

05 January 2018.

PLEASE NOTE TIME OF MEETING

Dear Councillor,

A meeting of the **CABINET** will be held in the **Council Chamber** at these offices on **MONDAY, 15 JANUARY 2018 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 20 November 2017.	3 - 5
4. To consider any items that the Leader agrees to take as urgent business.	
5. Partnerships Agreements.	6 - 14
6. New Community Building – Finches Field, Pease Pottage, West Sussex – Proposed Agreement For Lease and Lease.	15 - 20
7. Joint Strategic Access Management and Monitoring (SAMM) Strategy.	21 - 26

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

**Minutes of the Meeting of the Mid Sussex District Council Cabinet
held on 20 November 2017
from 4.00 p.m. to 4.19 p.m.**

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

Also present: Councillors: Heard, Bradbury and Clarke.

Officers: Kathryn Hall, Tom Clark, Judy Holmes, Peter Stuart, Simon Hughes, Kate Wilson, Terry Stanley and Hamish Evans.

1. DECLARATIONS OF INTEREST

The Leader noted he was a beneficiary of the Local Discretionary Business Rates Scheme.

2. APOLOGIES

Apologies were received from Councillor Ash-Edwards and Marsh.

3. MINUTES

The minutes of the meeting held on 16 October 2017 were agreed as a correct record and signed by the Leader.

4. URGENT BUSINESS

None.

5. JOINT STRATEGIC ACCESS MANAGEMENT AND MONITORING (SAMM) STRATEGY.

The Assistant Chief Executive informed the Committee that, after detailed discussions with the Cabinet Member for Housing and Planning, she was not satisfied that the report had sufficient information for the Members to make an informed decision. She asked the Committee to defer the item until the meeting on the 15 January 2018.

The Cabinet Member for Housing and Planning supported this proposal as he agreed the report contained insufficient information for Members to make an informed decision.

The Chairman took the Committee to a vote in favour of deferral and this was agreed unanimously.

RESOLVED

The item was deferred until the Cabinet meeting on 15 January 2018.

6. BUDGET MANAGEMENT 2017/18 – HALF YEAR PROGRESS REPORT.

Peter Stuart, Head of Corporate Services, introduced the report which set out the forecast revenue outturn position for 2017/18 at the end of September which was

showing a projected net overspend of £153,000 against the original estimate, after transfers totalling £62,000 to Specific Reserve approved by Council on 19 July 2017. Much of the forecast variation related to the disestablishment of the Revenue and Benefits Service now that costs are spread amongst only two partners as a result of Adur District Council leaving the partnership. If the Council revised the overall budget and allowed for another £100k of expenditure for the service, it would be showing a net variation to the budget of £53,000 only. Notwithstanding its revision, and as would be expected, bearing down on these increased costs was a priority for services together with achieving key performance indicators.

The Assistant Chief Executive asked the Committee to remove point (iii) in the recommendation given the deferral of the previous report.

The Chairman noted the Capital Projects and was pleased to see progress. He also conveyed his praise on the Council's work in regards to the Clair Hall car park.

The Chairman noted that no Members wished to speak so moved to the recommendation with the removal of point iii.

This was agreed by Members unanimously.

RESOLVED

To recommend to Council:

- (i) That £32,549 be transferred to the IER Specific Reserve as detailed in paragraph 24;
- (ii) That windfall income as set out in paragraph 25 of this report be transferred to General Reserve;
- (iv) The variations to the Capital Programme contained in paragraph 39 in accordance with the Council's Financial Procedure rule B4.
- (v) Cabinet note the remainder of the report.

7. PERFORMANCE MONITORING FOR THE SECOND QUARTER OF 2017/18.

Kate Wilson, Business Unit Leader for Community Services, Policy & Performance, introduced the report which explained that performance in the second quarter of 2017/18 had been good overall, with most services performing at or close to target. In the small number of cases where service targets were not being fully met, the reasons were clearly understood and appropriate action was being taken.

The Chairman was pleased to see many positive areas and that the Council in some areas has performed better than ever before.

The Cabinet Member for Community commented that even though the number of Environmental Health service requests increased by 7% from last year, the Council's response rate within 5 working days had increased to 99%. He also was pleased to see that MSDC had invested £365,000 in voluntary and community groups in the District. He especially wanted to thank the hard work the Council had done to aid older people in the District, to reduce isolation and increase interaction within the community. The Member noted the Local Discretionary Business Rates Relief Scheme would be welcome relief for many small and medium sized independent businesses in Mid Sussex.

The Cabinet Member for Housing and Planning was encouraged to see a lower number of households accepted as homeless this quarter although we did comment that the number of families living in temporary accommodation was still high.

The Cabinet Member for Customer Services was pleased to see that 91% of enquiries were resolved at the first point of contact and wanted to thank the Customer Services team for their hard work.

The Chairman thanked the Officers for the additional information supplied to Members on the Flagship Activities and that it had been well received by the Scrutiny Committee.

RESOLVED

Cabinet noted the Council's performance and progress with flagship activities in the second quarter of 2017/18.

Chairman.

5. PARTNERSHIP AGREEMENTS

REPORT OF: HEAD OF CORPORATE RESOURCES
Contact Officer: Elaine Clarke
Email: elaine.clarke@midsussex.gov.uk Tel: 01444 477275
Wards Affected: All
Key Decision: No
Report to: Cabinet – 15 January 2018

Purpose of Report

1. The purpose of this report is to provide an update to Cabinet on the Partnership Agreements with the Voluntary Sector and to seek approval to extend the existing funding arrangements with Citizens Advice and Horsham and Mid Sussex Voluntary Action for another year. It also outlines a proposal for the future funding arrangement for Citizens Advice with effect from April 2019 and seeks a financial commitment to participate in a joint procurement exercise.

Summary

2. Five Voluntary Sector Organisations are currently provided with core funding as part of the Partnership Agreement Programme. These organisations help the Council fulfil its corporate priorities by providing effective and responsive services which help bring about strong and resilient communities. The paper provides information about these Services and the funding commitments needed to retain them in 2018-19. It also outlines the future procurement arrangements needed to secure an ongoing Citizens Advice Service in the District.

