

Minutes of a Meeting of Mid Sussex District Council held on 27 September 2017 from 7.00 pm to 8.18pm.

Present: Councillors:

Bruce Forbes (Chairman)
Phillip Coote (Vice-Chairman)*

Jonathan Ash-Edwards	Steven Hansford*	Norman Mockford
Andrew Barrett-Miles	Sue Hatton	Pru Moore
Edward Belsey	Ginny Heard	Howard Muddin
John Belsey	Chris Hersey	Kirsty Page
Margaret Belsey	Margaret Hersey	Geoff Rawlinson
Liz Bennett	Colin Holden	Peter Reed
Michelle Binks	Anne Jones MBE	Robert Salisbury
Anne Boutrup*	Jim Knight	Linda Stockwell
Pete Bradbury	Jacqui Landriani	Dick Sweatman
Heidi Brunson	Andrew Lea	Mandy Thomas-Atkin
Cherry Catharine*	Anthea Lea	Colin Trumble*
Richard Cherry	Judy Llewellyn-Burke	Neville Walker*
Rod Clarke	Andrew MacNaughton	Garry Wall
Ruth de Mierre	Gordon Marples	Anthony Watts Williams*
Tony Dorey*	Gary Marsh	Norman Webster
David Dorking*	Edward Matthews	John Wilkinson
Sandy Ellis		Peter Wyan
Claire Fussell*		

*Absent

In the absence of the Vice-Chairman of the Council, the Chairman proposed that Councillor Chris Hersey be appointed Vice-Chairman for the duration of this meeting. This was agreed unanimously.

The Chairman announced a two minute silence to be held prior to the commencement of the meeting, in remembrance of Councillor Bob Mainstone and former Councillor Peter Martin.

1. OPENING PRAYER

The opening prayer was read by the Vice-Chairman.

2. TO RECEIVE QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE 9

None.

3. TO CONFIRM THE MINUTES OF THE MEETING OF COUNCIL HELD ON 19 JULY 2017

The minutes of the meeting of Council held on 19 July 2017 were agreed as a correct record and signed by the Chairman.

4. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA

Councillor Gordon Marples declared a personal interest in item 7, District Plan - Main Modifications – Public Consultation, as the proposed site at Hassocks backs on to his garden.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN OF THE COUNCIL AGREES TO TAKE AS URGENT BUSINESS

None.

6. CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that a successful Community Service Awards ceremony took place on 17 September 2017 which recognised the achievements of 34 residents within the District. He noted that he had received positive feedback from recipients since the event.

7. DISTRICT PLAN – MAIN MODIFICATIONS – PUBLIC CONSULTATION

In addition to the report, a further document was tabled at the meeting, containing amendments to the proposed policy DP9b.

As Vice Chairman of the Scrutiny Committee for Community Housing and Planning, Councillor Margaret Hersey recommended approval of this report. Councillor Hersey confirmed that the Committee had been requested to scrutinise the proposed main modifications to the Plan at the request of the Inspector and they had made a number of proposed further amendments which are presented as part of this report to Council. Due diligence was such that the Committee had no hesitation in recommending the report to Council for their approval. This was seconded by Councillor McNaughton who drew Members attention to considering the blue text on the tabled item (DP9b, p.42-46) which were amendments resulting from discussions with Officers and local residents to address residents concerns.

One Member noted the effort put in by Officers to identify areas for additional housing but felt that she could not support the inclusion of the Hassocks site in the proposal. She noted that Hassocks Parish Council had not had chance to consider and respond to the proposal as no transport study or report detailing other proposed sites considered had been provided. She raised concerns regarding the number of houses being accessed by a narrow lane and felt that the proposed school would overly increase traffic in the area and endanger pedestrians using the unmanned railway crossing.

Another Member acknowledged that nationally, the housing allocations need to be increased if young people are to enjoy access to the housing ladder. He felt that the Council must move forward to end the control that the developers currently have over where and when sites are delivered (due to the lack of a demonstratable 5 year housing supply). Whilst supporting the modifications, he did however acknowledge concerns raised, highlighting that that the proposed strategic site at Hassocks would be transformational and have an impact on the infrastructure, questioning the ability of Ockley Lane to cope with site and occupier traffic. He also sought reassurance that the proposed School is definitely required and suited to this site, and that the railway crossing would have appropriate safety measures in place.

