

## Minutes of a Meeting of Mid Sussex District Special Council held on 18 March 2015 from 7.00 p.m. to 7.57 p.m.

**Present:** Councillors:

Gordon Marples (Chairman)  
Peter Reed (Vice-Chairman)

John Allen	Kathleen Dumbovic	Natalie March*
Jonathan Ash-Edwards	Bruce Forbes	Gary Marsh
Simon Banham*	Richard Goddard	Peter Martin
Stephen Barnett*	Susan Hatton	Edward Matthews
Andrew Barrett-Miles*	Ginny Heard	Simon McMenemy*
Richard Bates	Christopher Hersey*	Pru Moore
Edward Belsey	Margaret Hersey*	John O'Brien*
Margaret Belsey	Catrin Ingham	Geoff Rawlinson
Liz Bennett*	Anne Jones, MBE*	Robert Salisbury*
Pete Bradbury	Denis Jones	Ian Simpson*
Heidi Brunsdon*	Graham Knight*	Christopher Snowling
Jack Callaghan	Jim Knight	Dick Sweatman
Cherry Catharine*	Jacqui Landriani	Mandy Thomas-Atkin
Rod Clarke	Andrew Lea	Colin Trumble
Phillip Coote	Mike Livesey	Neville Walker
Mims Davies*	Andrew MacNaughton	Garry Wall
David Dorking	Bob Mainstone	Norman Webster
		Emily White*

\*Absent

### 93. QUESTIONS FROM MEMBERS OF THE PUBLIC – RULE 9

The following question was received from Mr Elliott Fielding:

“What is the finalised housing number to be included in the District Plan?”

Councillor Norman Webster, the Cabinet Member for Planning responded as follows:

“The District Plan proposes a housing provision number of 650 dwellings per annum or 11,050 by 2031. The housing need figure is currently 627dpa but may change before submission due to the recently published household projections from DCLG.”

The following question was received from Mr Elliott Fielding:

“When will all MSDC memorandums of understanding (MOUs) be signed and in place with all neighbouring authorities including Brighton & Hove?”

Councillor Norman Webster, the Cabinet Member for Planning responded as follows:

“The majority of MoUs have already been signed and it is anticipated that they will be signed with all neighbours before the District Plan is submitted for Examination. The MoU with Brighton & Hove has now been agreed and I signed it this evening.”

The following question was received from Mr Elliott Fielding:

“When will MSDC publish its Community Infrastructure Levy Charging Schedule?”

Councillor Norman Webster, the Cabinet Member for Planning responded as follows:  
“The draft Charging Schedule will be reported to the Scrutiny Committee for Planning and Economic Development in July and public consultation will take place over the summer.”

The following question was received from Mr Elliott Fielding:

“When will CIL start to be collected from developments?”

Councillor Norman Webster, the Cabinet Member for Planning responded as follows:

“The Charging Schedule has to be successfully examined before a Community Infrastructure Levy (CIL) can be collected. Providing it is successful in examination it is anticipated that CIL will be in place by Spring 2016.”

The following question was received from Mr Elliott Fielding:

“Will the agreed MSDC Civil Infrastructure Plan be funded in full and delivered within this plan?”

“I am assuming the question is referring to the Infrastructure Development Plan. Firstly it is important to note that CIL is not the only source of funding the provision of infrastructure. CIL is not designed to fund every item in the infrastructure development plan. Other sources of funding will also be secured for example, utility funding from Offwat and Offgen; Government funding such as the local growth fund and s106 agreements.”

The following question was received from Mrs Linda Gregory:

“How many MSDC employees are on zero hours contracts, and what percentage is this of the direct MSDC workforce?”

Councillor Jonathan Ash-Edwards, the Cabinet Member for Finance and Service Delivery responded as follows:

“The Council has no employees on zero hours contracts.”

Mrs Gregory then asked the Cabinet Member the following supplementary question:

“Does MSDC monitor whether firms contracting services to local government use zero hours contracts, and if not why not?”

The Cabinet Member responded as follows:

“It is up to the contractors what type of contracts they offer their employees. However the Council has a good track record of working in partnership with contractors to ensure their staff gets the best rates in a competitive economy.”