Recommendations

3. ***Cabinet is recommended to agree to:***
 - (i) ***Enter into a one-year Voluntary and Community Sector Funding Agreement with West Sussex County Council to secure additional funds to grant aid to Horsham and Mid Sussex Voluntary Action;***
 - (ii) ***Sign up to a 'bridging contract' with Citizens Advice to fund the Service in 2018-19;***
 - (iii) ***Commit to recommissioning the Citizens Advice Service in 2019-21 (with the option to extend for a further 2 years).***

Background

4. In March 2016, Cabinet noted the Council's commitment to an existing County wide funding agreement with Citizens Advice and resolved to enter into new three-year Partnership Agreements with four voluntary sector partners to provide revenue funding toward key services for residents.
5. The Council currently has the following funding agreements in place with five voluntary sector organisations:
 - Action in Rural Sussex (2016-19) - £7,050 pa.
 - Age UK East Grinstead (2016-19) - £15,071 pa.
 - Age UK West Sussex (2016-19) - £52,166 pa.
 - Citizens Advice (2015-18) - £119,404 pa.

- Horsham and Mid Sussex Voluntary Action (2016-19) - £37,553 pa.
6. The term voluntary sector is generally applied to organisations that principally reinvest their surpluses to further social, environmental or cultural objectives. Mid Sussex has a vibrant voluntary sector that provides a wide variety of services to the residents of the district.
 7. Further information regarding these services and the outcomes provided by the organisations can be found in Appendix A.

Action in Rural Sussex

8. Action in Rural Sussex (AiRS) receives revenue funding to provide a Village Halls and Community Buildings Advisory Service in Mid Sussex. They also deliver an annual event, training and networking meetings to support community venues in the District.
9. The current funding agreement runs until March 2019. The Council's ongoing budgetary commitment and funding arrangement to provide support for AiRS Services will be reviewed in 2018/19.

Age UK East Grinstead and Age UK West Sussex

10. Age UK East Grinstead and Age UK West Sussex are two independent local charities. They are both members of the Age UK network and abide by their 'Brand Partnership' guidelines which direct national initiatives and quality standards.
11. These organisations are funded to provide Services to tackle social isolation and support older people aged 50+ years, living independently and at risk of loneliness in the three main towns and surrounding villages. The Service should promote independence, good health and wellbeing. They are required to offer a varied programme of activities, services, lunches, transport, information and advice.
12. WSCC is the primary funder of these Services and makes the following annual contributions of £33,680 to Age UK East Grinstead, £69,949 to Age UK West Sussex; Burgess Hill and £69,737 to Age UK West Sussex; Haywards Heath. Both Age UK East Grinstead and Age UK West Sussex are currently on a six month rolling contract with WSCC prior to the introduction of a new 'Day Activities Contract' which will replace the current agreements.
13. WSCC intends to recommission Social Support Framework Services which tackle social isolation and loneliness through the provision of day activities or befriending schemes; services that increase independence at home through practical assistance and support; services that provide practical support for people with low level needs coming out of hospital; and information and advice in alignment with the County Council's Care Act responsibilities.
14. When these new contracts are introduced Mid Sussex is likely to experience a reduction in funding as we understand that WSCC intends to re-allocate resources across the County in relation to demographic needs.
15. Mid Sussex District Council's current funding agreements run until March 2019. Ongoing budgetary commitment and funding arrangements with Age UK East Grinstead and Age UK West Sussex will need to be reviewed in 2018/19 in conjunction with WSCC's contractual arrangements for Day Activities across the District.

Citizens Advice

16. West Sussex County Council (WSCC) has commissioned Central & South Sussex Citizens Advice and Arun & Chichester Citizens Advice to work in partnership to provide a Countywide Service which is funded through the following contributions from West Sussex County, District and Borough Councils:

- West Sussex County Council - £350,000
- Adur & Worthing Councils - £163,653
- Arun District Council - £117,020
- Crawley Borough Council - £132,500
- Mid Sussex District Council - £119,404
- Horsham District Council - £93,000
- Chichester District Council - £74,000

17. The existing joint funding agreement comes to an end in March 2018 and WSCC has offered to take the procurement lead on a commissioning exercise for a new two year contract with effect from April 2019, with an option to extend for up to two more years. This will most likely be a single tender exercise due to the limited number of potential providers (subject to approval by WSCC Cabinet).

18. The funding levels will need to be reviewed before entering into new contractual arrangements but WSCC requires a commitment in principle from all the District and Borough Councils before they will undertake the work needed to recommission the contract. Work is required to revise the current Service Specification with a view to going out to tender in Summer/Autumn 2018.

19. In the meantime, it is proposed that the current agreement is extended for one year until March 2019, with no financial uplift.

Horsham and Mid Sussex Voluntary Action

20. Mid Sussex District Council has a three year funding agreement with Horsham and Mid Sussex Voluntary Action (HAMSVVA) which runs until March 2019, to provide support to the voluntary sector (£37,553 pa).

21. Mid Sussex District Council also has a two year funding agreement with WSCC for an additional £36,844 per annum (2016-18) toward the cost of commissioning Voluntary and Community Sector Infrastructure (VCSI) Support Services. These funds were awarded to HAMSVVA to provide an enhanced Service through an Executive Decision in 2016 (MIS141).

22. WSCC is proposing to extend the existing funding agreement with Mid Sussex District Council to provide additional VCSI funding for an additional year (April 2018-March 2019). It is recommended that these funds are awarded to HAMSVVA to enable them to continue providing support to not-for-profit organisations in Mid Sussex.

23. HAMSVVA recently lost match funding from Horsham District Council with effect from April 2018 and will be withdrawing Services in this area. The extra funding from WSCC is essential to enable the organisation to continue to provide a valuable Service which helps build the capacity of the voluntary sector.

24. WSCC intends to undertake a review of its relationship with the voluntary sector post March 2019 and has established a Task and Finish Group, with District and Borough representation, to consider the issues.