In seconding the proposal for Council to agree the recommendations, Councillor MacNaughton addressed the concerns raised by a number of Members concerning the infrastructure, the railway crossing and potential air pollution. He reassured

Members that the Annual report for air quality had been recently submitted and shows an increase in air quality due to improvements in technology. He also noted that despite the request by the Council's Barrister during the examination stage, no developers put forward any strategic sites for consideration. The Hassocks site was the only site that could be delivered in the first five years of the Plan. Traffic considerations have been looked at in detail and considered to be acceptable, and there is specific wording included in the policy documentation to ensure that the impact of the application at Hassock on Stonepound Crossroads does not cause unacceptable levels of air pollution. He credited the Officers in working hard to detail all the required modifications to address Members and residents concerns.

The Leader of the Council welcomed the report and reminded Members that the discussion was not focussed on a planning application but on the modifications to the District Plan. He credited the active involvement of Members in the formation of the District Plan since the work began in 2009 and felt confident that it had achieved the goals of taking back control from the developers, to protect the unique character and diversity of Mid Sussex.

The Chairman took Members to the recommendations. These were agreed with 42 Members in support and 1 Member opposed.

RESOLVED

That Council resolved to approve:

- (i) the proposed Main Modifications to the Mid Sussex District Plan 2014-2031 as set out in Appendix 1 for consultation in accordance with statutory requirements;
- (ii) agreed to publish the updated Sustainability Appraisal, Habitats Regulations Assessment, Transport Modelling Update Note, Employment Methodology Note, Equalities Impact Assessment and Community Involvement Plan;
- (iii) agreed that the proposed Main Modifications and consultation responses are submitted to the Inspector for consideration in the preparation of his Report into the Public Examination of the District Plan; and
- (iv) authorised the Divisional Leader for Planning and the Economy, in consultation with the Cabinet Member for Housing & Planning, to make any further necessary minor amendments for purposes of clarification to the District Plan prior to the Plan's adoption.

8. IMPLEMENTATION OF PUBLIC SPACE PROTECTION ORDERS FOR DOG CONTROL

As Vice Chairman of the Scrutiny Committee for Community Housing and Planning, Councillor Margaret Hersey recommended to Council the approval of this report. This was seconded by Councillor Webster.

As there were no questions, the Chairman took Members to the recommendations which were agreed unanimously.

RESOLVED

That Council noted the contents of this report and agreed to the adoption of the Public Spaces Protection Orders as set out in Appendix 1.

9. AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

As Vice Chairman of the Scrutiny Committee for Community Housing and Planning, Councillor Margaret Hersey recommended to Council the approval of this report. This was seconded by Councillor Webster who addressed a Members concern regarding the knowledge and ability of drivers from neighbouring Councils. He confirmed that Officers work regularly with neighbouring Councils to ensure that their drivers are trained to appropriate standards and underlined the importance of having robust policies and standards in place. He encouraged Members and their constituents to note the taxi number and report any drivers who they felt did not meet these standards.

The Chairman took Members to the recommendations which were agreed unanimously.

RESOLVED

That Council resolved to approve amendments to the Hackney Carriage and Private Hire Licensing Policy at Appendix 1 to take effect on 1st October 2017.

10. MARTLETS SHOPPING CENTRE, BURGESS HILL – USE OF COMPULSORY PURCHASE POWERS TO FACILITATE THE DELIVERY OF AN IMPROVED SHOPPING OFFER AND NIGHT-TIME ECONOMY IN BURGESS HILL COMMENSURATE WITH THE GROWTH OF THE TOWN.

Deputy Leader, Councillor Ash-Edwards introduced the report noting that the Council had granted planning permission and supported the redevelopment of the Martlets. He highlighted that the Council was asked to endorse a decision made by Cabinet to the use of compulsory purchase powers, by overriding third party parking rights, subject to alternative parking rights being offered or compensation being provided. The report was welcomed by Members and seconded by the Leader of the Council, Councillor Wall.

