

**Minutes of a meeting of Council
held on Wednesday, 4th March, 2020
from 7.00 pm - 8.27 pm**

Present:

M Belsey (Vice-Chair)

G Allen	R de Mierre	J Llewellyn-Burke
J Ash-Edwards	B Dempsey	A MacNaughton
R Bates	S Ellis	J Mockford
J Belsey	R Eggleston	A Peacock
A Bennett	L Gibbs	C Phillips
L Bennett	I Gibson	M Pulfer
P Bradbury	S Hatton	R Salisbury
P Brown	J Henwood	S Smith
R Cartwright	S Hicks	A Sparasci
P Chapman	S Hillier	L Stockwell
R Clarke	T Hussain	D Sweatman
E Coe-	R Jackson	N Walker
Gunnell White	J Knight	R Webb
P Coote	C Laband	N Webster
M Cornish	Andrew Lea	R Whittaker
R Cromie	Anthea Lea	
J Dabell		

Absent: Councillors C Trumble, A Boutrup, H Brunsdon, A Eves and G Marsh

Councillor Margaret Belsey acted as Chairman for this meeting and with the agreement of the Council appointed Councillor Anthea Lea as Vice Chairman.

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.

A question was received from David Hayes:

Re: Land east of High Beech Lane - Land Stability Condition 14.

Despite Portsmouth Wood Close and Drive residents making representations and comments to MSDC about land stability issues, dating from 2006 and certainly from 2014, residents are extremely alarmed to find these roads have been excluded from the crucial land stability Condition. Why were we given assurances from Jonathan Ash-Edwards and your drainage engineer, Scott Wakely that this Condition covered the entire site? MSDC must surely have known that the previous builder of Portsmouth Wood Close went into liquidation due to land stability problems?

Response from Cllr. Andrew MacNaughton, Cabinet Member for Housing and Planning:

Following representations from residents the Council included a condition on land stability. The Condition 14 refers to those roads which the Council considered would have the potential to be impacted by land stability issues.

I can confirm that Cllr Ash-Edwards did not make assurances that the condition covered the whole site and in fact in an email from him to residents he confirms that this condition cannot be amended retrospectively.

I also have an email from Scott Wakely to a resident where he confirms that the land stability condition does not cover the entire site.

A supplementary question was asked by David Hayes to clarity if the land stability condition will cover both sites; the access and the area for building. The Cabinet Member stated that it would cover only this particular site.

A question was received from Mary Samuel:

Are MSDC failing in their responsibility by not following government regulations (March 2014) regarding land stability, that require an assessment of ground instability and I quote, ‘before a detailed planning application is prepared’? Surely all nearby householders must not be excluded from the land stability Condition? Otherwise residents could face subsidence or land slippage problems and could ultimately seek redress in the Courts.

Response from Cllr. Andrew MacNaughton, Cabinet Member for Housing and Planning:

Planning policy and guidance both state that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer / landowner.

The condition attached to the permission requires that “no development shall commence until details have been submitted to and approved by the Local Planning Authority regarding slope stability issues” and the development should only be carried out in accordance with the approved details.

We are waiting for a Slope Stability Report and Intrusive Ground Investigation works in relation to condition 14.

A supplementary question was asked by Mary Samuel as to why the developer had been allowed to proceed with intrusive work on site before the condition had been agreed. The Cabinet Member confirmed that a stop notice was issued as soon as the Council became aware that work had started prior to the condition being fulfilled.

A question was received from Hilary May:

Is MSDC going to allow the 'Temporary Stop Notice' on this site to expire in a few days' time? If so, please explain how the developers will be able to continue their huge land excavations into this geologically unstable hillside with its shifting subterranean springs, without any reference to the land stability Condition? Bearing in mind, these excavations are right beside a busy road and very near to Portsmouth Wood residents' houses.

Response from Cllr. Andrew MacNaughton, Cabinet Member for Housing and Planning:

If Croudace carry out works beyond the parameters currently allowed for without discharging the necessary pre-commencement conditions, the Council can serve another Temporary Stop Notice.

The only works on site have been to deliver the access. The current Stop Notice has been effective because it has prevented work carrying on so that the Council can discharge the necessary conditions relating to the access works.