Policy Context

25. The Services provided by these organisations supports the Council's stated Corporate Plan priorities under the 'effective and responsive services' and 'strong and resilient communities' themes.

Financial Implications

26. There are no financial implications in relation to recommendations i) and ii) contained within this report. Recommendation i) will be directly funded by WSCC and recommendation ii) will be funded from the current allocations within the Community Services, Policy and Performance Business Unit budget, subject to approval of the annual 2018/19 budget by Council on 28 February 2018.
27. Recommendation iii) requires the Council to make a commitment to provide a financial contribution of up to £119,404 per annum (plus an inflationary increase) for a four year period from 2019-2023.

Risk Management Implications

28. The risks identified with these proposals are:
- risk that the funding is not used in the way stated by the applicant;
 - risk that the outcomes are not delivered;
 - risk that Council funds are allocated to financially unstable organisations.
29. These risks are mitigated by the management of grant funding through a Service and Funding Agreement that sets out the Council's expectations for financial and management controls to be in place to manage the funds and deliver the agreed outcomes.
30. The review process assesses the extent to which these controls are in place and provides an opportunity to identify any issues regarding the use of grant funding.
31. There is officer representation at Trustee Board Meetings at which reports are presented covering matters such as Service delivery and financial accounting, consequently, any significant issues would be identified at an early stage.
32. It is considered that these measures would alleviate the main risks from materialising and indicate a low-risk to the successful outcomes arising from this report. However, should a funded organisation cease to operate, for whatever reason, the agreement will terminate immediately and any uncommitted monies will be returned to the Council.

Equality and Customer Service Implications

33. As part of the assessment process all of the organisations applying for funding from the Council have complied with the required conditions of funding and have the requisite policies and procedures in place, such as Equal Opportunities and Safeguarding Policies, and including any other relevant legislation.
34. These Services specifically target key groups including older people, residents in rural areas, and those on low incomes. Working in partnership with the third sector organisations provides an opportunity for engagement with diverse groups across Mid Sussex.

35. Individual performance details are included within each Service and funding agreement and reviews are conducted with each organisation. Performance is measured through key indicators specifically numbers of those supported, accessibility and development activities.

Other Material Implications

36. There are no other material implications arising from the proposed actions contained within this report.

Background Papers

37. Funding requests and associated documentation are held in the Community Services, Policy and Performance Business Unit.

Services Provided and Outcomes Achieved

Action in Rural Sussex

Action in Rural Sussex (AiRS) is required to provide a village hall advisory service, five networking or training events and carry out a consultation each year to monitor the needs of members.

There are fifteen Mid Sussex subscribers to the Village Halls and Community Buildings Advisory Service. Advisory Service members benefit from workshops, training and networking events, a monthly newsletter and e-bulletins providing information and updates on all aspects of managing multi-purpose community facilities such as insurance, hire charges, employment, budgeting and fire safety.

AiRS has organised four networking events focusing on aspects of fundraising including commissioning and proving impact in partnership with the Mid Sussex Liaison Group, which consists of representatives of HAMSVA, AirS, WSCC and MSDC. They have also delivered a number of 'Rural Links' events such as Active Villages, evidencing your need for funding, dementia awareness and PAT Test training for village halls.

AirS has provided consultancy services to community buildings in Bolney, Balcombe and Crawley Down on a range of issues such as transfer to CIO status, creating a business plan, making detailed changes to constitution and governance.

In 2016-17 they carried out a community buildings consultation and presented the findings at a network meeting in Haywards Heath which generated a lively discussion about the need for village halls to have development and improvement plans and good communications with Town and Parish council representatives.

The West Sussex Village Halls Conference was held in November 2017 which explored a range of topics including the challenges facing village halls (namely volunteers, leaders, funding and red tape), providing a safe environment and the role of trustees. There were also workshops on CIO status, marketing, health and safety.

Age UK East Grinstead

Age UK East Grinstead, based at Swan Mead, employs nine core staff plus an Outreach Co-ordinator, Saturday Club and Help at Home Assistants and a Freelance Fundraiser. They are supported by thirteen regular volunteers and the Board of seven Voluntary Trustees. A new Chair and four new Trustees have been appointed during 2017-18 and working groups established to help with fundraising and marketing.

They offer a programme of activities including chess, computer class, games, chair exercise, bingo, music and quiz. They also run a programme of entertainment and have recently hosted performances by a harpist, a 1940-50's singer, therapeutic music sessions and speakers from the East Grinstead Museum to talk about the Guinea Pig Club and the Kent Surrey and Sussex Air Ambulance. Age UK East Grinstead has secured additional project funding to develop a Village Agent Project to develop more outreach work, village networks and signposting to local Services.

They also organise a range of community based clubs such as board games at East Grinstead Library, cinema club, swimming club Cake & Co in Crawley Down, walking, tai chi and Zumba gold at Chequer Mead. Trips arranged during July to December 2017 include visits to Eastbourne bandstand, Harrods/London museums, Greyhound racing, Christmas

lunch in Eastbourne (most decorated pub) and holidays at Sinah Warren, Yorkshire and Littlecote. Further outings are planned to go to the Blue Water Shopping Centre, War Horse (Brighton Centre), Amberley Museum, Weald and Downland Museum and a number of holiday destinations.

Over 2,800 lunchtime meals were provided during the first half of 2017-18 with an average of 347 meals a month. They also offer chiropody, information and advice and have dealt with over 1,000 general enquiries between April and September 2017. Transport is provided by Bluebird Community Transport. There are approximately 300 members and membership costs £15 per annum.

Age UK West Sussex

Age UK West Sussex provides a range of activities and services and is currently based at the Cherry Tree in Burgess Hill and the Haywards Heath Centre on Butlers Green Road. They announced that they would be moving out of the Cherry Tree in April 2018 with a view to delivering a programme from various venues in the Burgess Hill area. This situation is currently under review and the premises notice is held in abeyance to allow time for further consultation and forward planning. Positive discussions have already taken place between Council Officers and Age UK West Sussex representatives. Age UK have undertaken further consultation with their membership and there is every confidence that the future delivery model will continue to meet the specification requirements and meet the needs of the community.