The Chairman took Members to the recommendations which were agreed unanimously.

RESOLVED

That Council resolved to:

- (i) endorse the exercise by the Cabinet, in principle, of the Council's powers of compulsory purchase over the land comprising the Martlets Shopping Centre, Burgess Hill, West Sussex, shown edged in red on the Site Plan annexed hereto at Appendix A, under the powers contained in Section 226(1)(a) of the Town and Country Planning Act 1990, having regard to the Secretary of State's policy in "Compulsory purchase process and the Criche Down Rules for the disposal of surplus land acquired by, or under the threat of,

compulsion: Guidance" issued by the Department for Communities and Local Government dated October 2015.

This is to enable the Council to exercise the Council's powers to override the existing third party rights identified in this report under the powers contained Section 203 of the Housing and Planning Act 2016, if required in order to facilitate the implementation of the development scheme approved by the local planning authority on 14 March 2016 under planning permission DM/15/3858.

11. RECOMMENDATIONS FROM CABINET MEETING OF 8 MAY AND 5 SEPTEMBER 2017

The Chairman drew Members attention to the report and took Members to the recommendations which were agreed unanimously.

RESOLVED

Council resolved to approve the following in relation to the Cabinet Meeting of 8 May:

- (i) that grant income as set out in paragraph 16 to 19 of the Cabinet report be transferred to Specific Reserve;
- (ii) that grant income as set out in paragraph 20 of the Cabinet report be transferred to General Reserve;
- (iii) that windfall income as set out in paragraph 21 of the Cabinet report be transferred to General Reserve;
- (iv) that balance of interest totalling £342,000 as set out in paragraph 25 is transferred to the General Reserve;
- (v) that Dividend income totalling £84,626 as set out in paragraph 28 is transferred to the General Reserve;
- (vi) that the 2017/18 capital programme be increased by £79,000 as a result of slippage of some 2016/17 capital projects as detailed in Table 3.
- (vii) that the revenue underspending in 2016/17 be transferred to Reserves as follows:
 - a) £222,024 be transferred to Reserves as set out in Table 1 and paragraph 15;
 - b) £230,000 be transferred to Specific Reserves as set out in Table 2;
 - c) £195,000 balance to be transferred to General Reserve.

Council resolved to approve the following in relation to the Cabinet Meeting of 5 September:

- (i) that £125,000 be transferred to a Martlets Relocation Specific Reserve as detailed in paragraph 21 of the Cabinet report.
- (ii) the variations to the Capital Programme contained in paragraph 32 of the Cabinet report in accordance with the Council's Financial Procedure rule B4.

12. TO RECEIVE THE LEADER'S REPORT

The Leader acknowledged the earlier decision by the Council to progress the District Plan and noted that for both Members and residents, the subject of infrastructure remained a concern. He hoped that in the near future, the focus could move towards the economic and housing growth that the Plan will bring forward.

He referenced the key groups that the Council is actively involved with in seeking strategic funding for infrastructure; Coast2Capital Local Enterprise Partnership, the Greater Brighton Economic Board and Gatwick Diamond. He is now a member of the Transport for South East forum, and following agreement by Kent, Surrey, Hampshire and East and West Sussex he will be the South East representative on the Board. He acknowledged how important infrastructure delivery is to residents and felt confident that the Board would scope strategic issues appropriately to seek Government funding. He also noted that the Greater Brighton Economic Board was hosting a forum to look at infrastructure issues in the region which will be attended by 5 representatives from Government departments. A Member asked if the Leader could raise concern at this forum over the current state of the A27, and the lack of adequate motorway links from East to West. The Leader confirmed that minutes of the meeting will be shared with Members and is aware that one of the current priorities of the forum is the issues surrounding the A27.