A supplementary question was asked by Hilary May to clarify if the temporary stop notice will expire in a few days' time. The Cabinet Member confirmed that the notice was valid for 28 days and will then cease. If further work commences before the conditions have been fulfilled, then a new stop notice can be issued.

3. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 29 JANUARY 2020.

The minutes of the meeting of Council held on 29 January 2020 were agreed as a correct record of the meeting.

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

In relation to item 8, Councillors Andrew Lea, Liz Bennett and Pete Bradbury declared an interest as they are West Sussex County Councillors.

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

None.

6. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman noted that recent engagements of both the Chairman and Vice Chairman are available to view online. She also encouraged Members to support the fundraising Marsden March taking place on 29 March in aid of the Chairman's chosen charity.

7. RECOMMENDATIONS FROM CABINET HELD ON 10 FEBRUARY 2020.

The Chairman moved the item and took Members to the recommendations which were agreed.

RESOLVED

Council approved:

- (i) that £82,000 be transferred from General Reserve to Specific Reserve as detailed in paragraph 20 of the Cabinet report;

- (ii) that £4,702 grant income relating to Local Authority Data Sharing Programme Grant be transferred to Specific Reserve as detailed in paragraph 21 of the Cabinet report;
- (iii) that £1,779 grant income relating to External Wall System Data collection exercise be transferred to Specific Reserve as detailed in paragraph 22 of the Cabinet report;
- (iv) that the commuted sum of £29,925 is released from General Reserve as detailed in paragraph 23 of the Cabinet report;
- (v) the variations to the Capital Programme contained in paragraph 37 of the Cabinet report in accordance with the Council's Financial Procedure rule B3.

8. CORPORATE PLAN AND BUDGET FOR 2020/21.

The Leader moved the item, noting that it was the first Budget and Corporate Plan for the new administration. He thanked the Scrutiny Committee for Leader, Finance and Performance for their scrutiny of the budget on 15 January. He noted that there have been significant changes to Council finances over the last decade and the Council has responded effectively to set a bold and ambitious agenda. This has included investing in assets to generate new income to support services, ensuring the Council is financially independent, using technology to modernise services and ensuring that work is carefully prioritised on behalf of Mid Sussex residents. The administration has also been bold in bringing investment and resources into the District both from Government and the private sector, exercising significant leadership and influence with regional and national partners on behalf of Mid Sussex.

The Leader drew Members attention to some further key areas contained within the plan:

- 1) Sustainable Economic Growth – Through measures such as continuing the grants programme to support microbusinesses, the preparation of a marketing strategy for the District, the delivery of a new Parking Strategy and consideration of the deliverability of a Business Improvement District. Also through developing better infrastructure with better digital connectivity and the Burgess Hill Growth Programme.
- 2) Environment – Continuing the work outlined in the Sustainability Strategy including the roll out of the first food waste recycling project in West Sussex and a network of electrical vehicle charging points across the District.

The Leader acknowledged the two amendments on environment and sustainability matters put forward by the Liberal Democrats and on behalf of the Conservative group he confirmed that these were accepted and to be included in the overall recommendations to be voted on.

- 3) Planning for the future of our communities – In the next year the Council will begin the 5 year review of the District Plan. Work will also continue to explore options to expand the provision of temporary accommodation for homeless households in the District, and on the regeneration of the Orchards Shopping Centre to ensure it is fit for purpose going forward.

Discussion was held on the work the Council has carried out to address environmental issues and climate change, and the projects proposed going forward. Members were supportive of the cross-party approach to incorporate the amendment into the recommendations. It was noted by some that the Scrutiny Committees are the platform to raise such proposals, and that the current amendment reinforces work

that is already taking place. Two Members agreed that the Council should proceed with work to combat climate change from a position of leverage, to ensure that the Council's actions encourage others to follow and that the Council needs to remain proactive in public relations on the various initiative taking place. A Member requested further action to ensure new homes are built to incorporate renewable energy, and for work to progress on promoting walking and cycling within the District. Clarification was provided on the photovoltaic panels installed on the Council's roof, and the energy they produce.

A number of Members commended Officers and the Scrutiny Committee for the work in preparing a strong and balanced Corporate Plan and Budget and for the cross party working to come to an agreement on the recommendations.

