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Governance Committee

Tuesday, 18th September, 2018 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors: Michael Willett (Chairman)
David Coldwell (Vice-Chairman)
Andrew Baldwin Philip Circus
Toni Bradnum Leonard Crosbie
Karen Burgess Matthew French
Peter Burgess

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	3 - 6
<i>To approve as correct the minutes of the meeting held on 12th June 2018 (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. Declaration of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	
5. Review of the Functions, Responsibilities and Constitution of Planning Committees at Horsham District Council	7 - 10
To receive the report of the Monitoring Officer	
6. Community Governance Review	11 - 16
To receive the report of the Chief Executive	

7. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Governance Committee
12 JUNE 2018

Present: Councillors: Andrew Baldwin, Toni Bradnum, Karen Burgess, Peter Burgess, Philip Circus, David Coldwell, Leonard Crosbie, Matthew French and Michael Willett

GO/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Michael Willett be elected Chairman of the Committee for the ensuing year.

GO/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor David Coldwell be appointed Vice-Chairman of the Committee for the ensuing Council year.

GO/3 **MINUTES**

RESOLVED

That the minutes of the meeting held on 16th August 2017 be approved as a correct record.

GO/4 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/5 **ANNOUNCEMENTS**

There were no announcements.

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.

GO/7 **REVIEW OF THE FUNCTIONS, RESPONSIBILITIES AND CONSTITUTION OF PLANNING COMMITTEES AT HORSHAM DISTRICT COUNCIL**

The Monitoring Officer reported that one major area that the Constitution Review Group had left for a later date was that of the function and responsibilities of the Planning Committees.

It was therefore proposed to undertake a review that would look at whether the current structure, scheme of delegation and processes were efficient and effective and whether they met the needs (current and future) of the Council and its customers. The review would also look at how decision making might be improved whilst allowing for democratic input into the process, relationships between officers and Members, and identifying good practice from elsewhere that might be transferable to the Council.

As part of the review it was proposed that Members and officers should visit at least two suitable local authorities that used a differing committee process in order to review and compare other practices and procedures. It was also proposed that the Planning Advisory Service should be engaged to undertake an independent peer review.

Members agreed that the Committee should undertake a genuine, fair and professional review, with no preconceptions, on the basis proposed by the Monitoring Officer. It was considered important that the Planning Committee process was efficient and effective for all those involved: Members, officers, residents and applicants. A review would provide an opportunity to see if the Council's current processes could be improved. It was agreed that the review should be completed in time to allow changes, if any were proposed, to be implemented from May 2019.

It was agreed that future meetings of the Committee would normally be held at 5.30pm and the next meeting would be held in July when a timetable for the review would be available.

RESOLVED

That a review of the functions, responsibilities and constitution of Planning Committees at Horsham District Council be approved, on the basis set out above.

REASON

To comply with Article 13.2 Review and Revision of the Constitution.

GO/8 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 7.27 pm having commenced at 6.00 pm

CHAIRMAN

Report to Governance Committee

18 September 2018

By the Monitoring Officer



DECISION REQUIRED

Not Exempt

Review of the Functions, Responsibilities and Constitution of Planning Committees at Horsham District Council.

Executive Summary

Following the last meeting of the Committee steps have now been taken to engage the Planning Advisory Service to undertake a peer review of the Planning Committee process.

Arrangements have since been made to visit / consult with Sevenoaks District Council, Lewes District Council and Tunbridge Wells Borough Council in order to review and compare practices and procedures.

Recommendation

The Committee is recommended to note progress made to date.

Reasons for Recommendations

To comply with Article 13.2 Review and Revision of the Constitution.

Background Papers

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

Wards affected: All

Contact: Sharon Evans, Monitoring Officer

Background Information

1 Introduction and Background

- 1.1 At its meeting on 12th June 2018 the Committee agreed to undertake a review of the current Planning Committee system.

The scope of the review will be to look at the ways other planning authorities work and examine various models for the number, size, responsibilities and structure of committees along with any other associated issues.

2 Relevant Council policy

- 2.1 The Corporate Plan 2016/19 has a Council priority of 'Efficiency - Great value services'. This priority should be enabled and supported by clear, well understood and efficient governance arrangements.