13 REPORT OF CABINET MEMBERS, INCLUDING QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1.

Report of the Deputy Leader and Cabinet Member for Resources and Economic Growth

The Deputy Leader and Cabinet Member for Resources and Economic Growth confirmed that the Council has submitted an expression of interest to take part in the 2018/19 pilot of 100% business rate retention. Further information will be reported as part of the budget planning process.

He confirmed that in the Government's Spring Budget, funding of £650,000 over 4 years was announced to help mitigate the impact of the revaluation through discretionary rate reliefs. Cabinet have agreed our scheme which is in the process of being implemented. It is targeted at 470 local small businesses who will receive relief of 52% of the increase of their bills which will be automatically applied to bills.

He also confirmed that the Cabinet considered the service planning guidelines for 2018/19 and resolved that the Council can be considered to be financially independent for the first time from 2018/19. Managing growth and supporting economic development will be the focus going forward.

Report of the Cabinet Member for Customer Services.

The Cabinet Member for Customer Services announced that the Annual Voter Registration Canvas current response rate was 80%. This was represented by a 64% digital response against a 36% postal response. Work is ongoing to remind the remaining 20% to respond, through canvassers calling at residents homes and updates via the Council's FaceBook page.

The Haywards Heath Town Council by-election will take place on 19 October 2017 and the Mid Sussex District Council and East Grinstead Imberhorne Ward by-election will take place on 26 October 2017.

The Cabinet Member thanked Members who took part in a recent survey on Member Training and confirmed that the Member Development Working Group would be considering the responses. Two Members are taking part in external Scrutiny training in Chichester in October.

Following the successful CenSus Revenues and Benefits website redevelopment which has seen a decrease in calls as more people utilise the site, the Cabinet Member confirmed that work is being carried out to redevelop the Council's website. Over 300 people are involved in the redevelopment which should have a significant impact to customers.

Report of the Cabinet Member for Service Delivery

The Cabinet Member for Service Delivery stated that a recent meeting had taken place with all our contractors to look at opportunities for contractors to work together for the benefit of the community. A pilot has started with the British Heart Foundation to collect small white goods in Burgess Hill and a pilot to provide lockable recycle bins for multiple occupants in flats.

He confirmed that Memberships at the Leisure Centres was on the increase.

Regarding waste, the Cabinet Member confirmed that a total of 9.5 tons of litter has been collected from the A23 over 49 nights and 13 tons of fly tipping from 17 fly tips in August. In response to a Members question on whether there had been an increase in fly tipping since West Sussex County Council introduced charges for waste and reduced the opening hours of the recycling facilities, he confirmed that the District had not seen an increase. He noted that the County Council had taken away the charge but acknowledged comments from the Member that they were now considering consultation to reinstate them.

He drew Members attention to the South Downs National Park Local Plan pre-submission consultation which runs from 26 September to 21 November and confirmed that Members will receive a monthly update regarding planning across the National Park. He also confirmed that the Council had been working with the Friends of Bedelands Park and Burgess Hill Town Council to introduce dormice to Bedelands Park, and after a lot of hard work, they have finally arrived.

Report of the Cabinet Member for Community

The Cabinet Member for Community reminded Members that he is a member of the Police and Crime Plan Working Group which meets with the PCC to scrutinise and monitor the proposed precept for 2018/19. The policing objectives set out in the police and Crime plan will be integral to the 2018/19 budgeting process.

The Cabinet Member confirmed that details of options for the new 5 year CCTV contracts have now been provided and he will be meeting with the three town councils to ensure they are aware of the benefits which will come into operation in 2018/19.

The Cabinet Member also attended the Crawley, Horsham and Mid Sussex CCG AGM. They are putting considerable effort into meeting the deficit recovery plan targets, which is proving challenging. He encouraged Members to advise residents not to overload Accident and Emergency departments with minor ailments, and to promote at risk and young individuals to have their flu jabs in preparation for winter.

Report of the Cabinet Member for Housing and Planning

The Cabinet Member for Housing and Planning confirmed that although the District Plan was no on its journey to adoption, work will continue with attention focussed on successful delivery of the Plan.

