

**Minutes of the Meeting of the Scrutiny Committee for
Community, Housing and Planning held on 14 November 2017
from 7:00 p.m. to 9:22 p.m.**

Present: Councillors: Neville Walker (Chairman)
Margaret Hersey (Vice-Chairman)

Andrew Barrett-Miles
Edward Belsey
Richard Cherry
Phillip Coote
Ruth de Mierre

Bruce Forbes
Sue Hatton
Chris Hersey
Anne Jones*
Edward Matthews

Anthony Watts Williams
John Wilkinson
Peter Wyan

*Absent

Also Present (Cabinet Members): Cllr Andrew MacNaughton and Cllr Norman Webster.

Also Present (Members): Cllr Llewellyn-Burke, Cllr Brunsdon, Cllr Moore, Cllr Binks, Cllr Whittaker, Cllr Ash-Edwards, Cllr Mockford and Cllr Marples.

1. SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4

Councillor Colin Holden was substituting for Councillor Anne Jones

2. APOLOGIES

Apologies had been received from Councillor Anne Jones.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The Minutes of the meeting of the Committee held on 12 September 2017 were edited to remove June in the title and then agreed as a correct record and signed by the Chairman.

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

None.

6. SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

Sally Blomfield, Divisional Leader for Planning and Economy, introduced the report which provided information on the early stages of preparation of the Site Allocations DPD, which included a Call for Sites, the preparation of a Strategic Housing and Employment Land Availability Assessment (SHELAA), and a Site Selection Paper. The Report then set out the proposed arrangements for the establishment of a Member Working Group to oversee the preparation of the Site Allocations DPD and sought the Committee's approval to set up a Working Group. Draft Terms of Reference for the Member Working Group were set out in Appendix 1. Also in the Report Members were informed of the establishment of a

Developer Liaison Group to engage with the development community, and to promote constructive dialogue over both planning policy and development management issues.

A Member asked for clarification on what the Site Selection Paper referred to at paragraph 11 (a) was. He also wished to know whether the Transport and Highways Assessment referred to at paragraph 11 (d) would be undertaken by West Sussex County Council (WSSC) and if not, would WSSC be involved in its preparation and whether it would look at individual sites or the District as a whole.

The Divisional Leader for Planning and Economy clarified to the Committee that the Site Selection Paper will set out a more detailed assessment of the opportunities and constraints of each site and would be a supporting document of the Site Allocations DPD. She also informed the Members that the Transport and Highways Assessment would look at the District as a whole and whilst an external consultant was being commissioned they would work closely with WSSC. The reason for using partners in the private sector was the need to use consultants who could offer expertise on both transport and the air quality impacts.

A Member stated that the Working Group would not allow for appropriate scrutiny. He commented that it should be the Committee that oversees the preparation of the Site Allocations DPD and not a Working Group as the Committee is more transparent and visible to the public. The Member went on to note that there was no mechanism for the Working Group to report back to the Committee. The Member was concerned that if third parties are being consulted on the methodology so should the Scrutiny Committee. He also questioned whether a Working Group would be biased in the allocation of development sites through-out the District.

Judy Holmes, the Assistant Chief Executive, assured the Member that the methodology of the Working Group would be based on those set out in the National Planning Practice Guidance (NPPG). She explained that due to the tight timeframes that have been imposed by the District Plan Inspector a Working Group is needed to support the efficient and robust preparation of the Site Allocations DPD. She went on to explain that sites would be allocated in line with the Spatial Distribution Hierarchy, set out in the District Plan.

The Cabinet Member for Housing and Planning confirmed to Members that the composition of the Working Group would be politically balanced and Members would be chosen from across the District. He also noted that the draft site allocations DPD would come back to the Scrutiny Committee for review, prior to approval by Council.

The Chairman commented that the Working Group would meet regularly, at least on a monthly basis, with the potential for more frequent meetings.

A Member was of the opinion that the Developer Liaison Group could be poorly perceived by the public if there was a lack of transparency. The Assistant Chief Executive clarified to the Committee that the meetings would be minuted and explained that the Council needed to work closely with the development industry to build good working relationships.

A Member noted his support for the report and the Member Working Group but did stress the need for transparency and queried whether a report to the Committee on a quarterly basis should be added to the critical path. It was decided that Officers would review the critical path and check the possibility of more frequent reports to the Scrutiny Committee.

