

30 June 2017.

PLEASE NOTE TIME OF MEETING

Dear Councillor,

A meeting of the **CABINET** will be held in the **Council Chamber** at these offices on **MONDAY, 10 JULY 2017 at 4.00 p.m.**, when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive.

A G E N D A

	Pages
1. To receive declarations of interests from Members in respect of any matter on the Agenda.	
2. To receive apologies for absence.	
3. To confirm the Minutes of the meeting of Cabinet held on 8 May 2017.	3 - 5
4. Budget Management 2017/18 – Progress Report April to May 2017.	6 - 24
5. Performance Outturn 2016/17.	25 - 56
6. The Martlets Centre, Burgess Hill – Appropriation etc.	57 - 83
7. To consider any items that the Leader agrees to take as urgent business.	

To: **Members of the Cabinet** – Councillors: Ash-Edwards (Deputy Leader), Macnaughton, Marsh, Thomas-Atkin, Wall (Leader) and Webster.

Requesting Members - Councillors Bradbury, Clarke, De Mierre, Forbes, Heard, C. Hersey, Matthews, Mockford, Moore and Salisbury.

Working together for a better Mid Sussex



**Minutes of a Meeting of the Mid Sussex District
Council Cabinet held on Monday, 8 May 2017
from 4.00 p.m. to 4.24 p.m.**

Present: Councillors: Jonathan Ash-Edwards, Andrew MacNaughton, Gary Marsh, Garry Wall (Leader), Mandy Thomas-Atkin and Norman Webster.

Also present: Councillors: Pete Bradbury and Rod Clarke.

Officers: Kathryn Hall, Tom Clark, Judy Holmes, Peter Stuart, Simon Hughes, Terry Stanley and Mark Bristow.

1. DECLARATIONS OF INTEREST

None.

2. APOLOGIES

None.

3. MINUTES

The minutes of the meeting held on 27th March 2017 were agreed as a correct record and signed by the Leader.

4. URGENT BUSINESS

None.

5. OUTTURN REPORT FOR 2016/17

Peter Stuart, Head of Corporate Resources introduced the report stating that it was a satisfactory conclusion to the end of year. The Report was before Cabinet a month earlier than normal, in anticipation of new requirements.

The positive income position has resulted from the acquisition of the Orchards Shopping Centre increased fee income from Development Management and increased Car Parking revenue, which has exceeded forecasts.

The Leader welcomed the Report and endorsed the strong fiscal control of the Council's finances.

The Cabinet Member for Resources and Economic Growth welcomed the strong position the Council was in, which will enable the Council to remain resilient and to seize opportunities. He stated that the Council's investment strategy was making effective use of taxpayer's money. The Report demonstrated that investments that have been made to date have been prudent.

The Cabinet Member for Community agreed that the investments that had been made have had a positive effect on the Council's resources. The Council is legally obligated to use assets wisely and by doing so the Council is able to provide good services for residents.

The Cabinet Member for Service Delivery welcomed the increased parking income.

The Cabinet Member for Planning noted the extra income from Development Management fees and attributed this to attractiveness of the District to the development sector. Despite the increase in planning applications being submitted, staff have continued to maintain targets.

The Leader noted the depth and variety of the Capital Programme and noted that whilst this Outturn Report was positive the future remained uncertain and challenging.

RESOLVED

Cabinet resolved to note the contents of the report, and to recommend to Council:

- (i) that grant income as set out in paragraph 16 to 19 of this report be transferred to Specific Reserve;
- (ii) that grant income as set out in paragraph 20 of this report be transferred to General Reserve;
- (iii) that windfall income as set out in paragraph 21 of this 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

6. LAND ADJACENT TO NEWBURY, COURTMEAD ROAD, CUCKFIELD; PRESERVATION OF PLANNING

Peter Stuart, Head of Corporate Resources introduced the report and stated that although this could be dealt with under Delegated Authority, it was deemed that it should be brought to Cabinet owing to the level of interest in the issue. There were two minor errors in the Report in relation to Paragraph 3 and the dates therein. As such he reported that amended recommendations had been tabled. He emphasised that these minor errors did not affect the substance of the report.

He stressed that in relation to paragraph 5 more information will be required before it could be recommended that any dwelling should be built on this site. As the report

stated, he had neither a properly tendered builder of a dwelling, nor a firm sale price of any such dwelling. He could not therefore recommend any further action for Cabinet save that outlined in this report. This was solely in relation to Paragraph 8, that the planning permission expires on 9th October 2017, and it was therefore recommended that this permission is implemented in a minor way in order to safeguard the planning permission.

The Head of Corporate Resources also pointed out that whilst the last sentence of Paragraph 8 stated that the permission would be implemented between the end of September and the expiry of the permission, this would actually only be some 9 days. It was therefore expected that work on the site would have to commence during September to make implementing the permission practically viable.

The Head of Corporate Resources finished by stating that the minimum level of works would be undertaken to implement the planning permission and that this was expected to be well within the estimate of £20k contained within the report.

The Leader confirmed with all Members that the revised recommendations were in front of them and that a decision had to be reached as the landowner. He further noted that it was a reasonable action to take.

The Cabinet Member for Planning agreed that it was a sensible way forward and that there is a need to keep the permission valid.

The Cabinet Member for Resources and Economic Growth confirmed that the Council as landowner secured the planning permission and that it was sensible to implement it.

The Cabinet Member for Community stated that he was portfolio holder at the time the planning application was made and that we could confirm that the Council was careful to keep its landowner function and planning function separate. The monies from the asset are to be used to better the lives of the community.

The Leader read out the tabled recommendations and these were agreed.

RESOLVED

Cabinet resolved to:

- (i) Approve the actions outlined within the Report to implement the existing Planning Permission on the site at Courtmead Road, noting that outline Planning Permission was December 2013 and Reserved Matters Permission expires on 9th October 2017 and paragraph 3 of the Report be corrected accordingly.

The meeting was closed at 4.24 p.m.

Chairman.

4. BUDGET MANAGEMENT 2017/18 – PROGRESS REPORT APRIL TO MAY 2017

REPORT OF: Head of Finance
Contact Officer: Cathy Craigen, Chief Accountant
Email: Cathy.craigen@midsussex.gov.uk Tel: 01444 477384
Wards Affected: All
Key Decision: No
Report to: Cabinet
10th July 2017

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Purpose of Report

1. This report reviews the progress on the Revenue Budget, Capital Programme and Treasury Management for 2017/18.

Summary

2. The forecast revenue outturn position for 2017/18 at the end of May is showing a projected net underspend of £96,000 against the original estimate, which has mainly arisen from over-performance of income in Car Parking and Building Control fees as well as on-going savings from 2016/17 which will be built into the 2018/19 budget.

Recommendations

3. **To recommend to Council for approval:**
 - (i) that £192,927 grant income relating to Flexible Homelessness Support Grant be transferred to Specific Reserve as detailed in paragraph 20;
 - (ii) that £4,818 grant income relating to New Homes Bonus Returned funding grant be transferred to General Reserve, as detailed in paragraph 21;
 - (iii) that £40,000 of the revenue underspend be transferred to A23 Highway Cleansing Reserve as detailed in paragraph 26 (a)
 - (iv) that £22,000 of the revenue underspend be transferred to the Leisure Reserve as detailed in paragraph 26 (b)
 - (v) the variations to the Capital Programme contained in paragraph 40 in accordance with the Council's Financial Procedure rule B4.

To note:

- (vi) the remainder of the report;
-

REVENUE SPENDING

Position to the end of May 2017

4. This is the first budget management report for the current financial year. This is intended to inform Members how key income and expenditure targets are performing after the first two months of 2017/18, and thereby establish a position over the summer.

Expenditure and Income to date

5. Table 1 details 'actuals' to date for the key income categories and salaries expenditure, compared to their profiled budgets. It gives a snapshot position on performance to the end of May only. This table also details the projected year-end position for these key income categories, but this only forms part of the consideration for the year-end predictions for the Council's overall revenue budget.

INCOME	2017/18 Actual to May £'000	Profiled 2017/18 Budget £'000	2017/18 Original Budget £'000	Pressure/ (Saving) To end May £'000	Projected Year-end Variance £'000
Car Park Charges Development	(359)	(347)	(1,972)	(12)	(61)
Management Fees	(184)	(203)	(1,214)	19	(34)
Building Control Fees	(112)	(81)	(486)	(31)	(60)
Land Charges	(23)	(29)	(150)	6	0
Licensing Act Fees	(15)	(7)	(138)	(8)	0
Hackney Carriage Fees	(19)	(21)	(124)	2	(5)
Outdoor Facilities Income	(114)	(117)	(289)	3	0
Garden Waste	(101)	(121)	(1,164)	20	0
Leisure Contract Income	(269)	(260)	(1,558)	(9)	(55)
Industrial Estates Rents	(164)	(185)	(688)	21	0
Town Centre Rents	(437)	(437)	(3,000)	0	0
Depots Rents	(18)	(18)	(73)	(0)	0
General/Miscellaneous Property	(77)	(62)	(208)	(15)	0
Total Income	(1,892)	(1,888)	(11,064)	(4)	(215)
EXPENDITURE					
Salaries	1,918	1,845	11,072	73	102

6. Car parking income is above budget by £12,000 in the first two months operation of the service. This is detailed in Table 2 below. This includes variations in respect of additional Season Tickets (£10,000) and Pay and Display (£2,000). The forecast is based on outturn 2016/17, to take account of the most recent year's performance against the current budget target. However the projection for Pay and Display has also been adjusted to a more prudent estimate, to reflect uncertainties in respect of seasonality and economic performance. The overall forecast for the year is an additional £61,000. This has been included in Appendix A of this report.

	<i>Actual April to May</i>	<i>Outturn 2016/17</i>	<i>Forecast 2017/18</i>
	<i>(Over)/ under target £'000</i>	<i>(Over)/ under target £'000</i>	<i>(Over)/ under target £'000</i>
Pay & Display tickets	(2)	(80)	(50)
Season Tickets	(10)	(11)	(11)
Total additional income	(12)	(91)	(61)

7. Development management income is £19,000 below target for April and May. Additional income is expected for the year, based on performance in 2016/17, whereby £97,000 additional income was achieved in excess of the current year's budget target. Additional income is expected to continue in the short term pending approval of the District Plan, but the variation to date is often affected by the profile of large applications, which can vary. In addition, a prospective 20% fee increase will require the forecast to be amended once the commencement date is confirmed, and a separate report to consider the full financial implications, including additional resource requirements, will come forward in due course. However, this fee increase is subject to further legislation in this Parliament. In the meantime, there is need to recruit an additional Planning Officer to address increased workload and forecast income has been amended to meet this cost.
8. At the end of May, Building Control Income is over budget by £31,000. The year-end projection has been amended by £60,000 to reflect additional Building control Income achieved in 2016/17, compared to the current year's budget target.
9. At the end of May Land Charges income is below budget by £6,000. However, it is thought that this is likely to be the result of the present political uncertainty, and income is expected to recover following the General Election. Therefore, no variation to the full year projection is anticipated at this stage.
10. Licencing income is £8,000 above target for April to May. This is mainly due to the profiling of income, which can fluctuate. Therefore, the forecast remains unchanged.
11. Hackney Carriage Fees are below target by £2,000 for the first two months of this financial year. This is mainly due to the profiling of income, which can fluctuate. However, the year-end forecast has been adjusted to reflect £5,000 increased Hackney Carriage income identified at Outturn 2016/17, which is expected to be ongoing.
12. Outdoor facilities income is £3,000 below budget after the first two months of the year. No change to the full year projection is anticipated at this stage.

13. Based on the current budget profile, Garden Waste income is £20,000 below target at the end of May. Expansion of the Garden Waste service is expected to deliver an additional 2000 customers in 2017/18 to achieve the budgeted customer base of 18,200 customers by year-end. The waste team are confident that this level of growth will be achieved by year-end and will be undertaking a direct marketing strategy to support this. Garden waste is currently averaging 40 new customers per week. Therefore, the forecast has not been amended at this stage.
14. The value of the Leisure Contract is subject to annual indexation and the forecast has been amended by £55,000 to reflect an ongoing saving from the 2015/16 (£20k) and 2016/17 (£35k) calculation. This is shown in Appendix A of this report.
15. Industrial Estates rent are £21,000 below target at the end of May. This is due to lower than anticipated income compared to the budget. No change to the full year projection is anticipated at this stage.
16. General/miscellaneous property income is £15,000 above the target at the end of May. No change to the full year projection is anticipated at this stage.
17. The salaries expenditure to the end of May is showing a pressure of £73,000 against the profiled budget. The forecast year-end variation on salaries is a net £102,000 overspend, as set out in Table 1 above. The variance to date is mainly the result of unbudgeted staff costs which will be partly met from compensating savings identified in the service and partly met from Specific Reserve at year-end. Further detail is set out in Appendix A of this report.
18. In summary, based on current information available and as outlined in Appendix A, the current forecast year-end position (at the end of May 2017), is an under spend of £96,000.

Miscellaneous

19. The total remaining in Balance Unallocated is unchanged at £12,000 as there has been no utilisation to date.
20. In April, we received £192,927 from the Department of Communities and Local Government in respect of Flexible Homelessness Support Grant. This is the first year of a two- year allocation. MSDC is due to receive a further £221,981 in 2018/19. The government has confirmed that the grant allocation will replace the current £60 Temporary Accommodation Management Fee from 1st April 2017. The cost to the Council of the loss of the management fee is not yet confirmed. However, this grant allocation is expected to compensate local authorities for this loss and support homelessness services. As the funding is ring-fenced for two years, Members are requested to approve the transfer of this sum to a Specific Reserves for this purpose.
21. In May 2017, we received notification from the Department of Communities and Local Government confirming our allocation for New Homes Bonus Returned Funding Grant 2017/18. As in previous years a top slice was taken from Local Government Finance Settlement to fund the New Homes Bonus, with a commitment that any funding not used for this purpose would be returned to local authorities pro rata to the adjusted start-up funding allocation. For MSDC, the New Homes Bonus Returned Funding grant is £4,818. This additional funding payment is not ring-fenced and Members are requested to approve the transfer of this sum to General Reserve.

22. In May, we also received a grant payment of £8,335 from the Department for Work and Pensions, in respect of New Burdens relating to Local Authority Data Sharing Programme. This sum will be pooled along with similar allocations received by our Census Partners to meet this additional cost.
23. In April, we received £2,592 from the Department for Work and in respect of a New Burdens Fraud and Error Reduction Incentive Scheme. This sum will be pooled along with similar allocations received by our Census Partners to meet this additional cost.
24. In April, we received a grant payment of £26,801 from the Department for Work and Pensions to meet the costs of new burdens relating to Right Benefit Initiative. This sum will be pooled along with similar allocations received by our Census Partners to meet this additional cost.
25. In May, we received a grant payment of £8,483 from the Department for Work and Pensions in respect of Implementing Welfare Reform. This sum will be pooled along with similar allocations received by our Census Partners to meet this additional cost.

Use of Underspend

26. Members are requested to consider the following two allocations of monies from revenue underspend:
 - (a) £40,000 to create an A23 Highway Cleansing Reserve to cover the requirement for a deep cleanse (litter-picking) of the A23. Therefore, Members are requested to approve the transfer of £40,000 to Specific Reserve for this purpose;
 - (b) £22,000 to top up the Leisure Reserve, which had previously been utilised in 2016/17 to fund latent defects works at Kings Centre, thus effectively reducing the Council's contribution towards improvement works. It is requested that the Leisure Reserve now be restored back to its original level of 1.2m (having previously used £22,000 for Latent Defects). This would have the benefit of helping to deliver planned improvements and ensuring that the council receives the full £60,000 future annual income previously reported.

CAPITAL SPENDING

Position to the end of May 2017

27. The Capital Programme for 2017/18, as approved at Council on the 1st March 2017, amounted to £2,784,000. Following the 2016/17 Outturn, the current programme has been increased by £79,000, being the slippage of some 2016/17 capital projects. Therefore, the revised Capital Programme now totals £2,863,000.
28. Further details relating to these changes are contained in the Outturn 2016/17 report to Cabinet on 8th May 2017. The actual and commitments to the end of May 2017 total £697,698.

Variances to the 2017/18 Capital Programme

29. At this early stage in the year all projects are progressing as expected, other than those identified in Table 3 under "Proposed variations to the Capital Programme" below.

Proposed Variations to the Capital Programme

30. Since the Corporate Plan and Budget 2017/18 report was approved at Council on 1st March '17, there have been some changes to the Major Capital Renewals for 2017/18. Three projects will not be progressed at present as detailed below:

- a) New Auditorium floor – Clair Hall, Haywards Heath (£25,000). No work is required at present so this project will need to come forward again in a future year;
- b) Resurface Orchards Car Park, Haywards Heath (£50,000). This project is to be postponed due to the possible extension of the Orchards Shopping Centre; and
- c) Replace lighting columns with LED-District Car Parks (£15,000). This has been postponed pending a review of the lighting survey commissioned through the term contractor.

It is proposed to utilise the savings detailed above totalling £90,000 to fund four new Major Capital Renewals (MCR) projects that have come forward this year. These are:

- 1) Replacement of windows and shutters at Clair Park Pavilion, Haywards Heath costing £29,000. This project has been brought forward due to the poor condition of the windows and security issues that need to be addressed;
- 2) Resurfacing of Dale Avenue Car Park, Hassocks costing £20,000. This project has been brought forward in place of the Replacement of lighting columns with LED-District Car Parks works now postponed;
- 3) Resurfacing of Gower Road Car Park, Haywards Heath costing £13,000. This project has been brought forward in place of the Orchards Car Park works now postponed and;
- 4) Resurfacing of Franklyn Road Car Park, Haywards Heath costing £28,000. This project has been brought forward in place of the Orchards Car Park works now postponed.

These four new projects will be funded from the General Reserve. The Capital Programme has been amended accordingly.

31. The 2017/18 Major Capital Renewals programme includes £62,000 for Photovoltaic (PV) panels. The cost of this project has now been reduced to £26,000 reflecting the lower cost of solar panels. Further detail is shown in the Capital Justification for this project attached in Appendix B. £36,000 is therefore now available for other MCR projects, and the Capital Programme has been amended accordingly.
32. £164,500 has been approved under Delegated Member authority on 24th March 2017 for the purchase of land adjacent to Heath Road Car Park, Haywards Heath (£140,000) and the proposed car park extension (£24,500). This is being funded from the Land and Property Reserve. Following the recent purchase of land for £140,000, the cost of the new project for the extension to Heath Road Car Park, Haywards Heath has increased from £24,500 to £40,000 to include the cost of resurfacing the car park. This car park will provide an additional 32 short stay parking bays in Haywards Heath. Further details on this scheme are set out in the project justification included in Appendix B of this report. The total additional cost of this work is £15,500 which will be funded from Land and Property Reserve. Members are therefore requested to approve this project and the Capital Programme has been updated accordingly.