The Cabinet Member confirmed that discussions are underway with local housing associations on how to deliver affordable housing to ensure that the appropriate numbers are delivered. The Council is also looking at ways to bring forward the delivery of affordable housing through new measures.

A Member queried if work will resume on the introduction of CIL now that the District Plan is almost adopted. The Cabinet Member confirmed that this will be looked at and he will advise as soon as he has more information.

14. QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

The following question was posed by Councillor Landriani:

I have been seriously concerned by the lack of conditions or enforcement of conditions in new developments regarding the maintenance of the landscape including trees. Within my ward we have had incidents where the developers have gone into receivership so no-one could be traced to continue to maintain the landscape. We have also had conditions including constructing a new fence to the boundary of a development but no condition to remove the existing worn out fence which therefore still remains in situ. There have also been areas where former landholders have maintained their boundaries in a neighbourly way and these have become overlooked following the new constructions.

My residents have taken a lot of inconvenience by new developments and the fact that their residential amenities continue to be affected by the lack of maintenance.

My question is therefore: should this Council now create a more enforceable condition on such maintenance, and enforce action where this work is not undertaken for the duration of the development, rather than just a five-year period?

The Cabinet Member for Housing and Planning responded that in respect of the question regarding the use of planning conditions he confirmed that landscaping, landscaping schemes and maintenance plans can be subject to planning conditions, but these must comply with the 6 tests as laid out in paragraph 206 of the NPPG and the National Planning Practice Guidance.

Annex A to circular 11/95 'The use of conditions in planning permission' remains relevant national policy. It contains a list of model acceptable conditions for use in appropriate circumstances. It notes however that 'it is not considered to be

reasonable to use conditions as an alternative to tree preservation orders to secure long term protection of trees.' He stated that it was noteworthy that the Planning Inspector in the recent appeal decision to grant planning permission for 73 dwellings on land to the rear of 88 Folders Lane, Burgess Hill, attached the standard '5 year' landscaping condition (14/04492/FUL).

However, in appropriate circumstances it is considered legitimate to require a landscape management plan which could include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens.

Such conditions are considered to be appropriate where for example there are areas of communal open space to be managed by a management company. They would be enforceable through the breach of condition procedure when it is expedient to do so.

Councillor Landriani's supplementary question was to ask if a new boundary fence is built, shouldn't the old one be removed at the same time?

The Cabinet Member acknowledged that he was aware of the fence in question but that the old fence is not on land in the ownership of the developers, and the presumed owners of the land claim no knowledge of the old fence.

The following second question was posed by Councillor Landriani:

A designated parking area within my ward has been seriously damaged by the Serco vehicle reversing in to it. The damage is so severe that residents can no longer safely access the parking area causing severe impact on the area by referred parking. Residents quite understandably are concerned as to who would be liable should the surface be further damaged by unsuspecting visitors to the area to either the surface or their vehicle. We have been pursuing the matter for around five months now. My question therefore is:

"When we have photographic and circumstantial evidence that damage has been caused to an area by either the Council or one of its contractors, should the Council agree a fixed term in which the matter should be resolved to enable repairs particularly when it has potential safety or liability implications?"

The Cabinet Member for Service Delivery responded that any damage alleged to have been caused to private property by the Council or its contractors is referred to the Council's (or its contractor's) insurers for investigation.

The speed with which a claim is considered is dependent upon the nature and complexity of the claim, and it would clearly not be appropriate for the Council, or its contractors, to pre-empt the outcome of an insurance claim by undertaking any works to repair damage prior to a decision being made.

The Council's and the contractor's insurers have considered the particular case the Councillor refers to and she has received a written response. All the available evidence has been reviewed and it has been concluded that neither the Council nor the contractor have acted negligently and therefore neither party are obliged to undertake any repairs.

Councillor Landriani's supplementary question was to ask how the damage will be repaired if neither Serco nor the Council's insurance will cover it.

The Cabinet Member for Service Delivery responded that the Council is currently considering whether the Council can do anything to help the local residents with repairs whilst protecting the public purse. This is work in progress and no conclusion has yet been reached.

The Meeting was closed at 8.18 pm.

Chairman