close of consultation, it was considered in light of the comments received, that the allocation of sites without a specific housing target would best achieve the aims of sustainable development in accordance with national and local planning policies. It was considered that the site-specific criteria supporting each allocation should remain. On the 8 June 2018, Horsham District Council therefore resolved that the Slinfold Submission Plan (incorporating the further modifications, the Examiner's modifications and recommendations as set out in the Horsham District Council '[Decision Statement 8 June 2018](#)') should proceed to Referendum.
- 3.11 On 19 July 2018, the Slinfold Neighbourhood Development Plan to 2031 successfully passed Referendum with 83% of the votes cast agreeing that the Slinfold Neighbourhood Development Plan be used by Horsham District Council to help in the determination of planning applications in the Parish of Slinfold (turnout at the Referendum was 31.65%).

Strategic Environmental Assessment (SEA)

- 3.12 Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 requires the Council as local planning authority to outline what action to take in response to the recommendations of the Examiner made in his report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act). The Council has given further consideration to the commentary made by the Examiner, including having regard to the adequacy of the plan in meeting EU legislation. Further additional work on SEA has been undertaken in light of new evidence submitted during the further modifications consultation and it is considered the final decision is the most comprehensive and delivers the most sustainable form of development for Slinfold village.

- 3.13 Taking into account the National Planning Policy Guidance ('the NPPG') which states: "*(The SEA) should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.*" The Council is of the view that the SEA, which accompanies the Slinfold Neighbourhood Plan has considered an appropriate range of alternatives, and in addition makes reference to cumulative impacts of the Plan. The Council is therefore of the view that the SEA meets the necessary regulatory requirements.

4 Next Steps

- 4.1 As a result of the Referendum, the Council is required, in accordance with Legislation to formally 'make' the Slinfold Neighbourhood Plan as over 50% of those who voted in the Referendum were in favour of the Plan. Making the Plan will allow the document to be given full weight in determining planning applications within the parish. Horsham District Council is required to 'make' the Plan within 8 weeks of the Referendum in accordance with the Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended).

5 Outcome of Consultations

- 5.1 The preparation of the Neighbourhood Plan has been undertaken in consultation with stakeholders and the community. These consultations have been carried out by both the Parish and District Council in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended).

6 Other Courses of Action Considered but Rejected

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

7 Resource Consequences

- 7.1 Failure to adopt the Slinfold Neighbourhood Plan could result in the Council being open to High Court challenge on the ground that it has acted in breach of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. This would incur significant costs in terms of Officer's time and costs associated with legal challenges and appeals.

- 7.2 The Plan document will be made available to the public electronically for free. As with other planning documents, the Plan will be made available in print for a fee that covers printing costs.
- 7.3 As making the Plan does not alter its status in the planning system, there are not considered to be any additional costs for planning decisions.
- 7.4 There are no other staffing or financial consequences resulting from this decision.

8 Legal Consequences

- 8.1 Section 38A (4) of the Planning and Compulsory Purchase Act 2004 Act, as inserted by the Localism Act 2011 states that a local planning authority:
1. must make a neighbourhood development plan if more than half of those voting in the neighbourhood plan Referendum vote are in favour of the Plan; and
 2. do so as soon as reasonably practicable after the Referendum is held and in any event by such date as may be prescribed
- 8.2 Furthermore, the Neighbourhood Planning (General) Regulations 2012 (as amended) stipulate under Regulation 18a the following: "*Prescribed date for making a neighbourhood development plan 18A.—(1) The date prescribed for the purposes of section 38A(4)(b) of the 2004 Act is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held.* It follows if the plan is not made within the 8 weeks, it will not be in accordance with the Regulations.
- 8.3 Under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended) (3) a person aggrieved may make an application to the High Court on the ground that a procedural requirement has not been complied with. The application must be made within 6 weeks. A procedural requirement is a requirement made by Regulations or an order which relates to the adoption publication or approval of a plan/document. Therefore, if the Slinfold Neighbourhood Plan is not adopted by the Council within 8 weeks of the Referendum, they could be challenged by way of a Judicial Review which can result in the Plan being quashed.

9 Risk Assessment

- 9.1 Once the Slinfold Neighbourhood Plan has been 'made' there is a six-week period when an application to for Judicial Review can be sought on the decision to adopt the Plan. The Council has sought to minimise the likelihood of a successful legal challenge.

10 Other Considerations

- 10.1 Equality and Diversity Implications

The making of the Plan is not expected to have any adverse impact on people with protected characteristics under the Equality Act 2010. Your attention is drawn however to the duty under Section 149(1) of the Equality Act 2010 which provides that a public authority must, in exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The plan's policies were considered in relation to potential equality impacts that could arise as a result of the plan's referendum and making, which officers consider to be either neutral or positive.

10.2 Human Rights

The Plan was tested against the basic conditions set by legislation during the examination. One of the basic conditions is that the Plan must be compatible with EU and human rights obligations. Officers agree with the Examiner's view that the Plan, as amended, meets all the basic conditions including EU and human rights obligations and that therefore the Plan should be made.