3 Details

- 3.1 Under Article 13 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution. In undertaking this task the Monitoring Officer may:

- a) observe meetings of different parts of the Member and officer structure;
- b) undertake an audit trail of a sample of decisions;
- c) record and analyse issues raised with him by Members, officers, the public and other relevant stakeholders; and
- d) compare practices in this Council with those in comparable authorities, or national examples of best practice.

- 3.2 When the Constitution was reviewed in 2016, one major area that was omitted was that of the function and responsibilities of the Planning Committees. At the last meeting this Committee therefore agreed to undertake a review in accordance with the above duty.

- 3.3 The Planning Advisory Service has been engaged and will be commencing their review on 16th October.

- 3.4 Arrangements have been made to visit / consult with Sevenoaks District Council, Lewes District Council and Tunbridge Wells during the months of September and October.

- 3.5 The review will look at the current arrangement against best practice. It will consider how other authorities work and examine various models for the number, size, responsibilities and structure of committees along with any other associated issues (such as compulsory training).

4 Next Steps

- 4.1 Further meetings of the Governance Committee will be held on a monthly basis with a view to reporting to Council in February 2019.

5 Outcome of Consultations

- 5.1 N/A

6 Other Courses of Action Considered but Rejected

- 6.1 N/A

7 Resource Consequences

- 7.1 The Committee previously agreed to meet the costs of engaging the Planning Advisory Service.

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 by ensuring that the Planning Committees work effectively and exercise good practice.

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.

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Report to Governance Committee

18 September 2018

By the Chief Executive

DECISION REQUIRED

Not Exempt



**Horsham
District
Council**

Community Governance Review

Executive Summary

The last review of parishes and parish councils across the District was completed in February 2103. The Local Government Boundary Commission for England (LGBCE) suggests that it is good practice for principal councils to conduct such a review (a community governance review) every 10-15 years, the next major review is therefore not due for some time. However, the Council has received a request from Southwater Parish Council to amend its parish boundary to take account of new housing development.

Guidance from the LGBCE recognises that it is important that parish boundaries accurately reflect local communities and that it may be appropriate to carry out a smaller review between major reviews to adjust minor parish boundary anomalies.

It is therefore suggested that a community governance review of the parishes of Southwater and Shipley should be undertaken, with a view to implementing any changes at the next parish council elections in May 2019.

Recommendations

- i) That a community governance review of the parishes of Southwater and Shipley be undertaken.
- ii) That the terms of reference and timetable for the review, as set out in Appendix A be adopted.

Reasons for Recommendations

It is timely to conduct a review now in accordance with Government and LGBCE guidance. The suggested timetable meets the requirement of completing a review within 12 months of its commencement.

Background Papers

Local Government and Public Involvement in Health Act 2007 and The Local Government Act 1972
Guidance on community governance reviews (Department for Communities and LGBCE) – May 2010
Letter from Southwater Parish Council – June 2018

Wards affected: Southwater and Shipley.

Contact: Lesley Morgan, Democratic Services Manager, 01403 215123.

Background Information

1 Introduction and Background

- 1.1 The Local Government and Public Involvement in Health Act (LGPIH) 2007 devolved to principal councils the power to take decisions relating to the creation or abolition of parishes, the boundaries of parishes and the electoral arrangements of parish councils. Since February 2008, district councils have had the responsibility for undertaking community governance reviews (formerly known as parish reviews) and have been able to decide whether to give effect to recommendations made in those reviews. In making such decisions, councils need to take account of the views of local people.
- 1.2 Councils are required to have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE). Guidance suggests that it is good practice for a principal council to consider conducting a review every 10-15 years. In Horsham District, the last review was completed in 2013 so a further major review is not due for some time. However, there is an opportunity now, to conduct a review of the parish boundary between Southwater and Shipley, as requested by Southwater Parish Council, in order to have any recommendations implemented at the parish council elections in May 2019. If any recommendations by the Council to change parish boundaries also affect the boundaries of District wards or West Sussex County Council electoral divisions, the LGBCE will need to be asked to consider possible consequential amendments.

2 Relevant Council policy

- 2.1 Undertaking a review will meet the Corporate Plan priority to support our communities.

3 Details

- 3.1 At previous parish reviews, the Council has taken the view that it is for local people or local groups (including the parish councils themselves) to suggest changes to the existing set-up. The District Council must, ultimately, decide upon any conflicting proposals.
- 3.2 The Council has recently received a request from Southwater Parish Council for an amendment to its parish boundary with Shipley Parish Council to take account of new development.