33. Since the Corporate Plan and Budget 2017/18 report was approved at Council on 1st March 17, we have received notification of increased funding for Disabled Facility Grants in 2017/18, through the Better Care Fund which is passported onto MSDC from West Sussex County Council. The allocation this year is £873,024 compared to the current budget of £600,000. In addition the 2016/17 allocation was underspent by £119,442 allowing the 2017/18 Capital Budget to be increased to £992,000. The current Capital Programme has been increased for this change.
34. The 17/18 Capital Programme includes a sum of £473,000 for Finches Field Community Pavilion and Car Park. This amount represents the grant payment to Slaugham Parish Council for the construction of this community building and car park. However, as reported in MIS22A on 2nd June 2017, the Cabinet Member for Resources and Economic Growth authorised to amend the detail of the grant agreement with Slaugham Parish Council to take the revised total project cost into account, include the funds allocated through the Major Capital Renewals (MCR) to construct the car park and to include a requirement to allow access for a polling station. The new project total is £666,000 of which £616,000 is funded from S106s (rounded to the nearest £'000) and £50,000 is funded from General Reserve (Major Capital Renewals allocation). The current Capital Programme has been increased by £193,000 to reflect this change.
35. A new project has come forward for installing a footpath across MSDC Property Railway North, improving the path network of Bedelands Farm totalling £80,000. This was approved at Cabinet Grants Panel on 18th April 17 to be funded from the Lewes District Council S106s as explained further in that report. The Capital Programme has been increased for this sum.
36. A new project has come forward for refurbishing the playground at World's End Recreation Ground totalling £200,000. This was approved at Cabinet Grants Panel on 18th April 17 to be funded from the Lewes District Council S106s, as explained further in that report. The Capital Programme has been increased for this sum.
37. The current Capital Programme includes £500,000 for Affordable Housing. However, planned expenditure for Bolney in respect of a rural exceptions site has been delayed to next year. Therefore, £500,000 needs to be re-phased to 2019/20 and the Capital Programme for 2017/18 total has been reduced to reflect this.
38. The wooden skate park in Victoria Park is in poor condition and is reaching the point where repairs are no longer cost effective. A project is to be instigated to design and construct a replacement skate park using more durable materials. It is intended to fund the cost of the new facility from relevant Section 106 Formal Sport contributions. This project will require extensive consultation with skate park users to ensure that it is suitable for purpose; the design and project cost will be finalised following this consultation. Details of this project are shown in Appendix B of this report.
39. The flat roofs at The Orchards Centre date back to the original construction in 1983 and have reached the end of their service life. There are numerous leaks into the retail units below, however due to its age and method of construction, piecemeal repairs are no longer viable. It is therefore proposed to replace the flat roofs in their entirety. The cost of this project is to be determined and leaseholders will be consulted. A proportion of this cost will be recovered from our residential and commercial leaseholders over the next three years. Details of this project are shown in Appendix B of this report.
40. Proposed capital variations are summarised in table 3 below:

Table 3: Capital Project Variations April to end May 2017/18

	<i>Apr to May</i>	<i>Ref</i>
	<i>£'000</i>	
New Auditorium floor – Clair Hall, Haywards Heath	(25)	<i>Para 30</i>
Resurface Orchards Car Park, Haywards Heath	(50)	<i>Para 30</i>
Replace lighting columns with LED-District Car Parks	(15)	<i>Para 30</i>
Replacement of windows and shutters at Clair Park Pavilion, Haywards Heath	29	<i>Para 30</i>
Resurfacing of Dale Avenue Car Park, Hassocks	20	<i>Para 30</i>
Resurfacing of Gower Road Car Park, Haywards Heath	13	<i>Para 30</i>
Resurfacing of Franklyn Road Car Park, Haywards Heath	28	<i>Para 30</i>
Photovoltaic (PV) panels (MCR)	(36)	<i>Para 31</i>
Unallocated Major Capital Renewals (MCR)	36	<i>Para 31</i>
Land adjacent to Heath Road Car Park Haywards Heath and Extension to Heath Road Car Park Haywards Heath	180	<i>Para 32</i>
Disabled Facilities Grants	392	<i>Para 33</i>
Finches Field Community Pavilion and Car Park	193	<i>Para 34</i>
Bedelands Farm - improvement to paths	80	<i>Para 35</i>
Worlds End Recreation Ground refurbishment	200	<i>Para 36</i>
Affordable Housing	(500)	<i>Para 37</i>
Victoria Park –replacement of skate park	tbc	<i>Para 38</i>
Orchards Roof Works	tbc	<i>Para 39</i>
Total	545	

41. Taking into account all of the changes detailed above, the overall effect is an increase to the current capital programme for 2017/18 of £545,000. In addition, £500,000 will be slipped to 2019/20. Therefore the revised programme total for 2017/18 now stands at £3,408,000.

Capital receipts and contributions received to the end of May 2017

42. S106s and grant contributions of £84,028 have been received in the period April to May 2017.

S106 contributions committed/utilised to the end of May 2017

43. The following S106 contributions have been utilised during this period:

Table 5 S106 utilisation 2017/18

	<i>Apr to May</i>	<i>Note</i>
	<i>£'000</i>	
Lindfield Rural Parish Council	8	1
Haywards Heath Town Council	4	2
Burgess Hill Town Council	8	3
West Sussex County Council	39	4
West Sussex County Council	3	5
West Sussex County Council	48	6
West Sussex County Council	108	7
East Grinstead Town Council	1	8
East Grinstead Town Council	3	9
Total	222	

Notes

- 1 Utilisation of Local Community Infrastructure contribution (P35/594 £8,040) S106 monies to improve pedestrian and disabled access leading to the Remembrance Garden at Walstead Burial Ground, as agreed by the Cabinet Member for Planning on 27 March 2017 MIS 13 29 March 2017.
- 2 Utilisation of Local Community Infrastructure contribution (P35/669 £986.40 & PL12-000511 £3500.60) S106 monies to replace an existing bus shelter outside Beech Hurst Gardens, as agreed by the Cabinet Member for Planning on 12 April 2017 MIS 16 19 April 2017.
- 3 Utilisation of Local Community Infrastructure contribution (P35/491 £8,495) S106 monies to install a new footpath in Burgess Hill Burial Ground, as agreed by the Cabinet Member for Planning on 12 April 2017 MIS 16 19 April 2017.
- 4 Utilisation of Total Access Demand (Sustainable Transport) contribution (PL12-000170 £35,271 & PL12-00620 £3,579) S106 monies for shared use path surfacing on Worth Way, Crawley Down, as agreed by the Cabinet Member for Planning on 12 April 2017 MIS 16 19 April 2017.
- 5 Utilisation of Total Access Demand (Sustainable Transport) contribution (P35/369 £62.78, P35/382 £77.26 & P35/781 £2,612.96) S106 monies for Speed reduction scheme Leylands Road/West Street, Burgess Hill, as agreed by the Cabinet Member for Planning on 12 April 2017 MIS 16 19 April 2017.
- 6 Utilisation of Total Access Demand (Sustainable Transport) contribution (P35/258 £179.07, P35/519 £12,015, P35/620a £6,480, P35/624 £13,065, P35/632b £2,991.13, P35/743 £1,260, PL13-000019 £4,871.72, PL13-000271 £3,688.08 & PL13-000617 £3900) S106 monies for Safety improvements on West Street, East Grinstead, as agreed by the Cabinet Member for Planning on 12 April 2017 MIS 16 19 April 2017.
- 7 Utilisation of Total Access Demand (Sustainable Transport) contribution (P35/779 £108,155) S106 monies for Traffic calming on Imberhorne Lane, East Grinstead, as agreed by the Cabinet Member for Planning on 12 April 2017 MIS 16 19 April 2017.
- 8 Utilisation of Local Community Infrastructure contribution (P35/632b £1,356.25) S106 monies to purchase a defibrillator for East Court, as agreed by Cabinet Member for Housing and Planning on 16 May 2017 MIS 20 17 May 2017.
- 9 Utilisation of Local Community Infrastructure contribution (P35/632b £348.42 & P35/633b £2,181.58) S106 monies to enhance the public realm in the area to the front of the Kings Street public toilets, as agreed by Cabinet Member for Housing and Planning on 16 May 2017 MIS 20 17 May 2017.

TREASURY MANAGEMENT INTEREST

44. Treasury Management interest for the financial year 2017/18 was projected in the Budget Report to be £308,065 at an average rate of 0.80%. The Budget Report is prepared well before many of the cash flow items are known.
45. Actual Treasury Management interest earnings for the first two months of 2017/18 were £55,787 at an average rate of 0.854%. The year-end projection for Treasury Management to be earned in the year remains as budgeted at this point in the year. This position will continue to be monitored closely as we progress through the year.

POLICY CONTEXT

46. This report shows actual financial performance against the original budget, which was approved within the context of the Financial Strategy.

FINANCIAL IMPLICATIONS

47. The financial implications are detailed within the body of this report.

RISK MANAGEMENT IMPLICATIONS

48. There are no risk management implications. Financial risks have been seen as a strategic risk in the past but the Council has a proven track record in Budget Management and this is not seen as a strategic risk for 2017/18.

EQUALITY AND CUSTOMER SERVICE IMPLICATIONS

49. There are none.

OTHER MATERIAL IMPLICATIONS

50. There are no legal implications as a direct consequence of this report.

Background Papers

Revenue Budget 2017/18

Appendix A

Forecast Budget Variations for 2017/18 at the end of May 2017

	<i>Pressures in 2017/18</i>	<i>Notes</i>
	<i>£'000</i>	
On-going pressure from 2016/17 – Car Parks emergency gritting	29	1
On-going pressure from 2016/17 – Building Control Staffing Restructure	11	1
On-going pressure from 2016/17 – Strategic Core salaries	17	1
On-going pressure from 2016/17 – HR & Payroll Salaries	40	1
Permanent Staff Change – Additional Planning Officer	34	2
	<hr/>	
	131	
	<hr/> <hr/>	

Notes:

- (1) On-going pressures identified in budget management 2016/17 but too late for inclusion in the 2017/18 budget.
- (2) See Paragraph 7.

Forecast Budget Variations for 2017/18 at the end of May 2017

	<i>(Savings) in 2017/18</i>	<i>Notes</i>
	<i>£'000</i>	
On-going additional income from 2016/17 – Building Control Income	(60)	3
On-going saving from 2016/17 – Environmental Health Minor Variations	(7)	3
On-going saving from 2016/17 – Environmental Health Contaminated Land Consultants	(10)	3
On-going saving from 2016/17 – Leisure Contract Indexation	(55)	3
On-going additional income from 2016/17 – Parking Pay and Display income	(50)	3
On-going additional income from 2016/17 – Parking Season Ticket income	(11)	3
On-going additional income from 2016/17 – Development Management Income	(34)	3
	<hr/>	
	(227)	
	<hr/> <hr/>	

Notes:

- (3) On-going savings identified in budget management 2016/17 but too late for inclusion in the 2016/17 budget.

PROJECT JUSTIFICATION DETAILS

Supply and installation of roof-mounted photovoltaic panels at Oaklands Campus**Purpose of project :**

It is proposed to install photovoltaic (PV) panels on several flat-roofed areas of Oaklands campus, in order to reduce electricity purchased from the grid, provide income from exporting electricity back to the grid, and reduce greenhouse gas emissions.

Total Amount : £26,000

Capitalised Salaries included in the project total: N/A

Other sources of funding: N/A

Revenue Implications:

Installation of the photovoltaic panels is calculated to produce net income (from export of surplus electricity) and net savings (from electricity generation) amounting to £150,000 over the expected 25-year life of the installation. This represents a return on investment of £96,000 at today's prices.

Value For Money Assessment:

Current practice / doing nothing:

The Council will not achieve the cost savings and reductions in greenhouse gas emissions which otherwise would have been realised by this project.

Other alternative approaches:

Various other methods of reducing energy consumption and greenhouse gas emissions are available. These would require significant capital investment and should be considered as complementary to, rather than alternatives to, the proposed PV installation.

Business Unit/Service: Corporate Estates & Facilities

Head of Service : Peter Stuart

Project Manager: Lance Kester

Cabinet Members : Cllr J Ash-Edwards

Continued..

Supply and installation of roof-mounted photovoltaic panels at Oaklands Campus

Ward Members : Cllr Jonathan Ash-Edwards, Cllr Sandy Ellis

This project contributes to achieving the Corporate Plan in the following ways :

Financial independence: The project will reduce the Council's energy costs.

Summary of discussions with Cabinet Member:

The project was discussed with the Cabinet Member in May 2017.

Risk Analysis :

The main risks for this project are:

The likelihood, severity, financial impact (rated low, medium, high) of each of these risks are:

Lower than expected return on investment

Likelihood: Low

Severity: Low

Financial impact: Low

Mitigation actions:

1. Sensitivity analysis has been carried out on return on investment.
2. Performance and quality specification.
3. Manufacturer's warranty.
4. On-going maintenance.

PROJECT JUSTIFICATION DETAILS

Extension to Heath Road Car Park, Haywards Heath

Purpose of project :

The Council has recently acquired the land adjacent to Heath Road car park to extend the provision of car parking spaces within the town. This extra land is anticipated to provide an additional 32 short stay parking bays in Haywards Heath. These new spaces will provide additional parking provision in the area, meeting high demand by local workers, commuters and users of the local facilities.

The land is generally in good condition but works are required to bring this land into use including creating an entrance, improved lighting and a new pay and display machine. The original budget estimate did not include for resurfacing, however further investigation has found that the surface will need replacing in the near future. We have therefore increased the project cost estimate to include this item. The cost break down is:

Entrance & Resurfacing £23,000

Improved lighting £12,000

Pay & Display Machine £5,000

Total Amount : £40,000

Capitalised Salaries included in the project total: n/a

Other sources of funding: n/a

Revenue Implications:

The direct revenue implications will come from contractual costs for lighting, cash collections and pay and display machine air time and other costs such as NNDR. However these will be offset by income generated by pay and display tariffs.

Value For Money Assessment:*Current practice / doing nothing:*

Without these capital works, this land remains unusable.

The proposed car park extension could generate an additional revenue income of £26,112 per annum, producing a 14.5% return on the total capital expenditure of the land purchase (£140,000) plus the £40,000 capital costs to bring the land back into use

Other alternative approaches:

There are no alternative locations owned by the Council which could provide additional parking.

Business Unit/Service: Parking Services

Head of Service : Judy Holmes

Project Manager: Claire Onslow

Cabinet Members : Cllr Gary Marsh, Cabinet Member for Service Delivery

Ward Members : Cllr Ash-Edwards & Cllr Ellis – Heath ward

This project contributes to achieving the Corporate Plan in the following ways :

- Supports the Council's aspiration to become financially independent
- Additional town centre parking spaces in Haywards Heath will contribute towards supporting sustainable economic growth.

Summary of discussions with Cabinet Member:

Cllr Gary Marsh, Cabinet Member for Service Delivery fully supports bringing this land into use as a car park, providing additional facilities to the town.

Risk Analysis :

The main risks for this project are:

1. Completion of works exceeding budget

The likelihood, severity, financial impact (rated low, medium, high) of each of these risks are:

Low

Mitigation actions:

1. Careful project management, carried out by the Corporate Estates & Facilities team experienced in delivering car park maintenance works.

PROJECT JUSTIFICATION DETAILS

Replacement of Victoria Park Skate Park

Purpose of project :

Replacement of the existing wooden skate park which is reaching the end of its serviceable life.

Total Amount : To be advised

The project will require extensive consultation with skate park users and other stakeholders, including ward Members and Haywards Heath Town Council. The design and project cost will be finalised following this consultation.

Capitalised Salaries included in the project total: N/A

Other sources of funding: Section 106 Formal Sport contributions.

Revenue Implications: N/A

Value For Money Assessment:

Current practice / doing nothing:

The existing wooden skate park has deteriorated badly due to its popularity and location, which suffers from standing water during the winter months. Major repairs were carried out during 2016/17 however the structure remains in poor condition and is continuing to deteriorate. The skate park will ultimately become unsafe, necessitating closure.

Other alternative approaches:

It would be possible to maintain the facility in the short term, however repairs will become increasingly costly and the point will soon be reached when repairs are no longer viable.

Business Unit/Service:

Head of Service : Peter Stuart

Project Manager: Lance Kester

Cabinet Members : Jonathan Ash-Edwards

Continued..

Replacement of Victoria Park Skate Park

Ward Members : Cllr A Boutrup, Cllr H Mundin

This project contributes to achieving the Corporate Plan in the following ways :

Strong and resilient communities – the new skate park will help to encourage young people to be more physically active, and will offer a more attractive environment;

Effective and responsive services – the project will deliver an improved facility which will have been designed in consultation with users.

Summary of discussions with Cabinet Member:

The Cabinet Member has been notified of the proposed project. Further consultation is being arranged with Ward Members and Haywards Heath Town Council.

Risk Analysis :

The main risks for this project are:

Risk	Likelihood	Severity	Financial impact	Mitigation action
Over-design resulting in unacceptably high cost	Medium	High	High	<ol style="list-style-type: none"> 1. Management of stakeholders' expectations. 2. Effective cost scrutiny and value engineering. 3. Early identification and approval of project budget. 4. Cost benchmarking against similar projects.
Failure to secure funding	Low	High	High	Early identification of project cost and funding approval.
Cost over-run due to variations and/or delays	Medium	Low	Low	<ol style="list-style-type: none"> 1. Thorough investigation and design. 2. Comprehensive specification and contract documents. 3. Effective project management.
New facility less popular with users than the current one	Low	Medium	Low	Extensive consultation with users and engagement of specialist designer.
Complaints from local residents	Medium	Medium	Low	Consult with local residents to identify and mitigate concerns.
Delay in delivery	Medium	Low	Low	<ol style="list-style-type: none"> 1. Clear contractual requirements for delivery, with consequences for delays. 2. Effective project management.

PROJECT JUSTIFICATION DETAILS

The Orchards Shopping Centre – renewal of flat roofs
--

Purpose of project :

Renewal of life-expired flat roofs and deck access walkways.

Total Amount :

To be determined.

Capitalised Salaries included in the project total :N/A

Other sources of funding: The Council expects to recover a proportion of the project costs from its commercial and residential leaseholders over the next three years.

Revenue Implications: N/A

Value For Money Assessment:*Current practice / doing nothing:*

The existing flat roofs, which date back to the original construction of The Orchards Centre in 1983, have reached the end of their service life. The waterproofing has failed in a number of areas resulting in leaks into the retail units below. The problem is exacerbated by repeated thefts of leadwork over the years and under-sized paving slabs. Several localised repair and renewals have been carried out, however these have not been successful as the rainwater entry points cannot always be identified. If a complete renewal is not carried out, leaks will continue and worsen as the roof coverings deteriorate further.

Failure to find an effective and lasting solution to the water ingress carries a risk of disrepair claims from the Council's retail tenants with associated financial and reputational risks.

Other alternative approaches:

The only other practicable option would have been to remove the slabs, over-lay a sheet or liquid waterproofing membrane onto the existing surface, and then re-lay the slabs. However this is not an option in this instance as the underlying insulation has become saturated in many places. Over-laying would trap the moisture into the structure – this would damage the new membrane and also migrate downwards into the retail units.