A Member questioned why Officers would be liaising with adjacent authorities and representatives of the development industry on reviewing Site Allocation methodology but not with the Scrutiny Committee.

The Assistant Chief Executive explained that this was a requirement of the NPPG and that Officers needed to consult with third parties as often as possible to mitigate the chances that those parties taking legal action against the Council for not being transparent. She also assured members that this approach was considered to be good practice and was set up on the advice of the ex-Chief Executive of Planning Inspectorate.

A Member commented that when developers have been involved in Council processes before they have used it as a platform to promote their own sites for development instead of working towards the best outcome for the District. He asked how officers would stop them using the Developer Liaison Group in the same way. He also wanted to know who had been approached and how they had been selected. The Divisional Leader for Planning and Economy explained to Members that key local developers had been contacted and invited and to date Officers had received 17 positive replies. The establishment of a Developer Liaison Group would be in line with best practice and would ensure discussion about both policy and development management matters, it was not an opportunity for developers to promote their sites and this would be made clear. Developers had been given the opportunity to promote their sites but now that time was over.

A Member asked whether there would be Member representation on the Developer Liaison group and the Assistant Chief Executive commented that as there could be a conflict of interest for Members they would not be present at the meetings.

The Chairman allowed Councillor Heidi Brunson who was present at the Committee but not a Member to speak. She suggested that developers included in the Liaison Group should sign a memorandum of understanding on any agreements so that the Council had a document binding developers to any promises they make.

The Chairman then noted that no more Members wished to speak so moved to the recommendation with the amendment to 4. (ii) to include the opportunity for the Scrutiny Committee to review the work carried out by the Member Working Group. This was agreed unanimously.

RESOLVED

That the Scrutiny Committee:

- (i) Notes the early stages of the Site Allocations DPD process;
- (ii) Agrees to the establishment of a Member Working Group to oversee the preparation of the Site Allocations DPD but provision would be made for the Scrutiny Committee to review the Groups work;
- (iii) Notes the establishment of the Mid Sussex Developer Liaison Group.

7. AFFORDABLE HOUSING

Judy Holmes, the Assistant Chief Executive, introduced the Report which provided information to the Scrutiny Committee about the Council's roles and responsibilities for meeting housing needs. It included information on the resources available to the Council to meet housing needs given the Council does not have its own housing. Also the report set out the acute challenges that faced the Council in its endeavours to meet the need for affordable housing in Mid Sussex. It proposed a range of potential options available to assist with meeting those challenges.

The Committee noted that the Report was greatly appreciated by the Members and they praised the hard work of specifically Emma Shuttleworth, the Business Unit Leader for Housing Enabling and the rest of the Housing team.

A Member made reference to paragraphs 24 and 27 of the Report and queried how the Council will enforce the Section 106 Agreements entered into by the developer to ensure delivery of affordable housing along with other planning requirements. He also questioned the allocation of the commuted sums.

The Assistant Chief Executive, clarified that in the Committees work programme the Developer Contributions SPD item, will explain to Members how the Council will ensure delivery of affordable housing. The Business Unit Leader for Housing informed the Members that it is currently the Council's policy to use commuted sums for schemes such as the rural exception scheme to make them viable. Although the amount did seem large it did not go far due to the cost of affordable housing units.

The Cabinet Member for Housing and Planning explained that there had been multiple affordable housing units approved however developers were slow to build these units and the Council have been let down by these developers. However, delivery of housing is outside of the Council's direct control.

The Chairman wanted to express his thanks to the Leader and Cabinet for their work on ensuring this issue is being brought forward.

A Member inquired whether it would be possible to add a timeline as he was of the opinion that the proposed approaches in the report would be successful and he wanted it to start as soon as possible.

A Member noted that the changes under Universal Credit to pay tenants their housing benefits directly instead of the landlords would not work in his opinion; he stated that the Council should be working with landlords more closely. The Member queried whether the withdrawal of Affinity Sutton from the Common Housing Register has major effects on the Council's ability to discharge its housing duties. He also mentioned the housing development in Blackwell Hollow and the lack of progress.

The Assistant Chief Executive, explained that under Universal Credit landlords would be able to apply for the housing benefits to be paid directly to them. She also clarified that those tenants living in Affinity Sutton properties now have less choice for transfer options but their withdrawal didn't affect the Council directly.