Age UK West Sussex currently employs twelve core staff consisting of a Centre Manager, Centre Co-ordinator, two Activity Workers, Head Cook and Kitchen Assistant at both sites. There are 15 volunteers at the Haywards Heath Centre and 18 at the Cherry Tree.

The Haywards Heath Centre has 377 members with 50-60 people attending daily. It is open Monday to Friday and offers a full programme of activities including chairgym, gardening, Spanish language, pilates, yoga, knit and knatter, flowercraft, scrabble, choir, IT, curling and healthy walks. They also offer acupuncture, massage, foot clinic, hairdressing and beauty sessions each week. The programme is designed to appeal to men and women and to encourage physical activity. Special events have included the grand opening day, a Silver Sunday afternoon tea and Harvest Festival. An Elderberry Service for carers of people with dementia uses the centre on two Saturdays each month.

The Cherry Tree has 120 members and an average daily attendance of 30-40 people. It is open Monday, Tuesday, Thursday and Friday each week and runs a range of activities including crafts, short mat bowls, tai chi, cross stitch, chairgym, quiz, flower arranging, bingo, art club. In May a group of members enjoyed a trip to the Bluebell Railway, supported by the Lions followed by a trip from the Burgess Hill Rotary to Sheffield Park for cream teas. There was also a visit from the Rah Rah Theatre Company for a swinging 60's show. Country and Western was the theme for a June luncheon, in July members enjoyed a Summer Rock 'n' Roll party and indoor balloon tennis and there was a musicals luncheon in August.

Holistic massage is regularly available on Tuesdays, hairdressing on Thursdays and Chiropody appointments on Fridays. Also on Thursdays, the Sussex Caring Pets visit the Cherry Tree with a black labrador.

Membership costs £30 per annum and members pay a small fee to participate in activities which cost up to £4, with some activities (such as walks, short mat bowls, quiz and gardening) offered free of charge. Day visitors are welcome to use the centres and take part

in activities. Both centres provide home cooked lunches as well as sandwiches, cakes and hot or cold snacks at affordable rates of approx. £5 for two courses.

Members and visitors can access Help at Home, Home from Hospital and Information and Advice Services. Bluebird operates community transport to take people to the centres.

Central & South Sussex Citizens Advice (Haywards Heath, Burgess Hill and East Grinstead Advice Centres)

Citizens Advice offers free, independent advice to everybody, whatever the problem. Mid Sussex residents are served by Central and South Sussex Citizens Advice (CASSCA). The centres are staffed by well-trained volunteers who are carefully supervised and managed by 43 paid staff who work across eight locations and 18 outreach sites. In 2016-17, CASSCA engaged 277 volunteers who donated staff hours to the value of £1,353,510.

Services can be accessed by telephone, email, web chat, submitting an online form or in person at one of the three drop-in centres. The Haywards Heath office is open Monday to Friday 9.30-4pm. In Burgess Hill, the Advice Centre is open for appointments and telephone enquiries Monday-Thursday and there is a drop-in service at the Town Hall on Tuesday-Thursday 10am-1pm. The East Grinstead Service has moved to the library and is open Monday to Friday 10am-4pm.

During 2016-17 Citizens Advice dealt with 10,930 enquiries in Mid Sussex. The top advice categories were benefits and tax credits (29%), employment (13%), housing (12%), relationships and family (10%) and debt (9%). During the current year benefits and tax credits remains the top issue and Citizens Advice is preparing for more enquiries in 2018/19 following the introduction of Universal Credit

The majority of CASSCA clients are of working age and are almost five time more likely to be on a low income than the general population of England and Wales. In the current financial year, CASSCA has helped them secure additional income of £75,436 through advice regarding unclaimed benefits and other entitlements.

In total CASSCA helped 24,608 people in 2016/17 and dealt with 55,646 as most clients have multiple issues. Nearly 3 out of 4 clients said their problem affected their lives, causing anxiety and financial difficulty so these support services make a real difference to wellbeing. Two in every three clients reported their problem solved, four in five said the advice improved their lives including reducing stress and improving finances.

Horsham and Mid Sussex Voluntary Action

Membership of Horsham and Mid Sussex Voluntary Action (HAMSVVA) is free of charge and open to not-for-profit organisations (charities, social enterprises, community and voluntary groups) operating in the Horsham and Mid Sussex area, or those thinking of setting one up. HAMSVVA currently has 282 voluntary sector member groups working in Mid Sussex and in the first six months of 2017/18 seventeen new groups joined up.

HAMSVVA provides:

- affordable training and networking events;
- help with finding and keeping volunteers;
- information services about grants funding, job opportunities and events;
- support and information for trustees, charity staff and volunteers;
- regular updates about local and national issues which affect the voluntary sector and;
- discounted resources and facilities e.g. photocopying, audio visual equipment and community room hire.

During the current financial year, HAMSVA has facilitated five training courses which were fully subscribed. The topics covered were First Aid, Bid Writing Basics, Good Governance for Trustees, Developing Your Fundraising Strategy and Lone Working. HAMSVA also offers e-learning opportunities in Fire Marshalling and Food Safety in Catering.

Volunteering opportunities are advertised on the website, Facebook page, Twitter, at events and in the local press. Volunteering displays have been held in Burgess Hill Library, Haywards Heath Library and East Grinstead Library. HAMSVA also work with local businesses to encourage corporate social responsibility and has good links with the local business associations.

To date this year, HAMSVA has circulated twelve informative e-bulletins to the membership, statutory bodies, Town, District and County Councillors and Parish Councils. Topics covered include fundraising, training, job opportunities, resources, general information and events. They have also provided one to one support for members to assist with governance issues and legal issues, funding bids, training needs, policies and good practice guidance.

6. NEW COMMUNITY BUILDING – FINCHES FIELD, PEASE POTTAGE, WEST SUSSEX – PROPOSED AGREEMENT FOR LEASE AND LEASE

REPORT OF: Head of Corporate Resources
Contact Officer: Christopher Coppens, Property Lawyer
Email: christopher.coppens@midsussex.gov.uk Tel: 01444 477213
Wards Affected: Slaugham
Key Decision No

Purpose of Report

1. To update Members on the progress of the provision of the new community hall and sports pavilion at Finches Field, Pease Pottage (“the Community Building”), the need to re-advertise the District Council’s intention to grant a lease of the Community Building to Slaugham Parish Council (“the Parish Council”) and confirmation of the District Council’s earlier decision to grant a lease of the Community Building, having regard to the outcome of re-advertising the proposed disposal of open space to the Parish Council.

Summary

2. This report outlines proposal for a new community building at Finches Field, Pease Pottage and summarises the decisions previously made by the District Council. Owing to the proximity of overhead power lines the site of the Community Building needs to be moved with the site area enlarged and this requires that the District Council re-advertise its intention to grant a lease of the Community Building to the Parish Council. It reports on the outcome of re-advertising and recommends that the project proceeds on the new site on the same terms as previously agreed with the Parish Council and a new agreement for lease is completed.

Recommendations

3. ***Cabinet is recommended to:***
 - (a) ***note the contents of this report and, in particular, note that the District Council did not receive any objections to the proposed disposal of the land edged in red on the plan marked “Finches Field Community Centre” annexed to this report at Appendix A the new site of the Community Building (“the new site”) by 3^d January 2018; and***
 - (b) ***affirm the District Council’s earlier decisions to grant a lease of the Community Building to Slaugham Parish Council and authorise the Head of Corporate Resources and the Solicitor and Head of Regulatory Services to enter into an agreement for lease for the construction of the Community Building on the new site and following completion of construction of the Community Building on the new site to grant a lease of the Community Building on the terms already agreed by the Cabinet Member for Property on 16th March 2016.***

Background

4. Finches Field is owned by the Council and at the meeting of the Council's Cabinet held on 24th March 2014, Cabinet considered a report on a proposed new community building and sports hall at Finches Field, Pease Pottage ("the Community Building") and resolved: (a) progress the design and specification of the Community Building and seek tenders for the construction of it; (b) to conclude the acquisition of additional land at Finches Field; (c) to authorise the then, Head of Leisure and Sustainability, and the Solicitor to the Council to negotiate heads of terms of agreement for the proposed lease of the Community Building to Slaugham Parish Council, subject to advertising the proposed disposal in accordance with Section 123 of the Local Government Act 1972; and (d) to release £515,171.54 of Section 106 funds towards the costs of constructing the Community Building and acquiring additional land at Finches Field; and (e) recommend to Council a variation to the 2014/15 Capital Programme. The budget for the project was approved by Council on 9th April 2014.
5. During negotiations with the Parish Council it was agreed that the Parish Council would undertake construction of the Community Building and that the District Council would use the allocation of £50,000, in the MCR budget, to resurface the car park when construction was completed. On 21st March 2016 the District Council's Cabinet Grants Panel considered an application for a capital grant from the Parish Council and resolved to award the Parish Council a grant of £472,842 towards the costs of constructing the Community Building.
6. On 25th February and 3rd March 2016 the District Council advertised the proposed lease of the site of proposed the Community Building, edged in red on the drawing marked "Finches Field – Conveyancing Plan" annexed to this report in Appendix B ("the old site"), in the Mid Sussex Times in accordance with the requirements of Section 123 of the Local Government Act 1972 and invited members of the public who might object to the proposed lease to make their views known to the District Council by 24th March 2016, but no objections to the proposed lease were received by that date and the Cabinet's decision of 24th March 2014 to grant a lease of the old site of the Community Building to the Parish Council was subsequently confirmed by the Cabinet Member for Property.
7. On 14th February 2017, the District Council's Cabinet Grants Panel considered a further application for a capital grant from the Parish Council and resolved to award the Parish Council and additional grant of £143,592 towards the constructing of the Community Building, increasing the total grant to £616,434.
8. On 27th March 2017, planning permission was granted for the construction of the Community Building on the old site under planning reference DM/17/0412.
9. On 1st June 2017, the Cabinet Member for Resources and Economic Growth considered a report on the Community Building project that informed that the £50,000 from the District Council's MCR budget had been overlooked and recommended that the capital grant to the Parish Council be increased to £666,434 (inclusive of the £50,000), which the Cabinet Member approved.

10. On the 29th June 2017, the District Council entered into a Grant Agreement with the Parish Council in respect of the various grants awarded and an Agreement for Lease in respect of the construction of the Community Building on the old site. A new agreement for lease is contemplated by this report.
11. On 30th November 2017, planning permission was granted for the construction of the Community Building on the new site, under planning reference DM17/4027, as a re-submission of the approved planning application DM/17/0412 with a new amended location to maintain a safety distance from overhead power lines. It being apparent that the new site is larger than the old site, it has been necessary to re-advertise the District Council's intention to grant a lease of the Community Building to the Parish Council.

District Council's powers of disposal

12. The District Council's powers to grant a lease of the new site of the Community Building are permissive powers and must be exercised strictly in accordance with the provisions of Section 123 of the Local Government Act 1972, which provides that the District Council cannot dispose of land consisting of or forming part of an area of open space unless prior to making the decision to grant the lease the District Council advertises its intention to do so for two consecutive weeks in a local newspaper circulating in the area in which the land is situated and invites members of the public who may oppose or object to such a disposal to make their views known and for the District Council to consider such objections before deciding whether or not to grant the proposed lease.
13. Finches Field Recreation Ground is held as a public park and pleasure ground, which constitutes public open space and the District Council, is therefore, required to comply with Section 123 of the Local Government Act 1972 by advertising the District Council's intention to grant the proposed lease of the new site of the Community Building.
14. On 30th November and 7th December 2017 the District Council advertised the proposed lease of the new site of the Community Building in the Mid Sussex Times in accordance with the requirements of Section 123 of the Local Government Act 1972 and invited members of the public who might object to the proposed lease to make their views known to the District Council by 3rd January 2018, but no objections to the proposed lease were received and the District Council is free to proceed with the disposal if it so wishes.

Policy Context

15. The District Council has had a long standing policy of leasing facilities to sports clubs and community organisations since the early 1990's. This enables communities to provide space for the uses and needs of the local residents. Support of the District Council in delivering this project through funding and the provision of the site is consistent with that long standing policy.

Other Options Considered

16. Characteristics of the site and restrictions due to close proximity of overhead power lines and high pressure gain main prevent a replacement of the

community building in other locations on the District Council's land. Management of local community buildings by community groups and parish councils is seen as a preferred way forward, rather than direct management by the District Council.

Financial Implications

17. There are no additional financial implications for the District Council over and above those detailed in the reports to Cabinet and Cabinet Grants Panel referred to above.

Risk Management Implications

18. There are no risks to the District Council other than those, if any, identified in earlier reports.

Equality and customer service implications

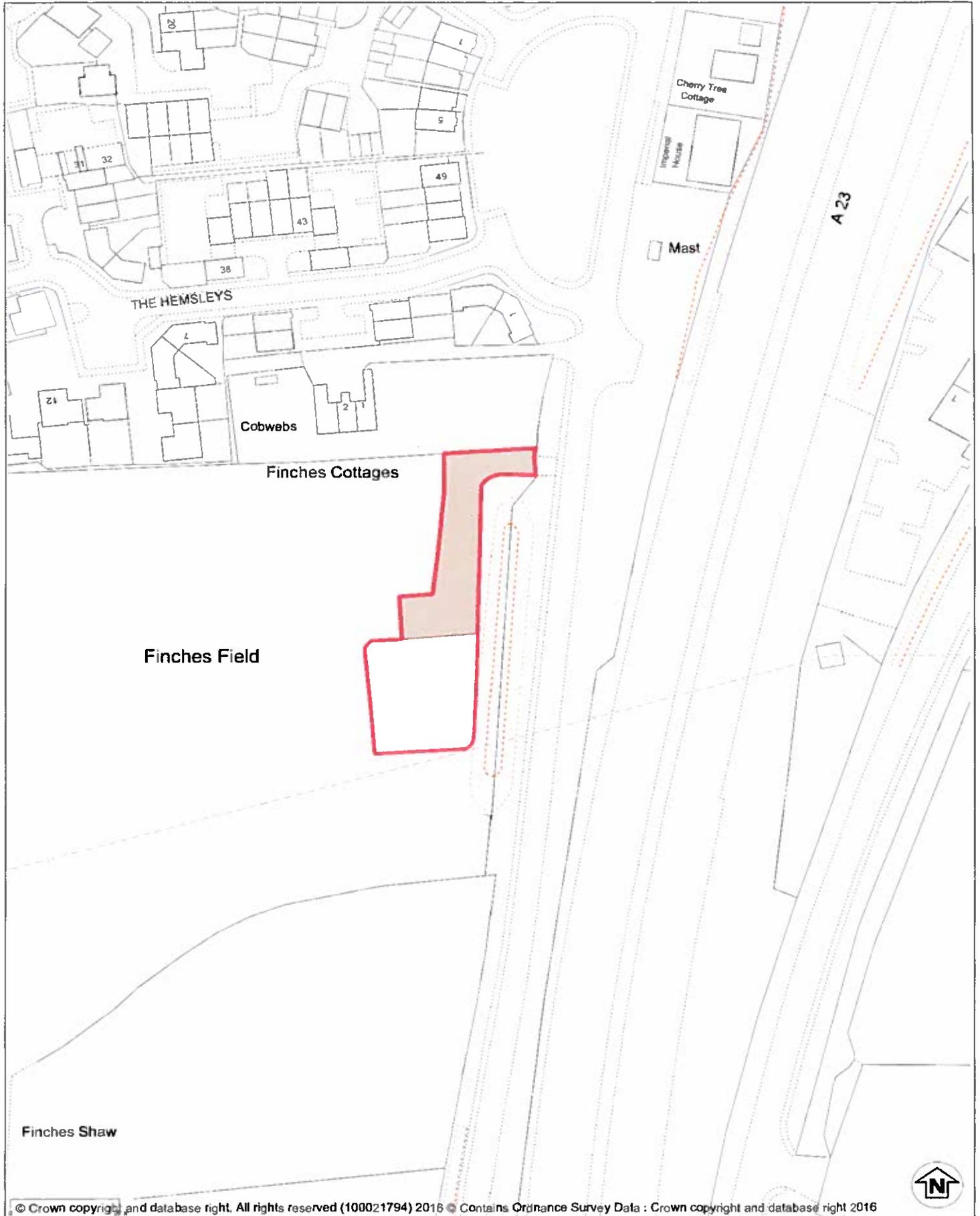
19. The proposed community building will be managed by the Parish Council for the benefit of the inhabitants of Slaugham and Pease Pottage and will be fully accessible and Equality Act compliant. Additional land at Finches Field has been acquired to compensate for the potential loss of open space arising from the new community building and impact on the local inhabitants will be minimal.

Other Material Implications

20. Timescale for delivery of this project is time critical owing to increasing building costs.

Background Papers

Legal File and earlier reports.



7. JOINT STRATEGIC ACCESS MANAGEMENT AND MONITORING (SAMM) STRATEGY

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Jennifer Hollingum, Planning Officer
Email: jennifer.hollingum@midsussex.gov.uk Tel: 01444 477053
Wards Affected: Ashurst Wood, East Grinstead and parts of Ardingly and Balcombe, Crawley Down and Turners Hill, and High Weald
Key Decision: No
Report to: Cabinet
15th January 2018

Purpose of Report

1. The purpose of this report is to seek Cabinet's approval for the District Council to implement the Joint Strategic Access Management and Monitoring (SAMM) Strategy.
2. The Joint SAMM Strategy has been developed to meet legal obligations under the European Birds Directive. It is an agreement between six local planning authorities to provide a strategic and co-ordinated approach to mitigate the impacts of development within a 7km zone of influence on the Ashdown Forest Special Protection Area (SPA).
3. A legal agreement makes provision for the collection of developer contributions by way of a Section 106 (of the Town and Country Planning Act 1990) planning obligation from new residential developments; these funds will be used to mitigate the impact of those developments on the Ashdown Forest SPA.

Summary

4. The Ashdown Forest SPA is classified under the European Birds Directive. It is afforded the highest level of protection under European and national legislation. The site is designated for its populations of ground nesting birds, which are vulnerable to recreational disturbance from walkers and dogs.
5. The Joint SAMM Strategy is supported by a legal agreement between six local authorities; Wealden, Mid Sussex, Lewes, Tandridge, Sevenoaks District Councils and Tunbridge Wells Borough Council. All the authorities are requested to collect funds through Section 106 planning obligations to fund a series of SAMM projects. These monies will be pooled to create a fund which is jointly managed to deliver access management projects and mitigation measures on Ashdown Forest, and to provide ongoing bird and visitor monitoring.
6. The delivery of the projects will be overseen by a Steering Group and Working Group.
7. The Joint SAMM Strategy will replace interim arrangements which this Council has had in place since 2013. An Interim Strategy was developed in response to Natural England's concerns about recreational disturbance associated with new development within a 7km zone of Ashdown Forest. . The Interim SAMM Strategy enabled new development to be granted planning permission, removing objections from Natural England regarding their impact on the Forest by allowing the council to collect contributions from developers for access management projects. Wealden District Council, Lewes District Council and Tandridge District Council also have interim SAMM Strategies in place.

Recommendations

8. Cabinet is recommended to:

- (i) **authorise the Solicitor and Head of Regulatory Services to sign the Joint SAMM Strategy legal agreement on behalf of the District Council.**
 - (ii) **agree to implement the Joint SAMM Strategy which will supersede the District Council's current Interim SAMM Strategy;**
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Background

- 9. Ashdown Forest lies adjacent to the north-east boundary of Mid Sussex District, and within Wealden District. The Ashdown Forest Special Protection Area (SPA) was classified in 1996. It is a 3,200 ha site comprising predominantly lowland heathland and woodland. The Ashdown Forest SPA is an internationally important habitat classified because of the presence of breeding populations of Dartford warbler and European nightjar.
- 10. Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest. Data analysis of a visitor survey undertaken in 2008 found that the majority of regular visitors to the Forest come from an area within 7km of the Ashdown Forest.
- 11. The Mid Sussex District Plan Habitats Regulations Assessment (HRA) recommends the use of a) a Strategic Access Management and Monitoring (SAMM) approach to manage visitors on-site at Ashdown Forest, and b) the provision of Suitable Alternative Natural Greenspace (SANG), which is provision of suitable open space either on new development sites, or through a financial contribution towards the District Council's strategic SANG site at East Court and Ashplats Wood in East Grinstead. This twin-tracked mitigation approach of SAMM and SANG has been recommended by Natural England as an appropriate approach for Mid Sussex since 2009.
- 12. This report is concerned with the SAMM element of mitigation; no changes are currently proposed to SANG mitigation.
- 13. Following advice from Natural England to address their concerns about recreational disturbance associated with new development at the time, the District Council approved an Interim SAMM Strategy in August 2013 and has been implementing it since that time.
- 14. The Interim SAMM Strategy was a temporary measure, prior to the adoption of a Joint SAMM Strategy. The interim arrangements allow funds collected to be pooled with those collected by the other local authorities, so that they can be used to fund appropriate mitigation projects.

Joint SAMM Strategy

15. The Joint SAMM Strategy is a framework of measures which provide a strategic and co-ordinated approach to delivering access management projects in the Ashdown Forest and monitoring bird and visitor numbers. The lead authority on the Joint SAMM strategy is Wealden District Council. Natural England and the Conservators of Ashdown Forest have also been closely involved in the preparation of the Joint SAMM Strategy.
16. Wealden District Council is the lead authority for the Joint SAMM Strategy because Ashdown Forest lies within their District. This role as lead authority will take responsibility (under the direction of the governance arrangements in the Joint SAMM legal agreement) for receipt of the SAMM monies collected by the six local authorities from developer contributions, under S106, and for making payments to the Conservators of Ashdown Forest, who will be delivering the SAMM mitigation projects.
17. The Joint SAMM Strategy will be effective in perpetuity. The legal agreement has been reviewed by Mid Sussex District Council Legal and Finance Officers who have confirmed that it is reasonable and appropriate for the District Council to sign the agreement. The Heads of Terms for the Joint SAMM Strategy are set out at Appendix 1.
18. The implementation date for the Joint SAMM Strategy is proposed to be 1st January 2018. It is understood that the other local authorities have or will be making arrangements to join the Joint SAMM Strategy on this date. It is proposed that Mid Sussex implements the Joint SAMM Strategy on the 1st April 2018.
19. It is intended that monies already received under the Mid Sussex Interim SAMM Strategy will contribute to the Joint SAMM Strategy, to fund projects which are agreed and delivered collectively. This will reduce the administrative burden on each of the local authorities, and will ensure that there is a strategic overview of the projects required, to gain maximum benefit for the mitigation projects on Ashdown Forest.
20. As at the 1st December 2017, £790,210 has been collected through the Mid Sussex Interim SAMM Strategy and it is proposed that these monies are transferred to Wealden District Council. These funds will be held in a ring-fenced account by Wealden District Council for the purposes of the delivery of projects through the Joint SAMM Strategy. Going forward, monies collected through the Joint SAMM Strategy will be transferred to Wealden District Council on a quarterly basis, as set out in the legal agreement.
21. Wealden District Council has collected approximately £150,000 and Lewes District Council approximately £35,000. Tunbridge Wells Borough Council, Sevenoaks and Tandridge District Councils have not collected any monies to date, this is primarily because only a small part of their local authority areas fall within the 7km zone of influence and therefore a significant amount of development is not anticipated. However, these three local authorities have entered the Joint SAMM Strategy on a precautionary basis should development occur and mitigation be required.