Business Unit/Service: Corporate Estates and Facilities

Head of Service : Peter Stuart

Project Manager : Lance Kester

Cabinet Members : Cllr Jonathan Ash-Edwards

Ward Members : Haywards Heath (Heath): Cllr J Ash-Edwards, Cllr S Ellis

Continued..

This project contributes to achieving the Corporate Plan in the following ways :

1. Providing an effective, responsive and value for money service to the leaseholders of The Orchards.
2. Maintaining and improving The Orchards as a property asset will help to encourage business tenants and increase footfall, contributing towards the corporate priority of promoting sustainable economic growth.

Summary of discussions with Cabinet Member:

These proposals have been discussed with Cllr Ash-Edwards who is supportive of the project.

Risk Analysis :

The main risks for this project are:

The likelihood, severity, financial impact (rated low, medium, high) of each of these risks are:

Risk	Likelihood	Severity	Financial impact
1. Delay in delivery	Low	Low	Low
2. Cost over-run	Medium	Low	Medium
3. Negative publicity resulting from cost, consultation or operational issues	Medium	High	Low
4. Failure to observe correct leaseholder consultation process and/or legal challenge	Medium	High	High
5. Subsequent premature failure of new roof	Low	High	High

Mitigation actions:

1. **Delay in delivery:** Develop realistic project programme, allowing for factors such as maintaining access to flats, leaseholder consultation and weather. Appoint specialist contractor with proven track record.
2. **Cost over-run:** Establish a realistic project budget, including suitable contingency sums. Carry out detailed surveys to identify scope of works as fully as possible. Produce detailed specifications. Careful examination of tenderers' costs and proposals, and appointment of specialist contractor with proven track record. Effective project management.
3. **Negative publicity:** Ensure that commercial and residential tenants and leaseholders are consulted as fully as possible, and that their observations are taken into account. Advance publicity of the project, explaining why we are doing the work and the benefits. Provide transparent cost information. Operational planning to minimise inconvenience to residents, businesses and the public.
4. **Failure to observe correct leaseholder consultation process:** Agree consultation strategy at outset of the project. Ensure that responsibilities for undertaking consultation are clearly defined and that parties carrying out consultation understand the legal process. Build sufficient time for consultation into the project programme.
5. **Subsequent premature failure of new roof:** Materials to comply with relevant British and European standards. Use manufacturer's accredited installer with proven track record. Manufacturer to provide insurance-backed warranty

5. PERFORMANCE OUTTURN 2016/17

REPORT OF: HEAD OF CORPORATE RESOURCES
Contact Officer: Neal Barton, Policy and Performance Manager
Email: neal.barton@midsussex.gov.uk Tel: 01444 477588
Wards Affected: All
Key Decision: No
Report to: Cabinet
10th July 2017

Purpose of Report

1. This report sets out the Council's outturn performance for the year 2016/17. It provides the Cabinet with an analysis of performance over the past year using the suite of performance indicators previously agreed by the Scrutiny Committee for Leader, Resources and Economic Growth. It also sets out monitoring arrangements and progress to date with the flagship activities for 2017/18, which are associated with the Council's new Priorities.

Summary

2. As Cabinet will be aware from the quarterly reports it has received and considered during 2016/17, despite increasing demands on many Council services, performance levels have remained good in key areas. In the small number of services where service targets have not been fully met, the reasons for this are clearly understood and appropriate action is being taken.





Recommendations

3. **The Cabinet is recommended to:-**
 - (i) **Note the Council's performance throughout the year and identify any areas where it requires further reporting or information; and**
 - (ii) **Note monitoring arrangements and progress with the Council's flagship activities for 2017/18.**
-

Introduction





4. This report has previously been considered by the Scrutiny Committee for Leader, Resources and Economic Growth on 13th June. Issues raised by the Committee are set out in paragraphs 77 to 81.
5. One of the functions of this Scrutiny Committee is to regularly monitor the performance of the Council's services, with a view to determining whether any additional scrutiny is required of services, particularly if performance is not of a satisfactory level. To do this, the Committee is provided with performance information on a quarterly basis. This report forms the culmination of such reporting for 2016/17, by providing Members with an overview of performance for the whole year (from April 2016 – March 2017).
6. Performance information is presented in a standard format across all services. Performance measures have been developed to capture the core areas of each service. Where possible a target is set for the year, against which performance is measured. Some performance measures do not have targets as these measures are 'health checks' and for monitoring purposes only.

7. The performance information for the year is provided at Appendix A. This is set out in tabular form using a traffic light system, as explained below:-

-  green – on or exceeding target
-  amber – slightly off target (less than 10 percent)
-  red – 10 percent or more off target
-  health check - indicator for information only

Overall Performance

8. Performance has continued to be good across the Council over the past year, with a small number of exceptions of which more details are provided later in the report. The outturn position in comparison with the previous financial year is summarised below:-

Year	 Green	 Amber	 Red	 Health check	Total
2016/17	25 (64%)	11 (28%)	3 (8%)	13	52
2015/16	24 (59%)	6 (15%)	11 (27%)	11	52

9. Not all aspects of the Council’s work can be measured by formal indicators and in some cases the Council has little or no influence over performance. Therefore this work is measured using health check indicators which are outlined in Appendix A and are intended to provide Members with a holistic view of the Council’s work.

Performance meeting or exceeding targets

10. Of the 39 indicators with targets, 25 met or exceeded their target. This has been achieved despite increased volumes of work in key areas. This section of the report provides more information about these performance achievements.

Payment of invoices

11. The speed with which the Council pays invoices is considered important for supporting small businesses, where cash flow can be critical to the health of the business. In 2016/17, 98.10% of undisputed invoices were paid within 10 days of receipt, which is well above the target of 90%. This relates to 5,312 invoices paid in the year. In addition, 99.96% of invoices were processed within 30 days. There has been a continued focus across the whole organisation on speedy payment of invoices. The target for 2017/18 has been increased to 95% of undisputed invoices paid within 10 days of receipt.

Speed of processing Council Tax Change of Circumstances

12. The average processing speed was 9 days in 2016/17, an improvement on the target of 10 days. This improved on performance in 2015/16 of 11 days and with more claims processed- 13,659 in 2016/17 compared to 13,611 in the previous year.

Speed of processing Housing Benefit Changes of Circumstances

13. At 8 days the speed of processing Housing Benefit change of circumstances was better than the target of 10 days and an improvement on the previous year figure of 9 days. A total of 19,940 changes of circumstances claims were processed in the year compared to 21,010 in 2015/16. The Census Partnership Board has reduced the target to 7 days for 2017/18. This reflects the continued slight shift in emphasis towards speeding up processing of changes of circumstances, aimed at reducing the number of overpayments and the potential loss of Housing Benefit subsidy received by the Council from the Department of Works and Pensions.

The percentage of rent due collected and return on non-residential property

14. This indicator measures the rent paid on non-operational Council-owned properties and held for investment purposes. Performance in 2016/17 was 99% against the target of 97% and an improvement on collection in 2015/16, which was 74%. The amount of rent collected increased from £1,407,666 in 2015/16 to £2,451,836 in 2016/17 due to the Council's acquisition of The Orchards Centre, Haywards Heath.
15. Completing the purchase of The Orchards Centre part way through 2016/17 resulted in £740k additional rent. A full analysis of this indicator and return on non-residential property will be available once the Council has completed a full year of ownership and rental collection. As a result the indicator will be revisited.
16. The return on the Council's tenanted non-residential property portfolio in 2016/17 excluding the Orchards Centre was 10.98%, compared to 7.52% in the previous year.

Percentage of calls received and answered in the contact centre

17. Performance in the contact centre is good with 97% (92,201) of the total calls received (95,420) answered, exceeding the target of 88%. This is an improvement from performance in 2015/16 of 94%. This is one of the indicators that will be deleted when a new set of Customer Services indicators are adopted.

Complaints responded to within published deadlines

18. The target to respond to 100% of complaints within the published timescales was met. There has been an increase in the number of formal complaints received from 171 in 2015/16 to 207 in 2016/17. The Complaints Report for 2016/17 will be reported to the October meeting of the Scrutiny Committee for Customer Services and Service Delivery. The main services in receipt of complaints were:
- Revenues 67
 - Waste 53
 - Benefits 31
 - Landscapes 16
 - Development Management 13
19. The number of formal compliments received by the Council has increased from 320 in 2015/16 to 357 in 2016/17. The main services in receipt of compliments were::
- Development Management 135
 - Customer Services 114
 - Waste and Outdoor Services 51
 - Parking 14
 - Performance and Partnerships 13

The number of compliments will be included as an additional performance indicator for monitoring by the Committee in 2017/18.

20. The Council has recently launched a monthly “Make A Difference” award to recognise exceptional customer service by staff. This was originally for nominations for staff from the Customer Service Team and those working in reception from fellow members of staff, but has now been opened up for staff across the Council and nominations from members of the public.

Ethnic minority representation in the workforce - employees

21. In 2016/17, the ethnic minority representation in the workforce was 5.5% against the target of 4%. This compares to 4.2% in 2015/16. Performance against this indicator can vary quite substantially on the basis of one or two staff joining or leaving the Council’s employment.

Percentage of employees with a disability

22. Performance for this indicator was 4.8% against the target of 4% and up from 4.2% last year. The Council is a “Disability Confident” employer, recognising our commitment to the employment, retention, training and career development of disabled employees. This includes a commitment to interview all disabled applicants who meet the minimum criteria for a job vacancy and to consider them on their abilities

ICT service requests completed within the target time agreed with the customer and percentage of ICT helpdesk calls outstanding at the end of the month

23. In 2016/17 95% of the 6,342 service requests received were completed within the agreed time against a target of 85%. This is an improvement on previous year’s performance of 88% of the 6,373 service requests. There has also been an improvement in the percentage of ICT helpdesk call outstanding, down to 17% in 2016/17 from 19% in 2015/16.

Agendas which are published on the website 5 days before a meeting

24. The target that 100% of agendas should be published on the website 5 days ahead of each meeting was again met in 2016/17. It is important that Council reports are published in a timely way to enable the public and Councillors to fully assimilate the information they contain ahead of formal Council meetings.

The number of visits made to Leisure Centres and Civic Halls

25. The number of visits in 2016/17 at 1,885,614 was above the target of 1,838,875. There has been a considerable increase in Leisure Centre membership, which has grown by 9% from 11,600 in March 2016 to 12,667 at the end of 2016/17. The increase in attendances and membership can be attributed to investment in improved facilities at our Leisure Centres, improvements in cleaning and maintenance, regular promotion and competitive pricing of membership across all three sites.
26. The target for concessional use of 32% was met in 2016/17. Groups who benefit from lower charges include the over 60’s; registered disabled, juniors; students in full-time education; those in receipt of certain benefits such as Job Seekers Allowance; and registered carers.
27. A new programme of investment in the facilities completed in February 2017 provided a new 100 station gym and 450 new lockers at The Triangle. The programme of works will continue throughout 2017 providing new and improved facilities at the Centres to generate additional attendances and improve member retention.

Percentage of car park machines repaired within 2 days

28. There are 55 car park payment machines across the District and the target for 2016/17 was to address 95% of faults within 2 days. This was exceeded with 100% of faults addressed. During 2016/17, all of the Council's car park machines were adapted to accept the new £1 coins, which went into circulation on 28 March 2017.

Environmental Health Service requests responded to within 5 working days

29. Environmental Health responded to 98% of service requests within 5 working days in 2016/17 against a target of 97%, comprising 4,157 of 4,232 service requests. This compares to 2015/16 when 3,553 (97%) of the 3,649 requests for service were responded to within 5 working days. This is a challenging target especially during busy periods and has been achieved against a 16% increase in the number of service requests received. Requests for services can be across the range of Environmental Health activities, including licensing, housing standards, environmental protection and food hygiene. Please see paragraph 58 for more information on this service.

Household waste disposed of in landfill sites

30. The amount of waste per household sent for landfill in 2016/17 was 439 kg against a target of 468 kg (this is based upon provisional waste tonnage figures, which will not be finalised with DEFRA until Autumn 2017). This is an improvement on the amount in 2015/16 which was 445kg. Further information related to this indicator is included in paragraphs 55-56.

Crime and Antisocial Behaviour

31. The Council works with the Police and other partners through the Mid Sussex Partnership to reduce crime and antisocial behaviour in the District. A key part of this activity is to work with victims and perpetrators to tackle and resolve antisocial behaviour issues. The Council also participates in crime prevention campaigns to educate residents on how to reduce the risk of crime.
32. The crime rate per 1,000 population in 2016/17 was 41.18, below the target of 51 crimes per 1,000 people, but an increase of 15.6% from 35.63 in 2015/16. It is worth noting that there has been an increase in crime across West Sussex, with particular rises in burglary and violence against the person. Mid Sussex is still the safest District in the County. We continue to work through the Mid Sussex Partnership to prevent crime in the District.
33. There has also been a rise in the number of newly opened anti-social behaviour cases dealt with by the Council's Anti-Social Behaviour Officer, which has increased from 68 in 2015/16 to 85 in 2016/17. The majority of cases relate to neighbour disputes.

Health and wellbeing interventions

34. The wellbeing service supports and advises people who wish to make improvements to their lifestyle, such as losing weight, taking more exercise, improving their diet, reducing alcohol consumption or stopping smoking. The service delivered 1,717 interventions in 2016/17 which was considerably above the target of 1,000. Of the people who responded to requests for feedback, 89% of those assisted by the Wellbeing service reported a health improvement against a target of 66%.
35. Examples of the work of the Health and Wellbeing Team in 2016/17 include:

- Weight Off Workshops- an adult weight management scheme for people who are overweight or obese.
- The back to exercise programme, which offers low cost exercise for people who need to be more active.
- The falls prevention programme which has been integrated into the Local Falls Pathway (especially useful for older people to improve their strength and mobility) with classes held in East Grinstead and Haywards Heath.
- Wellbeing coaches who support people with complex health and wellbeing issues on a one-to-one basis.
- The prediabetes programme, which is delivered in GP surgeries across Mid Sussex and targets people at risk of developing type 2 diabetes.
- Workplace health to promote and provide health and wellbeing services in the workplace.

Building Control site inspections carried out within 24 hours of date requested

36. Performance met the target of 98% in 2016/17. There were 7,393 site inspections carried out within the year, compared to 6,066 in 2015/16, which represents a 22% increase in inspections.

Percentage of plans received by Building Control which are checked within 15 working days

37. Performance in checking plans within 15 working days was above target at 93% of the 1,274 applications received against the target of 85%. This compares to the 77% of the 1,257 applications received in 2015/16. Improved performance reflects well on the team of surveyors and support staff against a background of increased workload.

Processing of planning applications

38. The speed of determining planning applications remains good, with targets exceeded for majors, minors and others planning applications and improved performance compared to 2015/16. These improvements have been achieved against the background of a sustained level of development in the District and an overall 14% increase in applications received.
39. During the year 53 out of 57 major planning applications were processed within the target of 13 weeks (or within an agreed extension of time). This is a performance of 93% against the target of 79%, compared to 89% in 2015/16.
40. 402 out of 421 minor planning applications were processed within the 8 week target. This represents a performance of 95% against the target of 84%, compared to 92% in the previous year. The number of minor applications processed in 2015/16 was 399.
41. 1,209 out of 1,232 'other applications' were processed within the 8 week target. This represents performance of 98% against the target of 94%, up from 96% in the previous year. The number of other applications processed in 2015/16 was 1,082. "Other" applications mainly refer to residential development by householders.
42. Costs awarded against the Council where the decision of the Council is overturned at Planning appeal were £6,767, which relates to an application for 14 dwellings at Sunte House, Birchen Lane, Haywards Heath. The Inspector stated that the Council had acted unreasonably in giving insufficient weight to advice and a partial award of costs was made to the appellant.

43. In 2017/18 an additional indicator has been introduced to monitor the level of appeals allowed against the refusal of planning permission. The target set for this is at the national average of 30% and performance in 2016/17 was slightly above the national average at 38%.

Percentage of all postal and NLIS searches that have been replied to within 5 working days.

44. Local Land Charges exceeded their target with 98% of the 2,610 searches received in 2016/17 replied to within 5 working days. There has been a reduction in the number of searches compared to 2015/16, when there were 3,015. This is a reflection of the housing market. The Council's share of the searches market compared with the private search companies has remained constant.

Performance slightly below target

45. Eleven of the indicators fell only slightly below target (within 10%) in 2016/17. Information about these is set out in this section of the report.

Speed of processing new Housing Benefit Claims

46. The Council processed new Housing Benefit claims in an average of 19 days against the target of 18 days, which was a slight reduction in performance on the previous year's average of 18.4 days. A total of 1,543 new claims were processed in the year, compared to 1,555 in 2015/16. As mentioned previously in this report, there has been a slight shift in emphasis towards dealing with changes of circumstances over new claims in order to avoid potential loss of subsidy from benefit overpayments.
47. The Benefits Service has introduced new self-service modules and an on-line claim form, which will help to speed up the processing time of new claims and improve customer service. On-line services are being promoted on an on-going basis to customers. There will also be a campaign later in the year, the timing of which is dependent upon progress with the disaggregation of the Census Partnership.

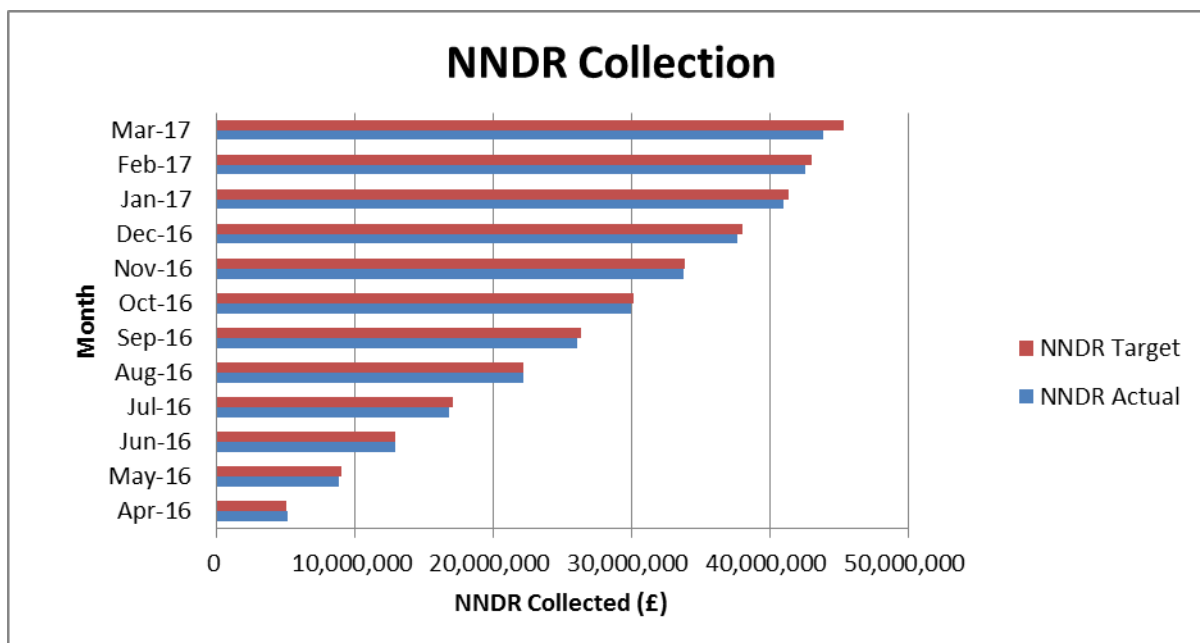
Council Tax collected

48. Council Tax collection in 2016/17 was 98.6% against the target of 98.8%, a similar level to 2015/16. In cash terms, £91.6 million was collected in 2016/17 compared to £86.8 million in 2015/16, an increase of £4.8 million.