The Business Unit Leader for Housing, informed the Member that Affinity Sutton were the developers in the Blackwell Hollow development and unfortunately after a long drawn out process had withdrawn. The Council are currently looking for a new developer to take on the site.

A Member commented on the acute challenges that face the Council and how difficult the housing market has become. He also noted that for 2017/18 the current projection for the number of new affordable homes will not be achieved by the end of the financial year, he questioned Officers as to whether there would be a penalty.

The Assistant Chief Executive informed Members that as the Council did not have a 5 year housing land supply it was unable to accurately set the target for affordable housing, but confirmed this was an internal target and there would be no penalty for not achieving it.

A Member asked whether the dimensions of a private sector room were not the same standard as a Housing Association room and were developers able to sell to any Housing Association.

The Business Unit Leader for Housing, answered that both conform with the national space standard size. She went to explain that developers will sell to the highest bidder in the market.

Members questioned whether the Council could help mitigate the difficulties low income households face when looking for rented accommodation. The Assistant Chief Executive commented that the Council is looking at innovative ways to work within the system and that as MSDC doesn't build its own housing it must look at enabling and encouraging others to develop more affordable housing. She confirmed that the Council provide a rent deposit scheme to assist homeless households into private rented accommodation.

A Member queried the parameters and the objectives of the workshop. The Assistant Chief Executive explained that it was to provide Members with information to enable them to make informed decisions on which options to proceed with. Some of the proposals included in the report were quite radical and had huge implications for the Council.

The Business Unit Leader for Housing confirmed to Members that the Council doesn't didn't receive grants from the Homes and Communities Agency however, it does work through Housing Associations to help and support their grant applications. A Member mentioned that an increase in funds to support housing delivery would need to be raised at a Scrutiny Committee for Leader, Resources and Economic Growth.

A Member brought the Committee's attention to the fact that only 22 units of affordable housing were delivered for key workers and conveyed his disappointment. The Business Unit Leader for Housing clarified that this was due to the withdrawal of funding from central Government for this specific Scheme.

The Chairman allowed both Councillor Heidi Brunsdon and Councillor Pru Moore who were present at the Committee but not Members to speak. They commented that the Council was losing control of providing affordable housing due to the reliance on Housing Associations. They also informed the Committee that work done on Council land to supply affordable housing should not aim for immediate financial gain but should look towards future proofing and gaining income through Council Tax.

The Assistant Chief Executive commented that discussions had started on how best to provide more affordable housing on Council owned land but this would be further explored in the workshop.. As the Council gains more control it can decide on which housing associations it works with.

The Cabinet Member for Housing and Planning informed Members that the Council was looking to its own and County land for possible affordable housing and that they were seeking advice from other local authorities. He did warn Members however that there would be a limit to the amount of properties that the Council would be able to afford to build.

The Chairman noted that no more Members wished to speak so moved to the recommendation which was agreed unanimously.

RESOLVED

That the Committee:

- (i) Note the contents of this report and agree to an all Council workshop targeted at exploring the longer term options available to increase the supply of affordable housing.

8. ARMED FORCES COMMUNITY COVENANT PROGRESS REPORT 2017

Regina Choudhury, Community Development Officer, introduced the report which provided Members with an update on progress of the Council's work to support the Armed Forces Community Covenant.

The Chairman noted that the paragraph listings in the Report were wrong and this has been amended in public records.

Members spoke in support of the recommendation and commended the wreath laying on Remembrance Sunday.

A Member questioned how much support is given to ex-service personnel by the armed forces. The Community Development Officer said she will find out and send the information directly to him.

A Member asked whether there is a national quota for employment of ex-servicemen within Local Authorities. The Head of Digital, Communication and Customer Services clarified that under current legislation there isn't a quota.

A Member questioned whether the Council could encourage its partners to also employ ex-servicemen. The Community Development Officer clarified that the Council does encourage employment through the Corporate Community Covenant which has 12 local business signed up. A Member suggested using social media as a tool to encourage more businesses.

The Chairman thanked Councillor Stockwell and the Community Development Officer for the work on the Covenant and he expressed his pleasure at seeing the Council aiming for the Armed Forces Covenant Employer Recognition Scheme bronze award.

A Member asked to amend the recommendation to refer to a 'wholehearted' approach instead of a 'proportionate' approach. The Community Development Officer stated that as the Council is a district without a military base a proportionate response was considered appropriate.