SAMM Projects

22. A range of access management projects are currently being finalised. Projects include; employing access management officers to raise awareness of the Ashdown Forest SPA and the protected birds; encouraging responsible dog walking and behavioural change; coordination of the volunteer dog ranger programme and a dog training programme; bird monitoring to ensure the conservation objectives of the SPA are being met; and visitor monitoring to ensure SAMM projects are effective and are informing the direction of future SAMM projects.
23. It is important that both access management and bird monitoring projects are set up for the 2018 bird breeding season, to ensure data can begin to be collected which will help to steer the direction of the Joint SAMM Strategy projects.

SAMM Tariff

24. Financial contributions towards the Joint SAMM Strategy by way of a Section 106 planning obligation will continue to be made according to a tariff. However, this is likely to be calculated differently from the method by which monies were collected through the Interim SAMM Strategy. The current tariff ranges from £1,404 for a one bedroom property to £3,140 for a 4+ bedroom property.
25. The Joint SAMM Strategy will employ a single tariff for each new net residential unit, based on the number of dwellings expected to be delivered in each local authority area and the costs of the SAMM projects. At present it is expected that this tariff will be approximately £1,170 per new home within 7km of the Forest. This will ensure that the Joint SAMM Strategy can be funded in perpetuity as detailed in the legal agreement.

Joint SAMM Strategy Governance

26. The delivery of the Joint SAMM Strategy will be managed and overseen by an officer Joint Steering Group which will consist of representatives from each local authority together with advisors with technical expertise as required. The Joint Steering Group will act as an advisory body for the local authorities and will meet quarterly.
27. There will also be an officer Joint Working Group to manage SAMM projects objectives, make decisions on expenditure, monitor progress, and make recommendations to the Joint Steering Group.

Policy Context

28. The emerging Mid Sussex District Plan provides the policy basis for requiring contributions towards mitigation of recreational disturbance, in Policy DP15 – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) in the District Plan.

Other Options Considered

29. The District Council could continue to implement the Interim SAMM Strategy and not participate with the Joint SAMM Strategy. However, the District Council would then have to liaise directly with the Conservators of Ashdown Forest to deliver access management and monitoring projects. It is considered more practical to deliver projects together with the other affected local authorities as this will ensure recreational disturbance is considered strategically across the SPA.

Financial Implications

30. The financial contributions of £790,210 collected through the Interim SAMM Strategy currently being held by this Council will be transferred to Wealden District Council for use in the Joint SAMM Strategy. Finance has advised that their preferred approach is that monies are transferred on a quarterly basis. The money transferred to Wealden District Council will be held in a ring-fenced account for the purposes of the Joint SAMM Strategy as outlined in the legal agreement.
31. Financial contributions towards the Joint SAMM Strategy will continue to be made by way of a Section 106 planning obligation. In addition, future contributions towards the Joint SAMM Strategy will be transferred to Wealden District Council on a quarterly basis in accordance with the Joint SAMM Strategy financial procedures.

Risk Management Implications

32. If MSDC does not enter the Joint SAMM Strategy, we would not be able to take part in developing joint mitigation projects with the other local authorities. Mitigation projects should already be in place for developments which have already taken place.
33. If MSDC does not enter into the joint SAMM strategy, the Interim SAMM Strategy would need to be revised, with attendant implications for resources to revise this document.
34. Entering the Joint SAMM Strategy demonstrates MSDC's willingness to enter into partnership working with neighbouring authorities; if MSDC decided not to enter the Joint SAMM agreement, this could potentially cause issues between the affected local authorities due to a lack of partnership working.
35. Defining the scope of the Joint SAMM Strategy and the legal agreement sets out the measures for dispute resolution.

Equality and Customer Service Implications

36. It is considered that there are no equality and customer service implications.

Other Material Implications

37. It is considered that there are no other material implications arising from this report.

Appendix 1: Heads of Terms

Appendix 1 Heads of Terms

Aims of the Joint SAMM Strategy

- Raise awareness and build visitor understanding of the importance and sensitivity of ground nesting birds and their habitats within the Ashdown Forest SPA.
- Promote and enforce the Code of Conduct for dog walkers.
- Encourage responsible dog walking and behavioural change as set out in the Code of Conduct.
- Provide new and additional volunteering opportunities such as Volunteer Dog Rangers.
- Help co-ordinate and support bird monitoring on the Ashdown Forest SPA and undertake visitor monitoring on the Ashdown Forest SPA and at SANG sites.

SAMM Tariff

- Established with reference to the cost of avoidance and mitigation considered necessary to the impact from an increase in visitors to the Ashdown Forest SPA from new dwellings and the anticipated increase in residential dwellings in each local authority's zone of influence.
- Calculated on a per unit basis.

Financial Reporting

- The Lead Authority (Wealden District Council) will provide suitable income and expenditure accounts every three months.
- The Lead Authority will prepare the annual accounts for audit and arrange for the accounts to be audited. Each member local authority will receive financial reporting information to enable them to account for their share income and expenditure in their financial accounts.
- Each member local authority will pay quarterly to the Lead Authority all the amounts it has received for the SAMM tariff.
- The Lead Authority will have a ring-fenced account to hold the SAMM tariffs paid to it.

SAMM Project Delivery

- The Conservators of Ashdown Forest will be responsible for the delivery of the SAMM projects.
- There is a separate legal agreement between the Lead Authority and the Conservators of Ashdown Forest setting out the project delivery arrangements.

Governance

- The Joint Steering Group will act as an advisory body to the local authorities. It will steer the direction of the Joint SAMM Strategy and ensure the objectives and service levels are being met. The Joint Steering Group will meet quarterly and comprises officer representatives of the local authorities and other advisory members with technical expertise as required. Only the representatives of the local authorities will have voting rights.
- The Joint Working Group will oversee the delivery of the Joint SAMM Strategy on a day-to-day basis. It will agree the project plan and make decision on expenditure in accordance with the approved budget, as well as monitoring the success of the avoidance and mitigation measures. The Joint Working Group will meet quarterly and comprises officer representatives of the local authorities and other advisory members with technical expertise as required. Only the representatives of the local authorities will have voting rights.
- A mechanism for dispute resolution has also been set out in the legal agreement.