4 Next Steps

- 4.1 The LGPIH 2007 requires the Council to draw up terms of reference for a community governance review. The review begins when the Council publishes the terms of reference. The suggested terms of reference are attached at Appendix A.
- 4.2 The Council must ensure that interested persons or groups have the opportunity to input to the review and the following actions will therefore be undertaken:
 - Display notice on the Council website
 - Local news release

- Letter to Southwater and Shipley parish councils
- Letter to all residents in the area directly affected
- Letter to relevant District Councillors and West Sussex County Councillors
- Letter to West Sussex County Council

4.3 The review is concluded when the Council publishes its recommendations and this must be within 12 months of the review's commencement. The envisaged timetable is set out in the terms of reference.

5 Outcome of Consultations

5.1 As set out in 4.2 above, the Council will consult with all interested parties.

6 Other Courses of Action Considered but Rejected

6.1 The Council could choose not to undertake a review at this time but this would delay consideration of the request and the implementation of any recommendations beyond the scheduled elections in May next year.

7 Resource Consequences

7.1 There are no cost implications for the Council in conducting a community governance review apart from staff resources and postage costs associated with notifying residents, which can be met from within existing resources.

8 Legal Consequences

8.1 The Council has powers and duties under both the Local Government and Public Involvement in Health Act 2007 and The Local Government Act 1972 to carry out community governance reviews and to make and implement such recommendations as it considers appropriate.

9 Risk Assessment

9.1 There are no risks to the Council associated with the proposal.

10 Other Considerations

10.1 Parish councils play an important role in terms of community empowerment at the local level and it is important that parish governance in the District continues to be robust, representative and enabled to meet the challenges ahead. Government guidance states that "Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services."

Community Governance Review Terms of Reference

Horsham District Council has resolved to undertake a community governance review of the parishes of Southwater and Shipley, with particular reference to the boundary between the parishes. The District Council will be guided by the relevant legislation and guidance, in particular the Local Government and Public Involvement in Health Act 2007 and Guidance on Community Governance Reviews (published jointly by the Department for Communities and Local Government and the Electoral Commission).

Why is the District Council undertaking the review?

Government guidance states that, whilst the principal council should consider the benefits of undertaking a review of the whole of its area in one go, occasionally it may be appropriate to carry out a smaller review, for example, to adjust minor parish boundary anomalies.

What is a community governance review?

It is an opportunity for interested persons to consider how local communities are represented by considering:

- creating, merging, grouping, altering or abolishing parishes
- amending the boundaries of existing parishes
- the naming of parishes and the style of new parishes
- the electoral arrangements for parishes (overall number of councillors, parish warding and number of councillors for those wards)

How will the District Council publicise the review?

The District Council will publicise the review by publishing a notice on the Council's website and by issuing local news releases. Specifically, the District Council will write to the affected parish councils, all residents in the area directly affected by the proposal, the relevant District and County Councillors and to West Sussex County Council.

What does the District Council expect from interested persons?

Anyone may make representations to the District Council and those views will be put before Members of the Council at meetings of the Governance Committee. The Council would like to ensure that:

- electors are able to identify clearly with the parish in which they are resident; as this sense of identity and community gives strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government and generates a strong, inclusive community
- parishes reflect distinctive and recognisable communities of interest, with their own sense of identity
- boundaries between parishes, as far as possible, reflect the "no-man's land" between communities represented by areas of low population or pronounced physical barriers such as rivers, railway lines and major roads
- any proposals have been discussed and, preferably, agreed with affected parishes before a submission is made to the District Council

Timetable for the review

Action	Date
Commencement of review	Monday, 24th September 2018
Deadline for submitting views	Monday, 5 th November 2018
Submissions considered by the District Council's Governance Committee	Mid November 2018
Publication of the District Council's draft proposals	Monday, 26 th November 2018
Deadline for submitting views on the District Council's draft proposals	Monday, 7th January 2019
Further submissions considered by the Governance Committee	Mid-January 2019
Meeting of the full Council to confirm the District Council's final proposals	Late January 2019
Publication of the District Council's recommendations	31 st January 2019
Effective date of any changes to parish boundaries and electoral arrangements	Thursday, 2 nd May 2019 (next full parish council elections)

How to submit your views

By e-mail to: committeeservices@horsham.gov.uk

In writing to: Democratic Services Manager
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL