

4 September 2017

Dear Councillor,

A meeting of the **SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING** will be held in the **Council Chamber** at these offices on **Tuesday 12 September 2017 at 7.00 p.m.**, when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive

A G E N D A

Pages

1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Scrutiny Committee for Community, Housing and Planning held on 29 June 2017.
5. To consider any items that the Chairman agrees to take as urgent business.
6. Implementation of Public Spaces Protection Orders for Dog Control.
7. Emergency Planning and Community Resilience.
8. District Plan – Main Modifications – Public Consultation
9. Crime Figures Overview.
10. Armed Forces Community Covenant Progress Report 2017.
11. Mid Sussex District Council Safeguarding Children and Adults Policy.
12. Amendments to Taxi Licensing Policy.
13. Scrutiny Committee for Community, Housing and Planning Work Programme 2017/18.

Working together for a better Mid Sussex

14. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

To: **Members of Scrutiny Committee for Community, Housing and Planning** – Councillors Barrett-Miles, E. Belsey, Cherry, Coote, de Mierre, Forbes, Hatton, C. Hersey, M. Hersey (Vice-Chairman), A Jones, Matthews, Walker (Chairman), Watts Williams, Wilkinson, Wyan.

**Minutes of the Meeting of the Scrutiny Committee for
Community, Housing and Planning held on 29 June 2017
from 7:00 p.m. to 8:32 p.m.**

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

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

Bruce Forbes
Sue Hatton
Chris Hersey
Anne Jones
Edward Matthews

Anthony Watts Williams
John Wilkinson
Peter Wyan

*Absent

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

Also Present (Members): Cllr Norman Mockford, Cllr Cherry Catharine

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

Councillor Cherry Catharine was substituting for Councillor de Mierre.
Councillor Norman Mockford was substituting for Councillor Edward Belsey.

2. APOLOGIES

Apologies had been received from Councillor Andrew Barrett-Miles, Councillor Edward Belsey, Councillor Richard Cherry and Councillor Ruth de Mierre.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

Subject to a minor amendment to the minutes of 10 May to indicate that Cllr Wilkinson was present at the meeting, the Minutes of the meeting of the Committee held on 7 March and 10 May 2017 were agreed as a correct record and signed by the Chairman.

5. APPLICATION BY THE MID SUSSEX TAXI ASSOCIATION TO AMEND THE TAXI LICENSING POLICY.

The Chairman introduced the report and confirmed with Members that a presentation from the Officer was not required. Three taxi drivers attended the Committee, representing the Mid Sussex Taxi Association. Francis Jennings and Alan Wickman spoke, highlighting the financial burden and difficulties faced with sourcing white vehicles, and requesting a 30 day window to repair minor dents. They also felt that the vehicle age limit was arbitrary and inappropriate, with regular vehicle testing being a more appropriate way forward.

With regard to the proposal of having white vehicles and a fixed age limit, one Member queried if this is happening in other areas or if it is only something that Mid Sussex is introducing. Another Member queried whether the drivers had difficulties in sourcing white

because they are buying second hand rather than new. The Licensing Officer confirmed that there is a mixture of age limits set by the surrounding areas. Worthing and Adur, Crawley and Lewes have fixed age limits of an average of 10 years, and Arun and Wealden do not have a fixed limit. White taxis are in use as standard in Horsham and Crawley, Worthing and Chichester. He also confirmed that Brighton have a specific colour scheme of white and aqua marine. The taxi drivers confirmed that they do mainly source their vehicles second hand.

A Member queried the numbers on the petition received from the Mid Sussex Taxi Association as there are 90 signatories against a policy which affects 380 vehicles. He asked if that indicated that the majority were in favour. The Licensing Officer could only comment that the number of signatories obtained did hold Hackney and Private Hire licenses and it was impossible to say if non-signatories were in support or not.

A number of Members expressed sympathy with the drivers, acknowledging that there may be an initial outlay of expense to source a white vehicle. However, they felt that in the long term it is a positive move to have the vehicles clearly identifiable to the customer, distinguishing them from Private Hire vehicles. This would provide reassurance to customers that they were getting into the right hackney vehicle and was an added safety feature, highlighting easily that it was a well-known, licensed and well maintained vehicle. It would also potentially reduce the issue of Private Hire vehicles taking their fares by collecting walk-up customers.

In response to a question from a Member, the Licensing Officer confirmed that there are specific companies who supply wheelchair friendly vehicles to the taxi trade. The Chairman also confirmed that these were available to purchase second hand.

A Member queried whether taxis at the railway station had to compete with taxis from Wealden. The Licensing Officer confirmed that these taxis are private hire and work with firms such as RoadRunners who are allowed to subcontract to Wealden if their vehicle is nearest. These taxis are not allowed to take walk-up customers.

With regard to the age of the vehicle, there was debate amongst Members as to what age was appropriate and what testing is carried out at the licensing stage. The Licensing Officer confirmed that vehicles over three years old are given a six monthly fitness test and when a license is renewed, the fitness test has to be in date. Some Members felt that regular testing could be an alternative to an age limit but in general Members felt that the 10 year age limit was appropriate to ensure safety to customers.

A number of Members asked if a livery or coloured wrap could be an alternative to a white vehicle. It was confirmed that wraps could be an option but would have a cost implication. The current plan is to have a white vehicle with the MSDC logo on the side and the word 'TAXI' and plate number.

A Member highlighted that the current policy is in place to protect customers and that any increase in the age limit of vehicles would have a detrimental effect on safety. He highlighted that the livery and age limit was debated at length at the instigation of the policy in 2012 and that it had a five year lead in for drivers to prepare. Another Member also highlighted that any changes to the livery at this stage would affect drivers who had already planned accordingly and purchased white vehicles ready for its implementation on 1st October.

At the request of the Chairman, the Cabinet Member for Community addressed the Committee. He highlighted that the Committee were not being asked to discuss a proposal for change, the paper presented was to provide information on a petition by the trade

which disagreed with elements of the policy. The policy has been in place since 2012 and 108 responses were received during the original consultation of which 47 were against the proposals. The policy has been reviewed and readopted in November 2015 and has a rationale to ensure we have a fleet that are energy efficient, recognisable and safe for passengers. He noted the views of the drivers present at the meeting but reiterated the effect that any changes would make to drivers who had already planned for the implementation.

The Chairman read to the Committee a letter from the Chairman of Licensing Sub Committee A, who was in agreement with the current Licensing Policy. The Chairman then asked Members to reach an agreement on whether any changes were required. Members agreed unanimously that no changes to the Licensing Policy were required.

RESOLVED

That no changes are required to the current Hackney Carriage and Private Hire Licensing Policy with relation to the colour and age limit of vehicles.

6. IMPLEMENTATION OF SECTIONS 165 AND 167 OF THE EQUALITY ACT 2010.

The Business Unit Leader - Building Control & Environmental Health introduced the report and summarised that Section 165 related to a legal requirement on drivers of all licensed taxi and private hire vehicles which are wheelchair accessible to carry passengers, provide assistance and prohibits them from charging extra on the fare. Section 167 provides Local Authorities with powers to publish a list of taxi and private hire vehicles that are wheelchair accessible but this is discretionary and if it is not published, the Council cannot prosecute drivers who do not comply. The recommendation is to publish the list and clarify the medical exemption application process for any drivers of wheelchair accessible vehicles who cannot provide the physical assistance that is required. This will enable Mid Sussex District Council to ensure there is an adequate stock of wheelchair accessible vehicles. Currently there is a capped number of 154 Hackney vehicles, with 20% of the Hackney fleet being wheelchair accessible.

A Member queried item 10 of the report, asking how long an exemption would be issued for if granted after the initial six monthly review. It was confirmed that this would be a decision made by the Licensing Committee based on individual medical reports.

A Member highlighted the difficulty of securing a Consultants appointment with a GP referral and asked if this was a practical requirement. The Licensing Officer confirmed that the policy is based on Statutory Guidance from the Department of Transport which recommends that a Consultant independently verifies the need for an exemption.

One Member confirmed support of the recommendations and requested that it be amended to include the full process for dealing with applications for a medical exemption as set out in paragraph 10. The Solicitor for the Council confirmed that this was acceptable.

It was confirmed that drivers with an exemption would be required to carry a badge in the window and a certificate in the vehicle. The exemption would apply to the driver and not the vehicle.

It was also confirmed that the wheelchair accessible license is only for specifically designed wheelchair accessible vehicles to keep the percentage of accessible vehicles stable. Due to the cap in licenses, no new Hackney Licenses are being issued.

The Cabinet Member for Community confirmed that just as disabled passengers have a right to use a taxi, drivers with disabilities have a right to work. This report balances their rights in a fair way.

The Chairman took Members to the recommendations as set out in the report, taking into account the proposed amendment to recommendation 4c to include paragraph 10 in full. Councillor Chris Hersey moved as recommended and this was seconded by Councillor Catharine and agreed unanimously.

RESOLVED

The Committee agreed:

- a) To approve the necessary transitional steps to publish a list under Section 167 of the Act of wheelchair accessible vehicles.
- b) To approve and commence the application process for drivers who need to apply for an exemption certificate under the Act.
- c) To approve the following process for medical exemption applications in relation to the Act.
 - If a driver wishes to apply for an exemption they supply a letter from a relevant Consultant detailing the extent of the duties that they are unable to perform together with the anticipated timescale for recovery to full duties.
 - If the application is successful the Council will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. The exemption certificate will be initially issued for 3 months and then reviewed. If necessary the driver will be requested to provide further medical evidence of their continuing inability to perform the above duties.
 - After six months of medical exemption, the matter may be referred to a Licensing Committee for determination as to whether the exemption should be continued.
 - If the initial exemption application is unsuccessful or if a Licensing Committee withdraws the exemption the applicant will be informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.
 - Section 172 of the Act enables vehicle owners to appeal against the decision of the Council to include their vehicles on the designated list and also enables drivers to appeal against the decision of the Council not to issue an exemption certificate. The appeal should be made to the Magistrate's Court, and must be made within 28 days of the vehicle in question being included on the Council's published list or refusal to issue an exemption certificate.

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

An updated work programme was tabled at the meeting, to include an item being brought to the 14 November meeting at the request of the Vice Chairman, on the implementation of planning permissions.

A Member requested a review of the Council's emergency planning be brought to the Committee, in light of recent national events. The Cabinet Member for Community confirmed that the emergency plan was updated in April 2017 with role playing scenarios carried out by Senior Management and Officers. Emergency Liaison meetings are also held regularly to which Parishes attend and Members are welcome to attend if they wish. He was happy for it to come to a Scrutiny meeting and it was agreed to be added to the next meeting.

A Member requested further information on what can be done to support vulnerable families in difficult housing situations, who are in danger of having children taken away from them. The Cabinet Member for Housing and Planning confirmed that every case is assessed individually and that people need to be in touch with the Council of their Registered Social Landlord at the earliest sign of concern as there may be funds available to assist. The Cabinet Member had recently attended a meeting which provided further useful information for residents facing difficulties, and he will provide a report of the information to all Members in due course. It was requested by a Member that an item on Social Housing, along with the Cabinet Member's report be brought to a future meeting, date to be agreed.

RESOLVED

The Committee agreed the current work programme.

Chairman

6. Implementation of Public Spaces Protection Orders for Dog Control

REPORT OF: Head of Corporate Resources
Contact Officer: Ben Toogood – Emergency Planning & Outdoor Services Manager
Email: ben.toogood@midsussex.gov.uk Tel: 01444 477379
Wards Affected: All
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
Date of meeting 12th September 2017

Purpose of Report

1. The Scrutiny Committee for Community, Housing and Planning has requested a report to explain how the Council will apply Public Spaces Protection Orders (PSPOs) to replace Dog Control Orders in Mid Sussex. The purpose of this report is to respond to this request and provide the Scrutiny Committee with an overview of how this new legislation will be applied in Mid Sussex to ensure that existing arrangements to promote responsible dog ownership are upheld.

Summary

2. The Council's Park Rangers currently have powers to enforce Dog Control Orders under the Clean Neighbourhood and Environment Act 2005.

This Act of Parliament is due to be succeeded by the Anti-Social Behaviour, Crime and Policing Act 2014. Under this new legislation, PSPOs will replace Dog Control Orders.

The Council must adopt this new legislation by October 2017 in order to retain these existing powers.

Recommendations

3. **The Committee are recommended to:**
 - (i) **note the contents of this report and recommend to Council the adoption of the Public Spaces Protection Orders as set out in Appendix 1.**
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Background

4. Legal Context

The Council's Park Rangers currently have powers to enforce Dog Control Orders under the Clean Neighbourhood and Environment Act 2005. Under this legislation, the following Dog Control Orders can be enforced by authorised officers on District Council owned land. The following orders apply:

- Dog Fouling
- Dog Exclusion (applies to fenced areas such as children's playgrounds and tennis courts)
- Dogs on Lead by Direction
- Dogs Specified Maximum Amount (6) – currently applies to Bedelands Farm Local Nature Reserve and Leylands Park, Burgess Hill.

To enforce these orders, officers authorised by the District Council can issue Fixed Penalty Notices (FPNs) of £75 to any offenders as an alternative to prosecution. The fine is reduced to £50 if payment is made within 10 working days. Failure to pay the FPN may result in prosecution with a maximum fine of £1000.

This Clean Neighbourhood and Environment Act is due to be succeeded by the Anti-Social Behaviour, Crime and Policing Act 2014. Under this new legislation, PSPOs will replace Dog Control Orders.

Once the PSPOs have been made, they will be valid for a period of three years, after which the Council must review the PSPOs, consult on any amendments or new PSPOs, and introduce any new PSPOs for a further three years.

5. Promoting Responsible Dog Ownership in Mid Sussex

Since implementing Dog Control Orders, the experience of officers is that the vast majority of dog walkers act responsibly when using the Council's land.

As a result of this, the Park Rangers have focused primarily on promoting responsible dog ownership, which has served to reassure site users and educate any potential offenders. When specific complaints are received, the Rangers are capable of responding with targeted enforcement activities, when and where appropriate.

There are 317 Council-owned sites currently covered by these orders. There are three Park Rangers (2 FTE) carrying out this work, in addition to their other duties.

Since the Council adopted its powers under the Clean Neighbourhood and Environment Act, there have been six FPNs served for Dog Fouling in the District. This serves as confirmation that the vast majority of dog walkers continue to act responsibly and that dog fouling is not prevalent in public spaces across the District. With this in mind, the current approach to promoting responsible dog ownership in Mid Sussex is deemed to be appropriate.

However, it should be noted that dog control measures remain an emotive issue with the public. Therefore, when applying this new legislation, the Council must find the balance between protecting public spaces from misuse whilst not unfairly restricting the activities of dog walkers.

6. How Public Spaces Protection Orders Will be Applied in Mid Sussex

1. PSPOs will replace the existing Dog Control Orders which apply to the Council's Land. This will enable officers to take enforcement action (if necessary) under the Anti-Social Behaviour, Crime and Policing Act 2014.
2. The Council will also apply PSPOs to sites that have been adopted by MSDC since the previous legislation came in to force, so that all District Council landholdings are covered by the new legislation.
3. Following the successful trial at Bedelands Farm Local Nature Reserve, the Council will increase the number of sites where the Maximum Number of Dogs (6) order will apply. Maximum Number of Dogs (6) will be applied to the additional sites listed in paragraph 6.2 of this report.

6.1 Public Spaces Protection Orders - Maximum Number of Dogs (6)

When Dog Control Orders were introduced in Mid Sussex, the Council designated Bedelands Farm Local Nature Reserve, Burgess Hill with the Maximum Number of Dogs (6) order, as a trial.

This trial has been very successful in achieving a balance between protecting the natural environment of the Local Nature Reserve and allowing people with dogs access to the site.

Based on the successful trial at Bedelands Farm Local Nature Reserve, the decision was made to include a further 23 similar sites across the District.

These are typically larger sites which provide access from residential areas into woodland or open countryside and are thus very popular with dog walkers.

These sites include Local Nature Reserves and adjoining sites where it has been considered important to protect flora and fauna.

The remaining sites are larger sports grounds which are also popular with dog walkers, and typically where irresponsible dog walkers can present a hazard to those using the facilities.

6.2 Sites where PSPOs - Maximum Number of Dogs (6) will be applied:

- Bedelands Farm Local Nature Reserve
- Leylands Tip Site & Leylands Park Recreation Ground
- Grasmere Open Space
- Hammonds Ridge Meadows
- Nightingale Lane Meadows & Open Space
- Maltings Farm Open Space
- Eastlands Farm
- Malthouse Lane Meadows
- Pangdean Lane Meadows
- Ashplats & Holteye Track
- Farm Close Meadows
- Ashenground Wood Local Nature Reserve
- Blunts Wood & Paiges Meadow
- Catts Wood & Bolnore Wood Local Nature Reserve
- Four Acre Wood
- Hurst Farm
- Scrase Valley Local Nature Reserve
- Eastern Road Local Nature Reserve
- The Wilderness Field
- East Court Recreation Ground
- Whitemans Green Recreation Ground
- Scaynes Hill Recreation Ground

7. Consultation

A six-week consultation period was completed 14th August 2017. Officers provided comprehensive information about the PSPOs for the public to view, including detailed maps of the District Council land where the PSPOs will apply.

Prior to the consultation period, the Customer Service and Communications Team prepared press releases to emphasise the key messages to the public. The Contact Centre were briefed to answer any enquiries from the public and the Council's social media channels were utilised to promote the key messages.

The Emergency Planning & Outdoor Services Manager briefed the Town & Parish Councils at the Communications Meeting held on 23rd March 2016. No concerns were expressed by those present about the District Council's proposed course of action in this regard.

In total, 30 responses were received during the consultation period. The majority of these were from individual members of the public but it should be noted that responses were also received from The Dogs Trust and The Kennel Club. Appendix 2 provides a summary.

Policy Context

8. The contents of this report support the Council's Main Purpose, to be an effective Council delivering value for money services and helping to create a strong economy, environment and community. The main purpose of this report is to ensure that the Council retains and enhances existing powers following a change in legislation.

Other Options Considered

9. None

Financial Implications

10. This report contains no financial implications.

Risk Management Implications

11. None.

Equality and Customer Service Implications

12. Some of those responding to the consultation made particular reference to the emergence of commercial dog walking companies and commented on their use of public land for this purpose. Officers have commented that in the vast majority of cases, commercial dog walkers are providing a professional service to residents of Mid Sussex, whose dogs would otherwise be walked on public land. The Kennel Club is currently developing a National Code of Practice for Commercial Dog Walking. Once this new Code of Practice is launched, the Park Rangers will review it and see if it can be applied in Mid Sussex to complement the Council's approach to Dog Control. The Council must treat customers equitably in this regard and when applying this legislation, there should be no discrimination between commercial dog walkers and private individuals.

Other Material Implications

13. This report covers the adoption of Public Spaces Protection Orders in relation to Dog Control, as applied by the Council's Outdoor Services Team. Any further application of this legislation by the District Council will be subject to a separate report.

Background Papers

Appendix 1 Public Spaces Protection Orders

Appendix 2 Summary of consultation responses

6a. The Public Spaces Protection Order (Mid Sussex District Council) 2017

Mid Sussex District Council (“the Authority”) has made the following Public Spaces Protection Order under Chapter 2 section 59-75 of the Anti-Social Behaviour, Crime and Policy Act 2014 (“the Act”).

Mid Sussex District Council being satisfied that dog faeces which is not immediately removed from land has a detrimental effect on the quality of life of the general public and the public health implications of dog faeces is well documented hereby makes the following Dog Fouling Order:

The Order comes into force on 2017 for a period of 3 years.

In this Order an “Authorised Officer” means an employee of the Authority or a Town or Parish Council Officer who is authorised in writing by the Authority for the purposes of giving directions under this Order, together with any Police Constable or PCSO (Police Community Support Officer).

Offences

1. Dog Fouling.

- 1.1 This clause applies to land specified in Schedule of Land – Schedule 1 attached to this Order.
- 1.2 If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so
- 1.3 If a person who is in charge of a dog does not have or produce when requested by an Authorised Officer a receptacle for picking up dog faeces, that person shall be guilty of an offence.
- 1.4 A Receptacle is defined as any object capable of holding faeces for disposal.
- 1.5 Placing the receptacle containing the faeces in a bin on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.
- 1.6 Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
- 1.7 Nothing in clause 1 applies to a person who –
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in

respect of a dog trained by a prescribed charity and upon which he relies for assistance.

1.8 For the purposes of clause 1 –

- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
- (b) each of the following is a “prescribed charity” –
 - (i) Dogs for the Disabled (Registered Charity Number 700454);
 - (ii) Support Dogs (Registered Charity Number 1088281);
 - (iii) Canine Partners for Independence (Registered Charity Number 803680)
 - (iv) Dog A.I.D (Registered Charity Number 1098619)
 - (v) Medical Detection Dogs (Registered Charity Number 1124533)

Penalty

1.7 A person who is guilty of an offence under clause 1 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
MID SUSSEX DISTRICT COUNCIL

This day of 2017

In the presence of

Authorised Officer:

SCHEDULE OF LAND – SCHEDULE 1

This Order applies to all land in the administrative area of Mid Sussex District Council that is open to the air to which the public are entitled or permitted to have access (with or without payment).
MSDC land which is covered can be seen in the plans attached to this Schedule.

For the purposes of this Schedule, land which is covered is to be treated as land which is ‘open to air’ if it is open to the air on at least one side

The Public Spaces Protection Order (Mid Sussex District Council) 2017

Mid Sussex District Council (“the Authority”) has made the following Public Spaces Protection Order under Chapter 2 section 59-75 of the Anti-Social Behaviour, Crime and Policy Act 2014 (“the Act”).

Mid Sussex District Council being satisfied that dogs in the land designated in the Schedule of Land – schedule 2 attached to this Order may cause danger to themselves danger nuisance annoyance or disturbance to persons damage property the worrying or disturbance of other animals or birds or harm to public health which has or which is likely to have a detrimental effect on the quality of life of those in the locality hereby makes the following Dog Exclusion Order:

The Order comes into force on 2017 for a period of 3 years.

In this Order an “Authorised Officer” means an employee of the Authority or a Town or Parish Council Officer who is authorised in writing by the Authority for the purposes of giving directions under this Order, together with any Police Constable or PCSO (Police Community Support Officer).

2. Dog Exclusion

- 2.1 This Order applies to the land specified in the Schedule of Land – Schedule 2 attached to this Order
- 2.2. A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless –
 - (a) he has a reasonable excuse for doing so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specially) to his doing so.
- 2.3 Nothing in clause 2 applies to a person who –
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- 2.4 For the purposes of clause 2 –
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
 - (b) each of the following is a “prescribed charity” –

- (i) Dogs for the Disabled (Registered Charity Number 700454);
- (ii) Support Dogs (Registered Charity Number 1088281);
- (iii) Canine Partners for Independence (Registered Charity Number 803680)
- (iv) Dog A.I.D (Registered Charity Number 1098619)
- (v) Medical Detection Dogs (Registered Charity Number 1124533)

Penalty.

- 2.5 A person who is guilty of an offence under clause 2 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
MID SUSSEX DISTRICT COUNCIL

This day of 2017

In the presence of: -

Authorised Officer:

SCHEDULE OF LAND – SCHEDULE 2

This Order applies to all designated MSDC land. This includes fenced areas such as:

1. Childrens play areas
2. Tennis courts
3. Skate parks

The Public Spaces Protection Order (Mid Sussex District Council) 2017

Mid Sussex District Council ("the Authority") has made the following Public Spaces Protection Order under Chapter 2 section 59-75 of the Anti-Social Behaviour, Crime and Policy Act 2014 ("the Act").

Mid Sussex District Council being satisfied that although dogs should be permitted to have access to land where they can exercise off the lead, dogs may cause damage to property, nuisance and annoyance or disturbance to persons, or worrying or disturbance of other dogs, other animals or birds, which is likely to have a detrimental effect on the quality of life of those in the locality, hereby makes the following Dogs on Lead by Direction Order:

The Order comes into force on 2017 for a period of 3 years.

In this Order an "Authorised Officer" means an employee of the Authority or a Town or Parish Council Officer who is authorised in writing by the Authority for the purposes of giving directions under this Order, together with any Police Constable or PCSO (Police Community Support Officer).

3. Dogs on Lead by Direction.

- 3.1 This Order applies to the land specified in the Schedule of Land - Schedule 3 of this order.
- 3.2 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply
- With a direction given him by an Authorised Officer to put and keep the dog on a lead of not more than five (5) metres in length, unless –
- (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- 3.3 For the purposes of this clause –
- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) an Authorised Officer may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Penalty.

- 3.4 A person who is guilty of an offence under clause 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
MID SUSSEX DISTRICT COUNCIL

This day of 2017

In the presence of: -

Authorised Officer:

SCHEDULE OF LAND – SCHEDULE 3

This Order applies to all designated MSDC land.

The Public Spaces Protection Order (Mid Sussex District Council) 2017

Mid Sussex District Council ("the Authority") has made the following Public Spaces Protection Order under Chapter 2 section 59-75 of the Anti-Social Behaviour, Crime and Policy Act 2014 ("the Act").

The Authority being satisfied that a person cannot take more than 6 dogs onto the land described in Schedule of Land - Schedule 4 and the Authority seeks to protect the Land and public using the Land from damage and annoyance hereby makes the following Dogs Specified Maximum Amount Order:

The Order comes into force on 2017 for a period of 3 years.

In this Order an "Authorised Officer" means an employee of the Authority or a Town or Parish Council Officer who is authorised in writing by the Authority for the purposes of giving directions under this Order, together with any Police Constable or PCSO (Police Community Support Officer).

4. Dogs Specified Maximum Amount

- 4.1 This Order applies to the land specified in the Schedule of Land - Schedule 4 of this order
- 4.2 On land to which this Order applies, the maximum number of dogs which a person may take onto that land is six (6)
- 4.3 A person in charge of more than one dog shall be guilty of an offence if, at any time, he takes onto any land in respect of which this Order applies more than the maximum number of dogs specified in clause 3 of this Order, unless –
 - (a) he has a reasonable excuse for doing so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- 4.4 For the purposes of this clause a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

- 4.5 A person who is guilty of an offence under clause 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
MID SUSSEX DISTRICT COUNCIL
This day of 2017

In the presence of: -

Authorised Officer:

SCHEDULE OF LAND – Schedule 4

See Schedule of land
Plans attached to Schedule 4

The following sites are included in this schedule:

Bedelands Farm Local Nature Reserve
Leylands Tip Site & Leylands Recreation Ground
Grasmere Open Space
Hammonds Ridge Meadows
Nightingale Lane Meadows & Open Space
Maltings Farm Open Space
Eastlands Farm
Malthouse Lane Meadows
Pangdean Lane Meadows
Ashplats & Holteye Track
Farm Close Meadows
Ashenground Wood Local Nature Reserve
Blunts Wood & Paiges Meadow
Catts Wood & Bolnore Wood Local Nature Reserve
Four Acre Wood
Hurst Farm
Scrase Valley Local Nature Reserve
Eastern Road Local Nature Reserve
The Wilderness Field
East Court
Whitemans Green
Scaynes Hill

6b. PSPO Consultation Response Summary Aug 2017

28 responses + Dogs Trust & Kennel Club responses

	No comment	Agree	Disagree	Neither agree nor disagree, but gave other comment	Comments
Dog Fouling	### I	### ###		### ### II	<ul style="list-style-type: none"> • Need enforcement • Current DF regime not working • How many FPNs have been issued for DCOs? • Need more bins & more frequent emptying • Noticed an increase in fouling • Not clear if there will be enforcement on land not owned by MSDC, if not then PSPO highly ineffective • Police should be authorised to enforce
Dog Exclusion	### ### III	### IIII	I	###	<ul style="list-style-type: none"> • Need enforcement • Good to keep dogs out of children's play areas • Dogs that jump up should be kept on a lead in public spaces • Police should be authorised to enforce • Clearer signs needed for play areas • Dogs should not be excluded from anywhere, short leads for dogs in play areas (1 person)
Dogs on Lead by Direction	### ### ###	### II	I	###	<ul style="list-style-type: none"> • Need good recall/dog control • Need enforcement • Would like dogs on leads on sports or events grounds • Dogs on leads in nature reserves • Police should be authorised to enforce • HHTC offer their Community Warden to help enforce this • Only acceptable in a few places such as play areas

Dogs Specified Max Amount 6	III II		III III III II	III	<ul style="list-style-type: none"> • Need enforcement, Police should be authorised to enforce • 6 dogs is too many to control or clear up after • 6 dogs intimidating for other dog walkers, as well as non-dog walkers & children • 6 dogs too many for nature reserves • 2 or more dog walkers will be able to walk together with 12 dogs • Suggest 4 dogs max • Suggest 3 dogs max • Commercial dog walkers cause extra wear & tear on council owned sites. • Licensing for professional dog walkers • Testing & exemption for people to walk more than 6 dogs • Number of sites to which this applies should not be increased • The Kennel Club feel that an arbitrary maximum number of dogs is inappropriate. Capabilities will vary between individuals. Emphasis should be that all dogs are to be kept under control. • The Dogs Trust feel that the competency of the handler should be taken into consideration.
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7. Emergency Planning and Community Resilience

REPORT OF: Head of Corporate Resources
Contact Officer: Ben Toogood – Emergency Planning & Outdoor Services Manager
Email: ben.toogood@midsussex.gov.uk Tel: 01444 477379
Wards Affected: All
Key Decision: Yes / No
Report to: Scrutiny Committee for Community, Housing and Planning
Date of meeting 12th September 2017

Purpose of Report

1. The Scrutiny Committee for Community, Housing and Planning has requested a report to describe the Council's Emergency Planning arrangements and to define how the Council works in partnership with other responders in preparing for emergencies. The purpose of this report is to respond to this request and provide the Scrutiny Committee with an overview of the Council's Emergency Plans and to describe how the Council works in partnership to promote community resilience in Mid Sussex.

Summary

2. The Emergency Planning & Outdoor Services Manager is responsible for maintaining the Council's Emergency Plan, which is regularly reviewed, updated and published on the website. The Emergency Plan specifies the roles and responsibilities of key personnel should the Council be required to respond to a major incident. The plan is consistent with the approach taken by other Local Authorities in Sussex and has been validated by an emergency exercise within the last year.

Recommendations

3. **The Scrutiny Committee are recommended to:**
 - (i) **Note the contents of this report.**
-

Background

4. Recent events have highlighted the importance of the role that local authorities play in responding to and recovering from major emergencies. Whilst such incidents are rare, the Council must be prepared fulfil its duty to the community in this regard.
- 4.1 In the event of a major incident in Mid Sussex, the District Council will be expected to support the emergency services during the response and recovery phases, whilst continuing to deliver its essential services. Should an emergency occur outside of the District, the Council may also be asked to provide support to a neighbouring local authority, under a mutual aid agreement. To achieve the required level of preparedness, the Council has developed a robust set of Emergency Plans, which have been shared with local partners.

Legal Context

5. Local Authorities are defined Category One responders under the Civil Contingencies Act 2004.

Category One responders have seven statutory duties, these are to:

- assess the risk of emergencies occurring;
- make business continuity arrangements;
- conduct emergency planning;
- inform, warn and advise the public;
- co-operate with other agencies in resilience activities;
- share information;
- promote business continuity.

Partnership Working

6. The Civil Contingencies Act requires Category One responders to work together in order to fulfil these duties and the statutory guidance recommends that civil protection arrangements are planned and delivered by a multi-agency Local Resilience Forum. In Sussex this is known as the Sussex Resilience Forum (SRF).
- 6.1 The District Council is a member of the Sussex Resilience Forum (SRF) and pays an annual subscription of £1311.66 as a contribution towards its costs.
- 6.2 The SRF is hosted by Sussex Police who provide two full-time staff to co-ordinate resilience activities among the partners, liaise with central government and provide administrative support.
- 6.3 The Districts and Boroughs of West Sussex are currently represented on the SRF Executive by the Chief Executive of Chichester District Council.
- 6.4 The SRF oversees the production of the Sussex Community Risk Register, which categorises the risks in Sussex and states what is being done in mitigation.
- 6.5 The SRF forms working groups of emergency planning officers who are responsible for producing, reviewing and maintaining the County-wide emergency plans for the higher risks, such as pandemic flu and adverse weather.
- 6.6 The SRF also produces the Sussex Emergency Response and Recovery (SERR) Document which specifies the roles of each member organisation when responding to a major incident.

- 6.7 According to the SERR Document, in the event of a major incident, Local Authorities will be expected to:
- alert other Local Authorities and organisations
 - alert relevant internal departments
 - deploy liaison officers to relevant joint commands as requested
 - set up emergency control and co-ordination as necessary
 - collect, collate and disseminate information
 - alert voluntary organisations and co-ordinate their activities
 - provide a Strategic Officer to the Strategic Co-ordinating Group
 - set up and manage Rest Centres
 - arrange emergency feeding
 - organise transportation to Rest Centres
 - arrange temporary accommodation for any remaining evacuees after Rest Centres are stood down
- 6.8 Under the three-tier system of local government in West Sussex, WSCC take the lead on the majority of these roles. The main expectation of District and Borough Councils would be to deploy an Incident Liaison Officer and to set up and manage Rest Centres. The procedures held within the Council's Emergency Plan have been designed to meet this expectation.
- 6.9 The Emergency Planning Officers from all Sussex Local Authorities have come together to form the Sussex Local Authorities Emergency Planning Group (SLAEPG). This group meets four times per year and the intention is to share good practice and to ensure compliance with the relevant legislation and guidance. This group also oversees the production of the Memorandum of Understanding which covers the Mutual Aid arrangements between Councils.
- 6.10 In addition to SLAEPG, the Sussex and Surrey Cross-Border Liaison Group meets twice per year to share good practice in emergency planning and any learning from previous incidents and events. This group is made up of the emergency planning officers from Mid Sussex DC, Crawley BC, Horsham DC and WSCC who are joined by their counterparts from Tandridge DC, Mole Valley DC, Reigate and Banstead BC and Surrey CC. The group was initially formed to discuss the shared cross-border risks associated with Gatwick Airport and to ensure that emergency planning arrangements are joined up. One of the main benefits of the group is the establishment of close working relationships between these officers so that if any major emergency should occur, a strong support network is already in place.

Emergency Planning Arrangements

7. The District Council's Emergency Plan specifies the roles and responsibilities of the Emergency Management Team during the response to an emergency and gives guidance to the key officers on how to fulfil their roles, as an extension to their normal duties.

- 7.1 The Council has a trained Duty Emergency Officer who is on-call at all times. In addition to the Emergency Planning and Outdoor Services Manager, there are six trained Incident Liaison Officers who can attend incidents, brief key staff and co-ordinate the Council's response. Those acting as Incident Liaison Officers hold other day-to-day roles within Council services but are on-call to be re-deployed should an emergency occur.
- 7.2 The Emergency Planning and Outdoor Services Manager maintains a list of 45 buildings which can act as Rest Centres in Mid Sussex. Rest Centres are intended to provide emergency shelter for evacuees or uninjured survivors for up to 48 hours. Twelve officers have been trained as Rest Centre Managers and would be deployed to operate these facilities, should the need arise.
- 7.3 In the event of a major incident in Mid Sussex, it is likely that the Chief Executive will convene a meeting of the Council's Emergency Committee. The Committee consists of the Leader of the Council, the Deputy Leader & Cabinet Member for Resources & Economic Growth and the Cabinet Member for Community and its primary function is to keep Members informed about the incident.
- 7.4 The Sussex Warning and Informing Group (a sub-group of the SRF) have developed a multi-agency communications plan to stipulate how member organisations communicate during emergencies. During the response phase it is expected that the Police will take the lead role in communicating with the public, whilst during the recovery phase this role may fall to Local Authorities. The content of any statements will only be authorised once they have been agreed by all partners via the Strategic Co-ordinating Group. Suitably trained and briefed personnel will give statements to the media.
- 7.5 A major role for local authorities during emergency response and recovery will be coordinating the activities of voluntary sector organisations and individual volunteers. The Sussex Resilience Forum maintains excellent relations with the voluntary sector through the Sussex Community Resilience Partnership. This group maintains a list of contacts for each of the main organisations and details of their resources.
- 7.6 It is acknowledged that during times of emergency, local authorities can be overwhelmed with donations and offers of assistance from members of the community. In such circumstances, local authorities will be expected to manage donations and the activities of spontaneous volunteers. To this end, the District Council has developed an on-line form to record donations and facilitate the recruitment of spontaneous volunteers. This form can be published via the Council's website and social media channels to capture the required information from any volunteers and donors.
- 7.7 The Emergency Planning & Outdoor Services Manager maintains the Council's Business Continuity Plan, which provides a framework for Senior Management to make decisions should an incident cause disruption to services.
- 7.8 The Council also has a Severe Weather Plan which details the specific arrangements that are in place to enable officers to communicate and allocate resources when bad weather is expected to affect the District.
- 7.9 The Council's Emergency and Business Continuity Plans were most recently validated with an exercise on 4th October 2016.

- 7.10 Local authorities are expected to take the lead role in the recovery from major incidents, a process which can be ongoing for many years. These procedures are defined in the Sussex Resilience Forum's Recovery Plan. Depending on the severity of the incident, it is acknowledged that this can have significant resource implications for the local authorities involved.
- 7.11 In line with Cabinet Office guidance, the Chief Executives of all Sussex Local Authorities have signed a Mutual Aid Agreement to provide support to one another during times of emergency. Such support could include the provision of specialist officers (e.g. Emergency Planning, Environmental health, Building Control) to supplement those of an authority during the response or recovery phases.

Community Resilience

8. Community resilience activities are intended to prepare communities for emergencies, so that they can assist in a way that complements the activities of statutory responders. It is anticipated that local communities will take a lead role during the recovery process and the District Council would be expected to co-ordinate this in partnership with the County Council.
- 8.1 To help promote community resilience in Mid Sussex, the District Council hosts quarterly meetings of the Emergency Planning Liaison Group (EPLG).
- 8.2 The EPLG is chaired by the Cabinet Member for the Community. The group is made up of representatives from the local emergency responders and invites partners from all local Town and Parish Councils. Town and Parish Councils are normally represented by the Clerk and/or a Member from a relevant Committee.
- 8.3 The meetings provide a forum for partners to share information about any recent developments in emergency planning and report any concerns, noteworthy incidents or forthcoming events. Discussions regularly include severe weather planning, emerging risks, funding opportunities and any new initiatives or guidance from central government.
- 8.4 Attendance at this group is intended to help Town and Parish Councils to formulate their own emergency plans, so that they are able to respond appropriately to local incidents. Their involvement is expected to include providing local knowledge and resources, mobilising volunteers, supporting the provision of rest centres and driving the recovery process. The EPLG stages occasional desk-top exercises using emergency scenarios to test these plans.
- 8.5 The Mid Sussex EPLG has been acknowledged across West Sussex as an example of good practice in strengthening community resilience. Partners are given the opportunity to discuss local risks and develop their emergency plans in an open forum. This enables the community to be better prepared for emergencies and more able to complement response and recovery efforts.

Policy Context

9. Emergency Planning and Community Resilience relates to the District Council's Corporate Priorities, particularly in creating strong and resilient communities.

Financial Implications

10. This report has no financial implications.

Risk Management Implications

11. The UK National Risk Register for Civil Emergencies provides a resource to enable organisations to be prepared for emergencies. This document identifies and assesses the main risks faced by the UK and includes acts of terrorism as well as natural disasters, such as coastal flooding. The Cabinet Office is reviewing the current version of the UK National Risk Register and an update is expected in late 2017.
- 11.1 The Sussex Resilience Forum also produces a Risk Register for Sussex. In line with best practice, the District Council maintains a Community Risk Register that is specific to Mid Sussex. All of these documents identify the highest risks, whilst specifying the control measures that are in place and which organisation takes the lead role if an incident occurs.
- 11.2 The Council's Emergency and Business Continuity Plans have been designed to mitigate the identified risks as far as reasonably practicable.

Equality and Customer Service Implications

12. The report contains no implications for Equality or Customer Service.

Other Material Implications

13. An emergency can result in unexpected costs which have to be borne by the Council. This is anticipated in the Emergency Plan and there is system in place for the Head of Corporate Resources to oversee and record the expenditure incurred during an emergency.
- 13.1 When assisting in the response to a major incident, the District Council may be entitled to the reimbursement of certain costs under the Bellwin Scheme. To qualify, such costs must be incurred when the District Council takes immediate action to safeguard life or property or prevent suffering or severe inconvenience within Mid Sussex. The minimum spending threshold to activate the Bellwin Scheme is currently £32,378.
- 13.2 Examples of expenditure that would qualify for reimbursement via the Bellwin Scheme include, the hiring of vehicles, plant or equipment to commence salvage works, the cost of providing temporary accommodation, the cost of removing debris which causes a hazard and the cost of hiring temporary staff or contractors to assist with the response.

Background Papers

- Emergency Plans are available via the Council's website.

8. DISTRICT PLAN – MAIN MODIFICATIONS - PUBLIC CONSULTATION

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Lois Partridge
Email: lois.partridge@midsussex.gov.uk Tel: 01444 477322
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Housing and Planning
Date of meeting: 12th September 2017

Purpose of Report

1. The purpose of this report is to ask members to consider the proposed Main Modifications to the District Plan which the Inspector considers are required to make the Plan sound.
2. Members are asked to consider the schedule of proposed Main Modifications to the District Plan (set out in Appendix 1) in the context of an updated Sustainability Appraisal and Habitats Regulation Assessment and other supporting evidence.
3. Subject to the above consideration, the Committee is asked to recommend that the Council approves the schedule of Main Modifications, and that a public consultation on the Main Modifications and supporting technical documents takes place from 2nd October 2017 to 10th November 2017. Authorisation is also sought to submit these documents to the Planning Inspector following the consultation.

Summary

4. This report:
 - a) Outlines the technical work which supports the proposed Modifications;
 - b) outlines the proposed Main Modifications to the District Plan for consideration by Members;
 - c) Sets out the consultation arrangements.

Recommendations

5. **That the Scrutiny Committee recommends to Council that it:**
 - (i) **approves the proposed Main Modifications to the Mid Sussex District Plan 2014-2031 as set out in Appendix 1 for consultation in accordance with statutory requirements;**
 - (ii) **agrees to publish the updated Sustainability Appraisal, Habitats Regulations Assessment and Equalities Impact Assessment of the District Plan which accompany the proposed Main Modifications;**
 - (iii) **agrees that the proposed Main Modifications and consultation responses are submitted to the Inspector for consideration in the preparation of his Report into the Public Examination of the District Plan; and**
 - (iv) **authorises the Divisional Leader for Planning and the Economy, in consultation with the Cabinet Member for Planning, to make any further necessary minor amendments for purposes of clarification to the District Plan prior to the Plan's adoption.**

Background

6. At its meeting on 18 March 2015 the Council approved the Mid Sussex District Plan for pre-submission consultation and for submission to the Secretary of State for Public Examination purposes. Authority was also delegated to the Head of Economic Promotion and Planning, in consultation with the Cabinet Member for Planning, to make any necessary main or minor modifications to the District Plan through the examination process in order to help secure the Plan's soundness.
7. The hearings into the Plan commenced in November 2016. At the most recent Examination Hearings in the District Plan, which took place on 25th and 26th July 2017, the Inspector recommended that the Plan could proceed to adoption subject to a number of modifications.
8. Since that time, officers have been working to address the Inspector's comments through preparation of proposed Minor Modifications (covering factual changes and points of clarification) and proposed Main Modifications (recommended by the Inspector to make the Plan sound/legally compliant).
9. A range of technical work has been carried out to support the proposed Main Modifications. This includes the Sustainability Appraisal, Habitats Regulations Assessment, further transport modelling, and the preparation of an Equalities Impact Assessment. These technical studies will be published alongside the proposed Main Modifications, as part of the public consultation.
10. In addition, the Council has met with Highways England, West Sussex County Council and adjoining local authorities through the ongoing Duty to Co-operate.
11. A schedule of the proposed Main Modifications is set out in Appendix 1.

Proposed Modifications

12. Although Main Modifications have been proposed for a number of Policies in the Plan following the outcome of the Hearings, those of strategic significance are summarised below.
13. **Policy DP2 – Sustainable Economic Development** – has been amended to reduce the extent of the strategic employment allocation at Burgess Hill from 30ha to 25ha with the 5ha contributing towards the housing allocation of the Northern Arc proposals. Consequential amendments have been proposed to Policy DP9 to reflect this.
14. **Policy DP5 – Housing** – has been amended to make provision for the increased housing numbers and the stepped housing trajectory requested by the Inspector. The Plan therefore makes provision for 876 dwellings per annum to 2023/2024, and, subject to the outcomes of Habitats Regulations Assessment, for 1,090 dwellings per annum thereafter to 2031. Further to the Hearings and in light of the Duty to Co-operate, discussions are ongoing with Horsham and Crawley regarding the implications of the approach regarding housing provision. Agreement on the text to this policy is being sought with Crawley and Horsham.
15. **Policy DP5a – Planning to meet future housing need** – is a new policy which has been added to strengthen the Council's commitment to working with the other authorities in the Housing Market Area, and with Coastal West Sussex and the Greater Brighton Strategic Planning Board.

16. **Policy DP6 – Settlement Hierarchy** - has been amended to include support for development of fewer than 10 dwellings and to ensure that proposals do not represent under development of a site. The Policy also sets out the minimal housing requirement for each settlement.
17. At the Examination, the Inspector asked the Council to consider whether Policy DP6 could be further amended to strengthen the Council's five year housing land supply. Officers have considered the Inspector's suggestion. However, the fundamental philosophy behind the Plan is to provide strategic sites that can support appropriate infrastructure, therefore the District Plan allocates strategic sites of 500 or more units. Any changes in policy to enable further development and improve the five year housing land supply position should comply with the fundamental principles of the Plan.
18. Therefore rather than amending Policy DP6 to enable larger sites to come forward as extensions to settlements (town and village), it is proposed that a further strategic site is allocated, providing start on site is within the first five years of the plan. At this stage Officers are reviewing a range of possible sites and undertaking necessary technical work to assess deliverability. This work takes time and Officers are working very hard to complete the work. As soon as the work is finalised Officers will circulate a further Modification to Members of the Committee in advance of the Committee meeting.
19. **Policy DP19 – Transport** has been amended to ensure that development which generates significant amounts of movements is supported by a Transport Assessment or Transport Statement.
20. **Policy DP24a – Housing Density** – the Inspector has requested that this Policy is deleted on the basis that it is too prescriptive. However, a reference to 'optimising' capacity of sites is included in Policy DP24 on Design and Character.

Consultation Arrangements and Next Steps

21. Following approval of the proposed Main Modifications the Council is required to carry out a six week period of consultation. This will start on 2 October and will run until 10 November. Comments can only be made at this stage to the proposed Main Modifications. This is not an opportunity to re-open consideration of other aspects of the Plan.
22. The Council will collate all the responses and then submit these with the proposed Main and Minor Modifications to the Inspector to take into account in writing his report. It is anticipated that this may take until the end of November.
23. On the basis of this timeline it is likely that the Inspector will submit his final report to the Council in early January 2018.

Other Options Considered

24. In developing the proposed Main Modifications, officers have considered a range of options. Officers recommend that the Modifications as presented will provide a positive framework for development, and make a Plan which is sound and legally compliant.

Financial Implications

25. Consideration of the issues raised in this report at this stage should enable the District Plan to progress to examination.

Risk Management Implications

26. If the District Plan is not adopted, the Council will not have a Plan-led system, and will not be able to demonstrate a five year housing land supply, which will mean it is vulnerable to continued speculative applications for development.

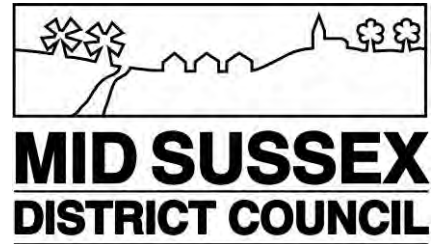
Equality and Customer Service Implications

27. The revised Equalities Impact Assessment confirms that there are no specific implications to consider on these grounds.

Other Material Implications

28. There are no other material implications.

Appendix 1: Schedule of proposed Main Modifications



Mid Sussex District Plan 2014 – 2031

BP1b: Schedule of Main Modifications

September 2017

Mid Sussex District Plan - Schedule of Main Modifications

Main Modifications

Following hearing sessions held to examine the soundness of the Mid Sussex District Plan, the Inspector has indicated that a number of modifications are required in order for the Plan to be found 'sound'. These have been set out in examination documents ref MSDC8a-8d and MSDC20.

The following schedule sets out a list of Main Modifications. These modifications are required for soundness, and as such are subject to public consultation for six weeks.

The schedule shows:

Mod Ref. #: Reference number for the modification which should be quoted when responding during consultation

Plan Text: A modification made to the main body of text within the District Plan (Chapters 1-3, 5), usually consequential changes which need to be made in order to be consistent with revisions to policies.

Supporting Text: Modification to supporting text, i.e. the text provided immediately before/after a policy to provide context

Policy Text: Modification to the policy text itself.

Modifications are shown as underlined for additions to the text, and ~~striketrough~~ as deletions. Only the modifications shown in the schedule are subject to consultation. Where [...] is shown, this indicates that text precedes/follows the text subject to main modification, but is not repeated in the schedule for brevity (and because it is unchanged and therefore not subject to consultation).

A full 'tracked change' version and 'clean' version of the District Plan incorporating all modifications (both minor and main) can be downloaded from the District Plan web page at xxx.

Consultation

The Inspector is inviting comments on Main Modifications. The consultation will run for 6 weeks, from **2nd October to 10th November 2017**. Copies will be available online and at all deposit point. Please ensure the Modification reference number(s) are quoted in your response.

Responses can be submitted using:

Online: eForm available at www.midsussex.gov.uk/districtplan

Email: LDFconsultation@midsussex.gov.uk

Post:

Planning Policy and Economic Development
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

All responses will be forwarded to the Inspector who will consider them when writing the final Inspector's Report.

Further updates will be communicated at www.midsussex.gov.uk/districtplan

Schedule of Main Modifications

DP1: Sustainable Development in Mid Sussex	
Mod Ref. #:	MM01
Reason for Modification:	Policy deleted to ensure soundness – see ID8, ID9 and MSDC8. Core objectives for sustainable development moved to Chapter 2
Plan Text:	<p>Paragraph 2.13</p> <p><u>The District Plan seeks to achieve sustainable development in accordance with paragraph 10 of the National Planning Policy Framework, which requires Plans to take local circumstances into account so that they respond to the opportunities for achieving sustainable development.</u></p> <p><u>In Mid Sussex, sustainable development means that which:</u></p> <p><u>Social</u></p> <ul style="list-style-type: none"> <u>• improves quality of life, wellbeing and the conditions in which people live, work, travel and take leisure;</u> <u>• provides housing that meets the needs of present and future generations in locations that are consistent with other policies in the Plan;</u> <u>• contributes to the creation of balanced communities that meet the needs of all residents with appropriate infrastructure and public facilities that are accessible to all;</u> <u>• increases the opportunity for people to spend more time within their communities so they can build stronger relationships with neighbours, leading to safe and socially inclusive places with a greater sense of social responsibility;</u> <u>• increases opportunities to walk, cycle or use public transport, including as part of the green infrastructure network;</u> <p><u>Economic</u></p> <ul style="list-style-type: none"> <u>• supports the local economy in both towns and villages and in rural areas;</u> <u>• creates jobs in towns and villages, minimises the need to travel to other areas for employment and gives people the opportunity to access jobs, shops and leisure facilities close to home;</u> <p><u>Environmental</u></p> <ul style="list-style-type: none"> <u>• protects, enhances, restores and utilises natural and environmental assets, including special protections for irreplaceable habitats;</u> <u>• respects the intrinsic character and beauty of the countryside;</u> <u>• maximises the use of previously developed land and buildings within the built-up areas and reduces the environmental</u>

	<p><u>impacts of development; and</u></p> <ul style="list-style-type: none"> • <u>reflects the need to adapt to the impacts of climate change.</u>
Supporting Text:	<p>Policy DP1 promotes economic, social and environmental gains through development based on the aims of the Mid Sussex Partnership's Sustainable Communities Strategy (2008-2018). These cannot be achieved in isolation because they are mutually dependent. People who live and work within the community are more likely to spend money in local shops and businesses and build local supply chains. Improving sustainable transport choices can have a positive impact on quality of life, public health, minimising the impacts of climate change, reducing congestion and enhancing people's spending power. Opportunities to build safe and socially inclusive places can improve community cohesion and quality of life.</p> <p>The District Plan seeks to achieve sustainable development in accordance with paragraph 10 of the National Planning Policy Framework, which requires Plans to take local circumstances into account so that they respond to the opportunities for achieving sustainable development.</p>
Policy Text:	<p>When considering planning applications, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (paragraphs 14 and 15). In doing so, it will respond to opportunities to meet economic, environmental and social needs, each strand treated equally. In Mid Sussex, sustainable development means that which:</p> <p><u>Social</u></p> <ul style="list-style-type: none"> • improves quality of life, wellbeing and the conditions in which people live, work, travel and take leisure; • provides housing that meets the needs of present and future generations in locations that are consistent with other policies in the Plan; • contributes to the creation of balanced communities that meet the needs of all residents with appropriate infrastructure and public facilities that are accessible to all; • increases the opportunity for people to spend more time within their communities so they can build stronger relationships with neighbours, leading to safe and socially inclusive places with a greater sense of social responsibility; • increases opportunities to walk, cycle or use public transport, including as part of the green infrastructure network; <p><u>Economic</u></p> <ul style="list-style-type: none"> • supports the local economy in both towns and villages and in rural areas; • creates jobs in towns and villages, minimises the need to travel to other areas for employment and gives people the

	<p>opportunity to access jobs, shops and leisure facilities close to home;</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> protects, enhances, restores and utilises natural and environmental assets, including special protections for irreplaceable habitats; respects the intrinsic character and beauty of the countryside; maximises the use of previously developed land and buildings within the built-up areas and reduces the environmental impacts of development; and reflects the need to adapt to the impacts of climate change.
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DP2: Sustainable Economic Development	
Mod Ref.#:	MM02
Reason for Modification:	<p><u>Further Amendments (August 2016):</u> To reflect the job number output from the latest POPGROUP modelling.</p> <p>To make changes in line with the findings of the Science and Technology Park: Potential Locations Assessment</p> <p><u>Examination Amendments:</u> Amended in accordance with MSDC8a.</p>
Plan Text:	No changes to plan text.
Supporting Text:	<p>[...]</p> <p>The level of housing growth proposed in Policy DP5: Housing would result in the need to create an average of <u>330 543</u> new jobs per year to accommodate the increased workforce. <u>This is in line with the findings of the Economic Growth Assessment.</u></p> <p>[...]</p> <p>The Coast to Capital Strategic Economic Plan (2014) supports <u>both</u> the business park proposal and <u>the</u> proposals for a high quality Science and Technology Park¹, <u>the latter</u> creating 100,000m² of employment floorspace and 2,500 new jobs (around 50% of which would be for new graduates). The Strategic Economic Plan (page 50) states that provision of these developments “will create more sustainable communities within Mid Sussex by improving job prospects within the District and reducing the need for commuting”.</p> <p>[...]</p>

¹ The UK Science Park Association (UKSPA) describes a Science Park as “a business support environment that encourages and supports the start-up, incubation and development of innovation-led, high-growth, knowledge-based businesses. Initiatives called by other names such as Research Park, Innovation Centre, Technology Park, Technopole or technology-based Incubator – where they aspire to meet the essential criteria set out above - are also included within the definition.”

<p>Policy Text:</p>	<p>The total number of additional jobs required within the district over the plan period is estimated to be an average of 330 543 jobs per year. This will be achieved by:</p> <ul style="list-style-type: none"> • Encouraging high quality development of land and premises to meet the needs of 21st century businesses; • Supporting existing businesses, and allowing them room to expand; • Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; • Seeking the provision of appropriate infrastructure to support business growth – in particular high speed broadband connections. <p>Provision for new employment land and premises will be made by:</p> <ul style="list-style-type: none"> • Allocating 25 30 hectares of land as a high quality business park at Burgess Hill to the east of Cuckfield Road; • <u>Allocating further sites within the Site Allocations DPD;</u> • Incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate; and • Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies). <p>The development of a <u>sScience</u> and <u>Ttechnology</u> <u>pPark</u>¹ has been proposed to support research and development and provide <u>high quality</u> employment for the wider area. The Coast to Capital Strategic Economic Plan identifies a broad location to the west of Burgess Hill. This broad location is indicated on the Policies Map. The Council would consider any such proposals taking into account:</p> <ul style="list-style-type: none"> • <u>how the proposal demonstrates that it</u> would contribute to meeting the overall objectives of this policy; • <u>how the proposal demonstrates that the development would comprise uses falling within the definition of a 'Science Park' as set out by the UK Science Park Association, alongside appropriate ancillary uses required to serve the development and its employees;</u> • how the proposal would secure the objectives of Policy DP19: Transport, particularly in terms of delivering sustainable transport; <u>and</u> • <u>the wider impact on the environment and the surrounding area.</u> • <u>the identification of and response to environmental, ecological and landscape constraints on and around the site and how the proposal demonstrates that it would achieve a high quality of design, layout, ecological protection and enhancement, and landscaping to address the objectives of Policies DP24: Character and Design, DP36: Trees,</u>
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	Woodland and Hedgerows, DP37: Biodiversity and DP38: Green Infrastructure [...]
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DP3: Town Centre Development	
Mod Ref. #:	MM03
Reason for Modification:	<p><u>Further Amendments (August 2016):</u> To ensure the policy's supporting text is consistent with the Mid Sussex Retail Study Update 2016.</p> <p><u>Examination Amendments:</u> Amended in accordance with MSDC8a. No amendment to policy text - definition of Neighbourhood Centre/Local Centre added to the Glossary.</p>
Plan Text:	No changes to plan text.
Supporting Text:	<p>The Mid Sussex District Council Retail Study (September 2008, updated November 2014 and May 2016) indicated that while the three towns are performing reasonably well as shopping destinations, they are not meeting their full potential, with a need to improve their attractiveness to minimise competition from other towns outside the District.</p> <p>The Retail Study Update 20142016 found that for convenience goods, there is no district-wide capacity for new retail floorspace until 2024 over the Plan period until 2031 as the supermarket permitted as part of the Haywards Heath railway station redevelopment will effectively 'soak up' any quantitative need for new retail floorspace over the short/medium term. Over the Plan period until 2031, the study found that there is a forecast capacity for 2,475m² net of new convenience goods floorspace, the majority of which should be directed towards Burgess Hill and East Grinstead.</p> <p>For comparison goods, the study forecasts that there is no short to medium term capacity (up to 2025) as a result of planned new comparison retail floorspace, particularly due to the new retail schemes in Haywards Heath (the station redevelopment) and Burgess Hill (The Martlets redevelopment) quantitative need for new retail floorspace of 13,689m² net by 2031. However, capacity for new floorspace emerges towards the end of the forecast period in 2029 for 5,781m² net, and is forecast to increase to 8,643m² by 2031. This capacity is fairly evenly distributed between Haywards Heath (3,675 3,558m²), Burgess Hill (396 5,156m²) and East Grinstead (4,254 4,463m²). There is more limited capacity forecast for Hassocks, Hurstpierpoint and the district's other main village centres (525 512m²). Because of this lack of there are redevelopment schemes in the pipeline for all three of the town centres which are likely to more than 'mop up' the quantitative need for new floorspace until 2029 and the prospect of town centre redevelopment in East Grinstead by 2031, it is not considered necessary to include specific targets for retail floorspace within the policy.</p>
Policy Text:	<p>[...]</p> <p><u>Sequential Test for Town Centre Uses</u></p> <p>A sequential test must be applied to planning applications for main town centre uses that are not in an existing</p>

	<p>centre and are not in accordance with the District Plan and the relevant Neighbourhood Plan. The sequential test will require:</p> <ul style="list-style-type: none"> • Applications for main town centre uses to be located in town centres; or, if suitable sites are not available • In edge of centre locations where the site is accessible and well connected to the town centre; or, if suitable sites are not available • At accessible out of centre sites that are well connected to the town centre <p>Where an application fails to satisfy the sequential test, or fails to meet other requirements of this policy, it should be refused.</p> <p><u>For the purposes of the sequential test, Neighbourhood Centres do not perform the same function as Town Centres. Proposals in Neighbourhoods should reflect their role in meeting the day to day needs of the local community.</u></p> <p>[...]</p>
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DP5: Housing	
Mod Ref. #:	MM04
Reason for Modification:	Amended in accordance with MSDC20. Neighbourhood Plan Strategy and housing distribution to Parishes moved to DP6: Settlement Hierarchy to improve readability.
Plan Text:	<p>Paragraph 3.11</p> <p>The most recent Department for Communities and Local Government (DCLG) district-level household projections for the period to 2037<u>2039</u> were published in February 2015<u>July 2016</u>. These project that an average of 656<u>671</u> new households will be formed each year over the plan period 2014-2031. The Planning Practice Guidance (PPG) indicates that these household projections should provide the starting point for the estimate of overall housing need. The DCLG projections have been subjected to sensitivity testing using development-industry recognised POPGROUP modelling software. Using this methodology maintains the robustness of the DCLG projections such that an objective assessment of the district's housing need of 656<u>671</u> homes per year is produced. It should be noted that approximately 1% of this figure (or 67 dwellings per annum) relates to the South Downs National Park which is outside the Plan area.</p> <p>Paragraph 3.12</p> <p>The PPG advises that housing need numbers suggested by household projections should be adjusted if market signals or other market indicators point to an imbalance between the supply and demand for housing. The evidence and other factors detailed in the HEDNA Update (November 2015) conclude that it would be appropriate to make an adjustment in the form of an uplift of 2.3% (or 4516 dwellings per year) in response to vacancies. This results in a baseline Objectively Assessed Need (OAN) figure of 671 dwellings per year. In addition, the HEDNA Update concludes that it would be justified to uplift the OAN by 24 dwellings per annum</p>

	<p>in response to market signals analysis and the need to improve affordability for the younger age groups. This produces an OAN figure for Mid Sussex of, the examination of the District Plan identified that an uplift of 20% (146dpa) should be applied to account for 'market signals' in accordance with Planning Practice Guidance. This establishes the Objectively Assessed Need for Mid Sussex as 695876 dwellings per year.</p> <p>Paragraph 3.17 The District Plan Sustainability Appraisal appraised a number of plan provision options, and determined that 800 dwellings per year represents the 'tipping point' where the negative environmental effects of new development are not outweighed by positive social effects. Housing provision above this would lead to environmental effects that would not be outweighed by positive benefits. Therefore, the maximum plan provision figure that could be delivered sustainably in Mid Sussex is 800 homes per annum (or 13,600 for the period 2014–2031).</p> <p>Paragraph 3.18 The consequence of this proposed provision figure and the latest DCLG 20122014-based household projections, adjusted to take account of vacancies and market signals, is that Mid Sussex is able to contribute 405 dwellings per year approximately 1,500 dwellings -towards meeting neighbouring authorities' housing needs. -These would principally be directedThe evidence indicates that any supply in excess of local need is most likely to Crawley, be absorbed by those authorities which is withinhave the same housing market areastrongest economic and has been found to have an unmet need of approximately 5,000 dwellings over its plan period 2014–2031-functional links with Mid Sussex. The employment space needs of neighbouring councils are addressed in the preamble to Policy DP2: Economic Development.</p> <p>Paragraph 3.42 As noted above, the Plan's housing provision includes a contribution of 105 dwellings per year of approximately 1,500 dwellings towards the unmet needs of neighbouring authorities, and the strategic allocation at Pease Pottage is proposed as a direct response to those of Crawley Borough Council.</p>
Supporting Text:	<p>NOTE: Due to the number of changes to this policy as a result of the examination, this policy is shown 'clean' (i.e. with no track changes) for ease of reading.</p> <p>The Objectively Assessed Need (OAN) for housing has been established as 14,892 (an average of 876 dwellings per annum). This OAN reflects household projections for the district and an uplift of 20% to improve affordability (the evidence that underpins this figure is explained in Chapter 3 under 'Meeting Housing Needs').</p> <p>The District Plan sets a minimum housing provision figure of 16,390 homes in the 17-year period 2014 – 2031 to meet the OAN as well as contributing towards the unmet need of neighbouring authorities, primarily the unmet need arising in the Northern West Sussex Housing Market Area from Crawley. For the purposes of calculating the 5 year supply a 'stepped trajectory' will be applied through the calculation of a 5-year rolling average. The annual provision in this stepped trajectory is 876 dwellings per annum (dpa)</p>

for years 2014/15 until 2023/24 and thereafter, from 1st April 2024 1,090 dpa until 2030/31.

In conformity with the National Planning Policy Framework (Paragraph 47) the plan makes provision for a five year supply of housing with an additional 20% buffer to safeguard against under-delivery. The Council will work to maintain a rolling five year supply against the need suggested by the stepped trajectory. The status of the 5 year supply and the housing trajectory is initially set out in the evidence base for the plan and will subsequently be published in the Annual Monitoring Report (AMR).

The start date of the Plan is 1st April 2014. A total of 2,410 new homes (dwellings) were built between 1st April 2014 and 31st March 2017. As at 1st April 2017, there were 7,091 commitments within the planning process. Some 3,500 new homes will be delivered as part of the strategic development to the north and northwest of Burgess Hill. This leaves sites for a minimum of 3,389 dwellings to be delivered through further site allocations or windfalls.

The spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath. A smaller-scale development is allocated in this plan and was granted outline planning permission in 2016 at Pease Pottage as a contribution towards meeting the needs of the Northern West Sussex Housing Market Area. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages. These will also aim to support economic, infrastructure and social needs whilst maintaining the settlement pattern and protecting the quality of the rural and landscape character of the District.

The National Planning Policy Framework allows local planning authorities to make an allowance for windfall sites in the housing supply if there is compelling evidence to do so. A Windfall Study has been prepared to provide the evidence for such an allowance based on past delivery. This demonstrates that 45 units per year could be delivered on small windfall sites from year 6 of the Plan period onwards, providing a further 450 units. This allowance has been identified as a source of supply to meet the overall target. No allowance is made for large windfall sites to avoid double counting within the SHLAA.

The District Council will prepare a Site Allocations Development Plan Document (DPD). This will allocate non-strategic and strategic sites of any size over 5 dwellings (with no upper limit), in order to meet the remaining housing requirement over the rest of the Plan period as reflected in the 'stepped trajectory' of 876dpa until 2023/24 and 1,090dpa thereafter, and with the aim of maintaining a 5 year land supply to meet this requirement. Town and parish councils may also bring forward revisions to their Neighbourhood Plans.

In preparing the DPD, the Council will liaise with town and parish councils and undertake further consultation. The Council will also explore the potential to realise brownfield land housing capacity through the preparation of a Brownfield Sites register. The Council also intends to undertake a review of the Plan after the adoption of the Site Allocations DPD which will reconsider need and allocate further dwellings if required. This will be submitted to the Secretary of State in 2023.

The Habitats Regulations require that the competent authority (Mid Sussex District Council) assess the effects of land use plans on European sites to determine whether there will be likely significant effects (LSEs) on European sites as a result of the plan's implementation (either on its own or 'in combination' with other plans or projects). The European site of interest is Ashdown Forest,

	<p>which is located in neighbouring Wealden district.</p> <p>This plan has assessed the effects of its allocations together with Neighbourhood Plan allocations and an allowance for windfall sites to the period 2023/24, based on 876dpa. At the time of adoption there is insufficient available information about the nature and location of development being proposed to meet the step in trajectory to 1,090dpa.</p> <p>The Site Allocations DPD will aim to identify the nature, scale and location of development to meet the full plan requirement (inclusive of the uplift to 1,090dpa from 2024/25 onwards). As part of the preparation of the Site Allocations DPD, the Council will need to undertake further Habitats Regulations Assessment of identified housing sites for the rest of the plan period.</p> <p>While the Council reasonably anticipates that the uplift in housing growth to 1,090dpa will be possible without causing further harm to the integrity of the Ashdown Forest SAC, the level of future growth will depend on the identification of further allocations that do not cause further harm to the integrity of the SAC.</p> <p>The subsequent review of the plan, to be submitted in 2023, will also be subject to HRA.</p>										
Policy Text:	<p>The District's OAN is 14,892 dwellings over the Plan period. Provision is also made of 1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area. There is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031.</p> <p>The Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.</p> <p>The Council commits to commencing preparation of a Site Allocations DPD in 2017 to be adopted in 2020. The DPD will identify further sites which have capacity of 5 or more residential units. The Council will review the District Plan, starting in 2021, with submission to the Secretary of State in 2023.</p> <table border="1"> <tr> <td>District Plan minimum Requirement</td><td><u>16,390</u></td></tr> <tr> <td>Completions 2014/15</td><td><u>630</u></td></tr> <tr> <td>Completions 2015/16</td><td><u>868</u></td></tr> <tr> <td>Completions 2016/17</td><td><u>912</u></td></tr> <tr> <td>Total Housing Commitments (including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP9a)</td><td><u>7,091</u></td></tr> </table>	District Plan minimum Requirement	<u>16,390</u>	Completions 2014/15	<u>630</u>	Completions 2015/16	<u>868</u>	Completions 2016/17	<u>912</u>	Total Housing Commitments (including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP9a)	<u>7,091</u>
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	and allocations in made Neighbourhood Plans)		
	Strategic development north and north-west of Burgess Hill	<u>3,500</u>	
	Windfall Allowance	<u>450</u>	
	Elsewhere in the District, as allocated through future Neighbourhood Plans and the Site Allocations document	<u>2,939</u>	
	Spatial Distribution of Housing Requirement		
Settlement Category	Settlements	Minimum Requirement over Plan Period	Minimum Residual from 2017 onwards (accounting for completions and commitments)
1	Burgess Hill, East Grinstead, Haywards Heath	<u>10,718</u>	<u>1,337</u>
2	Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield	<u>2,923</u>	<u>1,256</u>
3	Albourne, Ardingly, Ashurst Wood, Balcombe, Bolney, Handcross, Horsted Keynes, Pease Pottage, Sayers Common, Scaynes Hill, Sharpthorne, Turners Hill and West Hoathly	<u>2,215</u>	<u>326</u>
4	Ansty, Staplefield, Slaugham, Twineham and Warninglid	<u>83</u>	<u>20</u>
5	Hamlets such as Birch Grove, Brook Street, Hickstead, Highbrook and Walstead	<u>N/A</u>	<u>N/A²</u>
Windfall:			
Total		<u>16,390</u>	<u>2,939</u>

² Assumed windfall growth only

A Housing Trajectory is set out in Appendix A. This will be updated annually through the Monitoring Report.

DP5a: Planning to meet Future Housing Need

Mod Ref. #:	MM05
Reason for Modification:	New policy in accordance with MSDC20.
Plan Text:	<p>Paragraph 3.41</p> <p>This will include exploring long term opportunities to work together with others to narrow the gap between the planned housing provision and the assessed needs of the wider area. <u>An example of such work is the refreshing of the Local Strategic Statement for Coastal West Sussex and Greater Brighton, which now includes Mid Sussex, agreed in January 2016.</u></p>
Supporting Text:	<p><u>The Council commits to working with the neighbouring authorities in the HMA to resolve unmet needs over the full plan period.</u></p> <p><u>The Council recognises that there is a shortfall of housing in the neighbouring coastal West Sussex area, caused in particular by the inability of Brighton & Hove, and some of the other coastal authorities, to meet their own needs. The level of unmet need is high and the Council is taking steps, with its neighbouring authorities and those in the sub-region, to address the issue. The scale of the issue requires a sub-regional response.</u></p> <p><u>The Council is a participant in the Coastal West Sussex and Greater Brighton Strategic Planning Board which is addressing the issue of unmet housing needs in the coastal area through the Local Strategic Statement 3 (LSS3). The Council will participate in that process.</u></p> <p><u>The LSS3 work is progressing and the Council has committed to support this work including financial support to commission the necessary associated evidence base material. The exact timing of the LSS process is difficult to predict but the Council is committed to a proactive role within it.</u></p>
Policy Text:	<p><u>DP5a: Planning to Meet Future Housing Need</u></p> <p><u>Strategic Objectives: All.</u></p> <p><u>Evidence Base: Burgess Hill: Strategic Housing Land Availability Assessment; Mid Sussex District Council Windfall Study; Housing and Economic Development Needs Assessment; Capacity of Mid Sussex District to Accommodate Development; Sustainability Assessment of Cross-boundary Options.</u></p> <p><u>The Council will continue to work under the ‘Duty-to-Cooperate’ with all other neighbouring local authorities on an ongoing basis to address the objectively assessed need for housing across the Housing Market Areas.</u></p>

The Council will work jointly and proactively with the Coastal West Sussex and Greater Brighton Strategic Planning Board to address unmet housing need in the sub region.

The Council's approach will ensure that sites are considered and planned for in a timely manner and will be tested through a robust plan-making process, as part of a review of the Plan starting in 2021, with submission to the Secretary of State in 2023.

DP6: Settlement Hierarchy

Mod Ref. #:	MM06																
Reason for Modification:	Amended in accordance with MSDC8c. Neighbourhood Plan Strategy and housing distribution to Parishes moved from DP5: Housing to improve readability.																
Plan Text:	No changes to plan text.																
Supporting Text:	<p><u>Neighbourhood Plan Strategy</u></p> <p><u>The preparation of Neighbourhood Plans is a part of the strategy for the delivery of housing. Twenty Neighbourhood Plan Areas have been designated in Mid Sussex, covering all of the Towns and Parishes within the District Plan Area. As at April 2017, 16 of these plans have been 'made'. The adopted Neighbourhood Plans have contributed 1,770 new dwellings to the housing supply, with many of these allocations delivering completions during the first 5 years.</u></p> <p><u>The following table gives clarity between the District housing requirement and the role of individual Neighbourhood Plans in meeting this. It shows the minimum residual amount of development for each settlement over the rest of the plan period, as at April 2017.</u></p> <p><u>During the life of the plan it is likely that the settlement requirements will need to change in response to:</u></p> <ul style="list-style-type: none"> <u>The allocation of additional sites by the District Council</u> <u>Under or over-delivery by settlements – albeit the figures are assumed to be minima</u> <u>The identification of future constraints</u> <p><u>Therefore this position will be updated annually within the Authority Monitoring Report (AMR).</u></p> <table border="1"> <thead> <tr> <th><u>Cat.</u></th><th><u>Settlement</u></th><th><u>Minimum Requirement over</u></th><th><u>Minimum Requirement</u></th><th><u>Commitments³ / Completions</u></th><th><u>Minimum Residual from</u></th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>					<u>Cat.</u>	<u>Settlement</u>	<u>Minimum Requirement over</u>	<u>Minimum Requirement</u>	<u>Commitments³ / Completions</u>	<u>Minimum Residual from</u>						
<u>Cat.</u>	<u>Settlement</u>	<u>Minimum Requirement over</u>	<u>Minimum Requirement</u>	<u>Commitments³ / Completions</u>	<u>Minimum Residual from</u>												

³ Commitments here defined as Allocations within the District Plan, Neighbourhood Plans, Small Scale Housing Allocations DPD (2008) and planning permissions.

			<u>Plan Period</u> <u>(Based on stepped</u> <u>trajectory)</u>	<u>to 2023/24</u> <u>(Based on</u> <u>876dpa)</u>	<u>(as at April 1st</u> <u>2017)</u>	<u>2017 onwards</u> <u>(accounting for</u> <u>commitments and</u> <u>completions)</u>
	1	<u>Burgess Hill</u>	<u>5,697</u>	<u>3,351</u>	<u>5,697</u>	<u>0</u>
		<u>East Grinstead</u>	<u>2,503</u>	<u>1,115</u>	<u>1,300</u>	<u>1,204</u>
		<u>Haywards Heath</u>	<u>2,518</u>	<u>1,403</u>	<u>2,385</u>	<u>133</u>
	2	<u>Cuckfield</u>	<u>331</u>	<u>141</u>	<u>120</u>	<u>211</u>
		<u>Hassocks</u>	<u>757</u>	<u>336</u>	<u>382</u>	<u>375</u>
		<u>Hurstpierpoint</u>	<u>359</u>	<u>211</u>	<u>359</u>	<u>0</u>
		<u>Lindfield⁴</u>	<u>598</u>	<u>235</u>	<u>31</u>	<u>567</u>
		<u>Copthorne⁵</u>	<u>439</u>	<u>228</u>	<u>388</u>	<u>51</u>
		<u>Crawley Down⁴</u>	<u>439</u>	<u>228</u>	<u>388</u>	<u>51</u>
	3	<u>Albourne</u>	<u>59</u>	<u>25</u>	<u>16</u>	<u>43</u>
		<u>Ardingly</u>	<u>74</u>	<u>34</u>	<u>44</u>	<u>31</u>
		<u>Ashurst Wood</u>	<u>102</u>	<u>60</u>	<u>102</u>	<u>0</u>
		<u>Balcombe</u>	<u>81</u>	<u>37</u>	<u>49</u>	<u>32</u>
		<u>Bolney</u>	<u>115</u>	<u>52</u>	<u>64</u>	<u>51</u>
		<u>Handcross⁴</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
		<u>Horsted Keynes</u>	<u>72</u>	<u>29</u>	<u>16</u>	<u>55</u>
		<u>Pease Pottage⁶</u>	<u>929</u>	<u>546</u>	<u>929</u>	<u>0</u>
		<u>Sayers Common</u>	<u>64</u>	<u>29</u>	<u>40</u>	<u>24</u>
		<u>Scaynes Hill³</u>	<u>462</u>	<u>272</u>	<u>462</u>	<u>0</u>
		<u>Turners Hill</u>	<u>170</u>	<u>76</u>	<u>96</u>	<u>74</u>
		<u>West Hoathly</u>	<u>44</u>	<u>21</u>	<u>36</u>	<u>8</u>
		<u>Sharpthorne</u>	<u>44</u>	<u>21</u>	<u>36</u>	<u>8</u>
	4	<u>Ansty</u>	<u>54</u>	<u>32</u>	<u>54</u>	<u>0</u>

⁴ Note that Lindfield and Scaynes Hill (Lindfield Rural) are currently within the same Neighbourhood Plan area (the Lindfield and Lindfield Rural Neighbourhood Plan). A number of commitments/completions shown above at 'Scaynes Hill' are adjacent to the built-up-area of Lindfield.

⁵ Note that Copthorne and Crawley Down form Worth parish, therefore these figures should be read in conjunction with one another.

⁶ The required minimum provision at Pease Pottage (Slaugham Parish) is significantly greater than other settlements within Category 3 due to the allocation and subsequent permission granted for 600 homes within this settlement. Due to this, the other settlements within Slaugham Parish (Handcross, Slaugham and Warninglid) will not be required to identify further growth through the Plan process on top of windfall growth although may wish to do so to boost supply.

Staplefield	3	2	3	0
Slaugham⁴	0¹	0	0	0
Twineham	26	11	6	20
Warninglid⁴	0¹	0	0	0
	15,940	8,496	13,001	2,939

[Based on the overall housing requirement, the minimum housing requirement for each settlement for the first 8 years of the Plan \(until 2021/22\) can be calculated; this is the 5-year supply period at the time of adoption. On this basis, the majority of settlements have sufficient commitments to meet their need until at least 2021/22. Therefore, the District Plan requirement at 876dpa to 2023/24 does not suggest that Neighbourhood Plans will necessarily need to be reviewed within the next 5 years \(as at April 2017\) to meet housing supply, although Town and Parish Councils may choose to do so in order to boost supply, or to meet need for the full plan period to 2031.](#)

[The Council will provide updated guidance on the future need and requirements during the life of the plan, as part of the Monitoring Report. The amount of development planned for in each settlement will need to have regard to the settlement hierarchy, and also take account of existing delivery, local development needs including any significant local infrastructure, and other constraints to development.](#)

Policy Text:

[...]

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document; [and or where the proposed development is for fewer than 10 dwellings; and](#)**
- 2. The site ~~adjoins~~ [is contiguous with](#) an existing [built up area of](#) settlement ~~edge~~; and**
- 3. The development is demonstrated to be sustainable, ~~having regard~~ [including by reference](#) to the settlement hierarchy.**

[The developer will need to satisfy the Council that:](#)

- [The proposal does not represent an underdevelopment of the site with regard to Policy DP24; or](#)**
- [A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.](#)**

[...]

DP7: General Principles for Strategic Development at Burgess Hill	
Mod Ref.#:	MM07
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>[...]</p> <ul style="list-style-type: none"> Contribute towards a better, more accessible town centre with a greater range of shops, an expansion of retail floorspace, leisure uses and public realm improvements including a new public square; <p>[...]</p> <ul style="list-style-type: none"> Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations <u>and Burgess Hill Town Centre</u>, including the provision of, or contributions to enhancing transport interchanges; <p>[...]</p> <ul style="list-style-type: none"> Provide a range of housing including a minimum 30% affordable housing, in accordance with policy DP29:Affordable Housing and housing for older people; <p>[...]</p> <ul style="list-style-type: none"> Not be occupied until necessary improvements at Goddards Green Waste Water Treatment Works and connecting pipework and pumping stations to increase the capacity and environmental quality are implemented; <p>[...]</p>

DP8: Strategic Allocation to the east of Burgess Hill at Kings Way	
Mod Ref.#:	MM08
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.

Policy Text:	<p>Strategic development, as shown on the inset map, is allocated to the east of Burgess Hill at Kings Way for:</p> <ul style="list-style-type: none"> • Up to 480 new homes; • High quality and accessible informal public open space; • A local hub serving the site and the wider community; <p>In addition to conforming to the general principles in DP7,<u>The</u> strategic development in this location will:</p> <ul style="list-style-type: none"> • Provide infrastructure, as set out in the Burgess Hill Town Wide Strategy and identified in technical assessments, implemented before or alongside development to an agreed programme of delivery. This will include financial contributions to the provision of education facilities for all ages; • Address the limitations of east-west traffic movements across Burgess Hill; • Implement long-term management of the Ditchling Common Site of Special Scientific Interest (SSSI) and protect and enhance this adjoining area from the impacts of strategic development (on site provision together with appropriate mitigation measures); • Consider the close proximity of the South Downs National Park and the Keymer Tile Works Site of Nature Conservation Importance (SNCI), and the opportunities with the latter site for the joint development of community infrastructure for the east side of Burgess Hill; • Consider <u>the opportunities with the Keymer Tile Works site and</u> other developments in the vicinity to ensure complementary provision of infrastructure and facilities <u>for the east side of Burgess Hill;</u> • Provide additional informal open space on site; and • Avoid unnecessary damage to the characteristic field pattern and historic hedgerow and tree lines.
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DP9: Strategic Allocation to the north and north-west of Burgess Hill	
Mod Ref. #:	MM09
Reason for Modification:	<p><u>Further Amendments (August 2016):</u> Revised wording to supporting text and policy to bring up to date to current position; reflect changes made to other policies within the District Plan; and recognise commuted sums as an alternative delivery mechanism of Gypsy and Traveller provision.</p> <p>To account for and accord with the revised definition of Gypsies, Travellers and Travelling Showpeople for the purposes of planning, provided by the PPTS (2015)</p> <p><u>Examination Amendments:</u> Amended in accordance with MSDC8b.</p>
Plan Text:	No changes to plan text.

<p>Supporting Text:</p>	<p>[...]</p> <p>The Council views the allocation to the north and north-west of Burgess Hill as a single strategic development. If it is the subject of multiple planning applications, it is important that these are led by and accord with an allocation wide masterplan, infrastructure delivery strategy, including a fair and reasonable mechanism for apportioning the in-kind provision of infrastructure and/or costs, and an allocation wide phasing strategy. This is necessary to secure a comprehensive approach to masterplanning and infrastructure delivery for the allocation area as a whole and to ensure that proposals for part of the allocation area help deliver a high quality cohesive place that meets overall policy objectives and do not prejudice future phases of development or infrastructure provision. <u>To the extent that required Financial Appraisals contain confidential information and are provided on a commercially confidential basis, appropriate measures in relation to confidentiality will be put in place.</u></p> <p>In May 2014-November 2015, the Council resolved to granted outline planning permission for the development of up to 50,000 sqm employment floorspace to the north-west of Burgess Hill that will form part of a proposed business park.</p>
<p>Policy Text:</p>	<p>[...]</p> <p>Strategic mixed-use development (which will need to conform to the general principles in Policy DP7: General Principles for Strategic Development at Burgess Hill), as shown on the inset map, is allocated to the north and north-west of Burgess Hill for the phased development of:</p> <ul style="list-style-type: none"> • Approximately 3,500 additional homes and associated new neighbourhood centres, including retail, education, health, employment, leisure, recreation and community uses, sufficient to meet the day to day needs of the whole of the development and located as far as possible so at least one new neighbourhood centre is within 10 minutes' walk of all-most new homes; • 30-25 hectares of land for use as a high quality business park south of the A2300 and served by public transport; • Two new primary schools (including co-location of nursery provision and community use facilities as appropriate) and a new secondary school campus, in each case in locations well connected with residential development and neighbourhood centres; • A Centre for Community Sport in the vicinity of the Triangle Leisure Centre and St Paul's Catholic College; • A provision of permanent pitches total of 24 pitches for settled Gypsies and Travellers to contribute, towards the additional <u>total identified</u> need within the District for pitches commensurate with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards the off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or

	<p><u>sites) can be provided and made operational within an appropriate timescale;</u> unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the Allocation-wide Spatial Masterplan is approved (as appropriate);</p> <ul style="list-style-type: none"> • A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive. <p>[...]</p> <p>An Allocation-wide Financial Appraisal in a format to be agreed in advance with the Council and in accordance with relevant guidance, reporting on the financial viability of the development of the whole (and relevant phases) of the Strategic Allocation Area and justifying the form and content of the proposals set out in the Allocation-wide Masterplan, Infrastructure Delivery Strategy and Phasing Strategy (including the amount and type of affordable housing and, if applicable, any starter homes and land reserved for custom or self-build homes) should be submitted to and approved by the local planning authority.</p> <p>[...]</p> <p>An application-specific Financial Appraisal in a format to be agreed in advance with the local planning authority and in accordance with relevant guidance, reporting on financial viability issues associated with the development and its relationship and contribution to the Allocation-wide Financial Appraisal and justifying the form and content of the proposals applied for in respect of the relevant phase or part (including the amount and type of affordable housing and, if applicable, any starter homes and land reserved for custom or self-build homes) should be submitted to and approved by the local planning authority.</p> <p>[...]</p>
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DP9a: Strategic Allocation to the east of Pease Pottage	
Mod Ref. #:	MM10
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	This greenfield site lies to the south of Crawley adjacent to the M23 motorway and the Pease Pottage Service Station. Although the site is within the High Weald Area of Outstanding Natural Beauty (AONB), its landscape quality is distinctly variable. This quality is particularly poor on the western side of the site adjacent to the motorway and the service station, and there would be potential for development to enhance the visual quality of this area.

	<p>It has been established through the Crawley Borough Local Plan examination that the borough has a need to provide for about 5,000 additional homes during the period until 2030 which are not capable of being built within the town. Crawley Borough Council is required to work closely with its neighbouring authorities, particularly those which form the Northern West Sussex Housing Market Area (Horsham and Mid Sussex), in exploring opportunities and resolving infrastructure and environmental constraints in order to meet this need in sustainable locations. This includes continued assessment of potential urban extensions to Crawley.</p> <p><u>Whilst committing to assist with meeting neighbouring authorities the Council also needs to ensure that it can demonstrate a 5 year housing land supply. The Pease Pottage site can deliver homes within the first five years in the Plan and therefore will make an important contribution to the housing supply in the early part of the Plan</u></p> <p>A planning application has been submitted <u>Outline planning permission has been granted</u> for the development of the site (decision pending). This proposes 600 dwellings, a hospice with community café and a primary school. The development will require very sensitive design and considerable mitigation in order to reduce its effects on the landscape, and great care will be needed to ensure that the development respects and where possible enhances the natural beauty and characteristics of the High Weald AONB.</p> <p>In locational terms, t<u>he</u> site's proximity and accessibility to Crawley (there are good bus links) provides a sustainable opportunity to meet some of the town's unmet needs. Whilst the service station opposite the site caters primarily for the needs of motorists, it does offer limited local convenience shopping, and the health and education provision proposed on the site would also improve the sustainability of this location.</p> <p><u>A scheme of works has been agreed</u> Work is being undertaken with West Sussex County Council and Highways England, <u>and is secured in the approved planning permission</u> to ensure that access can be satisfactorily gained to the site without exacerbating current traffic conditions at junction 11 of the M23; <u>and will not adversely impact upon the local highway network.</u> It is thought likely at this stage that there are viable mitigation measures that could be put in place such as the improved signalisation of the roundabout.</p>
<p>Policy Text:</p>	<p>DP9A: Strategic allocation to the east of Pease Pottage</p> <p>Strategic development, as shown on the inset map [see map at Appendix B], is allocated to the east of Pease Pottage for:</p> <ul style="list-style-type: none"> • Approximately 600 new homes; • <u>Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurate with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards the off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision</u>

is made) commensurable with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale; unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the Allocation-wide Spatial Masterplan is approved (as appropriate);

- A new primary school (including co-location of nursery provision and community use facilities as appropriate); and
- A hospice including a community café.

In addition to conforming to other relevant policies in the District Plan, strategic mixed-use development in this location will:

- Provide a suitable access to the site and appropriate mitigation to support the development with regards to the local and Strategic Road Networks, including junction 11 of the M23 motorway;
- Provide appropriate mitigation to reduce the impact of the development on the landscape and to ensure, in particular, that development respects and where possible enhances the natural beauty and characteristics of the High Weald Area of Outstanding Natural Beauty. There should be a strong defensible boundary to Parish Lane, that clearly separates the site from land on the southern side of Parish Lane;
- Identify and respond to environmental and ecological constraints and deliver opportunities to enhance green infrastructure and local biodiversity, including the provision of an appropriate buffer to the Ancient Woodland to the east of the site;
- Identify and respond to issues relating to noise pollution and air quality in relation to the site's proximity to the M23 motorway to ensure that proposed land uses are appropriately located to protect health and amenities and to maximise the efficient use of the site;
- Provide improved public transport and safe pedestrian/cycling connectivity with surrounding settlements, in particular Pease Pottage and Crawley. The development should include mitigation measures that address the issue of pedestrian / cycling connectivity over the M23 motorway and onwards to Crawley;
- Provide new formal play facilities and informal open space on the site, alongside the provision of new allotments to encourage healthy lifestyles;
- Provide a range of housing including ~~a minimum of 40%~~ affordable housing, in accordance with Policy DP29: Affordable Housing and housing for older people. The and market housing mix should reflect the housing needs

of Crawley as well as Mid Sussex;

- Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability;
- Provide infrastructure, as set out in the Council's infrastructure Delivery Plan and identified in technical assessments, implemented before or alongside development to an agreed programme of delivery. Given the proximity of site to Crawley consideration should be given to where future occupiers are likely to access services. This is particularly important when considering secondary education, library and health services, where the nearest provision is within Crawley; and
- Provide surface water drainage, based on sustainable drainage principles in accordance with DP41 Flood Risk and Drainage.

There are known sewage treatment capacity issues at Crawley Waste Water Treatment Works (CWWTW). It must be demonstrated that the CWWTW has sufficient capacity to deal with the waste from the development taking into account the development that already has planning consent, as well as planned growth that will be and is served by CWWTW. The development must not be occupied until any necessary improvements at CWWTW and connecting pipework and pumping stations to increase the capacity and environmental quality are implemented.

~~The Sustainability Appraisal and Landscape evidence that has been prepared to support the District Plan demonstrates that development on land to the south of Parish Lane will have a harmful impact on the High Weald Area of Outstanding Natural Beauty and would not result in sustainable development. Therefore, the extension of this site to development of land to the south of Parish Lane will not be supported. The Council will seek a legal agreement that protects this land from strategic residential development during the Plan period.~~

DP13: New Homes in the Countryside

Mod Ref. #:	MM12
Reason for Modification:	To anticipate expected changes to the National Planning Policy Framework on planning for small sites.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.

Policy Text:	<p>[...]</p> <p>Provided that they would not be in conflict with Policy DP10 Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:</p> <ul style="list-style-type: none"> • Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or • In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or • Affordable housing in accordance with Policy DP30 Rural Exception Sites', or • The proposed development meets the requirements of Policy DP6 Settlement Hierarchy. <p>[...]</p>
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DP18: Securing Infrastructure	
Mod Ref.#:	MM13
Reason for Modification:	Amended in accordance with MSDC8a.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>Development will be permitted where any necessary social, physical and green infrastructure needed to support the proposed development and contribute to sustainable communities exists, or can be provided in a timely manner, including developer-funded contributions.</p> <p>Once a Charging Schedule has been adopted, Community Infrastructure Levy will be the main mechanism for collecting funds for general infrastructure improvements. However, where appropriate, this will be supplemented by negotiated agreements to make a development acceptable in planning terms. In the case of residential development, tariff-style financial contributions (other than those required under Policy DP15: Ashdown Forest Special Protection Area and Special Area of Conservation) will be secured from developments providing a net increase of 11 dwellings and above or which have a maximum combined gross floorspace of more than 1,000m²; the High Weald Area of Outstanding Natural Beauty, tariff-style contributions will be sought from residential developments providing a net increase of 6 dwellings and above.</p>

The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- appropriate on-site mitigation and infrastructure provision;
- the use of planning obligations (s106 legal agreements and unilateral undertakings);
- the Community Infrastructure Levy, when it is in place.

A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Affordable housing is dealt with separately, under Policy DP29.

DP19: Transport

Mod Ref. #:	MM14
Reason for Modification:	Amended in accordance with MSDC8b.
Plan Text:	No changes to plan text.
Supporting	No changes to supporting text.

Text:	
Policy Text:	<p>Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:</p> <ul style="list-style-type: none"> • A high quality transport network that promotes a competitive and prosperous economy; • A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time; • Access to services, employment and housing; and • A transport network that feels, and is, safer and healthier to use. <p>To meet these objectives, <u>decisions on development proposals will take account of whether:</u>development will only be permitted where:</p> <ul style="list-style-type: none"> • <u>It-The scheme</u> is sustainably located to minimise the need for travel <u>noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP12: Sustainable Rural Development and the Rural Economy);</u> • <u>Appropriate opportunities to</u> It-facilitates and promotes the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, and-includ<u>ing</u>s suitable facilities for secure and safe cycle parking, <u>have been fully explored and taken up;</u> • It-The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; • It-The scheme provides adequate car parking for the proposed development <u>taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable; or in accordance with parking standards as agreed by the Local Planning Authority. Residential development in and close to the town centres which are well served by public transport will normally be expected to make lower parking provision;</u> • It-is <u>Development which generates significant amounts of movement is</u> supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;and • It-The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;and • It<u>The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;</u> • It<u>The scheme protects the safety of road users and pedestrians; and</u> • It-The scheme <u>does not harm the special qualities of the South Downs National Park or the High Weald Area of</u>

	<p><u>Outstanding Natural Beauty through its transport impacts.</u></p> <p><u>Where development does not will cause a severe cumulative impact in terms of road safety and increased traffic congestion particularly where such impacts harm the special qualities of the South Downs National Park, development will be refused.</u></p> <p>Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.</p> <p>Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.</p>
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DP21: Communication Infrastructure	
Mod Ref. #:	MM15
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development.⁷</p> <p>The expansion of the electronic communication network to the towns and rural areas of the District will be supported. where existing infrastructure is demonstrated to be insufficient.</p> <p>When considering proposals for new telecommunication equipment the following criteria will be taken into account:</p> <ul style="list-style-type: none"> • The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building; • New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National

⁷ Guidance to developers on how this can be achieved and the grants available can be accessed at <http://www.hampshiresuperfastbroadband.com/residents/new-sites/>.

	<p>Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;</p> <ul style="list-style-type: none"> • Preference will be for use to be made of existing sites rather than the provision of new sites. <p>When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology</p>
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DP24: Character and Design	
Mod Ref. #:	MM16
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:</p> <ul style="list-style-type: none"> • is of high quality design and layout and includes appropriate landscaping and greenspace; • contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance; • creates a sense of place while addressing the character and scale of the surrounding buildings and landscape; • protects open spaces, trees and gardens that contribute to the character of the area; • protects valued townscapes and the separate identity and character of towns and villages; • does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27); • creates a pedestrian-friendly layout that is safe, well connected, legible and accessible; • incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed; • positively addresses sustainability considerations in the layout and the building design;- • take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element; optimises the potential of the site to accommodate development.

DP24a: Housing Density	
Mod Ref.#:	MM17
Reason for Modification:	Policy deleted to ensure soundness – see ID8, ID9 and MSDC8. DP24: Character and Design amended to incorporate some elements of this policy (see MM16).
Plan Text:	No changes to plan text.
Supporting Text:	<p>In order to boost significantly the supply of housing, national planning policy requires local planning authorities to set out their approach to housing density to reflect local circumstances.</p> <p>An inevitable outcome of the inefficient use of land and low densities for new housing development is the potentially avoidable loss of open countryside beyond settlement boundaries. To address this concern, the Council's approach will be to ensure that housing densities are as high as practicable without resulting in cramped forms of development or harm to the established character of surrounding areas.</p> <p>Successful higher density development will depend upon a 'design-led' approach that respects its local context and minimises impacts on its surroundings.</p> <p>Higher densities may not be achievable in those parts of suburban and village neighbourhoods where existing low density development contributes to a positive sense of place and community. Density may also be constrained by the need to retain key heritage assets in their settings and protect important landscape features.</p> <p>On higher density development (40+ dwellings per hectare) special attention will need to be given to the layout and design of the scheme (see Policy DP24: Character and Design).</p> <p>High density development in and close to the town centres and/or which are well served by public transport will normally be expected to make lower parking provision. Policy DP19: Transport requires adequate car parking to be provided for proposed developments in accordance with parking standards as agreed by the local planning authority or in accordance with the relevant neighbourhood plan.</p> <p>Within the overall minimum density figures, developments on large sites will be expected to incorporate a wide range of densities, normally with the highest densities in the most accessible parts of the site and lower densities elsewhere, particularly where they lie adjacent to the rural edge.</p>
Policy Text:	<p>DP24A: Housing Density</p> <p>Strategic Objectives: 1) To promote development that makes the best use of resources and increases the sustainability of communities within Mid Sussex, and its ability to adapt to climate change; 2) To promote well located and designed development that reflects the District's distinctive towns and villages, and retains their separate identity and character; and 4) To protect valued</p>

~~landscapes for their visual, historical and biodiversity qualities.~~

~~Evidence Base: 'Urban Design Compendium', English Partnerships/The Housing Corporation, August 2000; Mid-Sussex District Council analysis of densities achieved, November 2015~~

~~In order to make efficient use of land, residential development must provide for net residential densities of at least:~~

- ~~• 50 dwellings per hectare within the built-up area boundaries of Burgess Hill, East Grinstead and Haywards Heath;~~
- ~~• 45 dwellings per hectare on District Plan strategic allocations (This may be achieved by (a) locating higher densities in neighbourhood centres and around public transport stops where increased density and scale of buildings will also contribute to design quality by providing opportunities for landmark buildings and different character areas; and (b) some small areas that are less accessible or which are in areas at the edge of the strategic development where lower densities may be more appropriate.);~~
- ~~• 40 dwellings per hectare on large sites with in excess of 5 hectares of developable land; and~~
- ~~• 30 dwellings per hectare in all other locations.~~

~~Developments that do not make efficient use of land will not be permitted.~~

~~Lower densities will only be accepted where it can be adequately demonstrated that these are necessary in order to avoid harm to the established characteristics of the area and/or to residential amenity.~~

~~Net dwelling density is calculated by including only those site areas developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping, and children's play areas, where these are provided.~~

~~In the case of mixed use schemes, the residential site area should be calculated using the total net site area apportioned between the various uses, on a pro rata basis (i.e. reducing the site area by the same ratio as that of the residential to non-residential floorspace). However, in assessing density on mixed use sites, the Council will be mindful of the overall benefits of the proposals.~~

DP26: Accessibility

Mod Ref. #: MM18

Reason for: Amended in accordance with MSDC8d.

Modification:	
Plan Text:	No changes to plan text.
Supporting Text:	<p>[...]</p> <p>The policy makes provision for 20% of all new developments <u>of 5 or more dwellings</u> to be built to optional additional standard M4(2). However, the Council considers that because the housing requirements of groups with particular needs are constantly changing and that such requirements are likely to become more mainstream in development design and layout and less costly to build, that sufficient justification will exist to review the provision of housing to the standard within the plan period. The Council will also consider its position on the provision of housing to the standard at the time the Site Allocations DPD comes forward should this be sooner than a review to DP26, and will consider on a site by site basis, whether requirements can and should be set at a higher level of provision. The Council will carefully monitor implementation at 20% provision as part of the evidence to whether a review is justified. The housing requirements of groups with particular needs will be monitored and the Plan will be reviewed in this respect if evidence clearly supports a change to this level of provision.</p> <p>The Mid Sussex Whole Plan and CIL Viability Assessment (2016) accounts for the cost of meeting Category 2 Accessible and Adaptable dwellings in the study construction costs. This demonstrates that the optional requirement is achievable although there is a risk that the need for lift provision may create a development viability issue for small flatted residential buildings. A threshold has been applied for this type of development below which the Category 1 (visitable dwellings) access standard will apply. The provision of a lift in a block of flats was not a Lifetime Homes requirement.</p>
Policy Text:	<p>[...]</p> <p>All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.</p> <p>This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.</p> <p>With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.</p> <p><u>Accessible and Adaptable Dwellings</u></p> <p><u>Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 – Accessible and adaptable dwellings under Building Regulations – Approved Document M Requirement M4(2), with the following exceptions:</u></p> <p><u>1) Where new dwellings are created by a change of use;</u></p>

	<p>1)2) Where the scheme is Proposals for flatted residential buildings of fewer than 10 dwellings; will be exempted from Category 2 – Accessible and adaptable dwellings Requirement M4(2).</p> <p>2)3) Where specific factors such as site topography make thesuch standards provision of Category 2 – Accessible and adaptable dwellings Requirement M4(2) unachievable by practicable and/ or viable means;</p> <p>4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.</p> <p>will apply to all new residential dwellings in the district, (excluding new dwellings created by a change of use) and dwellings where requirement M4(3) applies in the district with the following exceptions:</p> <p>Wheelchair-user dwellings</p> <p>Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%5%, dependent on the suitability of the site and the need at the time.</p> <p>The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.</p>
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DP27: Noise, Air and Light Pollution	
Mod Ref. #:	MM19
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	<p>[...]</p> <p>... Where any such assessment identifies that there is an odour impact for proposed development and no improvements are programmed by the water company, the developer should contact the water company to agree what improvements are required and how they will be funded prior to any occupation of the development.</p> <p>Sussex local authorities have developed guidance on noise to provide advice for developers and their consultants when making a planning application. This guidance can be viewed at www.midsussex.gov.uk/planningpolicy</p>
Policy Text:	No changes to policy text.

DP28: Housing Mix	
Mod Ref. #:	MM20
Reason for Modification:	<p>To clarify that much of the future need for housing in Mid Sussex will be for smaller adaptable dwellings; to enable provision of Use Class C2 older person housing; to clarify Use Class C2 older person housing is considered to be social infrastructure falling under the provisions of Policy DP23.</p> <p>To account for and accord with the revised definition of Gypsies, Travellers and Travelling Showpeople for the purposes of planning, provided by the PPTS (2015); and to clarify in general terms, the methodology to be employed in calculating provision if required.</p>
Plan Text:	No changes to plan text.
Supporting Text:	<p>The North West Sussex Strategic Housing Market Assessment Update (2012) sets out that the majority of household growth is expected to result from increasing single person households within the area. <u>However Whilst a high proportion of these are existing older households who already have housing there will be a significant need for smaller dwelling types over the plan period, with the majority of new households forming (70%) being one or two person households with a very high proportion of need arising for elderly persons (aged 75 years and over), with the majority of such households also being one or two persons. A significant proportion of future household growth will also be for family sized homes at around 30% of projected total growth, with 50% of this requiring smaller family sized homes of 2-3 bedrooms and 50% of this requiring larger family sized homes of 3+ bedrooms.</u></p> <p>The Council supports the provision of flexible <u>general market housing and specialist accommodation or care and specialist housing</u> appropriate for older persons through both public and private sector provision. <u>Providing suitable and alternative housing for older people can free up houses that are otherwise under occupied.</u></p> <p><u>Whilst more attention may need to be paid towards matters of design, neighbouring land uses and security, schemes falling within Use Class C2 are considered to usually have a lesser impact on existing communities, for instance through lower vehicle usage levels and reduced parking requirements. For this reason, provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision making process.</u></p> <p><u>Specialist accommodation and care homes falling within Use Class C2 form a very specific part of the housing needs market. Supported accommodation such as this falls within the definition of social infrastructure which also includes community facilities and local services including buildings⁸. Policy DP23: Community Facilities and Local Services therefore applies to the protection of existing specialist accommodation and care home facilities falling within Use Class C2. Under this Policy, the loss of such facilities for the redevelopment to alternative uses would be prevented unless the scheme or a replacement scheme was proved to be no longer viable; or that there is an existing duplicate facility in the locality that can accommodate the impact of the loss of the facility; or that a replacement facility will be provided in the locality. It is granted that some existing older specialist accommodation and care homes facilities are relatively small in size, and if such schemes were closed on grounds of the suitability for their intended use,</u></p>

⁸ See also Mid Sussex Infrastructure Delivery Plan

	<p><u>then there might be significant doubt on the viability of redevelopment of the site to another specialist scheme. In such cases, the Council will consider alternative provision such as accessible flats for older people.</u></p> <p><u>The Council also makes policy provision through Policy DP26: Accessibility to ensure that new residential development provides accessible and adaptable dwellings and wheelchair-user dwelling to support the changes and needs of individuals and families at different stage of life.</u></p> <p>The Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment provides information on the number of pitches required to meet the need for permanent Gypsy and Traveller accommodation in the district. Sites to meet this identified need are being delivered through a Traveller Sites Allocations Document (see Policy DP31).</p> <p>Work on the Allocations Document has highlighted the difficulties in the delivery of permanent Gypsy and Traveller sites and underlined that there could be a shortage of suitable sites, should the identified need for such sites increase unexpectedly over the plan period; <u>and. Work on this document</u> underlines that the primary provision of permanent Gypsy and Traveller sites is best undertaken in way that can be master planned into future, currently unplanned strategic sites. Policy provision for such an approach is already supported in this District Plan through Policy DP9: Strategic allocation to the north and north-west of Burgess Hill; <u>Policy DP9A: Strategic Allocation to the east of Pease Pottage</u> -and within the emerging Traveller Sites Allocations Document.</p>
Policy Text:	<p>[...]</p> <ul style="list-style-type: none"> <u>on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment <u>or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development or the best available evidence</u>; and serviced plots for self-build homes where a need for such accommodation is identified.</u> <u>If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Development Plan Document, produced by the District Council.</u> <p>Evidence of housing need will be based on the best available evidence (including local evidence provided to support neighbourhood plans).</p>

DP30: Rural Exception Sites	
Mod Ref.#:	MM21
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>The development of rural exception sites for affordable housing will be permitted provided:</p> <ul style="list-style-type: none"> i) the development comprises 100% affordable housing; ii) the housing is to meet local needs justified by the best available evidence; iii) the occupancy of the homes is restricted in perpetuity to those with a genuine local need for affordable housing; iv) the scale of the development respects the setting, form and character of the settlement and surrounding landscape; and v) it is adjacent <u>to</u>, or in close proximity to a rural settlement containing local services. <p><u>Where it can be clearly demonstrated through evidence that the site cannot support a scheme comprising 100% affordable housing from a viability perspective, the Council will consider an element of open market housing, limited to that required to facilitate scheme viability, to a maximum of 20% of the overall scheme, provided that:</u></p> <ul style="list-style-type: none"> • <u>The requirements of ii), iv) and v) can be met for the overall scheme and for the affordable housing element i) and iii); and</u> • <u>The new development physically integrates the open market and affordable housing, which should seek to be 'tenure blind' and makes best use of the land.</u> <p><u>Details of the evidence required to justify an element of open market housing will be set out in a Supplementary Planning Document.</u></p> <p>The delivery of rural exception sites will normally be led by Parish Councils, through planning applications, Community Right to Build schemes, Neighbourhood Development Orders or through Neighbourhood Plans.</p>

DP31: Gypsies, Travellers and Travelling Showpeople	
Mod Ref.#:	MM22
Reason for Modification:	To account for and accord with the revised definition of Gypsies, Travellers and Travelling Showpeople for the purposes of planning, provided by the PPTS (2015).

Plan Text:	No changes to plan text.
Supporting Text:	<p>[...]</p> <p>The Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment <u>was first produced in 2013 and updated in 2014 and 2016. The Assessment</u> provides information on the amount of permanent <u>Gypsy and Traveller</u> accommodation required in the district <u>for the period to 2031. The 2016 update takes account of the revised version of Planning Policy for Traveller Sites (PPTS) (2015) that includes a change to the definition of Gypsies, Travellers and Travelling Showpeople for planning purposes [footnote 1].</u> The Local Development Scheme sets out the timetable for the preparation of a Traveller Sites Allocations Document which will provide sufficient sites to satisfy local need for permanent Gypsy and Traveller accommodation.</p> <p>The Local Development Scheme sets out the timetable for the preparation of a Traveller Sites Allocations Document which will provide sufficient sites to satisfy local need for permanent Gypsy and Traveller <u>and Travelling Showpeople</u> accommodation <u>[footnote 4].</u></p>
Policy Text:	<p>[...]</p> <p>The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment (2013 and 2014 update) identifies the need for permanent pitches and plots for the period up to 2031 as 34 additional permanent Gypsy and Traveller pitches with no identified need for Travelling Showpeople sites. does not identify any need for permanent pitches and plots for Gypsies and Travellers and Travelling Showpeople sites who still travel for the period up to 2031 [footnote 2]</p> <p><u>The Assessment identifies the need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031 and does not identify any need to provide sites for Travelling Showpeople who no longer travel [footnote 3].</u></p> <p>To ensure <u>that a sufficient provision amount</u> of permanent <u>culturally suitable housing for settled Gypsies, Travellers and Travelling Showpeople</u> Gypsy and Traveller sites <u>is delivered</u> to meet identified needs within an appropriate timescale, the Council makes provision for:</p> <ul style="list-style-type: none"> • <u>the allocation of pitches 24 Gypsy and Traveller pitches within the strategic allocation to the north and north-west of Burgess Hill; (Policy DP9 refers) or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP9 refers);</u> • <u>the allocation of pitches within the strategic allocation to the east of Pease Pottage; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP9a refers); and</u> • <u>is seeking</u> the provision of such pitches on strategic sites (Policy DP28 refers).

and The Council is progressing a Traveller Sites Allocations Development Plan Document to allocate further sites over the plan period as required.

The provision of permanent Gypsy and Traveller sites accommodation to meet the changing needs of current and future Gypsy and Traveller and Travelling Showperson households will be monitored to ensure a suitable supply of such sites is provided at the appropriate time.

The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not indicate a need to consider transit provision at this time as there is an operational public transit site in Chichester. Levels of unauthorised encampments in Mid Sussex by Gypsies and Travellers and Travelling Showpeople will be monitored over the plan period to identify any additional requirement for such provision.

[...]

Any new or extensions to existing Gypsy and Traveller or Travelling Showpeople sites [footnote 4] granted permanent planning permission shall also be safeguarded for Gypsies, Travellers or Travelling Showpeople such use.

New Gypsy, Traveller and Travelling Showpeople sites [footnote 2], and extensions to existing sites, including transit sites, will be permitted provided:

- The site or extension satisfies a clearly defined local need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment or the best available evidence;
- The site is reasonably accessible to schools, shops, health and other local services and community facilities;
- The development is appropriately located and designed to/or capable of being designed to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the Travellers;
- The sites are compatible with neighbouring land uses, and minimise impact on adjacent uses and built form and landscape character;
- In rural and semi-rural areas sites should not dominate the nearest settled community; and
- Any site within the 7km zone of influence around Ashdown Forest will require an appropriate assessment under the Habitats Regulations to be undertaken and appropriate mitigation provided as required (Policy DP15 refers); and
- In the case of proposals within the High Weald AONB, Policy DP14: High Weald Area of Outstanding Natural Beauty will apply.

The determination of planning applications for new sites or extensions to sites providing accommodation for settled Gypsy and Traveller and Travelling Showpeople [footnote 3] use will be considered under the relevant District Plan policies.

	<p><u>In the case of proposals within the High Weald AONB, DP14 High Weald Area of Outstanding Natural Beauty will apply.</u></p> <p><u>Footnotes:</u></p> <ol style="list-style-type: none"> <u>1. See Annex 1 – Planning Policy for Traveller Sites (August 2015)</u> <u>2. For Gypsies, Travellers and Travelling Showpeople who meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015)</u> <u>3. For Gypsies, Travellers and Travelling Showpeople who do not meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015)</u> <u>4. For Gypsies and Travellers who meet and do not meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015) i.e. Gypsies and Travellers who still travel and settled Gypsies and Travellers who no longer travel</u>
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DP32: Listed Buildings and Other Heritage Assets	
Mod Ref. #:	MM23
Reason for Modification:	To account for the deletion of DP35: Archaeological Sites which was deleted to ensure soundness – see ID8, ID9 and MSDC8
Plan Text:	No changes to plan text.
Supporting Text:	<p>The heritage assets of the District include over 1,000 Listed Buildings, 25 Scheduled Ancient Monuments which are identified on the proposals map and over 500 sites of archaeological interest which appear on the West Sussex Historic Environment Record. The District also includes many other buildings which, whilst not statutorily listed are of architectural merit or of local historic interest, make a valuable contribution to the character of the area.</p> <p>In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the District Council will have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.</p>
Policy Text:	<p>[...]</p> <p><u>Other Buildings of Merit</u> <u>Heritage Assets</u> Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment. The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special</p>

	<p>interest of a heritage asset, which may be archaeological, architectural, artistic or historic.</p> <p><u>Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.</u></p>
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DP33: Conservation Areas	
Mod Ref. #:	MM24
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>Development in a conservation area will be required to conserve or enhance its special character, and appearance <u>and the range of activities which contribute to it</u>. This will be achieved by ensuring that:</p> <ul style="list-style-type: none"> • New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials; • Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character; • Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located; • <u>Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;</u> • <u>Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;</u> • <u>New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.</u> <p>Development will also protect the setting of the conservation area and in particular views into and out of the area.</p> <p>New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.</p>

DP35: Archaeological Sites	
Mod Ref.#:	MM25
Reason for Modification:	Policy deleted to ensure soundness – see ID8, ID9 and MSDC8. Heritage assets have been included within DP32: Listed Buildings and Other Heritage Assets.
Plan Text:	No changes to plan text.
Supporting Text:	<p>There are 25 Scheduled Ancient Monuments in Mid-Sussex which are statutorily protected and which are identified on the Policies Map and over 500 sites of archaeological interest which appear on the West Sussex Historic Environment Record.</p> <p>Archaeological discoveries can be made on land where there are no previously known archaeological finds and assessments may be required for sites that have archaeological potential but where no prior field investigations have been carried out.</p>
Policy Text:	<p>DP35: Archaeological Sites and Heritage Assets</p> <p><i>Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities.</i></p> <p><i>Evidence Base: West Sussex Historic Environment Record.</i></p> <p>Sites of archaeological interest (such as scheduled Ancient Monuments) and their settings will be protected and enhanced.</p> <p>Development that would have a detrimental impact on sites of archaeological importance and their settings will only be permitted where the benefits of the proposal (which cannot reasonably be located elsewhere) are so great as to outweigh the possible effects on the archaeological importance of the site.</p> <p>Where it appears that a development may impact upon heritage assets with archaeological interest, applicants will be required to carry out an appropriate archaeological assessment including, where necessary, a field evaluation.</p>

DP37: Biodiversity	
Mod Ref.#:	MM26
Reason for Modification:	Amended in accordance with MSDC8.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>Biodiversity will be protected and enhanced by ensuring development:</p> <ul style="list-style-type: none"> Contributes and takes opportunities to improve, enhance, manage and restore biodiversity <u>and green</u>

	<p>infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and</p> <ul style="list-style-type: none"> • Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and • Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and • Promotes the restoration, management and expansion of priority habitats in the District; and • Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas. <p>[...]</p>
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DP38: Green Infrastructure	
Mod Ref. #:	MM27
Reason for Modification:	Policy deleted to ensure soundness – see ID8, ID9 and MSDC8. DP37: Biodiversity amended to incorporate some elements of this policy (see MM26).
Plan Text:	No changes to plan text.
Supporting Text:	<p>Mid Sussex has a high quality natural and built environment and it is important that new development contributes to the protection, enhancement and creation of new green space within the District.</p> <p>‘Green infrastructure’ is a connected network of multi-functional greenspace, both in urban and rural areas, that delivers a wide range of environmental, social and economic benefits, including improving quality of life. Some of the functions of green infrastructure include providing habitats for plants and animals and wildlife corridors from one habitat to another, increasing resilience to the effects and impacts of climate change, and improving the health and well-being of local communities with access to the countryside and green areas. Green infrastructure can also include areas of water and flood management and land for food production.</p>
Policy Text:	DP38: Green Infrastructure

~~Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes; 6) To ensure that development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks; and 15) To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations.~~

~~Evidence Base: Biodiversity Action Plan; Biodiversity Opportunity Areas; Green Infrastructure mapping; Habitats and Species Records; Mid Sussex Ancient Woodland Survey; West Sussex SNCI Register; Mid Sussex Infrastructure Delivery Plan.~~

~~Green infrastructure will be protected and enhanced by ensuring development:~~

- ~~• Contributes to the establishment of green infrastructure and supports its improvement, enhancement, management and restoration to develop a connected network of multi-functional greenspace, including linking with rivers and floodplains; and~~
- ~~• Responds to existing on-site green infrastructure and provides on-site natural greenspace enhancements for all new developments where practicable, including making land available for this purpose; and~~
- ~~• Promotes the restoration, management and expansion of priority habitats in the District; and~~
- ~~• Improves access to and understanding of natural greenspace and nature conservation features, including recognising the importance and role of green infrastructure to the ecosystem, biodiversity, public rights of way, health and well-being, the water environment, community facilities, climate change, and allotments.~~

~~Land which will be required to create and deliver a multi-functional 'Green Circle' around Burgess Hill will be safeguarded from development. In particular, the following areas as shown on the Policies Map will be allocated for informal open space:~~

- ~~• Batchelors Farm;~~
- ~~• Land south of Nightingale Lane;~~
- ~~• Land adjoining Jane Murray Way, York Road and Sussex Way;~~
- ~~• Land to the north of Sheddingdean and Leylands Park, including Bedelands Farm; and~~
- ~~• The 'Railway Land' to the north and south of Wivelsfield Station.~~

~~Developer contributions will be used to secure delivery of the Green Circle.~~

DP39: Sustainable Design and Construction

Mod Ref.#: MM28

Reason for Amended in accordance with MSDC8a.

Modification:	
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:</p> <ul style="list-style-type: none"> • Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation • <u>Explore opportunities for efficient energy supply</u>Supply energy efficiently through <u>the use of</u> communal heating networks <u>where viable and feasible</u> (supplied by biomass boilers, biomass/gas CHP or heat pumps). • Use renewable sources of energy. • Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation. • Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment • Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.

DP40: Renewable Energy Schemes	
Mod Ref. #:	MM29
Reason for Modification:	Amended in accordance with MSDC8a.
Plan Text:	No changes to plan text.
Supporting Text:	In relation to Gatwick Airport, any proposed development would need to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. <u>Wind turbines and Schemes such as</u> large banks of solar panels will need to be assessed at an early stage as they have the potential to impact on navigational aids at the airport.
Policy Text:	<p>Proposals for new renewable and low carbon energy projects <u>(other than wind energy development – see below)</u>, including community-led schemes, will be permitted provided that any adverse local impacts can be made acceptable, with particular regard to:</p> <ul style="list-style-type: none"> • Landscape and visual impacts, including cumulative impacts, such as on the setting of the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and the appearance of existing buildings. • Ecology and biodiversity, including protected species, and designated and non-designated wildlife sites.

	<ul style="list-style-type: none"> Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access. <p>Assessment of impacts will need to be based on the best available evidence, including landscape capacity studies.</p> <p><u>Proposals for wind energy development involving one or more wind turbines will only be granted if:</u></p> <ul style="list-style-type: none"> <u>the development site is in an area identified as suitable for wind energy development in a Neighbourhood Plan; and</u> <u>following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.</u>
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DP41: Flood Risk and Drainage

Mod Ref. #:	MM30
Reason for Modification:	To reflect changes in Government policy on flood risk put into effect by a Written Ministerial Statement on 18 th December 2014.
Plan Text:	No changes to plan text.
Supporting Text:	No changes to supporting text.
Policy Text:	<p>[...]</p> <p>Sustainable Drainage Systems (SuDS) should be implemented in <u>all</u> new developments <u>of 10 dwellings or more, or equivalent non-residential or mixed development*</u>, unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.</p> <p>[...]</p> <p><u>* As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.</u></p>

Chapter 5: Implementation and Monitoring of the District Plan

Mod Ref. #:	MM31
Reason for Modification:	Updated to provide certainty regarding implementation and delivery of housing within the Plan.
Plan Text:	<p><u>Implementation of the District Plan</u></p> <p>Paragraph 5.1</p> <p><u>One of the key tests of an effective development plan is that it is deliverable. The Council has a range of mechanisms which it can</u></p>

use to ensure the District Plan's strategic objectives and policies are met including partnership working with landowners, developers and strategic stakeholders; use of its own powers; and use of its own land and assets.

Paragraph 5.2

In line with the NPPF and in order to foster sustainable development the Council has a positive approach to decision taking over planning applications which accord with the development plan. However, it recognises that there are many factors that can influence the timely development of sites including land assembly, changes in ownership, changes in the economy and speed of delivery of required infrastructure. In order to address these risks and maintain a rolling 5 year housing land supply the Council will:

- secure an ongoing pipeline of sites through the preparation of a Site Allocations DPD;
- continue to work closely with developers, landowners and promoters of strategic sites to ensure delivery within agreed timescales;
- work with Town and Parish Councils to bring forward Neighbourhood Plan allocations in line with policies DP5 and DP6 and support further Neighbourhood Plan preparation;
- establish a Developers' Group in order to understand issues regarding site supply and development constraints; and
- prepare, maintain and publish and update regularly a Brownfield Sites Register;

Paragraph 5.3

The Council has entered into partnership working relationships with a range of strategic organisations (including the Coast to Capital LEP; the Gatwick Diamond Initiative; and the West Sussex and Greater Brighton Strategic Planning Board) to make sure that sub-regional issues are addressed.

Paragraph 5.7

If it appears that policies are not being effective, or are no longer appropriate in the light of more recent national policies or local circumstances, then action will be taken to review the policy or policies concerned. ~~As set out in the Local Development Scheme, a Site Allocations Development Plan Document has been programmed to enable delivery if this is not being achieved through Neighbourhood Plans.~~

9. CRIME FIGURES OVERVIEW

REPORT OF: HEAD OF CORPORATE RESOURCES
Contact Officer: Natasha Allen, Partnerships Manager
Email: natasha.allen@midsussex.gov.uk Tel: 01444 477204
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
12 September 2017

Purpose of Report

1. To provide Members with an overview of the rolling crime and anti-social behaviour (ASB) figures for May, the rolling quarter (March, April and May) and the rolling 12 months (June to May) compared to the previous year for Mid Sussex. For the Committee to use this information to consider whether further information from Sussex Police is required about the changes to the Local Policing Model and the potential for that to impact on crime figures for Mid Sussex in the future.

2. Recommendations

The Committee is recommended to:

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

Background

3. IQuanta is a web-based service provided to operational staff in police forces, Community Safety Partnerships (CSPs) and HMIC. IQuanta is provisional crime data before it is finalised and published as National Statistics. IQuanta data comes from Police data.
4. IQuanta data is used to form part of the annual Strategic Intelligence Assessment, which is a statutory duty of the Mid Sussex Partnership.
5. Members have asked for this report to come forward, to consider whether crime figures are changing for Mid Sussex and if this is an effect of changes to the policing model.

Overview of Crime Performance

6. Table 1, in Appendix 1, provides an overview of total notifiable offences reported to Sussex Police for May, the rolling quarter (March, April and May) and the rolling 12 months (June to May) compared to the previous year and indicates whether there has been an increase or decrease in crime. There is also a breakdown of certain crimes types for the same periods.
7. It can be seen from table1, in Appendix 1, that there has been a 16.8% increase in total notifiable offences in the rolling 12 months compared to the previous 12 months; this equates to an increase of 878 crimes. Almost half of this increase (+410 crimes) is related to violence against the person.
8. Table 2, in Appendix 1, provides an overview of anti-social behaviour reported to Sussex Police for May, the rolling quarter (March, April and May) and the rolling 12 months (June to May) compared to the previous year and indicates whether there has

been an increase or decrease in crime. There is also a breakdown of certain crimes types for the same periods.

9. It can be seen from table 2, in Appendix 1, that there has been an 8.4% decrease in total reported anti-social behaviour in the rolling 12 months compared to the previous 12 months, this equated to 214 crimes.
10. In the rolling 12 months there has been an increase in reported personal anti-social behaviour of 31% compared to the previous 12 months, though it's important to note this actually equates to an increase of 53 reports. Personal is defined as ASB incidents that the caller, call-handler or anyone else perceives as either deliberately targeted at an individual or group or having an impact on an individual or group rather than the community at large.
11. Both nuisance and environmental anti-social behaviour have both seen a decrease in the rolling 12 months compared to the previous 12 months. With nuisance ASB has decreased by 4.8% or -100 reports and environmental ASB decreasing by 54.8% or -167 reports.
12. Nuisance captures those incidents where an act, condition, thing or person causes trouble, annoyance, inconvenience, offence or suffering to the local community in general rather than to individual victims. It includes incidents where behaviour goes beyond the conventional bounds of acceptability and interferes with public interests including health, safety and quality of life. Environmental deals with the interface between people and places. It includes incidents where individuals and groups have an impact on their surroundings including natural, built and social environments.

Crime Figures and Context

13. Crime is rising in Mid Sussex, compared to the last 12 months. This increase has affected Mid Sussex's crime rate per 1,000 population, with Horsham challenging Mid Sussex for safest District or Borough in West Sussex. Mid Sussex and Chichester end the financial year with the joint biggest increases in total notifiable offences across West Sussex. Two noticeable factors in the increase in total notifiable offences that need to be considered alongside the increase are the confidence in reporting historical crime and the identified increase in violent crime.
14. Some notable offences contributing to this rise are violence against the person. Violence against the person covers a large number of offences. Within violence against the person there are two offences to note; public place violence against the person and domestic abuse crimes. Public place violence against the person is the biggest factor in the overall increase. Mid Sussex shows the biggest increase compared to the other Districts and Boroughs in West Sussex.
15. Violent crime has continued to rise across Sussex. One of the reasons for these increases is likely to include changes in recording practices for violent offences and improved confidence in victims reporting these crimes to the police, particularly domestic violence offences. Mid Sussex has seen the biggest increase in violence against the person compared to the other Districts and Boroughs in West Sussex.
16. While there has been a decrease in total, environmental and nuisance ASB; there has been an increase in nuisance ASB; it's also important to note there has been an increase in ASB reporting to MSDC as well, with neighbour disputes remaining the biggest reason. Low level mental health has been a significant factor in both victim and perpetrator vulnerability.

Financial Implications

17. This report has no financial implications.

Risk Management Implications

18. This report has not risk management implications in itself.

Equality and Customer Service Implications

19. None.

Background Papers

20. Strategic Intelligence Assessment 2016-17.

9a. Appendix 1, Crime and Anti-Social Behaviour Table

Table 1, Crime Performance									
Crime type	May 2017	May 2016	Increase or decrease	Rolling Quarter Total March - May 2017	Rolling Quarter Total March - May 2016	Increase or decrease	Rolling 12 Months Total June 2016- May 2017	Rolling 12 Months Total June 2015- May 2016	Increase or decrease (%)
Violence against the person	224	189	+24	567	510	+57	2244	1834	+410 (+22.4%)
VAP public place	115	107	+8	303	275	+28	1260	971	+289 (+29.8%)
Theft and handling	164	137	+27	477	406	+71	1835	1604	+231 (+14.4%)
Business crime	117	111	+6	340	326	+14	1162	1133	+29 (+2.6%)
Domestic abuse incidents	45	51	-6	118	129	-11	594	656	-62 (-9.5%)
Domestic abuse crimes	77	53	+24	189	146	+43	718	587	+131 (+22.3%)
Serious acquisitive crime	35	49	-14	143	138	+5	645	533	+112 (+21%)
Criminal damage to a vehicle	40	22	+18	121	93	+28	431	397	+34 (+8.6%)
Residential burglary	49	49	0	156	166	-10	557	508	+49 (+9.6%)
Theft from a shop	39	24	+15	97	74	+23	347	324	+23 (+7.1%)
Theft from a vehicle	28	20	+8	100	63	+37	358	285	+73 (+25.6%)
Total crime	574	485	+89	1595	1424	+171	6113	5235	+878 (16.8%)

Table 2, Police Anti-Social Behaviour Figures									
ASB type	May 2017	May 2016	Increase or decrease	Rolling Quarter Total March - May 2017	Rolling Quarter Total March - May 2016	Increase or decrease	Rolling 12 Months Total June 2016- May 2017	Rolling 12 Months Total June 2015- May 2016	Increase or decrease (%)
Personal	21	19	+3	40	52	-12	224	171	+53 (+31%)
Nuisance	209	142	+67	538	412	+126	1973	2073	-100 (-4.8%)
Environmental	9	20	-11	31	70	-39	138	305	-167 (-54.8%)
Total ASB	239	181	+58	609	534	+75	2335	2549	-214 (-8.4%)

10. ARMED FORCES COMMUNITY COVENANT PROGRESS REPORT 2017

REPORT OF: HEAD OF CORPORATE RESOURCES
Contact Officer: Regina Choudhury Community Development Officer
Regina.Choudhury@midsussex.gov.uk Tel:01444 477495
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
12 September 2017

Purpose of Report

1. To provide Members with an update on progress of the Council's work to support the Armed Forces Community Covenant.

Recommendations

2. **To consider the report and to endorse the Council's proportionate approach to supporting the Armed Forces Community in Mid Sussex.**
-

Background

3. The Armed Forces Community Covenant was signed in September 2014. The Covenant pledges the Council's support for the Armed Forces Community in the local area and encourages the Armed Forces Community and the Local Community to support each other.
4. As part of the Community Covenant, the Council:
 - Marks the annual Armed Forces Day;
 - Continues to fulfil its housing function with due regard to the needs of Ex-Service personnel, through its Housing Allocation Scheme, including exemption rules on local connection and additional priority to armed forces personnel rules from 1 April 2017;
 - Encourages local businesses to participate in the national "Heroes Welcome" Scheme. We currently have 12 local businesses signed up to the scheme, which provides discounts for ex-services personnel;
 - Promotes grant applications to the Government's Community Covenant Fund;
 - Participates in the West Sussex Community Civilian Partnership and reports on progress.
5. The Council's Armed Forces Member Champion and the Community Development Officer attend meetings of the West Sussex Civilian Military Partnership where joint working and initiatives for supporting the Armed Forces Community are shared between the County Council and other District and Borough Councils.

Further work to support the Armed Forces Community

6. Work has been recently undertaken to raise the profile of the Covenant. In the past year the Armed Forces Covenant pages of the Council's website have been updated and staff marked Remembrance Day by gathering around the flag on campus at 11.00 am. The Council also marked Armed Forces Day 2016 by supporting events held by East Grinstead Town Council.
7. Additionally the Council has agreed to delivery the following:

- Raising awareness of the Covenant with staff.
- Join the Defence Employer Recognition Scheme and gain the bronze level award.
- Adjust personnel policies in relation to Armed Forces Community personnel:
 - Guaranteed Interview Scheme for veterans who meet the essential criteria;
 - Support reservists who are mobilised for active duty, allowing them time off;
 - Implement the collection of profile data on the armed forces service in job application forms.
- Improve data collection to allow the Council to monitor the take up of services by the Armed Forces Community;
- Reporting to Members on progress with the Community Covenant.

Raising staff awareness of the Covenant

8. This will be achieved through the provision of additional publicity through the Wire at key dates in the year such as Armed Forces Day on 24 June and Remembrance Day on 11 November. As well, consideration is being given to an on-line training module for staff. Crawley Borough Council is planning to deliver an e-learning course to front line officers. In addition to this, they organise Armed Forces Champion Training in partnership with Sussex Armed Forces Network. Officers who complete the training go on to be Champions within their organisations and are responsible for raising awareness.

Data Collection

9. There is a gap in accessibility data for the Armed Forces Community with regards to the extent they can access our Services. The Council has signed up to the 'Count Them In' campaign to add new questions to the 2021 census to identify the Armed Forces Community. But at present, only the application form to join the Housing Register asks about membership of the Armed Forces Community to assess eligibility for the exemptions from local connection requirements.
10. The Council is planning to incorporate questions on armed forces service in job application forms to assist with the planned changes to HR recruitment policies.

Defence Employer Recognition Scheme

11. The Defence Employer Recognition Scheme is another strand of support for the Armed Services Personnel, which is connected to the Covenant. The scheme has three levels of award, gold, silver and bronze. The Council has been advised that our existing commitment to the Community Covenant will qualify us for the bronze award.
12. West Sussex County Council and Horsham District Council both hold the bronze level award and Crawley Borough Council will shortly. Once achieved, the award does not require reassessment. To qualify for a silver award under the Defence Employment Recognition Scheme, the Council would be required to employ at least one member of the Armed Forces Community. WSCC are currently working towards the silver award and are surveying their workforce to find out if they employ an ex-member of the armed forces or reservists.
13. Steps have begun at the Council towards adopting the Bronze Award. A meet and greet event for staff members who have an ex-armed forces background or is a spouse or family member of the armed forces was held in partnership with WSCC in Haywards Heath.

14. It is hoped that the Bronze Award will be adopted with a signing ceremony in November 2017.

HR Policies

15. WSCC, Horsham, Worthing and Chichester District Councils and Crawley Borough Council all have HR policies that support reservists who are mobilised for active duty, allowing them time off. Also some Councils have adopted a policy of guaranteeing an interview to a member of the Armed Forces Community who is suitably qualified for the job. WSCC, Horsham District Council and Crawley Borough Council all have a Guaranteed Interview Scheme for veterans who meet the essential criteria.
16. Worked is underway in conjunction with HR to revise the relevant Mid Sussex District Council policies and make the necessary amendments to its recruitment process to include both of the above.

Financial Implications

17. There are no direct financial implications arising from this report.

Risk Management Implications

18. None.

Equalities and Customer Services Implications

19. The proposed development of the Council's work to support the Armed Forces Community Covenant helps the Council to continue to demonstrate its commitment to the Covenant which aims to ensure that members of the armed forces community are not disadvantaged and have equal access to services which is in line with the public sector equalities duty under the Equality Act. The proposed actions will help to strengthen the credibility of the Councils commitment to the armed forces community.

Other Material Implications

20. None.

Background Papers

21. None.

11. Mid Sussex District Council Safeguarding Children and Adults Policy

REPORT OF: Simon Hughes – Head of Digital, Communications and Customer Services
Contact Officer: Rachel Wright – Safeguarding Officer
Email: Rachel.Wright@midsussex.gov.uk Tel: 01444 477518
Wards Affected: All
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
12th September 2017

Purpose of Report

Summary

1. The Safeguarding Children and Adults Policy ensures the Council's responsibility to identifying and responding to concerns around Safeguarding Children and Adults. In order to ensure the policy is understood and implemented across the organisation a training strategy has been developed to deliver the appropriate level of safeguarding training to MSDC staff.

Recommendations

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

Background

3. Section 11 of the Children's Act 2001 places a statutory duty on a range of organisations to ensure that our services safeguard and promote the welfare of children. The Care Act 2014 directs organisations on how to meet the statutory responsibility to safeguard adults at risk. In order to meet our responsibilities the policy and processes around Safeguarding Children and Adults have been revised.

The referral rate to Children and Adults Social care from Mid Sussex District Council is low in comparison to other areas. An audit of whether this rate increases following training will be undertaken in the subsequent year (April 18/19)

Policy Context

4. The existing policy was a lengthy document which was written in 2012 (with updates at intervals). Due to legislation changes and an organisational restructure both within and external to MSDC it was necessary to make a number of revisions. Following revisions to the policy it is important to ensure all staff and Elected Members are clear about their responsibilities. There are 341 staff plus Elected Members at MSDC and the training strategy addresses the need for these staff to be trained to the appropriate level for their role.

Revisions to the Policy

- The inclusion of Child Sexual Exploitation, Radicalisation/Prevent Strategy, Female Genital Mutilation and Modern Slavery and Human Trafficking. These are areas which have local and national process and legislation therefore staff need to be aware of their responsibilities.
- Inclusion of responsibilities within the Care Act 2014 and the 'Making Safeguarding Personal' agenda. This means that the adult at risk should be at the centre of all enquiries and decisions being made throughout the safeguarding process
- Updating of Service provision and procedures. There has been significant restructuring in the services provided by West Sussex County Council in relation to both Children and Adults. This is reflected in the process flow charts and referral guidance. An example of this is the introduction of the Single point of access (SPoA) for referrals through MASH (Multi Agency Safeguarding Hub) and Carepoint. The Early Help Service has now changed to Integrated Prevention and Earliest Help Service (IPEH) and will operate in a locality hub model with a single point of access through MASH. Procedures are now presented in a flow chart to enable staff to direct their referrals to the correct service.

Training Strategy

The Training Strategy for Mid Sussex District Council staff delivers 3 tiers of training determined by job role and level of knowledge required. The training plan is scheduled that all staff within the organisation will be trained by March 2018 and will be subject to ongoing review and updates.

Initially training has focussed on ensuring that all staff in our key safeguarding roles have received updated training. Following this it will roll out to further staff groups. A session for Elected Members was held and further sessions can be arranged to ensure all members are able to access training.

Key teams trained (or scheduled)

Revenues and Benefits staff (across both Sites)

Wellbeing Team

Performance and Partnership

Housing needs

Training aims to enable each department to understand both basic safeguarding and also the integration of safeguarding into working practice. This includes the importance of multi agency liaison and raising the profile of District and Borough staff within the wider safeguarding network.

One of the key objectives of training is to promote the early intervention model in order to protect children and adults and enable us to provide information and services at the earliest opportunity to prevent the need for Child or Adult protection intervention. An example of this would be the Revenues and Benefits department

being able to provide information regarding the Integrated Prevention and Earliest Help Service (IPEH) in order to assist those families who are having to make difficult choices regarding financial management and potential arrears. Enabling staff to have knowledge and access to a wide range of services leads to positive outcomes for those most vulnerable in the communities.

West Sussex SCB Serious Case Review Key

5. SCR Key was published by the West Sussex Safeguarding Children Board on 9th June 2017. It relates to the investigation into the Child Sexual Exploitation (CSE) in Littlehampton. It addresses a number of issues around inter agency liaison and processes. From a District and Boroughs perspective it addresses the need for safeguarding issues specifically CSE to have a raised profile within our communities. One of the key conclusions was that there was no response or reaction from the local community to the abuse. It identifies the needs to raise the public profile and understanding of CSE and what can be done to prevent it. **One of the recommendations is that the SCB Board should 'ensure that this issue continues to have a high public profile' (SCR Key Recommendation 1, 9.3)**

How MSDC are responding to report recommendations.

Child Sexual Exploitation is now part of our updated policy and training. Internal staff will be trained to know the indicators of CSE, it is part of all mandatory training and additional training will be delivered to those working in roles

We are aiming to launch a district wide project for Safeguarding during National Safeguarding Week (Please see attached document). This will act as a platform to raise awareness of safeguarding issues across the district and allow us to share information with the public. We will be offering basic Safeguarding Training to volunteers across the district, training for Town and Parish councillors and parent/carers sessions. Our long term aim is to make Mid Sussex A 'safeguarding aware district' in order to disrupt and deter offenders and promote the safety of young people in the locality. Initially basic safeguarding awareness and CSE will be the focus but it will allow us to promote further safeguarding campaigns.

Other Options Considered

6. The provision of a Safeguarding Children and Adults Policy is a statutory requirement therefore no other options were considered.

Financial Implications

7. No significant financial implications in terms of the Policy or Training plan.

Risk Management Implications

8. No risk management implications.

Equality and Customer Service Implications

9. An equality impact assessment has been undertaken and issues around equality and diversity are addressed in the training.

Next steps

To continue the workforce training to ensure that all MSDC staff are trained to the appropriate level for role and that additional specialist training is available i.e. Mental Health Awareness. To extend training to include Town and Parish Councils, Voluntary organisations and business community.

Increase of information available on both the internal and external websites to promote safeguarding, to direct staff and the public in reporting procedures.

To continue to raise the profile of safeguarding within the organisation and wider communities. This will include regular communications updates through social media, Mid Sussex Matters, business forums and via Town and Parish Councils.

To audit the safeguarding procedures of organisations which are contracted to provide services on behalf of the Council or are allocated grants through the Council. This is to ascertain that safeguarding procedures are of the standard that MSDC requires and to work with them to ensure safeguarding is a priority within their organisation.

Background Papers

- Mid Sussex District Council Safeguarding Children and Adults Policy.
- Mid Sussex District Council Staff Training plan.

11a. Mid Sussex District Council Safeguarding Children and Adults Policy and Procedures

December 2016

Review due 2019

Introduction

Mid Sussex District Council is required to take reasonable measures for the protection and promotion of the welfare of Children and Vulnerable adults. Such measures are irrespective of race, religion, ethnicity, gender or sexuality. This policy applies to all staff (Permanent, and temporary) volunteers and Elected Members. It is designed to ensure that all staff, volunteers and Elected Members have the knowledge to undertake their role in respect of Mid Sussex District Councils responsibility to safeguarding children and adults.

Policy statement

Mid Sussex District Council recognises the need to ensure the welfare and protection of Children and adults within the District and within services provided by the Council. All staff, volunteers and Elected Members of the Council have a responsibility to have undertaken appropriate safeguarding training and follow the policy guidance for the reporting of concerns. This responsibility extends to consultants and contractors through procurement arrangements.

Mid Sussex District Council will promote the welfare and protection of Children and Adults throughout its service provision, policy and service plans.

Mid Sussex District Council is a member of the Multi Agency West Sussex Children's Safeguarding Board and as such this policy supports the national and local guidance/policy recommended by them in respect of safeguarding children

Mid Sussex District Council is a member of the Multi Agency West Sussex Adults Safeguarding Board and as such this policy supports the national and local guidance/policy recommended by them in respect of safeguarding adults.

All staff have a duty to report allegations, disclosures or concerns of abuse or neglect. It is not the Councils job to establish whether or not abuse is taking place however it is the Councils responsibility to report any concerns over the welfare of children or adults who are thought to be at risk. This duty extends to the identification of abuse, poor practice by internal staff, volunteers and Elected Council Members as well as allegations brought to the attention of the Council by members of the public.

Scope

This policy is for all staff (Permanent and Temporary), Elected Members of the Council and Volunteers. This policy also extends to persons, agencies carrying out duties on behalf of the Council.

In respect of safeguarding a 'child' is any person under the age of 18 years irrespective of their educational status or living arrangements. This includes unborn children.

In respect of safeguarding an 'Adult' (Formerly Adult at Risk or Vulnerable Adult) is any person over the age of 18 who meets the criteria of:

- a) Has the need for care and support
- b) Is experiencing or is at risk of experiencing abuse or neglect
- c) As a result of those care needs is unable to protect themselves from the either the risk of, or the experience of, abuse or neglect.

Carers of those persons meeting the above criteria are also entitled to an assessment for appropriate support.