Discussion was held regarding economic growth and sustainability and the importance of including villages in this development work. The Cabinet Member confirmed that villages were included in the call for employment sites as part of the site allocations DPD work, with limited response. Villages will be included in the fresh call for sites for the next District Plan review. A Member welcomed the continuation of the grants for microbusiness and shop fronts as a way to encourage local businesses and highlighted that sustainability would be the main focus of the next Open for Business event.

It was noted that there is no budget for the Council priority projects and this should be reviewed regularly throughout the year by the relevant Scrutiny Committee.

A Member noted the importance of continuous investment in technology to continue, and for investment in open spaces which are key areas for the wellbeing of the community.

Discussion was held on the initiatives underway with the Mid Sussex Partnership and local schools to combat anti-social behaviour within the District. The Cabinet Member noted that £50,000 is allocated to continue such projects as well as budget provision for a new Anti-Social Behaviour Officer.

A Member sought clarification on scenario planning in the light of current uncertainties facing the Country. The Leader noted that the Council has demonstrated the ability to be agile in responding to external influences and continues to engage with all partnerships for contingency planning. Regarding Covid-19 concerns, the Council is following advice from Public Health England, and has well established business continuity plans should it be necessary.

A discussion was held on the number of trees managed within the District. It was noted that according to a recent Sussex Biodiversity report 29% of Mid Sussex is covered by trees, which is above the national average of 13%. The Council uses software to map trees. A Member attended the recent meeting of the High Weald Area of Outstanding Natural Beauty and agreed to share the minutes of this meeting as it pertained to tree planting and other biodiverse measures in place.

In response to a Member's question regarding the approved West Sussex County Council Budget and potential risk to Mid Sussex, the Leader acknowledged the challenges faced by the County Council and confirmed that there have been improvements in partnership working to ensure this Council is included in early discussion on issues that may have a direct impact to the District.

Councillor Knight seconded the item, noting that it has been robustly debated at the Scrutiny meeting. He noted that the Budget and Corporate Plan is ambitious and has a net benefit to all parts of the District. The Council continues to support residents, maintain financial independence and provide value for money, with services delivered to target.

The Chairman took Members to a recorded vote in accordance with the budget regulations:

	For	Against	Abstained
Councillor G Allen	✓		
Councillor Ash-Edwards	✓		
Councillor R Bates	✓		
Councillor J Belsey	✓		
Councillor M Belsey	✓		
Councillor A Bennett	✓		
Councillor L Bennett	✓		
Councillor P Bradbury	✓		
Councillor P Brown	✓		
Councillor R Cartwright	✓		
Councillor P Chapman	✓		
Councillor R Clarke	✓		
Councillor E Coe-Gunnell White	✓		
Councillor P Coote	✓		
Councillor M Cornish	✓		
Councillor R Cromie	✓		
Councillor J Dabell	✓		
Councillor R De Mierre	✓		
Councillor B Dempsey	✓		
Councillor R Eggleston	✓		
Councillor S Ellis	✓		
Councillor L Gibbs	✓		
Councillor I Gibson	✓		
Councillor S Hatton	✓		
Councillor J Henwood	✓		
Councillor S Hicks	✓		
Councillor S Hillier	✓		
Councillor T Hussain	✓		
Councillor R Jackson	✓		
Councillor J Knight	✓		
Councillor C Laband	✓		
Councillor Andrew Lea	✓		
Councillor Anthea Lea	✓		
Councillor J Lewellyn-Burke	✓		
Councillor A MacNaughton	✓		
Councillor J Mockford	✓		
Councillor A Peacock	✓		
Councillor C Phillips	✓		
Councillor M Pulfer	✓		
Councillor R Salisbury	✓		
Councillor S Smith	✓		
Councillor A Sparasci	✓		
Councillor L Stockwell	✓		

Councillor D Sweatman	✓			
Councillor N Walker	✓			
Councillor R Webb	✓			
Councillor N Webster	✓			
Councillor R Whittaker	✓			

The 48 Members present voted in support.

RESOLVED

Council resolved to approve the Corporate Plan and Budget for 2020/21 as set out in the report.

The meeting finished at 8.27 pm

Chairman