The following question was received from Greg Mountain, Labour Parliamentary candidate for Mid Sussex:

“As I am sure you are aware, the Chief Executive of MSDC was paid £129,000 in 2013/14, which was 8 times the Living Wage of £7.65 an hour, and 10 times the National Minimum Wage of £6.31 an hour for those aged over 21. What percentage of MSDC employees are currently paid (a) the National Minimum Wage, and (b) less than the Living Wage?”

Councillor Jonathan Ash-Edwards, the Cabinet Member for Finance and Service Delivery responded as follows:

“The annual salaries of the Council’s Senior Officers are set out in the Statement of Accounts 2013/14. This states that the annual salary of the Chief Executive is £110,000 excluding employer’s pension contributions.

I can confirm that no employees are paid the minimum wage, and no employees are paid less than the Living Wage for outside London.”

Mr Mountain then asked a supplementary question of the Cabinet Member as follows:

“Bearing in mind that there is widespread evidence of firms being non-compliant with their statutory obligations, does MSDC monitor whether its contractors, eg Serco and DC Leisure, pay at least the National Minimum Wage, and if not, why not?”

The Cabinet Member responded as follows:

“I refer Mr Mountain to the previous answer I just gave. I would also advise that the Council is not the correct body to raise these concerns. If you have evidence of companies paying staff under the minimum wage then you should report it to HMRC.

I would also like to say Cllr Goddard is a highly respected Member of the Council and would be able to answer these questions for you without the need to bring them to this forum.”

#### **94. MINUTES**

The Minutes of the meeting of Council held on 25 February 2015 were approved as a correct record and signed by the Chairman.

#### **95. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **96. CHAIRMAN’S ANNOUNCEMENTS**

The Chairman began by welcoming Hannah Martin, the new Senior Democratic Services Officer into her post.

The Chairman announced that he would be holding a reception at the Council Offices on 19 March 2015 to acknowledge the hard work of volunteers for Mid Sussex Healthy Walks.

The Chairman reminded Members that he would be hosting a small drinks reception after the next Council meeting which would be the final meeting before the election. It will be an opportunity to say farewell to colleagues and he hoped to see Members there and asked them to please confirm their attendance with Sally Blades.

**97. DISTRICT WIDE PLAN: PRE-SUBMISSION DRAFT FOR PUBLIC CONSULTATION**

Councillor Neville Walker, the Chairman of Scrutiny Committee for Planning and Economic Development, introduced the report and began by clarifying the changes set out in the document. He advised that the additional track changes in bold that Members are asked to consider are a result of feedback from the scrutiny committee and consultation, as well as updated information. The Plan now incorporates all of the latest guidance over the last two years from DCLG, the Planning Inspectorate and the Council's own external consultants.

He stated that the fundamental philosophy of the Plan remains unchanged and is based on the Localism Act's bottom up approach. He went on to say that great care had been taken to incorporate into the Plan a balance between sustainable growth and jobs while at the same time protecting the unique and rural environment of the district.

He went on to add that the Plan also includes further work on the level of development the District can accommodate and its supporting infrastructure. Following criticisms raised by the Inspector at the Examination in 2013, the Council has proactively progressed its Duty to Co-Operate work with its neighbours. The result of this due diligence being that the Council is in the position that Memorandums of Understanding (MoU) have been, or are in the process of being, signed by all neighbouring local authorities.

He further added that the work the Council has commissioned from experienced external consultants including a developer workshop has greatly strengthened the evidence base in the Plan to demonstrate the capacity Mid Sussex has for future sustainable development given the environmental and infrastructure constraints of the area.

He concluded by thanking the dedicated hard work of Members and officers who through their tireless efforts have now produced an excellent document backed by cross party support which he now recommended to Council for their approval.

Councillor Garry Wall, the Leader of the Council thanked everyone involved in the several years of hard work that has culminated in the Draft District Plan under consideration. He confirmed that this is one of the most important documents that this Council has had to consider in recent years. This was seconded by Councillor Webster who reserved his right to speak.

He advised that it had been a long and complex journey in producing this document, with challenging targets and constantly fluctuating information and sought to explain why the process has taken so long. He advised that the proper planning procedure needs to be followed and therefore it takes longer to ensure that the information provided is properly evidenced and understood.