The Chairman noted that no more Members wished to speak so moved to the recommendation as set out in the Report which was agreed with 13 Members in favour and 2 against.

RESOLVED

The Committee were recommended to:

- (i) Endorse the Council's approach to supporting the armed forces community in Mid Sussex in the context of establishing a proportionate approach, given that the district does not include a military base.

9. MID SUSSEX DISTRICT COUNCIL SAFEGUARDING CHILDREN AND ADULTS POLICY

Simon Hughes, Head of Digital, Communications and Customer Services, introduced the Report which outlined the Safeguarding Children and Adults Policy. The policy ensured the Council's responsibility to identifying and responding to concerns around Safeguarding Children and Adults. In order to ensure the policy was understood and implemented across the organisation a training strategy had been developed to deliver the appropriate level of safeguarding training to Council staff.

A couple of Members inquired about the policy position on safeguarding in schools and whether there are policies that cover the elderly and care homes. The Head of Digital, Communications and Customer Services clarified that schools should have their own policies in place however; if something was reported to the Council then the Council would take appropriate steps to see it was investigated. He also informed the Members that care homes would have their own safeguarding policies however he confirmed that if MSDC were informed of incidents at a school or care home they would immediately inform the relevant authorities.

A Member queried whether the Council works with WSCC. The Head of Digital, Communications and Customer Services confirmed that MSDC work alongside WSCC and are part of the West Sussex Safeguarding Adults Board and West Sussex Safeguarding Children's Board.

A Member asked whether MSDC ask partner organisations for information on their safeguarding policies. It was confirmed by the Head of Digital, Communications and Customer Services that MSDC do collect this information.

A Member asked if the Council asks organisations requesting grant funding for their safeguarding policy. The Head of Digital, Communications and Customer Services stated where appropriate the Council did seek this information....

The Cabinet Member for Community informed Members that training on safeguarding is mandatory for all Members and that the list of contacts at the back of the report should be noted by all Members.

The Chairman moved to the recommendations which were agreed unanimously.

RESOLVED

The Committee were recommended to:

- (i) Review the revised Mid Sussex District Council Safeguarding Children and Adults Policy and Training Strategy.
- (ii) Note the publication and response to the West Sussex Serious Case Review Findings.

10. CRIME FIGURES OVERVIEW

Natasha Allen, the Partnerships Manager, introduced the report which provided Members with an overview of the rolling crime and anti-social behaviour (ASB) figures for September, the rolling quarter (July, August and September) and the rolling 12 months (October to September) compared to the previous year for Mid Sussex. This was to enable the Committee to consider whether further information from Sussex Police was required

about the changes to the Local Policing Model and the potential for that to impact on crime figures for Mid Sussex in the future.

The majority of Members agreed with the recommendation

A Member queried whether these statistics were used in the Leaders Corporate Performance Report and the Assistant Chief Executive confirmed that they were already included.

The Partnerships Manager informed Members that these statistics were used as a monitor and did not include targets due to the results being outside the control of the Council.

A Member commented on the need for the public to report every instance of crime. She went on to suggest the Council need to do more to publicise this.

Members were concerned to see a rise in violent crime and a rise in neighbour disputes.

The Partnerships Manager reassured Members that they can take positives from the report as the District has low levels of crime compared to surrounding areas and confirmed that the Council use mediation services to deal with neighbour disputes.

The Cabinet Member for Community stated that Mid Sussex is one of the safest places to live in Sussex however, the precept from the PCC is the fifth lowest in the Country. He informed the Members that the Police and Crime Commissioner had a survey on her website asking how much people would be willing to pay for their Police Force. Also the Commissioner is encouraging members of the public to report all crimes that happen in their area. The Cabinet Member went on to explain to Members that the deployment of Police Officers was now based on the analysis of data and not hearsay.

A Member questioned Officers on whether it was correct that Sussex Police had received the second largest level of cuts in the country. The Assistant Chief Executive commented that Officers would report back to the Member directly on this point.

The Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee were recommended to;

- (i) Consider the report and whether to invite Sussex Police to provide additional information on the new Local Policing Model.

11. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2017/18

Clare McGough, the Business Unit Leader for Legal Services, introduced the work programme to the Committee.

A Member queried whether the Developer Contributions SPD would replace CIL. The Assistant Chief Executive confirmed that it would not replace the CIL as it is a supporting document relating to developers contributions.

The Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee agreed the current work programme.

Chairman