Non Domestic Rate collected

49. Non Domestic Rate collection in 2016/17 was 96.8% against the target of 98.0% and an improvement on the collection in 2015/16 of 95.8%. The amount of cash collected in 2016/17 was £43.9 million compared to £42.6 million in the previous year. Figure 1 below shows monthly collection against the target across 2016/17.
50. Robust processes continue to be in place for the recovery of the rates that are due and have been subject to further review to ensure that the Revenues Team are intervening as early as possible to address non-payment. Non-Domestic Rate bills for 2017/18 have been issued following the national revaluation of all commercial premises. There is a transitional relief scheme in place to limit the increases in bills and other reliefs including for small businesses.

Figure 1



Percentage of all calls answered in 40 seconds

51. The percentage of all calls answered within 40 seconds in 2016/17 was 84% (77,822 out of 92,201 calls answered) an improvement from 75% in 2015/16 (70,774 out of the 93,790 calls). All calls refer to those calls received by the Customer Services Team for the 10 services they handle directly as well as those to the switchboard. Overall, the average waiting time for all calls has improved from 40 seconds in 2015/16 to 25 seconds in 2016/17.

52. In addition to the telephone calls received, the Customer Service Team dealt with 34,808 visitors to reception during 2016/17 compared to 34,000 visitors during 2015/16.

Percentage of calls to the switchboard answered in 40 seconds

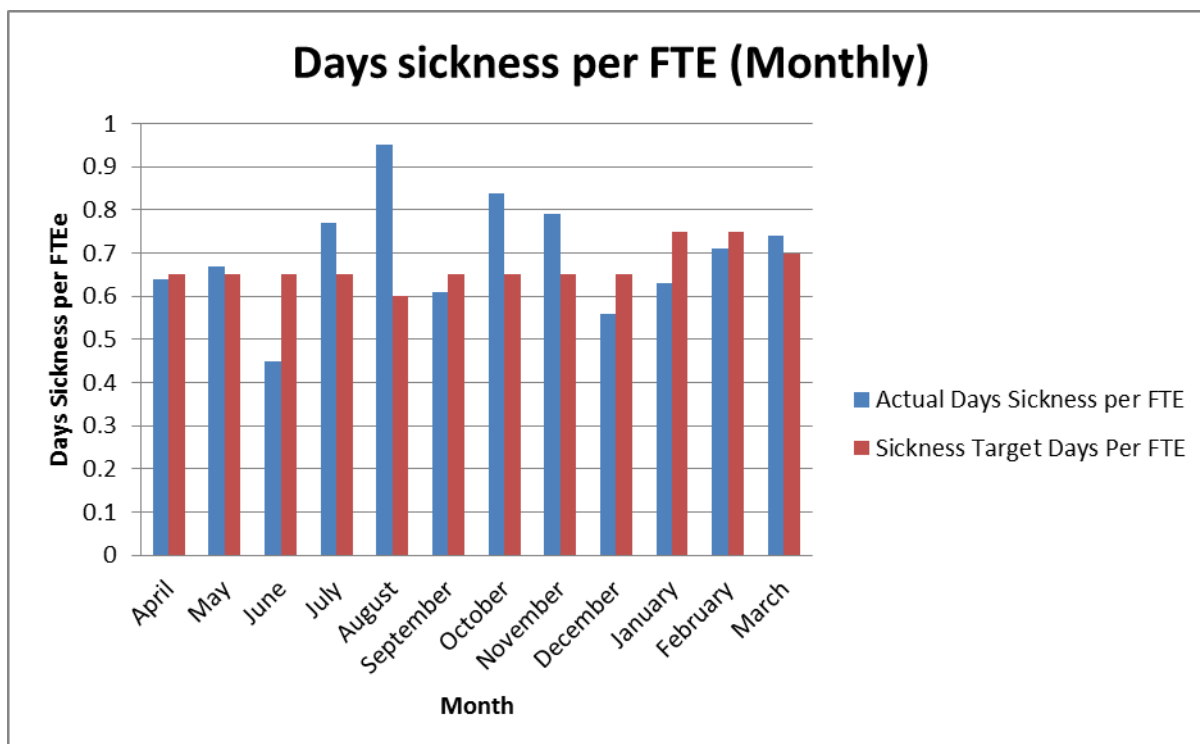
53. The percentage of calls answered by the switchboard within 40 seconds in 2016/17 was 88% (38,751 out of 43,822 answered) against the target of 90%. This is an improvement on the figure of 82% in 2015/16 (36,155 out of 44,011 answered). This is one of the indicators that will cease to be monitored by the Committee in 2017/18 with the adoption of a new set of Customer Services Indicators.

Staff sickness absence rates

54. The cumulative staff sickness rate at the end of 2016/17 was 8.36 days per full-time equivalent (FTE), which is above the target of 8 days. Although adverse to target this was an improvement against the performance in 2015/16 of 8.85 days. The number of medium and long-term absences have been reducing in the last quarter of 2016/17 and there are no marked ongoing absences currently.

Figure 2 below shows the monthly figures for sickness rates against the target.

Figure 2



Household waste sent for reuse, recycling and composting

55. The combined recycling and composting rate in 2016/17 was 40.24% against the target of 44% (this is based upon provisional waste tonnage figures, which will not be finalised with DEFRA until Autumn). This is an increase on the 2015/16 figure of 39%. Part of this increase is due to the expansion of the garden waste service, which has increased to 16,591 in March 2017. The Council's Recycling Quality Project has also contributed through an educational programme aimed at encouraging residents to minimise their waste and recycle efficiently.

56. A strategic waste review is taking place to consider long-term options for improving recycling and waste reduction. This has included a midpoint review of the waste contract with Serco undertaken by the Scrutiny Committee for Customer Services and Service Delivery. Cabinet agreed at the meeting on 27 March 2017 that Serco should be retained for the remainder of the contract to 2028.

Parking enquiries dealt with within 10 days

57. This is an indicator with a 100% target, where under performance in only a few months of the year can impact upon the outturn position. Performance has improved from 89% in 2015/16 to 99% in 2016/17. This relates to 3,039 out of 3,073 enquiries being dealt with within 10 days.

Environmental Health Service requests actioned and resolved within 3 months of receipt

58. Performance in 2016/17 was 94% against the target of 96%, with 2,461 out of 2,619 resolved in the target time. This compares to 2015/16 when 2,295 out of 2,332 (98%) service requests were resolved within 3 months of receipt. There has been a 12% increase in the number of service requests dealt with. Additional staff resources have been allocated to environmental health in 2017/18 in recognition of their increased work demands.

Number of households living in temporary accommodation

59. Forty eight households were in temporary accommodation at the end of March 2017 compared with the target of 45. As at the end of March 2016 the figure was 43. This demonstrates the continuing increase in homelessness nationwide and the corresponding increase in households living in temporary accommodation. There are a number of reasons for this:

- Whilst there has been a slight increase in the number of lettings of affordable rented homes from last year, the demand for such accommodation continues to exceed the supply.
- Registered Providers are becoming increasingly cautious about who they will accept as tenants and becoming more risk adverse in taking those on low incomes and benefits and vulnerable households.
- The Council continues to find it difficult to assist households to access private rented housing; this is largely due to the impact of welfare reform which makes most privately rented housing unaffordable to those in receipt of benefits and or on low incomes. This is exacerbated by the discrepancy between the Local Housing Allowance and actual rents in the private sector. For example the average monthly private rent for a 2 bedroom flat in Mid Sussex at April 2016 was £907 against a Local Housing Allowance of £807. Local Housing Allowance rates will continue to be frozen until April 2020. We are looking to increase staffing resources including employing a full time Tenancy Sustainment and Homeless Prevention Officer and are working to improve our liaison with Registered Providers to prevent evictions.

60. Overall, there is likely to continue to be an increased demand for the need for temporary accommodation and the budget for temporary accommodation has been increased to reflect this. The budget will be closely monitored throughout the year. We are also exploring the possibility of the Council securing its own temporary accommodation within the district.

61. In 2017/18, a new indicator has been included in the suite of the average time that households are spending in temporary accommodation. At the end of April, this was 36 weeks. Further information regarding Housing is included in paragraphs 67-69.

Validation of planning applications within 5 working days

62. In order to support Development Management in meeting their targets for processing planning applications, the Council aims to validate planning applications within 5 working days of submission in 98% of cases. Performance in 2016/17 was 97%, an improvement on the 96% in 2015/16, despite the Planning and Building Control Support Team dealing with an increased number of planning applications, 801 compared to 790 in 2015/16.

Performance not achieving targets

63. There were 3 performance indicators in 2016/17 that were 10% or more off target for the year.

Speed of processing new Council Tax Support claims

64. The average speed of processing the 1,629 new Council Tax Support claims in 2016/17 was 22 days against the target of 20 days. This compares to an average of 20 days in 2015/16, with 1,609 claims processed.

65. As mentioned in relation to the speed of processing new Housing Benefit claims, on-line claim forms were introduced last year, which will help speed up the processing of new Council Tax Support claims and improve customer service. On-line access is being promoted on an on-going basis and a further promotion exercise is planned for later in the year, with timing dependent upon progress with the disaggregation of the Census Partnership.

Staff Turnover

66. This indicator is reported to the Committee quarterly by exception, recognising that staff turnover can be affected by a number of factors, many of which are out of the control of the Council. The Member Performance Indicator Review Working Group agreed to reintroduce this to the suite of indicators monitored in 2017/18. Staff Turnover in 2016/17 was 13.8% (43 voluntary leavers) compared to 14.33% in 2015/16 (45 voluntary leavers) and higher than the 12% (36 voluntary leavers) year-end target. Increased turnover can be a reflection of the jobs market and the general health of the economy. There has also been some planned staff turnover, given the reduction in size of the Council's Management Team and planned restructuring across the Council. Exit interviews continue to indicate no high levels of discontent. Reasons for departures were as follows:

- Personal 20
- Career Progression 10
- Retirement 6
- Relocation 3
- End of temporary contract 2
- Job Content 1
- Travel difficulties 1

Number of households accepted as homeless

67. The number of households accepted as homeless in 2016/17 was 44, compared to 39 in the previous year and above the target of 40. This reflects the situation nationwide. The increase in homelessness is a result of several factors, the majority of which are outside of the Council's control, including the shortage of affordable private rented and social housing for households on low incomes, the freeze in the Local Housing Allowance rates and the impact of welfare reform.

68. The focus of the Housing Needs Team continues to be the prevention of homelessness, including providing assistance to access private sector accommodation through measures such as the Council's Rent in Advance and Deposit Guarantee Scheme, which helps those without sufficient funds to rent privately. The service is recruiting a new Private Tenancy Negotiation and Sustainment Officer to increase the supply of private rented properties available to clients of the Housing Needs Team.

69. Housing Services has recently undergone a restructure and further staffing resources will be considered to increase the amount of homelessness prevention work following the introduction of the Homelessness Reduction Act.

Other performance information

The Number of Disabled Facilities Grants completed

70. This indicator is reported to the Committee quarterly by exception, recognising that the completion of Disabled Facilities Grants can be delayed by a number of factors outside of the Council's control. Grants are provided for a range of home adaptations to help disabled people live independently in their own homes. 81 Disabled Facilities Grants were completed in 2016/17, compared to 89 in 2015/16. Applications have been processed by the Council in a timely manner and there is currently no waiting list for these grants in Mid Sussex.

Affordable homes delivered

71. This indicator is reported to the Committee quarterly by exception, recognising the fact that the Council has little influence over the timing of affordable housing completions. The number of affordable homes delivered in 2016/17 was 176 against the target of 128. This compares to 113 new affordable homes delivered in 2015/16.
72. The 176 affordable homes delivered last year comprised 118 rented (67%) and 58 (33%) shared ownership properties, which is broadly in line with the tenure split requirements to meet the district's known affordable housing need. One bed units accounted for 13% of the total completions, two bed units for 52%, three bed units for 32% and four bed units for 2%. 49 of the completed units were in Haywards Heath, 36 in Burgess Hill, 27 in Pease Pottage, 18 in East Grinstead, 18 in Hurstpierpoint, 11 in Ardingly, 10 in Lindfield (Rural) and 7 in Crawley Down. 4 of the units were built to wheelchair standards.
73. The Registered Provider of 92 of the units was Raven Housing Trust and the Registered Provider of a further 50 was Affinity Sutton (now Clarion). 18 of the units were provided by Hyde, 10 Saxon Weald and 6 Moat Housing Association.

Conclusions

74. This report shows good performance, especially considering the increase in workload in 2016/17 experienced by many sections of the Council. This is particularly the case for the planning and housing related Business Units, given the level of development in the District bringing additional planning applications and demand for Building Control services.

Changes to performance reporting in 2017/18 and progress to Flagship Activities

75. The Scrutiny Committee for Leader, Resources and Economic Growth agreed at its meeting on 28 February 2017, changes to the Performance Indicators to be monitored in 2017/18 following the recommendations of the Member Performance Indicator Working Group. Progress to this new bundle of performance indicators will be included in the first quarter monitoring report for 2017/18, which will be considered by the Committee at their meeting on 13 September and by Cabinet on 16th October 2017.
76. It has also been agreed that the Committee should monitor progress on the flagship activities in the Corporate Plan for 2017/18. Included at Appendix B is a table showing the flagship activities, the responsible Head of Service and Cabinet Member for each activity and an indication of how progress will be monitored. Also included is an indication of initial progress in the year to date.

Consideration of the Performance Report by the Scrutiny Committee for Leader, Resources and Economic Growth on 13th June 2017

77. The Committee expressed satisfaction with the direction of travel and improved levels of performance in 2016/17 compared to the previous year. Particular comment was made about the continued high level of performance in planning, despite the increased

volume of applications processed. Also the improved performance of the Customer Service team and measures to recognise good customer service such as the Make a Difference award.

78. Performance in processing new benefit claims and change of circumstances was discussed, together with issues around the greater use of new self-service modules and on-line claim forms. The Deputy Leader and Cabinet Member for Resources and Economic Growth confirmed that there had been a slight change in emphasis to dealing with change of circumstances in order to reduce error and loss of subsidy. Self-service benefit modules were likely to contribute to reduced levels of error without increasing fraud.
79. The Committee commented on the increased levels of crime and anti-social behaviour and possible links with the reductions in Police numbers. The Leader of the Council provided details of how this is being addressed with the Police through the Mid Sussex Partnership and the work of the Cabinet Member for Community. Possible means of scrutinising this matter further through the Scrutiny Committee for Community, Housing and Planning were discussed.
80. Staff sickness and turnover were discussed by the Committee. It was acknowledged that staff turnover was related to the general health of the economy. The Head of Corporate Resources outlined measures introduced to assist with the recruitment and retention of staff and provided assurances that recruitment is always based on appointing the best person for the job.
81. Progress with the flagship activities was discussed. Assurances were provided to the Committee that the new Economic Development Strategy would address the provision of improved business premises across the District, rather than being limited to the flagship activity of new business parks at Burgess Hill.

Policy Context

82. This performance report sets out how the Council has performed against the targets set out in its Service Plans and Corporate Plan for 2016/17.

Financial Implications

83. There are no direct financial implications contained within this report.

Risk Management Implications

84. There are no specific risk management implications arising from this report. Performance across the Council was seen as a strategic risk in the past but the Council has a proven track record in performance management and it is no longer seen as a significant risk. However, pressures on services brought about by increased service volumes as set out in this report will need to be monitored, as they have the potential to adversely impact on the Council's ability to continue to deliver current levels of service should demand continue to increase.

Equality and Customer Service Implications

85. The equality and customer service implications of each of the services mentioned in this report are subject to their own separate equality impact assessments.

Other Material Implications


86. There are no other material implications arising from this report.

Background Papers

None.

Year End Performance Report for 2016 – 2017 Cabinet



Appendix A

PI Status	
	OK – on target
	Warning –slightly off target (up to 10%)
	Alert – off target (10% or more)
	Data Only







Deputy Leader and Resources and Economic Growth Portfolio



Finance



Percentage of undisputed invoices paid within 10 days of receipt. <i>There were 5,312 invoices paid in the year.</i>		Value	Target	Status
	2016/17	98.10%	90.00%	
	2015/16	98.48%	90.00%	



Revenues and Benefits



Speed of processing - new Housing Benefit claims (days) <i>1,543 new claims were processed in the year.</i>		Value	Target	Status
	2016/17	19	18	
	2015/16	18.4	18	

Speed of processing - new Council Tax Support claims (days) <i>1,629 new claims were processed in the year.</i>		Value	Target	Status
	2016/17	22	20	
	2015/16	20	20	



Speed of processing - changes of circumstances for Housing Benefit claims (days) <i>19,940 changes in details processed in the year.</i>		Value	Target	Status
	2016/17	8	10	
	2015/16	9	10	

Speed of processing - changes of circumstances for Council Tax Support claims (days) <i>13,659 changes in details processed in the year.</i>		Value	Target	Status
	2016/17	09	10	
	2015/16	11	10	



Percentage of Council Tax collected <i>£91,581,746 collected in the year.</i>		Value	Target	Status
	2016/17	98.58%	98.80%	
	2015/16	98.59%	98.80%	



Percentage of Non-Domestic Rates Collected <i>£43,900,587 collected in the year.</i>		Value	Target	Status
	2016/17	96.82%	98.00%	
	2015/16	95.78%	98.00%	

Economic Development				

Non Domestic Rates (this is the net collectable figure after rates and exemptions have been applied and indicates the health of the local economy as it will reduce if business premises are empty)		Value	Target	Status
	March 2017	£44.66m		
	March 2016	£43.45m		

Property and Asset Maintenance				

Return on tenanted non-residential property portfolio		Value	Target	Status
	2016/17	10.98%		
	2015/16	7.52%		

The percentage of rent due collected <i>The amount of rent collected in the year was £2,451,836</i>		Value	Target	Status
	2016/17	99%	97%	
	2015/16	74%	97%	

Customer Services Portfolio

Customer Services and Communications


Number of Complaints received		Value	Target	Status
	2016/17	207		
	2015/16	171		

Percentage of calls received and answered in the contact centre <i>The number of call answered in the year was 92,201.</i>		Value	Target	Status
	2016/17	97%	88%	
	2015/16	94%	88%	



Percentage of all calls answered in 40 seconds		Value	Target	Status
	2016/17	84%	90%	
	2015/16	75%	90%	



Percentage of calls to the switchboard answered in 40 seconds		Value	Target	Status
	2016/17	88%	90%	
	2015/16	82%	90%	



Percentage of complaints responded to within published deadlines		Value	Target	Status
	2016/17	100%	100%	



	2015/16	100%	100%	
--	---------	------	------	---

Human Resources



Staff sickness absence rate (Cumulative)		Value	Target	Status
	2016/17	8.36	8.00	
	2015/16	8.85	8.00	



Staff turnover		Value	Target	Status
	2016/17	13.85%	12%	
	2015/16	14.33%	12%	

Ethnic Minority representation in the workforce - employees		Value	Target	Status
	2016/17	5.5%	4.0%	
	2015/16	4.2%	3.3%	



Percentage of Employees with a Disability		Value	Target	Status
	2016/17	4.8%	4.0%	
	2015/16	4.2%	5.0%	



ICT


The percentage of ICT help desk service requests completed within the target time agreed with the customer <i>There were a total of 6,342 service requests received in the year.</i>		Value	Target	Status
	2016/17	95%	85%	
	2015/16	88%	85%	


Percentage of ICT helpdesk calls outstanding		Value	Target	Status
	2016/17	17%	20%	
	2015/16	19%	20%	



Legal and Member Services

The percentage of agendas which are published on the website 5 days before a meeting		Value	Target	Status
	2016/17	100%	100%	
	2015/16	100%	100%	

Number of legal cases which are live as at the end of each month		Value	Target	Status
	Q4 2016/17	264		
	Q4 2015/16	357		



Number of legal cases opened each month		Value	Target	Status
	Q4 2016/17	98		

	Q4 2015/16	72		
--	------------	----	--	---



Number of legal cases closed each month		Value	Target	Status
	Q4 2016/17	49		
	Q4 2015/16	114		

Service Delivery Portfolio



Landscapes



Adherence to the agreed work plan for all regular scheduled grounds maintenance work in the District		Value	Target	Status
	Q4 2016/17	95%	95%	
	Q4 2015/16	95%	95%	



Leisure Operations



The number of visits made to the Leisure Centres and Civic Halls		Value	Target	Status
	2016/17	1,885,614	1,838,875	
	2015/16	1,820,658	1,682,877	







Waste and Outdoor Services

Amount of waste per household which is disposed of in landfill sites (kilos)		Value	Target	Status
	2016/17	438.74	468	
	2015/16	444.61	468	

Percentage of household waste sent for reuse, recycling and composting		Value	Target	Status
	2016/17	40.24%	42.6%	
	2015/16	39.36%	44%	



Dry recycling rate which goes towards the PI Percentage of household waste sent for reuse, recycling and composting		Value	Target	Status
	2016/17	27.67%		
	2015/16	28.38%		



Composting rate which goes towards the PI Percentage of household waste sent for reuse, recycling and composting		Value	Target	Status
	2016/17	12.58%		
	2015/16	11.2%		



Parking Services				
Percentage of formal appeals of parking penalty charge notices issued <i>26 cases went to appeal out of 14,096 PCNs issued.</i>		Value	Target	Status
	2016/17	0.18%		
	2015/16	0.18%		
The percentage of enquiries relating to enforcements within Parking Services which are dealt with within 10 days. <i>There were 3,073 correspondence items received during the year.</i>		Value	Target	Status
	2016/17	99%	100%	
	2015/16	89%	100%	
The percentage of car park machines repaired within 2 days (there are 55 parking machines in the District)		Value	Target	Status
	2016/17	100%	97%	
	2015/16	100%	95%	

Community Portfolio



Environmental Health

Proportion of Environmental Health service requests which are actioned and resolved within 3 months of receipt <i>2,619 service requests were received in the year.</i>		Value	Target	Status
	2016/17	94%	96%	
	2015/16	98%	96%	

Percentage of Environmental Health service requests that are responded to within five working days <i>4,232 service requests were received in the year.</i>		Value	Target	Status
	2016/17	98%	97%	
	2015/16	97%	97%	

Disabled Facilities Grants completed		Value	Target	Status
	2016/17	81		
	2015/16	89		

Performance and Partnerships

The number of newly opened anti-social behaviour cases		Value	Target	Status
	2016/17	85		
	2015/16	68		

Overall Crime Rate per 1,000 population		Value	Target	Status
	2016/17	41.18	51.00	
	2015/16	35.63	51.00	

Number of health and wellbeing interventions delivered		Value	Target	Status
	2016/17	1,717	1,000	
	2015/16	1,794	1,000	



Proportion of health and wellbeing interventions resulting in health improvement		Value	Target	Status
	2016/17	89%	66%	
	2015/16	90%	66%	

Housing and Planning Portfolio



Housing



Number of affordable homes delivered (gross)		Value	Target	Status
	2016/17	176		
	2015/16	113		

Number of households accepted as homeless		Value	Target	Status
	2016/17	44	40	
	2015/16	39	45	



Number of households living in temporary accommodation at the end of each quarter		Value	Target	Status
	2016/17	48	45	
	2015/16	43	40	


Building Control


The percentage of plans received by Building Control which are checked within 15 working days <i>1,274 plans were checked in 2016/17.</i>		Value	Target	Status
	2016/17	93%	87%	
	2015/16	77%	87%	



Building Control Site inspections carried out within 24 hours of date requested. <i>There were 7,393 site inspections in the year.</i>		Value	Target	Status
	2016/17	98%	98%	
	2015/16	98%	98%	



Development Management



Validation of planning applications within 5 working days <i>801 planning applications received in the year.</i>		Value	Target	Status
	2016/17	97%	98%	
	2015/16	96%	98%	

Costs awarded against the Council where the decision of the Council is overturned at Planning appeal		Value	Target	Status
	2016/17	£6,767		

	2015/16	£2,595		
--	---------	--------	--	---



Processing of planning applications: Major applications (within 13 weeks or with agreed extension of time) <i>57 applications received in 2016/17.</i>		Value	Target	Status
	2016/17	93%	79%	
	2015/16	89%	79%	

Processing of planning applications: Minor applications (within 8 weeks) <i>421 applications received in 2016/17.</i>		Value	Target	Status
	2016/17	95%	84%	
	2015/16	92%	84%	

Processing of planning applications: Other applications (within 8 weeks) <i>1,232 applications received in 2016/17.</i>		Value	Target	Status
	2016/17	98%	94%	
	2015/16	96%	94%	

--

Land Charges

The percentage of all postal and NLIS searches which have been replied to within 5 working days <i>2,610 searches received in the year.</i>		Value	Target	Status
	2016/17	98%	96%	
	2015/16	99%	96%	

Cabinet 10 July

Monitoring Arrangements and updates on progress to Flagship Activities 2017/18 under the Council's Priorities

Council Priorities and Flagship Activities	Service Head	Cabinet Member	Monitoring arrangements
Effective and responsive services			
Improving our customer service with more enquiries dealt with at the first point of contact	Simon Hughes	Mandy Thomas-Atkin	New Performance Indicators are being monitored in 2017/18, including % of enquiries resolved at first point of contact and customer satisfaction scores.
<p><u>Progress</u> <i>Monitoring of % of enquiries resolved at first point of contact has commenced through a combination of:</i></p> <ul style="list-style-type: none"> <i>the number of the automatic forms available on our website (such as Building control site inspection request forms, bulky waste collection form) which are submitted successfully and therefore the service accessed at first point of contact.</i> <i>the number of calls that are dealt with by the contact centre against those that are forwarded on and answered by another department. This as a percentage of calls through the contact centre being forwarded on and not being answered which results in either the contact centre or the customer having to make another action (usually calling back/leaving a message).</i> <p><i>Customer satisfaction is being measured through a sample of return calls where the customer is asked to conduct a short survey having accessed the council or its services recently.</i></p>			
Increasingly digitising our services to make them more customer friendly by improving efficiency	Simon Hughes	Mandy Thomas-Atkin	New Performance Indicators are being monitored for 2017/18, such as the number of e-forms submitted directly by the public.
<p><u>Progress</u> <i>There were 2,815 e-forms submitted in April 2017. This includes on-line benefit claim forms, which is an example of where digitising our services can improve efficiency by shortening the time taken to process applications.</i></p>			
Sustainable economic growth			
Progressing the Town Centre redevelopment at Burgess Hill	Peter Stuart	Jonathan Ash-Edwards	Written report on progress.
<p><u>Progress</u> The Town Centre redevelopment continues to make progress following the granting of a planning permission in 2016. New River have completed the acquisition of the old gas-holder site on Leylands Road (to become the new home for Lidl) and have started site clearance works. Discussions to finalise the various lease agreements are close to conclusion, as are discussions in relation to the library. New River remain confident that they will be on-site in the town centre in summer 2017.</p>			

Redevelopment of the station quarter at Haywards Heath including the opening of the new Waitrose store and also work on East Grinstead Town Centre	Peter Stuart	Jonathan Ash-Edwards	Written report on progress.
<p><u>Progress</u> <i>The new Waitrose store in Haywards Heath opened on 30 March and forms part of the £35m station quarter redevelopment that also includes two other smaller retail units, a new three-level multi storey car park with an additional 230 spaces,(total 1,057 spaces)and a new foot bridge linking the car park to all platforms</i> <i>The Council's Planning Authority has granted planning permission for the demolition of the existing retail premises along Queens Walk and replacement with a mixed use scheme comprising new retail and 129 residential apartments.</i></p>			
Working towards the provision of new business parks at Burgess Hill	Judy Holmes	Jonathan Ash-Edwards	Written report on progress.
<p><u>Progress</u> The first Reserved Matters application has been received for the “Hub” business park to the south of the A2300. Discussions are ongoing with the Northern Arc developers (who are responsible for the remaining 10 hectares of employment land south of the A2300) regarding the type of employment space that is needed to meet demand from local businesses.</p>			
Providing Economic Development Grants to support business	Judy Holmes	Jonathan Ash-Edwards	Written report on progress, including updates on awards under the Micro-Business Grants Scheme through the Cabinet Grants Panel.
<p><u>Progress</u> The micro-business grant scheme (grants of a maximum of £2,000 aimed at businesses with less than 10 employees who are looking to expand and/or take on an apprentice) has been very successful with virtually all £83,000 committed by June 2017. The scheme has supported applications from around 40 businesses.</p>			
Production of a new Economic Development Strategy	Judy Holmes	Jonathan Ash-Edwards	Written report on progress with developing a new strategy. The new Economic Development Strategy will be considered by the Scrutiny Committee on 8 November 2017. There may be new Performance Indicators coming out of the Strategy.
<p><u>Progress</u> <i>A Member Working Group has been established to oversee the production of the new strategy. The Economic Profile of Mid Sussex is being updated to confirm the issues to be addressed. A Member consultation event took place on 9th May and with Town and Parish Councils on 15th May. There are a series of consultation events planned with the business community. (See report elsewhere on the agenda for further information on Economic Development progress).</i></p>			

Strong and resilient communities			
Continue to support our community through grants to local organisations	Peter Stuart	Norman Webster	Written report on progress from Community Leisure Officer, including Cabinet Grants Panel awards. Meetings scheduled for 18 April, 5 June. 8 August.
<p><u>Progress</u> <i>Meetings of the Cabinet Grants Panel were held on 18 April and 5 June. Twenty-one grant applications were received and a range of Facility, Community and Economic Development awards were made amounting to over £250,000 to voluntary sector groups, community organisations and sports clubs. Grants are intended to support the provision of local services, activities, events and facility improvements which benefit Mid Sussex residents and meet the Council's Corporate Priorities. Specific funding has been allocated to provide small grants of £250 for Silver Sunday events in October. Ongoing monitoring of partnership agreements with HAMSVA, Citizens Advice, Action in Rural Sussex, Age UK East Grinstead and Age UK West Sussex ensures key services are delivered. A Spotlight grant round is open to applications each Autumn, with the theme chosen by the Cabinet Grants Panel to encourage small one-off grants of £500 for equipment and special events.</i></p>			
Ensure that the "Think Family" community initiatives are delivered and supported	Peter Stuart	Norman Webster	Written update from Partnerships Manager.
<p><u>Progress</u> <i>It was agreed at the Mid Sussex Partnership (MSP) on 25th May that Think Family Neighbourhoods would join with the Strategic Joint Action Group (SJAG). The SJAG delivers the priorities for the MSP and early help/think family is one of these priorities. West Sussex County Council has confirmed there will be no more funding for Think Family Neighbourhoods, so the MSP has agreed to fund the newly developed approach for this financial year with £15k. This will involve a commissioning approach when there is an identified need in the District, for example low level mental health needs.</i></p> <p><i>There are a number of projects that are running through this financial year through funding from the previous year. The key project for this financial year is the Targeted Intervention Project, which works alongside the Family Support Network. Where families are identified as high need, the project will support access to services that the family would not have been able to access due to financial restraints. There will be a range of providers (public/voluntary sector) that will be part of the scheme going forward.</i></p> <p><i>The Early Intervention Project continues throughout this financial year funded by the PCCs Office. The Council's Early Intervention Officer is currently working with ten families.</i></p>			
Providing an effective Wellbeing Service that helps residents to make healthy lifestyle choices.	Peter Stuart	Norman Webster	Existing PIs- Number of health and wellbeing interventions delivered and proportion of health and wellbeing interventions resulting in health improvements.
<p><u>Progress</u> <i>The Wellbeing Team are currently delivering eight 12 week weight management groups and numerous workplace health interventions. The service sponsored and helped deliver the Mid Sussex Mile as part of the Mid Sussex Marathon, which received record entries. A Health and Wellbeing Network event was held on 5th April on social activities for young people and adults. The Wellbeing Team delivered 141 interventions in April 2017, with 100% of those providing feedback reporting a health improvement.</i></p>			

Enable the provision of 200 new affordable homes	Judy Holmes	Andrew MacNaughton	Existing PI- Number of new affordable homes delivered.
<u>Progress</u> <i>176 new affordable homes were delivered in 2016/17 and 13 in the first month of the new financial year. These relate to developments in Pease Pottage and Lindfield, with 7 properties for rent and 6 for shared ownership. The overall aim is to deliver a range of affordable tenures appropriate to housing need in the District.</i>			
Supporting communities with new facilities and playgrounds, such as Ansty recreations ground, Hickmans Lane, Lindfield and Finches Field, Pease Pottage	Peter Stuart	Jonathan Ash-Edwards	Written report on progress with the capital programme and S106 contributions.
<u>Progress</u> <i>For Ansty Recreation Ground, the project has Planning approval and Facility Grants have been awarded to Ansty Village Hall and Ansty Village Centre Trust toward the cost of a new sports and community centre. The community partners have a significant amount of fundraising to do to deliver this project so it has been delayed, with the Cabinet Grants Panel agreeing to extend the deadline to secure the funds until December 2017. A Facility Grant has been awarded to Slaugham Parish Council to enable them to build a new community and sports changing facility at Finches Field, Pease Pottage. The project has planning approval, the lease agreement with the Council has been drafted and they have selected a contractor to carry out the work which should commence in the Summer.</i>			
Financial independence			
The delivery of improvements to the leisure centres	Judy Holmes	Gary Marsh	Existing PI - The number of visits made to the Leisure Centres and Civic Halls. Written report on progress to the plan for implementation of leisure centre improvements.
<u>Progress</u> <i>Planned improvements to the Leisure Centres this year include a Clip n Climb facility, larger café, new extended exercise studio and new larger Gym at the Triangle, which are proceeding to schedule. Also the upgrading of health suite and changing facilities at the Dolphin due for completion by December 2017. Attendance figures continue to be above target with 153,553 visits in April 2017.</i>			
Extension of the green waste service to a further 2,000 users	Judy Holmes	Gary Marsh	New Performance Indicator for monitoring - number of green waste service subscriptions.
<u>Progress</u> <i>There were 16,830 subscriptions to the green waste service at 30 April 2017. Further promotion of the service is being carried out, with the aim to achieve 18,200 subscriptions by the end of the financial year.</i>			

Making best use of our land and commercial property holdings	Peter Stuart	Jonathan Ash-Edwards	Existing PIs the percentage of rental income collected and rate of return. Written report on progress.
<p><u>Progress</u> <i>The Council has identified the need to acquire strategic commercial properties in order to generate a better rental income stream, such as The Orchards Shopping Centre and Unit 3 Burrell Road in Haywards Heath, and 31 Victoria Gardens in Burgess Hill. These assets were previously held on long leasehold leases, and the income could not be relied to drive the Council's financial independence. The Council now benefits from an improved rental income and more opportunities will be exploited as and when they become available and will be reported to the Portfolio Holder accordingly.</i></p>			

6. MARTLETS SHOPPING CENTRE, BURGESS HILL – APPROPRIATION ETC.

REPORT OF: HEAD OF CORPORATE RESOURCES
Contact Officer: Christopher Coppens, Thuso Selelo
Email: christopher.coppens@midsussex.gov.uk Tel: 01444 477213
Wards Affected: Burgess Hill
Key Decision: Yes
Report to: Cabinet
Date of meeting 10 July 2017

PURPOSE OF REPORT

1. The purpose of this report is:
 - (a) to consider the appropriation of the land comprising the site of the Martlets Shopping Centre, Burgess Hill, West Sussex edged in red on the site plan (“**the Site Plan**”) and on the location plan attached to this report at, Appendix A, (“**the Centre**”) from its current planning purposes to planning purposes of implementing planning permission DM/15/3858 granted by the local planning authority on 14th March 2016 (“**the 2016 Planning Permission**”);
 - (b) to consider the exercise of statutory powers to override certain third party rights at the Centre detailed in this report for purpose of enabling the comprehensive redevelopment of the Centre in accordance with the 2016 Planning Permission; and
 - (c) if the Council are minded to approve (a) and (b) above to authorise the Solicitor and Head of Regulatory Services to complete the necessary legal documentation, in respect of the third party rights set out in this report, required to override those third party rights or where agreement has been reached to either extinguish those third party rights or transfer those third party rights to the Council’s land at Cyprus Road Car Park, Burgess Hill.

SUMMARY

2. The Council owns the freehold of the Centre, which is let on a long commercial lease to NewRiver Retail (GP3) Limited (“**NRR**”) who acquired the lease in 2010. On 8 September 2015 the Council’s Cabinet received a report on proposals from NRR to redevelop the Centre and resolved accept the offer and authorised officers to agree terms for the surrender of the existing lease and the grant of a new lease to NRR following completion of the redevelopment. On 14 March 2016, NRR obtained planning permission reference DM/15/3858 (“**the 2016 permission**”) for the redevelopment of the Centre. The redevelopment scheme as approved will provide additional retail and other town centre uses (including a new cinema, hotel, 142 residential apartments and a new library) as well as public realm improvements.
3. Implementing the 2016 permission involves the demolition of buildings including the multi-storey car park, Martlets Heights, Martlets Hall and existing commercial units. NRR have identified potential impediments to implementing the 2016 permission, specifically, a range of parking and access rights over the Centre that benefit neighbouring properties in Church Walk, which Council granted by deed in 1982.

4. There remains a risk that the rights may still be legally enforceable by the owners of the relevant properties Church Walk. NRR, which wishes to implement the 2016 permission, cannot accept this risk. NRR is therefore unable to proceed with the redevelopment scheme until the Rights (and any other rights which may be affected by the development) have been removed.
5. NRR has been engaged in discussions with the Council regarding the potential exercise of the Council's statutory powers aimed at appropriating the land identified in the Site Plan for the purposes of delivering the redevelopment scheme approved under the 2016 permission, and of overriding the Rights. Overriding the Rights would provide the certainty required by NRR to allow the redevelopment scheme to proceed.
6. The Council, in its capacity as freeholder and as the planning authority, is supportive of the redevelopment scheme given the benefits it would bring (as detailed below).
7. The redevelopment scheme is considered to constitute a sustainable form of development. The apartments, the hotel, cinema and retail units are considered in planning terms to provide a vibrant mix of uses which have the potential to regenerate the town centre. In particular the redevelopment will deliver a significant and substantial improvement to the offering currently available within the town centre. It will also represent an enhancement to the town centre's physical and visual environment and attracts further inward investment and the enlargement of the town.
8. The regeneration benefits to be gained from the redevelopment scheme are considered to be of greater value to the local residents than the retention of the land as identified in the Site Plan for the existing purpose. In short, the benefits provided by the redevelopment proposals are considered to outweigh the desirability of retaining the land for the purpose for which it is currently held.
9. The Council indicated that it would be prepared to consider appropriating the land using the powers available to it (as contained within Section 122 of the Local Government Act 1972) for the purpose of allowing the implementation of the redevelopment scheme approved under the 2016 permission. Appropriating the land in this context would mean transferring the allocation of the land from one purpose to another, namely from its current use to the purpose of delivering the redevelopment scheme.
10. The Council has also indicated that, in principle, it would be prepared to consider the appropriate exercise of statutory powers available to it under Section 203 of the Housing and Planning Act 2016 to override the Rights. However, as a precursor to exercising its statutory powers, the Council required that NRR undertake detailed title investigations, not only to seek to identify all of the holders of the Rights, but to seek to agree a settlement with them. To illustrate, efforts have been made with rights holders affected by the loss of the right to park a car. To encourage a settlement, an alternative car parking space in the vicinity has been offered in return for the surrender of the right. Letters issued to rights holders have explained the desire of the Council and NRR (as developer of the redevelopment scheme) to find a solution which works for everyone. The Council's statutory powers to enable the redevelopment scheme to proceed have also been explained. A financial contribution towards legal advice and fees has also been made as part of the settlement terms. Some rights holders have accepted the offers made to settle, others have refused but the majority have not responded. Efforts to reach settlements have continued.
11. The Council has had the benefit of legal advice provided by leading planning counsel in respect of the exercise of the statutory powers noted above.

12. It is considered that the requirements to justify the use of appropriation powers to change the purpose for which the land is held have been met. In addition, the conditions applicable to relying on the provisions in Section 203 of the Housing and Planning Act 2016 to override the Rights are satisfied.

RECOMMENDATION

13. ***Subject to NewRiver (GP3) Limited indemnifying the Council from and against all legal, surveyors' and other costs, claims, liability and consideration (including costs and compensation payments arising from the exercise of the statutory powers outlined in this report) Cabinet are recommended to:***
- (a) appropriate land comprising the Martlets Shopping Centre, Burgess Hill, West Sussex, shown edged in red on the Site Plan annexed hereto at Appendix A, and currently held by the Council for planning purposes to planning purposes of implementing the redevelopment scheme approved by the local planning authority on 14 March 2016 under planning permission DM/15/3858 or any subsequent planning permission for a similar development scheme in respect of the Martlets Shopping Centre pursuant to the Council's powers under Section 122 of the Local Government Act 1972 with immediate effect;***
 - (b) if required, in order to facilitate the implementation of the development scheme mentioned in recommendation (a) above, be minded to recommend to Council the exercise 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 of the Town and Country Planning Act 1990, and having regard to the Secretary of State's policy in "Compulsory purchase process and the Crichel 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 as outlined in paragraphs 62 and 65 of this report;***
 - (c) if required, in order to facilitate the implementation of the development scheme mentioned in recommendation (a) above, be minded 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 through the appropriation of the land comprising the Martlets Shopping Centre, Burgess Hill, West Sussex; and***
 - (d) authorise the Solicitor and Head of Regulatory Services and the Head of Corporate Resources to complete all necessary legal documentation to facilitate the implementation of the development scheme mentioned in recommendation (a) above and the grant of necessary rights over those parts of the Council's Cyprus Road Car Park, Burgess Hill, hatched in blue on the attached plan at Appendix D on terms acceptable to the Solicitor and Head of Regulatory Services and the Head of Corporate Resources.***

BACKGROUND

14. During the 1950's Central Government encouraged urban district councils to develop and adopt town plans for their areas with a view to stimulating a post war economic revival. In the late 1950's, the Council's predecessor, the Burgess Hill Urban District Council adopted the Burgess Hill and District Town Plan, which plan included a central development area for the comprehensive development of the town centre, known as the Burgess Hill CDA.
15. At the meeting of the Burgess Hill UDC's General Purposes Committee held on 1 November 1959, the Council authorised officers to investigate the acquisition of properties within the area of the Burgess Hill & District Town Map – Central Development Area and noted that some of the properties might shortly become available. On the 28 January 1961 the Burgess Hill UDC's Town Planning and Building Byelaw Committee approved a comprehensive development scheme for the Burgess Hill CDA.
16. Between 1959 and 1968 the Burgess Hill UDC used their planning powers to acquire various properties located within the area of the Burgess Hill CDA by agreement for planning purposes, but eventually had to resort to compulsory purchase powers and on 20 November 1968 the Minister of Housing and Local Government confirmed the Burgess Hill (Central Area) No.1 Compulsory Purchase Order 1965 under which the majority of the property now known as the Martlets Shopping Centre was acquired.
17. At the meeting of its Planning Committee held on 29 April 1970 the Burgess Hill UDC granted planning permission D70. BH1 for the development of a shopping centre. The scheme comprised a substantial shopping element, an open market, car parking for some 700 cars, an office block, new Civic Hall and Library, with some maisonettes.
18. At the meeting of its Planning Committee held on 15 October 1970 the Burgess Hill UDC, with the approval of the Minister of Housing and Local Government, authorised officers to enter into a Building Agreement with Land and House Corporation Limited for the comprehensive development of a shopping centre in Burgess Hill known as Phase I and subsequently a Head Lease of the shopping centre was entered into on 28th March 1974 for a term of 125 years from 25th March 1971, the parties to it being Burgess Hill Urban District Council, Land and House Corporation Limited and National Westminster Bank.
19. On 1 April 1974 the Burgess Hill UDC was abolished and replaced by Mid Sussex District Council as part of a comprehensive re-organisation of local government. The land comprising the Burgess Hill CDA became vested in Mid Sussex District Council on 1 April 1974.
20. Land and House Corporation Limited transferred their leasehold interest to the Friends Provident Life Office in 1980 and subsequently the lease was assigned to Postel Properties Limited.
21. A development brief for Burgess Hill Town Centre was prepared in 1986 for additional shopping of some 70,000 square feet plus car parking with the intention that there be at least a major space user as an anchor store, re-housing of the existing market and further residential units over the shops. At the time the development brief was published the Council were freeholders of 85% of the site.

22. At the meeting of the Council's Land and Property Resources Sub-Committee held on 4 May 1988 the Council resolved to grant a new lease to PosTel of Phase I, subject to an obligation to refurbish Phase I at their own expense and simultaneously with the development of Phase II – the Market Place Shopping Centre - and PosTel conveying the land required for Phase II free of charge, but in consideration of the grant of the new lease of Phase I.
23. On 2 May 1989 PosTel assigned the Head Lease to Sibec Developments Limited and negotiations then continued with them. However, as PosTel had been dragging their feet, which was delaying negotiations for the development of Phase II with another developer, the Council had by that time already resolved to compulsorily purchase PosTel's interests in the Town Centre and a number of compulsory purchase orders were made by the Council being the Mid Sussex District Council (Burgess Hill) Compulsory Purchase Orders 1988 numbers 1, 2, and 3, which confirmed by the Minister Environment and Transport in 1989.
24. The Martlets Phase I Shopping Centre Burgess Hill was refurbished by Sibec Developments Limited pursuant to a Deed of Covenant made on 23 February 1990 made in consideration of the Council granting them a new Head Lease on the same date for a term of 150 from 29 September 1989. The parties to the Head Lease were the Council, Sibec (Burgess Hill) Limited and Sibec Developments Limited, by which time the Council became freeholders of 100% of the site. There have been numerous assignments of the Head Lease since 1990, with NewRiver Retail Limited ("**NRR**"), having taken an assignment in 2010, being the present head leaseholder of the Martlets Shopping Centre Phase I ("**the Centre**"). The Council is also the local planning authority.
25. At a meeting of the Council's Cabinet held on 8 September 2015, the Council received a report from the Assistant Chief Executive on proposals for the re-development of Burgess Hill Town Centre, which outlined an offer from NRR for the redevelopment of the Martlets Shopping Centre and resolved to accept the offer and authorised the Solicitor to the Council (now the Solicitor and Head of Regulatory Services) and the Assistant Chief Executive to agree detailed Heads of Terms of Agreement and the new lease of the Martlets Shopping Centre, minute 16 refers.
26. On 14 March 2016, the Council, in its capacity as the local planning authority, granted planning permission DM/15/3858 ("**the 2016 permission**") for the redevelopment of the Centre including, the demolition of the multi-storey car park.
27. Potential impediments to the redevelopment of the Centre have been identified by NRR. These relate to rights under a deed dated 8 February 1982 ("**the 1982 Deed**") under which the Council granted the neighbouring property, now known as 93 – 107 Church Walk, Burgess Hill, the rights set out below:
 - (a) the right to park vehicles by the multi-storey car park in the positions coloured in red on the plan annexed to the 1982 Deed, a copy of which is annexed hereto at Appendix B;
 - (b) the right to pass over and across so much of the multi-storey car park as is necessary to reach those positions from and to Civic Way; and
 - (c) the right to pass on foot only across so much of the car park and private pathways to reach the part of Church Road which was, at the date of the 1982 Deed, restricted to pedestrians.

28. There is some uncertainty regarding the existence of the Rights and precisely how they are held. The division of the property into a number freehold titles and further subdivision of those freehold titles into a number of leasehold titles seems to have extended the benefit of the Rights to a number of interests not originally identified in the 1982 Deed. In particular, in relation to the parking rights, it appears that when the freehold title was subdivided, the rights which attached the whole of 93-107 Church Walk were not separately allocated to portions of the original interest. This creates uncertainty as to precisely how the rights are held.
29. Implementation of the 2016 permission necessitates the demolition of buildings including the multi storey car park, Martlets Heights, Martlets Hall and existing commercial units and the construction of new buildings at the locations where the Rights may be exercised. Undertaking the redevelopment of the Centre would therefore, irrespective of the precise nature and extent of the Rights (and any other rights which may be affected), prevent the Rights being exercised, but as the Rights are legally enforceable rights that can potentially be enforced against both the Council and NRR, if they are still used, the risk of enforcement is such that it would prevent NRR undertaking the redevelopment of that part of the scheme approved under the 2016 permission.
30. The Council in its capacity as freeholder supports the redevelopment of the Centre, given the benefits such redevelopment brings to the Town as set out below and in the report to Cabinet held on 8 September 2015, and given those benefits, the Council has been approached by NRR regarding the potential exercise of the Council's statutory powers aimed at appropriating the land identified in the Site Plan for the purposes of delivering the redevelopment scheme approved under the 2016 permission, and of overriding the Rights. Overriding the Rights would provide the certainty required by NRR to allow the redevelopment scheme to fully proceed.
31. The redevelopment scheme is considered to constitute a sustainable form of development. The apartments, the hotel, cinema and retail units are considered in planning terms to provide a vibrant mix of uses which have the potential to regenerate the town centre. In particular the redevelopment will deliver a significant and substantial improvement to the offering currently available within the town centre. It will also represent an enhancement to the town centre's physical and visual environment.
32. The regeneration benefits to be gained from the redevelopment scheme are considered to be of greater value to the local residents than the retention of the land as identified in the Site Plan for the existing purpose. To put it another way, the benefits provided by the redevelopment proposals are considered to outweigh the desirability of retaining the land for the purpose for which it is currently held.
33. The Council is satisfied that statutory powers contained within Section 203 of the Housing and Planning Act 2016 could be used to remove the Rights. However, the Council has made clear to NRR that the emphasis should always be on securing agreements with the affected parties on a voluntary basis if at all possible. Relying on statutory powers is a last resort to be used only where it is either not possible or is impractical for NRR to agree voluntary settlements.

34. As a precursor to exercising its statutory powers, the Council required that NRR undertake detailed title investigations not only to seek to identify all of the holders of the Rights, but to seek to agree a settlement with all of the holders of the Rights. Letters, in the forms of the annexed drafts at Appendix C were sent to the registered owners and occupiers of the Properties at 93 – 107 Church Walk, Burgess Hill explaining the proposals for the redevelopment of the Centre; how this affects their rights and the desire of the Council and NRR to find a solution that, so far as possible, works for everyone. The letters contained an offer of alternative parking rights on the Council's Cyprus Road Car Park and an offer of a financial contribution towards legal advice and fees to enable recipients to obtain appropriate advice on the terms proposed. The letters also explained the Council's statutory powers and stressed the importance of the redevelopment to the inhabitants of Burgess Hill. At the date of writing this report:

10 letters sent in December 2016 and 10 letters sent in May 2017 via the Royal Mail and copies of the May letters hand delivered to the properties affected with a short covering letter. In summary:

4 rights holders have accepted the offer of alternative car parking or have agreed to surrender their rights in return for a cash settlement;

4 have refused to treat or are seeking legal advice; and

the remaining 2 rights holders have not responded at all.

Efforts to communicate with rights holders are continuing.

35. The Council is satisfied that NRR have taken reasonable steps to engage with affected parties and to seek to enter into voluntary agreements. The Council accepts that it is impractical to attempt to rely solely upon voluntary agreements. A failure to reach an agreement would jeopardise the implementation of the redevelopment scheme due to the legal and business risks involved.
36. The Council is also conscious that NRR has a challenging programme for the delivery of the redevelopment scheme, which is driven by (amongst other things) the lifespan of the planning permission. Therefore, without the Council resorting to the use of its statutory powers, there is a risk that the benefits of the redevelopment scheme would not be realised.

PRESENT STATUS AND STATUTORY PURPOSE

37. When land is acquired by a local authority for a statutory purpose or function, it continues to be held by the local authority for that purpose of function until formally appropriated to another purpose or function.
38. Where land is acquired by a local authority for a particular statutory purpose or function and the status under which the land was acquired restricts its use to that particular statutory purpose then the land can only be used by the local authority for that statutory purpose, notwithstanding its designation in the local plan or the existence of any planning permission granted in respect of the land.
39. The land comprising the Martlets Shopping Centre, Burgess Hill was originally acquired for the purpose of the Burgess Hill & District Town Map – Central Development Area and as such was acquired for planning purposes of redeveloping the town centre.

THE PROPOSAL TO APPROPRIATE

40. It is proposed that the Centre be appropriated from the planning purposes for which it is currently held to planning purposes of implementing the 2016 permission, in accordance with the Council's powers under Section 122 of the Local Government Act 1972.
41. If land is held or appropriated for planning purposes by the Council, then Section 203 of the Housing and Planning Act 2016 provides that a local authority or a person deriving title from a local authority may carry out building or maintenance work on the land even if it involves interfering with a relevant right or interest, or breaching a restriction as to the user of the land by virtue of a contract, provided that there is planning permission for such work or user of the land, the local authority could acquire the land compulsorily for the relevant work or user of the land, and the relevant work or user of the land is related to a purpose for which the land was appropriated.
42. Appropriation of the Centre for planning purposes of implementing the 2016 permission or any subsequent planning permission for a similar development scheme in respect of the Centre would facilitate regeneration of the Town Centre in Burgess Hill.

POWER TO APPROPRIATE LAND

43. The Council has a general power to appropriate land from one statutory purpose to another under Section 122 of the Local Government Act 1972 ("**Section 122**"), which confers powers on local authorities that have acquired land for any statutory purpose and are holding that land for the purposes for which it was acquired, and for which it is no longer required, to appropriate that land for planning purposes.
44. For ease of reference, Section 122 provides:

"122.— Appropriation of land by principal councils.

(1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned."
45. Appropriation of land is an Executive function under Section 9D of the Local Government Act 2000.

POWER TO OVERRIDE RIGHTS

46. With effect from 13 July 2016, provisions in the Housing and Planning Act 2016 replaced section 237 Town and Country Planning Act 1990 - concerned with overriding easements and other rights through the acquisition or appropriation of land for planning purposes.
47. For ease of reference, Section 203 of the Housing and Planning Act 2016 ("**Section 203**") provides:

"203 Power to override easements and other rights

(1) A person may carry out building or maintenance work to which this subsection applies even if it involves—

- (a) interfering with a relevant right or interest, or
- (b) breaching a restriction as to the user of land arising by virtue of a contract.

(2) Subsection (1) applies to building or maintenance work where—

- (a) there is planning consent for the building or maintenance work,
- (b) the work is carried out on land that has at any time on or after 13 July 2016 —
 - (i) become vested in or acquired by a specified authority, or
 - (ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990,
- (c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and
- (d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).

(3) Subsection (1) also applies to building or maintenance work where—

- (a) there is planning consent for the building or maintenance work,
- (b) the work is carried out on other qualifying land,
- (c) the qualifying authority in relation to the land could acquire the land compulsorily for the purposes of the building or maintenance work, and
- (d) the building or maintenance work is for purposes related to the purposes for which the land was vested in, or acquired or appropriated by, the qualifying authority in relation to the land.

...

(7) Land currently owned by a specified authority is to be treated for the purposes of subsection (2) (c) or (5) (c) as if it were not currently owned by the authority.

(8) Land currently owned by a qualifying authority is to be treated for the purposes of subsection (3) (c) or (6) (c) as if it were not currently owned by the authority."

48. "Other qualifying land" is defined in Section 205(1) of the Housing and Planning Act 2016 to mean (amongst others) land that has, at any time before 13 July 2016, been "acquired or appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990".

49. Section 204 of the Housing and Planning Act 2016 provides for a right to compensation for any interference with a relevant right or interest or breach of a restriction that is authorised by Section 203.

LEGAL ANALYSIS – USE OF POWERS OF APPROPRIATION UNDER SECTION 122

50. The exercise of the powers within Section 122 requires that:
- a) The land is capable of being acquired by agreement for the purposes for which the Council are proposing to appropriate it. The power to appropriate land which is already owned for a specific purpose is no greater than the power to acquire land by agreement for the same purpose;
 - b) The land must already belong to the Council;
 - c) The land must be no longer required for the purpose for which it is currently appropriated; and
 - d) The purpose for which the Council is appropriating must be authorised by statute.

Criterion a)

51. The question which must be asked is: "*could the land as identified in the Site Plan have been acquired by agreement for the purposes for which the Council is proposing to appropriate it?*" The answer to the question must be yes. The relevant power to acquire land by agreement is provided for in Section 227 of the Town and Country Planning Act 1990 ("**the 1990 Act**"). That section refers to the powers of compulsory acquisition of land for development and other planning purposes under Section 226 of the 1990 Act. Under Section 226, it is necessary for the Council to demonstrate how the acquisition of the land identified in the Site Plan;
- i. "will facilitate the carrying out of development, re-development or improvement on or in relation to the land; or
 - ii. is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated."

52. A local authority must not exercise the power under paragraph (i) above unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects–
- a) the promotion or improvement of the economic well-being of their area;
 - b) the promotion or improvement of the social well-being of their area;
 - c) the promotion or improvement of the environmental well-being of their area.

53. The redevelopment scheme to be delivered pursuant to the 2016 permission is likely to contribute to the promotion of the economic, social and environmental well-being of the area for the reasons detailed in the Committee Report dated 10 March 2016, including the contribution to the regeneration of the town centre.

54. The land could have been acquired by agreement in order to facilitate the redevelopment scheme authorised under the 2016 permission.

55. Criterion a) is satisfied.

Criterion b)

56. The Council is the freeholder of the land as identified in the Site Plan.

57. Criterion b) is satisfied.

Criterion c)

58. The land as identified in the Site Plan is no longer required for the purpose for which it is currently appropriated. The improvements which the redevelopment scheme will deliver under the 2016 permission are considered to be of greater value to the local residents than the desirability of retaining the land for the purposes for which it is currently held. It is required to appropriate the land in order to facilitate the redevelopment scheme authorised under the 2016 permission.

59. Criterion c) is satisfied.

Criterion d)

60. The purpose is to facilitate the delivery of the redevelopment scheme already approved under the 2016 permission. As such, the purpose for which the Council is appropriating the land as shown in the Site Plan is authorised by statute.

61. Criterion d) is satisfied.

Policy Guidance

62. "Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of compulsion" as issued by the Department for Communities and Local Government dated October 2015

63. In summary the policy tests associated with the exercise of powers of compulsory acquisition under section 226 are as follows:

- That the scheme accords with the development plan for the area;
- That the scheme is deliverable in a reasonable timescale (including that funding is available);
- The scheme supports the economic and/or social wellbeing of the area;
- There have been attempts to acquire the rights by negotiation;
- That there are no other impediments to the delivery of the scheme.

64. The reasoning in this report supports positive conclusions on each of these tests.

65. The policy tests are therefore met.

Use of Powers of Appropriation – summary

66. We are satisfied that the powers in Section 122 are satisfied in the present circumstances. This is consistent with external legal advice provided by leading planning counsel.

Legal Analysis – Use of Power to Override Rights under Section 203

67. The effect of Section 203 is that rights such as those identified above may be overridden in certain circumstances, giving rise to a claim for compensation but to no other cause of action. The requirements for such an effect are set out in Section 203(2) and (3).

68. Section 203(2) deals with circumstances where the land is vested in or acquired by, or appropriated for planning purposes by, an authority after 13 July 2016. For the effect of the section to be relied upon, it must be shown that there is:

- (i) a planning consent for the building work concerned;
- (ii) that the authority “*could acquire the land compulsorily for the purposes of the building or maintenance work*”; and
- (iii) that the building work is “*for purposes related to the purposes for which the land was vested, acquired or appropriated*”.

Criterion (i)

- 69. There is a planning permission in place for the building work concerned, namely, the 2016 permission.
- 70. Criterion (i) is satisfied.

Criterion (ii)

- 71. The Council could, in principle, acquire the land as identified in the Site Plan compulsorily for the purposes of the building or maintenance work as permitted under the 2016 permission.
- 72. The test for compulsory acquisition is detailed above in terms of Section 226 of the 1990 Act. Should the Council decide to acquire the land by compulsorily, it would of course have regard to the Secretary of State’s policy in the guidance document: “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of compulsion” as issued by the Department for Communities and Local Government dated October 2015.
- 73. Criterion (ii) is satisfied.

Criterion (iii)

- 74. The building work to be undertaken pursuant to the 2016 permission is for purposes related to the purposes for which the land was vested, acquired or appropriated. In other words, even if the land is already held for planning purposes, those purposes do not necessarily relate to the redevelopment scheme authorised by the 2016 permission. It is open to the Council to re-appropriate the land as identified in the Site Plan for the purposes of facilitating the redevelopment scheme.
- 75. Criterion (iii) is satisfied.

Use of Power to Override Rights – summary

- 76. The land as identified in the Site Plan could in principle be acquired by the Council, applying the presumption in Section 203(7) that it is not currently owned by it.
- 77. We are satisfied that the powers in Section 203 (2) are satisfied in the present circumstances. They represent an appropriate way of addressing NRR’s concerns regarding the existence of third party Rights and the impediment they constitute to undertaking the redevelopment scheme. As above, this accords with external legal advice provided by leading planning counsel.

CONCLUSION

78. The Council is the freeholder of the land on which the Centre is constructed and as identified in the Site Plan. The land is not currently held by the Council for the purposes of the redevelopment scheme as approved under the 2016 permission. Accordingly, the land must be appropriated for the purposes of delivering the redevelopment scheme before it can be developed.
79. A potential impediment to the delivery of the redevelopment scheme has been identified. Were the redevelopment scheme to be carried out as per the 2016 permission, it would prevent the Rights being exercised. The redevelopment cannot coexist with the Rights. Efforts have been made to agree voluntary terms with rights holders but all of the Rights have not been relinquished. The risk of enforcement of the Rights remains.
80. The regeneration benefits to be gained from the redevelopment scheme are considered to be of greater value to the local residents than the retention of the land as identified in the Site Plan for the existing purpose. To put it another way, the benefits provided by the redevelopment proposals are considered to outweigh the desirability of retaining the land for the purpose for which it is currently held.
81. The Council indicated that it would be prepared to consider appropriating the land using the powers available to it (as contained within Section 122 of the Local Government Act 1972) for the purpose of allowing the implementation of the redevelopment scheme approved under the 2016 permission. Appropriating the land in this context would mean transferring the allocation of the land from one purpose to another, namely from its current use to the purpose of delivering the redevelopment scheme.
82. The Council has also indicated that in principle, it would be prepared to consider the appropriate exercise of statutory powers available to it under Section 203 of the Housing and Planning Act 2016 to override the Rights. However as a precursor to exercising its statutory powers, the Council required that NRR undertake detailed title investigations not only to seek to identify all of the holders of the Rights but to seek to agree a settlement with all of the holders of the Rights. To illustrate, efforts have been made with rights holders affected by the loss of the right to park a car. To encourage a settlement, an alternative car parking space in the vicinity has been offered in return for the surrender of the right. Letters issued to rights holders have explained the desire of the Council and NRR (as developer of the redevelopment scheme) to find a solution which works for everyone. The Council's statutory powers to enable the redevelopment scheme to proceed have also been explained. A financial contribution towards legal advice and fees has also been made as part of the settlement terms. Some rights holders have accepted the offers made to settle, others have refused but the majority have not responded. Efforts to reach settlements have continued.

REASONS FOR THE RECOMMENDATION

83. The Martlets Shopping Centre ("**the Centre**"), which is the subject of this report, is in the freehold ownership of Mid Sussex District Council ("**the Council**").
84. NewRiver Retail Limited ("**NRR**") has a long leasehold interest in the Centre.

85. On 14 March 2016, the Council granted planning permission for the redevelopment of the Centre. The redevelopment involves the construction of 142 residential apartments, a hotel, and cinema, library and retail units. Together the redevelopment is considered to provide a vibrant mix of uses which has the potential to regenerate the town centre. In particular the redevelopment will deliver a significant and substantial improvement to the offering currently available within the town centre as well as representing an enhancement to its physical and visual environment. The addition of the residential apartments would also make a significant contribution towards meeting the housing supply need.
86. Appropriation under Section 122 of the Local Government Act 1972 engages the provisions of Section 203 of the Housing and Planning Act 2016. The provisions of Section 203 override third party interests in the Rights Land and convert them to a compensatable sum. Section 203 is only engaged if the development carried out is in accordance with the planning permission to which the appropriation or acquisition for planning purposes specifically relates i.e. in this case the 2016 permission.

POLICY CONTEXT

87. Regeneration of Burgess Hill town centre is a corporate priority. The corporate aim of achieving a better environment through distinctive and sustainable towns is supported by proposals such as the redevelopment of the Centre by NRR.
88. Town centre improvements also contribute to the aims of the Sustainable Communities Strategy 2008-2018 as follows:
89. Theme 2: Ensuring cohesive and safe communities (with a strong sense of identity and civic pride);
90. Theme 3: Promoting economic vitality by delivering vibrant town centres that meet economic, social and cultural aspirations of the community.
91. Policy DP2 of the consultation draft of Mid Sussex District Plan states that the Council's strategic aims in relation to retail development are 'to create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community'. The proposed redevelopment of the Centre contributes substantially to achieving this objective.
92. In planning terms, the redevelopment scheme enjoys planning permission under the 2016 permission. It is therefore acceptable in land use planning terms. The committee report contains a very comprehensive analysis of planning application reference DM/15/3858 and is a background paper to this report. However for ease of reference, the following should be noted.
93. The primary purpose of the redevelopment scheme is to provide enhanced town centre facilities. It provides for a significant and substantial improvement to the offer of the town centre, as well as its physical and visual environment.
94. The enlarged retail offer, the hotel and cinema are matters that will attract additional visitors to the town centre and increase the vitality and viability of the town centre's daytime and night time economies.

95. The redevelopment scheme also includes 142 new residential units which are an important component. The 142 residential units will make a significant contribution towards the housing supply and will provide additional economic benefits associated with the new homes bonus and the increased business rates revenue. The redevelopment scheme will result in the creation of significant number of permanent jobs, as well as temporary jobs during the construction phase.
96. The principle of the proposed redevelopment and the uses proposed are supported by the development plan, which includes the newly made Burgess Hill Neighbourhood Plan. These are matters that attracted significant weight in support of scheme.

OPTIONS CONSIDERED

97. There are two options open to the Council:

1. To decide that the land as identified in the Site Plan is no longer required for the statutory purpose(s) for which it is being held at present; to confirm the appropriation of the land under Section 122 for the purposes of allowing the implementation of the redevelopment scheme approved pursuant to the 2016 permission; and to rely on the powers contained within Section 203(2) of the Housing and Planning Act 2016 in respect of the Rights and any other rights.

Relying on the rights available to the Council in terms of Section 122 and Section 203 would facilitate the delivery of the redevelopment scheme as described above.

This is the recommended option.

2. To decide that the land as identified in the Site Plan is still required for the statutory purpose(s) for which it is being held at present, and therefore not to appropriate the land under Section 122 (and by extension not to seek to override the Rights using the powers contained within Section 203(2) of the Housing and Planning Act 2016).

If the Council considers that the land is still required for the statutory purpose(s) for which it is being held at present, then the statutory test in Section 122 of the Local Government Act 1972 would not be met. In those circumstances, Section 203 would not therefore be engaged.

This option is not recommended.

FINANCIAL IMPLICATIONS

98. There are no financial implications directly arising as a result of these proposals. However it should be noted that engagement of Section 203 (overriding the Rights) would be subject to the payment of compensation.
99. It should be noted that if NRR was to fail to pay the compensation due to those parties whose rights have been overridden, the Council could be pursued for these sums. The Council would only seek to exercise the powers within Section 203 subject to the provision of an indemnity from NRR in respect of these sums.

RISK MANAGEMENT IMPLICATIONS

100. As indicated above, the Council could be pursued for the sums payable in compensation as a result of the overriding of the Rights. However, the Council would only seek to exercise the powers within Section 203 once an indemnity from NRR had been provided in respect of these sums. The provision of an indemnity in acceptable terms would satisfactorily mitigate the risk to the Council.

EQUALITY AND CUSTOMER SERVICE IMPLICATIONS

101. There are no equalities or customer service implications arising as a result of these proposals.

OTHER MATERIAL IMPLICATIONS

102. None.

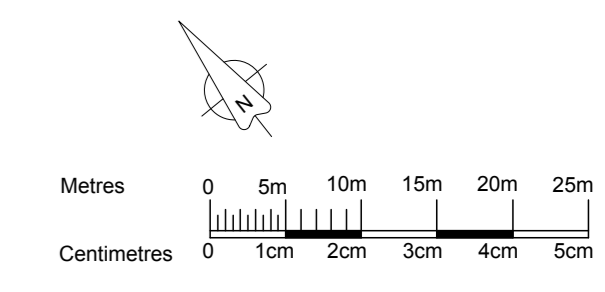
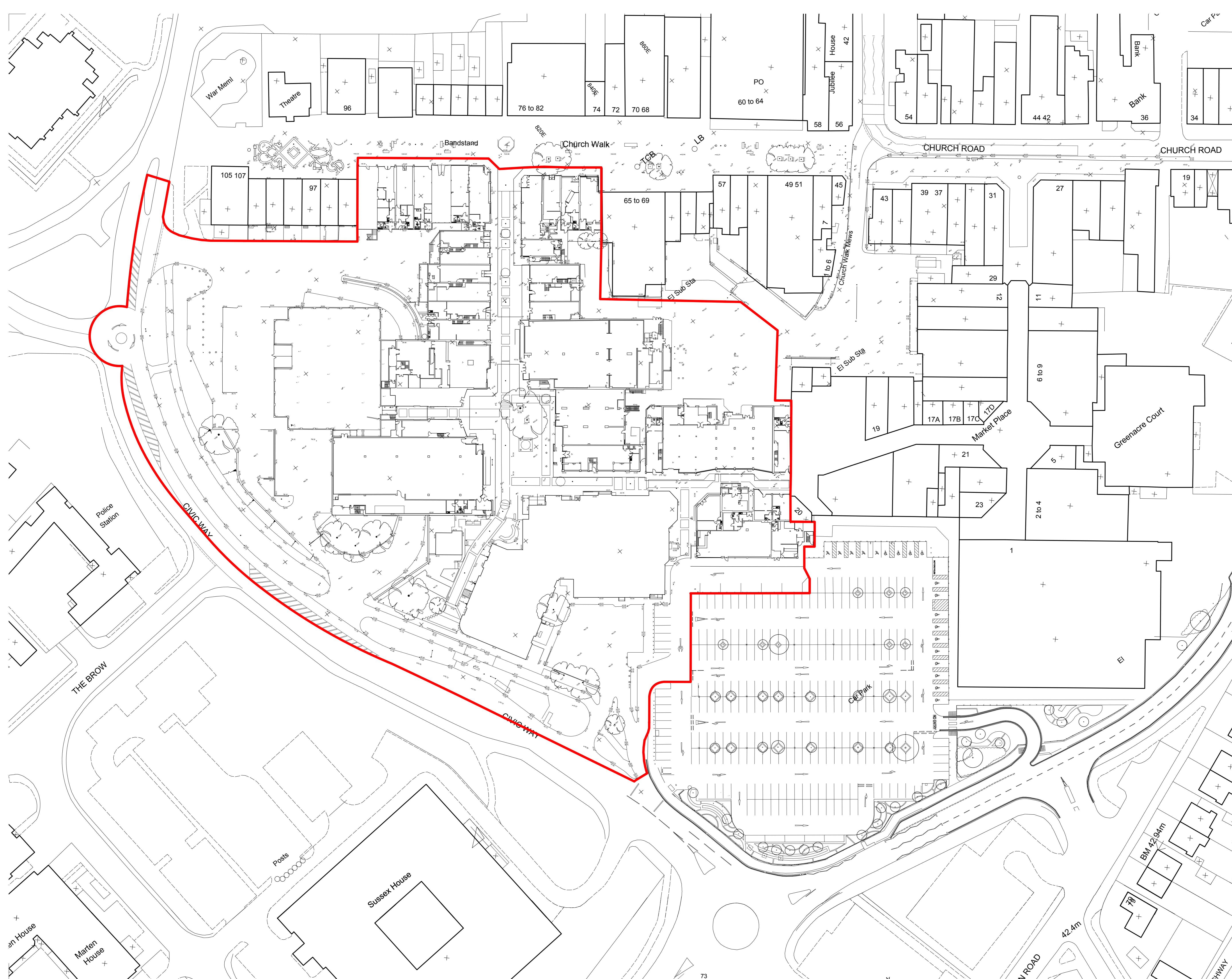
BACKGROUND PAPERS

1. Committee Report to the District Wide Committee in respect of planning application DM/15/3858 dated 10 March 2016
2. the Cabinet Report dated 8 September 2015
3. Site Plan and Location Plan
4. Rights Plan
5. Template Letters
6. Cyprus Road Plan

The copyright of this drawing is vested with Corstorphine & Wright Ltd and must not be copied or reproduced without the consent of the company.
 Figured dimensions only to be taken from this drawing. DO NOT SCALE.
 All contractors must visit the site and be responsible for checking all setting out dimensions and notifying the architect of any discrepancies prior to any manufacture or construction work.

NOTES:

APPENDIX A



REVISION	DATE	NOTES	CHK

FOR PLANNING

Client
 NEWRIVER RETAIL

Project
 THE MARTLETS BURGESS HILL

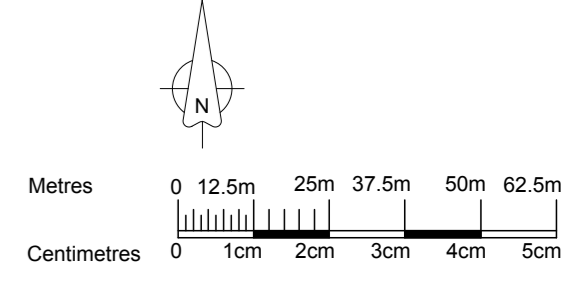
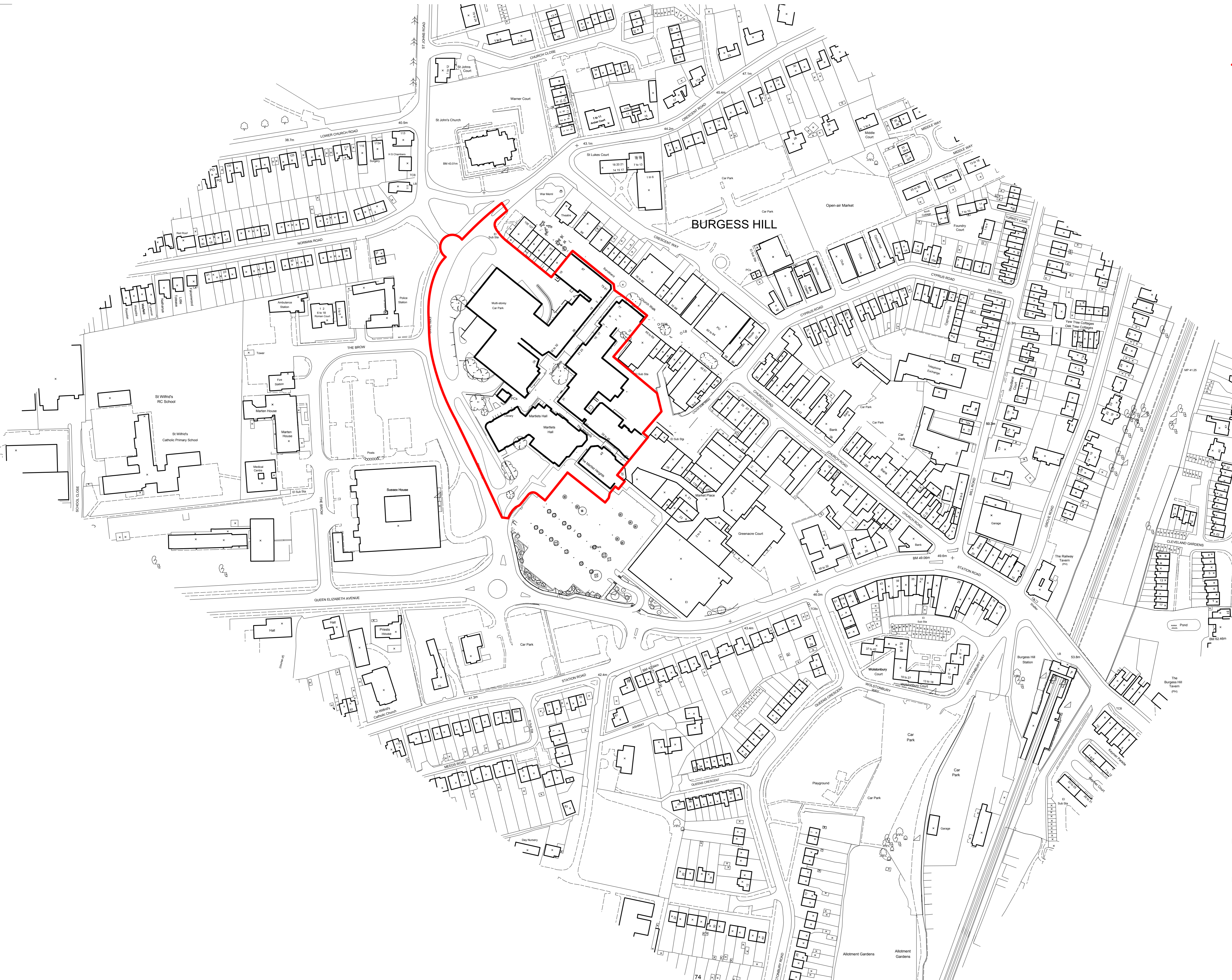
Drawing Title
 SITE PLAN

Drawn	Checked	Paper Size	Scale	Date
DC	PT	A1	1:500	DEC 2014
Project No. 10533		Drawing No. 301		Revision 0

CORSTORPHINE + WRIGHT

Brook Hall • Brook Street • Warwick • CV34 4BL
 t 01926 288992 • w www.corstorphine-wright.com
 Cabinet - 10 July 2017

APPENDIX A



REVISION	DATE	NOTES	CHK

FOR PLANNING

Client
NEWRIVER RETAIL

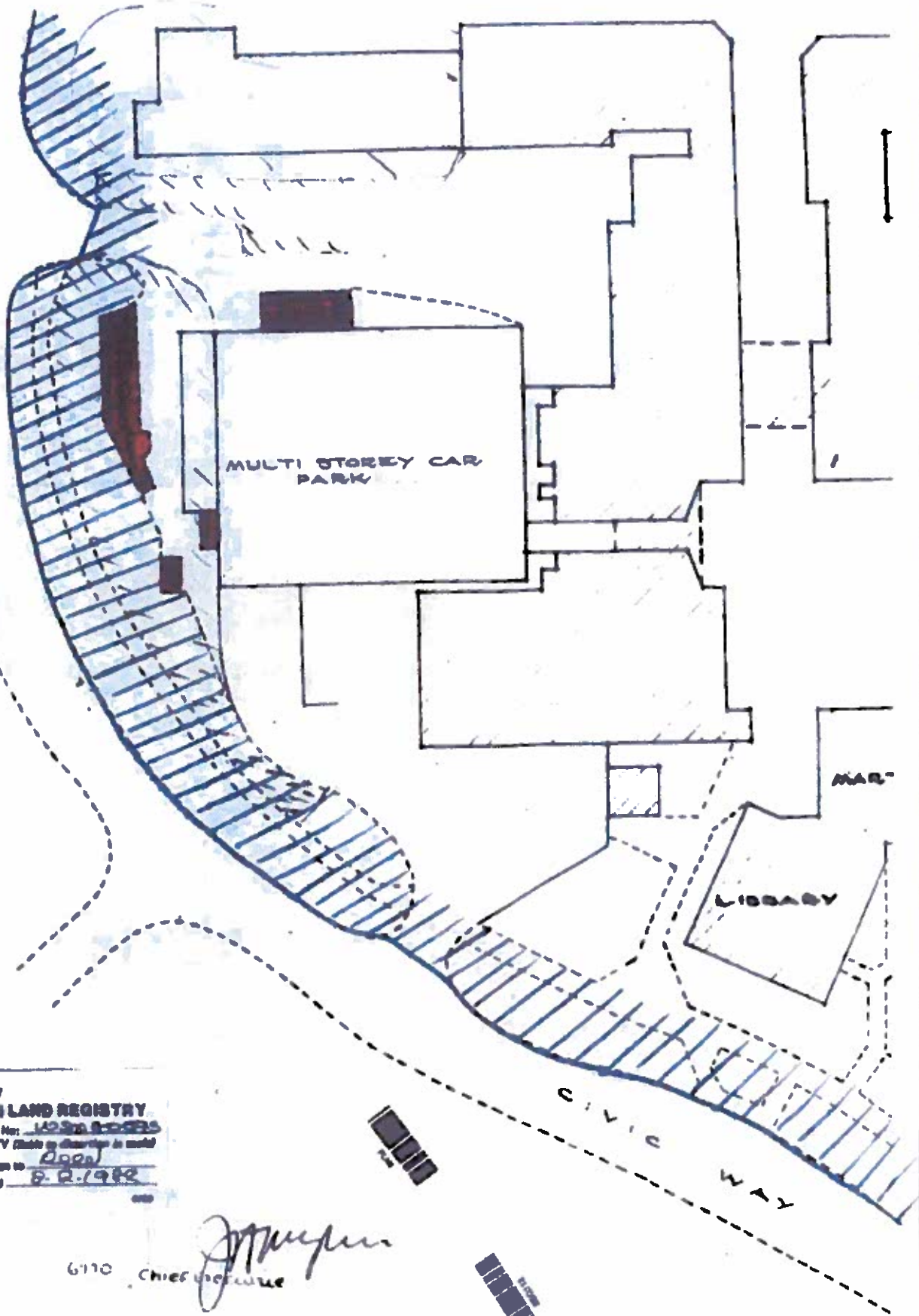
Project
THE MARTLETS BURGESS HILL

Drawing Title
LOCATION PLAN

Drawn	Checked	Paper Size	Scale	Date
DC	PT	A1	1:1250	DEC 2014
Project No. 10533		Drawing No. 300	Revision A	

CORSTORPHINE + WRIGHT

CHURCH ROAD (PEDESTRIANISED)



10137
 H H LAND REGISTRY
 Title No: 10320 0-0000
 COPY (State of alteration in world
 of plan to 0990
 dated 0.2.1982

6110 Chief Executive *[Signature]*

PLAN 1

FIRST CLASS POST / SPECIAL DELIVERY

[Addressee]

Your Ref:

Our Ref:

Please quote this when replying

Date:

5 December 2016

Please ask for:

Ext:

Direct Dial:

E-mail:

Direct Fax:

WITHOUT PREJUDICE SAVE AS TO COSTS

SUBJECT TO CONTRACT

Dear Sir and Madam

Parking rights at The Martlets shopping Centre, Burgess Hill, West Sussex

Your leasehold Title Number: []

We are writing to you on behalf of both NewRiver Retail (GP3) Ltd and Mid Sussex District Council, with regard to parking rights that attach to your leasehold property at Church Walk.

As you may be aware, your leasehold title includes reference to a Deed dated 8 February 1982 made between (1) Mid Sussex District Council and (2) USF Nominees Limited (the "Deed") which appears to include the right to park in the positions shown marked red on the enclosed **Plan 1**.

The red parking spaces are situated on land which is owned by the freeholder, Mid Sussex District Council and over which NewRiver Retail (GP3) Ltd has a leasehold interest. The land has also been granted planning consent for the redevelopment of the Martlets shopping centre.

In order to undertake the development of the Martlets shopping centre it would therefore be necessary to relocate these parking spaces. Mid Sussex District Council, as freeholder of the land on which the spaces are located, is offering an alternative parking location in their Cyprus Road carpark, and the proposed location for the spaces is shown on the enclosed **Plan 2** with this letter.

In proposing the relocation of these parking spaces there is also the opportunity to clarify the rights of each of the various leaseholders, which appear to have multiplied since the Deed was first granted in 1982. At that time, the Deed conferred the parking rights upon 93 – 107 Church Walk, which was then a single freehold title. Since then 93 – 107 Church Walk has been subdivided into 6 different freehold titles, and those 6 freehold

56068014-1

titles have been further subdivided into 13 different leasehold titles, and in most cases the 1982 Deed conferring parking rights has been replicated, so that there are now 17 legal interests claiming parking rights over the same area.

Mid Sussex Council is proposing that in recognition of the rights originally granted under the 1982 Deed, the alternative spaces in the Cyprus Road carpark would be transferred by deed, and in perpetuity. Furthermore the Cyprus Road spaces would be allocated specifically by property in order to overcome the random space sharing that currently exists.

Each property would be allocated two parking spaces, to be granted by deed against the registered titles at that address.

In respect of your property at [] Church Walk, Burgess Hill, West Sussex [Postcode], the proposal would be to allocate [] space to you against the your leasehold title number: [], which is registered against the [] title for [] Church Walk and [] space to the other [] title [(in respect of the Sub-Lease)] with title number [] which is registered against your [freehold/leasehold] title of [] Church Walk. [There will be no spaces allocated against the freehold title.]

The relocation of these parking rights is fundamental to the redevelopment of the Martlets Shopping Centre, which is essential to the regeneration of the Burgess Hill town centre. The proposal to relocate the parking rights to Cyprus Road is intended to provide a better alternative than currently exists, as it provides more certainty in terms of space availability, a better quality of defined parking space and potentially an increased value to the registered title.

If in the event, you do not or no longer require the parking space, and would prefer to relinquish the parking right in its entirety, then a surrender payment can be offered to you as an alternative.

It is important to make clear that Mid Sussex District Council, as freeholder of the land, and NewRiver as developer, are keen to agree a relocation that works to everyones benefit, such is the importance of the redevelopment of the Martlets shopping centre to the regeneration of Burgess Hill. An agreed relocation of the parking area between you, Mid Sussex Council and NewRiver is the primary and preferred solution. However, the Council does have the ultimate authority to appropriate the land on which the parking spaces are situated pursuant to Section 237 of the Town and Country Planning Act 1990. If an agreement cannot be reached to relocate to an alternative parking location, the Council can and will exercise their statutory powers to acquire the land to enable the development of the Martlets Shopping Centre to proceed. In this event, you will be entitled to recover statutory compensation for the compulsory acquisition of the land. However, the ability to relocate the parking rights would be lost, and this would not be the preferred outcome as far as Mid Sussex District Council and NewRiver are concerned.

We recommend that you seek independent professional advice when considering the proposal as set out in this letter, and NewRiver are prepared to make a contribution of £1000 towards your initial costs of that professional advice.

APPENDIX C

We would be grateful if you could respond to this letter as soon as possible with your response to the Council's proposed relocation option, but in any event, and in order to ensure that the proposed redevelopment can progress, a response is required by **no later than the 31st January 2017.**

Yours faithfully,

DWF LLP

Encs.

BY SPECIAL DELIVERY / FIRST CLASS POST / HAND DELIVERY

[ADDRESSEE]

Your Ref:

Our Ref:

Please quote this when replying

Date:

25 May 2017

Please ask for:

Ext:

Direct Dial:

E-mail:

Direct Fax:

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

WITHOUT PREJUDICE SAVE AS TO COSTS & SUBJECT TO CONTRACT

Dear Sir and Madam

Parking rights at The Martlets Shopping Centre, Burgess Hill, West Sussex

Your Title Nos: [] [PROPERTY ADDRESS]

We write further and on behalf of New River Retail (GP3) Ltd ("New River") and Mid Sussex District Council ("the Council"), in relation to the parking rights that we understand you enjoy in connection with your property at Church Walk.

We have enclosed with this covering letter, a more detailed letter which explains the re-development of the car park at Church Walk and New River and the Council's development proposals to this car park.

It is very important that you seek independent legal advice upon receipt of these letters, as the proposals contained in our attached detailed letter affects your property. Please ensure that you provide copies of this and our attached letter to your solicitor as soon as possible and that they contact the writer on the details above within 28 days from the date of this letter (**i.e. by 4pm on 23 June 2017**) to ensure that your rights are not compromised.

We look forward to hearing from you.

Yours faithfully,

DWF LLP

Encs.

56068055-1

BY SPECIAL DELIVERY / FIRST CLASS POST / HAND DELIVERY

[ADDRESSEE]

Your Ref:

Our Ref:

Please quote this when replying

Date:

25 May 2017

Please ask for:

Ext:

Direct Dial:

E-mail:

Direct Fax:

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

WITHOUT PREJUDICE SAVE AS TO COSTS & SUBJECT TO CONTRACT

Dear Sir and Madam

Parking rights at The Martlets Shopping Centre, Burgess Hill, West Sussex

Your Title Nos:[] [PROPERTY ADDRESS]

We are writing to you on behalf of New River Retail (GP3) Ltd ("New River") and Mid Sussex District Council ("the Council"), with regard to parking rights that we understand you enjoy in connection with to your property at Church Walk.

Re-development of the Church Walk car park

In our previous letter we explained that the title to your property includes reference to a Deed dated 8 February 1982 made between (1) Mid Sussex District Council and (2) USF Nominees Limited ("the 1982 Deed") which granted certain rights to the freeholders of the properties at 93-107 Burgess Hill to park on the areas of land shown marked in red on the enclosed plan (**Plan 1**), together with associated access rights. The rights granted by the 1982 Deed were granted for the benefit of the freeholders and their successors in title, and therefore the rights appear to extend for the benefit of your leasehold title, presumably by an express provision of your lease.

The red parking areas are located on land which is owned by the Council, as the freeholder, and New River, as the leaseholder and operators of the Martlets Shopping Centre. New River has been granted planning permission for the redevelopment of the Martlets Shopping Centre, including the area over which you appear to enjoy parking rights. However, in order to undertake the redevelopment of the Martlets Shopping Centre it will be necessary to either terminate your parking rights, or provide an alternative parking space for you.

56068080-1

Terminating your parking rights would mean that your current right to park would come to an end, and you would have to make alternative arrangements to park elsewhere. The Council and New River appreciate that not having free parking for the benefit of your property would be very inconvenient to you, and is therefore willing to provide an alternative parking area for you in the Council's Cyprus Road car park. The proposed location of the alternative parking area is shown in blue on the enclosed plan (**Plan 2**).

Acceptance of the alternative parking area at Cyprus Road

If you are happy to accept the Council's alternative parking area, this agreement can be recorded by deed, and at the same time, any rights to park in the areas shown in red on **Plan 1** would be terminated. The parties to this deed would include both the freeholder[s] and leaseholder[s] of the property. At the same time, the leaseholders' leases would need to be amended to vary the parking rights to record the new location of the car park at Cyprus Road.

Two parking spaces will be allocated to each freehold owner within the area shown blue on **Plan 2**. The freeholder would then allocate those parking spaces to their leaseholders and/or sub-leaseholders.

New River is prepared to pay your reasonable legal costs of instructing a solicitor to obtain legal advice and to complete the appropriate legal documentation (see below).

Surrender of current parking rights

If you do not wish to accept the Council's alternative parking offer, please confirm this by return to us.

If you no longer require parking for the benefit of your property, and would prefer to give up the parking rights in their entirety, New River are prepared to pay you a reasonable cash settlement in return for your agreement to surrender your parking rights.

New River are prepared to pay your reasonable legal costs of instructing a solicitor to obtain legal advice and to complete the appropriate legal documentation should you decide not to accept the alternative parking offer (see below).

The Council's Planning Rights

Whilst it is the preference of the Council and New River to agree a suitable solution with you, whether this is your agreement to accept the Council's alternative parking offer, or to accept a reasonable cash settlement to give up your current parking rights, the re-development of the Martlets Shopping Centre is vital to the regeneration of Burgess Hill. As such, if you do not want to discuss this matter with the Council and New River, it is important that we explain to you that the Council has a number of options available to it to enable the development to be brought forward. The Council has a number of statutory powers available to it, that if necessary, it can use to enable the redevelopment of the Martlets Shopping Centre to take place in accordance with the planning permission. In particular, the Council has compulsory purchase powers that enable it to acquire your parking rights and it also has the ability to either acquire or appropriate the land to allow the Council and New River to benefit from the power under Section 203 of the Housing and Planning Act 2016 to override the parking rights granted by the 1982 Deed, together with any other existing rights, to

enable the redevelopment of the Martlets Shopping Centre to be carried out, despite the existence of such rights.

If an agreement cannot be reached with you to either relocate or alternatively to agree surrender of your parking rights in return for a cash payment, then the Council is minded to exercise their statutory powers to enable the redevelopment of the Martlets Shopping Centre to take place. If the Council's exercises its statutory powers you will be entitled to statutory compensation for the loss of your rights, but you would not be entitled to the grant of any alternative parking rights. This is not the preferred course of action or outcome as far as the Council and New River are concerned.

Next steps/Action to be taken

We strongly recommend that you seek independent legal advice when considering the contents of this letter.

As we have confirmed above, New River are prepared to make a contribution of up to £1,000 towards the initial costs of that legal advice.

We ask that you contact us within 28 days from the date of this letter (**i.e. by 4pm on 23 June 2017**) to ensure that your rights are not compromised.

In absence of hearing from you, New River and the Council will assume that you do not require or wish to accept the alternative car parking offered by the Council or to surrender any rights that you may currently have. In these circumstances, New River will contact the Council to request that it starts the process of acquiring your rights by either compulsory purchase or override your parking rights by virtue or appropriation and the power under Section 203 of the Housing and Planning Act 2016.

In the event that you have any queries in respect of this letter, please contact [] on the details above.

We look forward to hearing from you.

Yours faithfully,

DWF LLP

Encs.

The copyright of this drawing is retained with Corstorphine + Wright Architects Ltd and shall remain the property of the client. No part of this drawing may be reproduced or transmitted in any form or by any means electronic, mechanical, photocopying, recording, or by any information storage and retrieval system without the prior written permission of Corstorphine + Wright Architects Ltd.

PLAN 2

FOR INFORMATION PURPOSES ONLY, DO NOT SCALE



Client	MEMORIAL METAL
Project	THE MARTLETS BUSINESS HALL
Location	CYPRUS ROAD LONG STAY CAR PARK DESIGNATED SPACES
Issue No	02/2018
Issue Date	NOV 2018
Issue Description	AS RITE
Project No	02/2018_001
Scale	1:500

CORSTORPHINE + WRIGHT
ARCHITECTS

London
Leeds
Manchester
Newcastle
Cardiff

0203 666644 www.corstorphine-wright.com