He observed that the Council started work on the District Plan in 2009 and took the decision to implement a bottom up approach and to work with Towns and Parishes in implementing complementing Neighbourhood Plans. It was noted that this work is progressing steadily.

He went on to remind Members that when the work began the Council was faced with the impossible target of delivering just over 17,000 new homes, as stated in the South East Plan. This was never a sustainable or achievable target for an area

where 96% of the available land has some form of constraint and so producing a Plan to deliver sustainable development in restricted confines is challenging.

Councillor Wall remarked that throughout this process the Plan has garnered full cross party support and he hoped that this would continue and concluded with three messages:

- 1) Communities – The Plan will safeguard the unique and diverse character of Mid Sussex
- 2) Inspectorate – The Plan is fully compliant and will deliver housing and economic growth in a sustainable manner
- 3) Developers – The Plan allows for development but in line with our policies and not in conflict

Several Members expressed their thanks to Members and officers on their work to produce a robust plan with a focus on sustainable and planned growth but driven by the Council's own policies. However they pointed out that strong leadership would be needed to deliver infrastructure requirements and in order to protect the environment of the district for future generations.

One Member commented that the Plan would be an invaluable tool for Members of future planning committees as a guidance tool and the document was well thought out and something the Council could be proud of.

One Member asked if the map of Mid Sussex Economic Context could contain a symbol to clearly depict Gatwick Airport.

Councillor Webster responded to this and said that Gatwick Airport was clearly depicted on the Key Diagram Map on pg. 35 of the report.

Another Member reiterated the point made earlier by Members about the cross party support on the work to develop the Plan and commented that the whole Council should take ownership of it in order to protect and shape their local area in the best way for everyone.

Councillor Webster, the Cabinet Member for Planning reaffirmed the points made by the Leader of the Council and Councillor Walker about the bottom up approach the Council has taken in formulating its District Plan. He advised that through the close working with local communities and the development of Neighbourhood Plans the Council have been able to incorporate the core principle of the District Plan; namely the delicate balance of supporting sustainable growth and jobs whilst protecting the area's unique and diverse environment.

He went on to address the concerns raised by Members about infrastructure and housing requirements and stated that the Plan proposes a housing provision number of 650 homes a year (11,050 up to 2031) which demonstrates the Council is positive about a realistic and sustainable level of new housing.

The Cabinet Member confirmed that the Council had significantly strengthened its Duty to Co-Operate work by pro-actively and constructively working with neighbouring authorities to understand their unmet needs. He confirmed that MoUs with neighbouring authorities had either been signed or were in the process of being signed and that Brighton & Hove City Council had just signed one earlier that day.

He concluded by saying that the Plan for consideration was significantly improved with robust evidence and has the best chance of success at Examination. He seconded the proposal for the Council to approve the Plan.

The Chairman moved for a vote on the recommendations and Members voted unanimously to approve the Plan.

## **RESOLVED**

That Council:

- (1) approves the Mid Sussex District Plan 2014-2031 (the District Plan) for pre-submission public consultation in May 2015 post-election 'purdah';
- (2) agrees to publish the Sustainability Appraisal report of the District Plan for pre-submission public consultation in May 2015 post-election 'purdah';
- (3) agrees to publish the Habitats Regulations Assessment of the District Plan for pre-submission public consultation in May 2015 post-election 'purdah';
- (4) submits the District Plan to the Secretary of State for Communities and Local Government (i.e. the Planning Inspectorate) after the conclusion of the pre-submission public consultation;
- (5) authorises the Head of Economic Promotion and Planning, in consultation with the Cabinet Member for Planning, to make any necessary minor amendments to the District Plan prior to public consultation and/or its submission to the Planning Inspectorate;
- (6) authorises the Head of Economic Promotion and Planning, in consultation with the Cabinet Member for Planning, to suggest any necessary modifications to the District Plan through the examination process to help secure its soundness (pending further public consultation as required);
- (7) resolves that, when considering applications for planning permission located within the High Weald Area of Outstanding Natural Beauty, in appropriate cases and where there is a Development Plan policy basis for doing so, it will apply the 'lower threshold', as defined in the National Planning Practice Guidance (NPPG), i.e. it will not seek affordable housing contributions and/or tariff-style infrastructure contributions from developments of 5 units or less. In accordance with the NPPG, this exemption will not apply to developments which have a maximum combined gross floor space of more than 1,000sqm.

## **98. HURSTPIERPOINT AND SAYERS COMMON NEIGHBOURHOOD PLAN**

Councillor Trumble, Ward Member for Hurstpierpoint introduced the report and began by clarifying that the correct figure of allocated houses in paragraph 5 of the report was misleading and that the Neighbourhood Plan only has 282-292 houses allocated and not the 395 quoted.

He went on to say the local residents were deeply troubled by the number of sites being allocated for development and the need to protect their village has been shown in the hard work undertaken to develop the Neighbourhood Plan. He noted that the comparatively high turnout at the referendum shows that this plan has the support of the local people who feel this is the best tool to take control of development in their village.

He urged Members to consider the hard work of the Parish and officers in compiling the Neighbourhood Plan and moved for the Council to approve the recommendation

to formally make the Plan. The recommendation was seconded by Councillor Webster who reserved his right to speak.

Another Ward Member spoke in support of the hard work of the Parish Council and the tremendous support of Mid Sussex District Council officers in supporting them through this work.

The Cabinet Member for Planning noted the overwhelming support this Neighbourhood Plan received at the referendum with 2000 people voting in favour and 162 voting against. He also noted that the independent Examiner of the Neighbourhood Plan had highlighted the significant and comprehensive public consultation the Parish Council had undertaken to produce this Plan.

The Chairman took the Council to the recommendation which was agreed.

### **RESOLVED**

That Council agrees to formally make the Hurstpierpoint and Sayers Common Neighbourhood Plan part of the Local Development Plan. This will enable the District Council to use the plan to determine planning applications in the Hurstpierpoint and Sayers Common Parish.

## **99. ARDINGLY NEIGHBOURHOOD PLAN**

Councillor MacNaughton, Ward Member for Ardingly and Balcombe introduced the report by stating that this Neighbourhood Plan was unique as it was the first which came within the 7km Zone of Influence around Ashdown Forest. He advised that this had extra significance and commended the hard work of all involved to develop a Neighbourhood Plan for an area which has many restrictions. He moved the recommendation which was seconded by Councillor Webster who reserved his right to speak.

The Deputy Leader added to these comments by saying that Ardingly had many areas of significant interest and national importance such as the South of England showground and this Neighbourhood Plan would now protect them.

The Cabinet Member for Planning noted that the Ardingly Neighbourhood Plan was a positive approach to sustainable growth whilst protecting heritage sites and confirmed that the Council would continue to work in partnership with the Parish to help them achieve their aspirations.

The Chairman took the Council to the recommendation which was agreed.

### **RESOLVED**

That Council agrees to formally make the Ardingly Neighbourhood Plan part of the Local Development Plan. This will enable the District Council to use the plan to determine planning applications in the Ardingly Parish.

## **100. STANDARDS COMMITTEE ANNUAL REPORT 2014**

Cllr Denis Jones introduced the report which outlined the work of the Standards Committee in 2014 which recommended the adoption of a revised Code of Conduct

to be in line with West Sussex County Council and was formally agreed by Council on 12 November 2014. He also advised that the Committee have now advised the Town and Parish Councils to adopt the revised Code of Conduct in order to provide a consistent approach throughout the County. He moved the recommendation and this was seconded by the Chairman of Council as Standards Committee Member.

The Chairman took the Council to the recommendation which was noted.

**RESOLVED**

That Council note the 2014 Annual Report of the Standards Committee.

**101. MSDC PAY POLICY STATEMENT 2015/16**

The Cabinet Member for Finance and Service Delivery introduced the report which he advised was an annual statutory requirement under the Localism Act. He advised the salaries were set at a level to retain high quality staff but were not excessive. He moved the recommendation and this was seconded by the Leader.

The Chairman took the Council to the recommendation which was agreed.

**RESOLVED**

That Council agree the Pay Policy at Appendix A, to comply with the requirements of the Localism Act.

Chairman