This policy provides guidance to safeguard Children and Adults in line with the Working Together to Safeguard Children guidance and the Care Act 2014. The three components of this are;

- A duty to protect Children from maltreatment
- A duty to prevent impairment
- A Duty to safeguard adults in accordance with the Care Act 2014

Abuse and Neglect are forms of maltreatment and can either be the infliction of harm or the failure to prevent harm. Mid Sussex District Council intends to safeguard Children and Adults from the following types of abuse

- Physical Abuse
- Sexual Abuse and Child Sexual Exploitation
- Emotional Abuse
- Neglect
- Modern Slavery and Human Trafficking
- Financial Abuse
- Bullying
- Radicalisation
- Cyber Abuse
- Female Genital Mutilation

In addition to safeguarding from abuse Mid Sussex District Council will work to promote the welfare and wellbeing of Children and Adults living in the community. Mid Sussex District Council will promote the welfare of children by creating opportunities for them to have best chance to thrive. This will include the promotion of;

- Physical, mental and emotional health
- Protection from harm and neglect

- Education and training
- Social and economic wellbeing

The Council supports the rights of Adults to make decisions based on personal choice and self-determination with the premise that safeguarding should be ‘made personal’ as detailed in the Care Act 2014.

Mid Sussex District Council will achieve its responsibilities to safeguard Children and Adults by;

- Respecting and promoting the rights, wishes and opinions of Children and Adults in the communities served by the Council.
- Raising awareness about safeguarding and our responsibilities within the communities and within the Council.
- Having a formal process for the notification to other agencies about potential abuse.
- Responding to allegations of abuse or misconduct in line with this policy and LSCB/SAB guidance following where appropriate relevant disciplinary and appeals procedures.
- Promoting and implementing the procedures as detailed in the Safeguarding Children and Adults Policy. This includes training, safer recruitment and responding to allegations of abuse.
- Completion and monitoring of Section 11 audits in accordance with Children’s Act 2004.
- To regularly review this policy in line with developments in Local and National Policy including learning from Serious Case Reviews.

Key guidance and Legislation

Mid Sussex District Council fulfils its safeguarding responsibilities in accordance with the guidance detailed in the following documents

- Working Together to Safeguard Children (2015) A guide to inter-agency working to safeguard and promote the welfare of children. HM Gov
- The Care Act (2014)
- What to do if you are worried a child is being abused (2006)
- The Children Act (2004)
- “No Secrets” Department of Health (2000)
- Information Sharing (2008)

The Safeguarding Children and Adults policy also supports the Mid Sussex District Council internal working policies. Details of these can be found on The Wire for internal staff or on the Mid Sussex District Council Website. This Policy should be read in conjunction with internal policies available on The Wire

Lone Working Policy

Whistleblowing Policy

Information Sharing Protocols

Health and Safety Policies

Disciplinary Policy and Procedure

Members Code of Conduct

Officers Code of Conduct

DBS Policy and Procedure

Mid Sussex District Council Safeguarding Children and Adults Policy and Procedures

Mid Sussex District Council Prevent Duty

The Prevent Strategy (2011) forms part of the overall UK counter terrorism strategy. Mid Sussex District Council has a statutory duty to ensure that frontline staff have an understanding of Prevent, are trained to recognise vulnerability of being drawn into terrorism and are aware of the correct reporting mechanism for concerns.

- Mid Sussex District Council will provide training for staff and a clear mechanism for reporting concerns via the Prevent Lead and Designated Officers.
- Mainstream the Prevent duty so it becomes part of the day-to-day work of the authority and in particular children's' safeguarding.
- Mid Sussex District Council is represented on the Multi Agency Risk Group to ensure effective Partnership working across the locality including the sharing of relevant local information.

Further detail regarding signs of vulnerability to radicalisation and action to take can be found in Appendix 1

Organisational Accountability and Structure

Accountability for safeguarding lies with the Chief Executive as detailed in the Children's Act 2004 and the Care Act 2014. The Council has delegated this responsibility to the following organisational structure

Head of Digital and Customer Services – Corporate Lead for Safeguarding

- The Corporate Lead for Safeguarding is responsible on behalf of the Chief Executive for leading the implementation of the work programme for Safeguarding within the Council
- The Lead for Safeguarding at Mid Sussex will attend the LSCB as a board member and reports to the Executive Board for District and Boroughs.

Cabinet Member - The Elected Member of the Council responsible for safeguarding Children and Adults is the Cabinet Member for Health and Community.

Lead Safeguarding Officer - Mid Sussex District Council has a Lead Safeguarding Officer (0.6wte) with responsibility for representing the Council at the District and Boroughs Safeguarding Group, LSCB/SAB Sub Groups and co-ordinating training, referrals and campaigns related to safeguarding undertaken by the Council. The Lead Safeguarding Officer will also co-ordinate the internal Safeguarding Working group and support the Designated Safeguarding Officers.

Designated Safeguarding Officers – Each Business Unit have a Designated Safeguarding Officer who holds responsibility for ensuring that all safeguarding concerns are reported to the relevant agencies in accordance with the Safeguarding Policy and that the information is reported correctly. Details of the Designated Safeguarding Officers will be displayed within each department.

Business Unit Leaders

Business Unit Leaders should ensure that all staff they have line management responsibility for;

- Have read and understood the policy as part of their induction and are able to access it for reference.
- Are aware of and have understood their role in terms of reporting concerns and the correct channels for reporting.
- Have undertaken the appropriate safeguarding training appropriate to their role.
- Have an understanding of the policy and procedures

Safer Recruitment

Mid Sussex District Councils Recruitment and Selection procedures are in accordance with the principle of safer recruitment. This includes the process of ensuring all necessary checks are carried out on staff and Elected Members of the Council.

Safeguarding and the use of DBS (Disclosure Barring Service) reporting is detailed in job descriptions and at interview (role specific). All employees are required to undertake mandatory safeguarding training and are expected to apply their knowledge as a part of their working practice.

In accordance with DBS procedures Mid Sussex District Council will report to DBS any individuals who through the course of recruitment checks have a record for having caused harm to a Child or Adult.

Detailed information on the Disclosure Barring Service is available on The Wire for internal staff

Training and Development

Mid Sussex District Council supports the development and training needs of its staff to ensure they can fulfil their duties and to ensure that the safeguarding policy is implemented effectively.

Mid Sussex District Council provides tiered training for staff appropriate to role.

Tier	Target group	Frequency
Tier 1	Mandatory for all staff, volunteers and Elected Members of the Council.	3 yearly
Tier 2	Staff with an enhanced level of engagement with the community	2 Yearly
Tier 2	Elected Member Training	2 Yearly
Tier 3	Designated Officer Training	2 Yearly

Additional training on relevant subjects related to safeguarding can be provided by internal or external providers as appropriate.

Staff training and development needs should be identified at induction, probationary period reviews and annual Personal Development Reviews. Training will also be reviewed in line with relevant legislation changes. Training will be facilitated internally or through accredited external providers

depending on subject matter and relation to job description. There will also be updates provided to staff relevant to any local or national policy changes.

Information Sharing

Mid Sussex District Council works to the information sharing guidance in reference to safeguarding as detailed in the following legislation and Information Sharing Protocols;

‘Care Act 2014’ HM Gov 2014

‘Information Sharing – Advice for practitioners providing safeguarding services to Children, Young People, Parents and Carers’ HM Gov March 2015

The Council is committed to working effectively with partner agencies in order to achieve the best outcomes for Children and Adults in relation to safeguarding.

In accordance with Data Protection Act 1998 information will only be shared without consent when there is a need to safeguard, prevent a crime, comply with a lawful court order or to discharge an overriding duty of care.

All communication with external agencies regarding safeguarding containing personal or sensitive information will be sent via secure GCSX email or secure encrypted email. Any information sent without the use of GCSX/encryption constitutes a data protection breach and will be addressed accordingly through internal structure.

Records related to safeguarding will be kept on the internal secure server for the purpose of audit.

Information requests related to safeguarding will be managed by the Senior Designated Data Protection Officer and recorded in accordance with Local and National Policy.

External Organisations

Mid Sussex District Council provides funding for a range of services and projects. These providers are required to demonstrate that they are able to meet the safeguarding requirements as directed by the Council in line with the Safeguarding responsibilities. This will include providing evidence of appropriate safeguarding policies and procedures, evidence of safer recruitment practice and training for staff and volunteers and ongoing commitment to safeguarding within their organisation.

Procurement

Contractors or organisations working with or on behalf of the Council will need to demonstrate evidence of their ability to meet the Councils requirements for safeguarding. All contracts which involve services which are likely to encounter Children or adults must comply with the procurement risk assessment policy

Evidence of compliance with the risk assessment policy must be provided at the point of tender and may be subsequently checked periodically through the course of the contract.

[Integrating Safeguarding of Children, Young People and Vulnerable Adults into Procurement](#)

This information is also available on The Wire.

Mid Sussex District Council Safeguarding Children and Adults Procedures

Mid Sussex District Council safeguarding procedures detail the actions that should be taken by staff, Elected Members and volunteers in the case of alleged, disclosed or suspected abuse. Staff, Elected Members and volunteers may come across suspected abuse or concerns about a person's safety through part of their daily work or through a third party concern. Some roles (Housing, Environmental Health, Benefits or Performance and Partnership Staff) will have a higher level of interaction with the public and therefore will be well placed to identify and raise concerns. All staff have a responsibility to raise concerns regardless of job role.

The primary responsibility of Staff, Elected Members or Volunteers is to ensure that any information is conveyed to the appropriate Designated Officer to then discuss the most appropriate course of action or referral to relevant authorities.

Responding to allegations/disclosures or concerns about abuse.

Disclosure or allegations of abuse

- Remain calm and be sensitive. Listen, but do not ask leading or probing questions.
- Inform the individual that you will need to discuss this with one of the Councils Designated Officers and depending on the information disclosed with the MASH/Adult Care point and the Police.
- Document your observations and the content of the disclosure. Documentation should be factual rather than your opinion.
- Contact your Designated Officer or the Lead Safeguarding Officer at the earliest opportunity.

Allegations against staff, Elected Members of Council or Volunteers.

Any allegation of abuse, harassment, inappropriate conduct or poor practice against staff, Elected Members or Volunteers should be reported to the person's line manager, Lead Safeguarding Officer and to the Lead Allegations Manager who is the Corporate Lead for Safeguarding.

An internal investigation will take place in accordance with Councils disciplinary procedures. This may result in suspension from duty whilst the investigation takes place. Depending on the outcome of the investigation the case may be referred to Children or Adult Services including the Police for further investigation. The Council will make every effort to ensure that confidentiality is maintained for all concerned and that information is stored in line with data protection guidelines.

Allegations of poor practice or conduct will be dealt with through the Personnel and Line management structure and the Councils disciplinary policy if appropriate.

Allegations against an Elected Member of the Council

If the complaint refers to an Elected Member of the Council the Lead Allegations Manager in consultation with the Solicitor to the Council will investigate, refer the case to the appropriate services and address it through the Councils Elected Standards Committee.

Allegations relating to Child Sexual Exploitation (CSE)

Mid Sussex District Council is committed to the identification and disruption of Child Sexual Exploitation. Mandatory staff training covers the indicators of CSE and covers contact and non-contact sexual abuse. Training also references the risks attached to online grooming and CSE.

If the complaint or concern is related to Child Sexual Exploitation this can be referred via MASH. It can also be reported via Sussex Police on 101 quoting Operation Kite and this will be forwarded to the Safeguarding Investigations Unit.

Allegations relating to Modern Slavery

The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support. Local Authorities are classed as 'First Responders' If you have a concern or receive information relating to Modern Slavery or Human Trafficking you can report this through the Adult Carepoint or MASH for Under 18s.

The NRM form should be used if the victim is an adult and consents to provide their personal details and would like to receive Government funded specialist support, or for a child victim (where consent is not needed). NRM forms and associated guidance are available on the gov.uk website (<https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>)

An MS1 form should only be used if the potential adult victim wants to remain anonymous and does not want specialist support (or if you are not able to contact the potential victim and do not know their personal details).

The MS1 form is available on the gov.uk website (www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery).

Forms should continue to be sent to the NCA Modern Slavery and Human Trafficking Unit (MSHTU) by email to nrm@nca.x.gsi.gov.uk or by fax to 0870 496 5534.

Mid Sussex District Council Safeguarding Children Procedure

You become aware of or suspect abuse of a person under 18 years

If the person is in immediate danger contact 999. If you contact Emergency Services inform your Designated Officer at the earliest opportunity

- Discuss with your Designated Officer or Lead Safeguarding Officer
- What are your concerns? (Refer to Appendix 1 for Types and indicators of abuse)
- Is this a Safeguarding issue that requires a referral to MASH? (Refer to the MASH Threshold Document – See Appendix 2)

Decision - Following discussion with your Designated Officer: What type of referral do you need to make? Is this a safeguarding concern?

Yes – this is a safeguarding concern

Contact MASH Multi Agency Safeguarding Hub

Tel: 01403 229900 MASH@westsussex.gcsx.gov.uk

- Complete the online MASH referral form – Ensure you give as much detail of the child, family, circumstances and concerns (Refer to threshold document)
- Send it to MASH@westsussex.gcsx.gov.uk **via secure GCSX email**
- MASH will assess the referral and allocate it to the appropriate team.
- Complete the internal SAF (Safeguarding Alert Form) form on the Safeguarding page of The Wire. In addition email a copy of the referral to safeguardingenquiries@midsussex.gov.uk
- You will receive receipt of your referral and confirmation of the course of action from MASH. If you do not receive this please contact the Lead Safeguarding Officer for follow-up.
- If you are not satisfied with the response you receive from MASH please contact your Designated Officer or the Lead Safeguarding Officer for follow up.

If your concern is related to Child Sexual Exploitation you need to refer this to Operation Kite in addition to the MASH. Phone 101 and ask for Operation Kite.

If your concern is related to Modern Slavery/Human Trafficking contact the Lead Safeguarding Officer in order to report under the Modern Slavery Act. Details can be found on the Wire on the Safeguarding Pages.

No – this is not a safeguarding concern

Do you have concerns that are not safeguarding?

Contact MASH on 01403 229900 or MASH@westsussex.gcsx.gov.uk to discuss whether a referral to Integrated Prevention and Earliest Help (IPEH) would be appropriate. You can refer via MASH but please clarify it is for IPEH

Mid Sussex District Council Safeguarding Adults Procedure

You become aware of or have a concern about an adult experiencing or at risk of experiencing abuse.

If the person is in immediate danger contact 999. If you contact Emergency Services inform your Designated Officer at the earliest opportunity.

- Discuss with your Designated Officer – What are your concerns?
- Does the person have needs for care and support?
- Is experiencing or is at risk of experiencing abuse or neglect?

Making it personal – Have you spoken to the person about your concerns? (Refer to Appendix 1 for Types and indicators of abuse) What do they want to happen? Have they given consent for a referral to be made?

Decision - Following discussion with your Designated Officer: What type of referral do you need to make? Is this a safeguarding concern?

Yes - this is a safeguarding concern

Adult Carepoint – 01243 642121 (You can use this number out of hours)

- Contact the Adult Care point Complete the online form - <https://www.westsussex.gov.uk/social-care-and-health/how-to-get-social-care-help/adults/raise-a-concern-about-an-adult/>
- Complete the online Carepoint referral form – Ensure you give as much detail of the person, circumstances and concerns
- Carepoint will assess the referral and allocate it to the appropriate team.
- Complete the internal SAF (Safeguarding Alert Form) form on the Safeguarding page of The Wire. In addition email a copy of the referral to safeguardingenquiries@midsussex.gov.uk
- You will receive receipt of your referral and confirmation of the course of action from Carepoint. If you do not receive this please contact the Lead Safeguarding Officer for follow-up.
- If you are not satisfied with the response you receive from Carepoint please contact your Designated Officer or the Lead Safeguarding Officer for follow up.

If your concern is related to Modern Slavery/Human Trafficking contact the Lead Safeguarding Officer in order to report under the Modern Slavery Act. Details can be found on the Wire on the Safeguarding Pages.

No - this is not a safeguarding concern

If you have concerns that are not safeguarding but you the person would benefit from further assessment or support

Mid Sussex Prevention Assessment Team – Service for adults and older people with unmet health, psychological, functional or environmental needs to improve quality of life.

Phone: (01403) 229510

Email: pat.north@westsussex.gov.uk (This is not secure so do not send confidential personal details)

Or

Mid Sussex Wellbeing Hub – Service for adults and families who need health and wellbeing services.

Telephone: 01444 477191 (Monday to Thursday 9am – 5pm, Friday 9am – 4pm)

You become aware of an allegation of abuse, poor practice or conduct relating to a member of Council staff, Elected Member of the Council or Volunteer working on behalf of the Council. This allegation may be directly or via a third party. If there is a child or adult in immediate danger contact 999

Staff Member, Volunteer or staff working on behalf of the Council

- Report the allegation or concern to the person's line manager and the Lead Safeguarding Officer/Lead Allegations Manager at the earliest opportunity.
- Document the information, your observations and concerns – Document facts not opinions.
- Maintain the confidentiality of the reported victim and alleged perpetrator within the organisation.

Elected Member of Council

If the allegation relates to an Elected Member of the Council this should be reported directly to the Allegations Manager for Mid Sussex District Council which is the Corporate Lead for Safeguarding

- Report to the Corporate Lead for Safeguarding who in conjunction with the Solicitor for the Council will investigate and take necessary action.
- Document the information, your observations and concerns – Document facts not opinions.
- Maintain the confidentiality of the reported victim and alleged perpetrator within the organisation.

Appendix 1

Types of abuse and indicators of potential abuse

Types of Abuse	What indicators might suggest possible abuse
<p><u>Physical Abuse</u></p> <p>Physical Abuse may involve varying forms of physical assault including hitting, scalding, burning or any action which causes physical harm to a child. Physical harm may also be caused when a parent or carer fabricates symptoms or deliberately induces illness in a child.</p>	<ul style="list-style-type: none"> • Unexplained or suspicious injuries – cuts, bruises, burns – especially if situated in a place you would not expect. • Inconsistent history/stories to injuries • Repeated incidents of injuries occurring • Child or Adult describing an incident or abusive act they have experienced • Changes in mood – quiet or withdrawn, angry or disruptive • 3rd party reporting – somebody stating they believe someone has been subjected to physical abuse.
<p><u>Neglect</u></p> <p>Neglect refers to the persistent failure to meet basic physical and/or psychological care needs of the child which are likely to result in serious impairment of the child's health or development. Neglect can occur prior to birth as a result of maternal self-neglect or substance misuse. Neglect can be the following;</p> <ul style="list-style-type: none"> • Failure to provide adequate food, clothing or shelter. • Failure to protect child from physical or emotional harm. • Failure to ensure adequate supervision (including use of inadequate care givers) • Failure to ensure access to appropriate medical care of treatment. • Failure to ensure access to appropriate education and development. 	<p>In the unborn child – mother who is suffering from abuse herself, maternal substance misuse, maternal self-neglect, maternal disengagement from statutory services.</p> <p>In Children</p> <ul style="list-style-type: none"> • Evidence of physical neglect – inadequate clothing, weight loss, poor self care – unkempt, poor hygiene, tooth decay, • Children left unsupervised or with persons unable to effectively and safely supervise the • School attendance poor or spending extended periods at school as unable to return home • Reports of poor living conditions, lack of nutrition, lack of engagement socially and developmentally. • Persistent failure to attend planned appointments with health professionals or statutory services – housing, school etc
<p><u>Sexual Abuse</u></p> <p>The act of forcing or enticing a child to take part in sexual activities. This does not necessarily have to occur with the child present. It can happen online. Sometimes the child may not realise what is happening to them is abuse. There are 2 different types of child sexual abuse. These are called contact abuse and non-contact abuse.</p> <p>Contact abuse involves touching activities where an abuser makes physical contact with a child, including</p>	<ul style="list-style-type: none"> • Statements by self or others that Sexual Abuse has occurred • Increase in non age appropriate sexual awareness • Engaging in sexually explicit behaviour in games • Mistrust of adults with whom you would normally expect a normal engaged relationship. • Physical indicators – bruising, genital injury, sexually transmitted infections or pregnancy.

<p>penetration. It includes:</p> <ul style="list-style-type: none"> • sexual touching of any part of the body whether the child's wearing clothes or not • rape or penetration by putting an object or body part inside a child's mouth, vagina or anus forcing or encouraging a child to take part in sexual activity • making a child take their clothes off, touch someone else's genitals or masturbate. <p>Non-contact abuse involves non-touching activities, such as grooming, exploitation, persuading children to perform sexual acts over the internet and flashing. It includes:</p> <ul style="list-style-type: none"> • encouraging a child to watch or hear sexual acts • not taking proper measures to prevent a child being exposed to sexual activities by others • meeting a child following sexual grooming with the intent of abusing them • online abuse including making, viewing or distributing child abuse images • allowing someone else to make, view or distribute child abuse images • showing pornography to a child • sexually exploiting a child for money, power or status (child exploitation). <p>Perpetrators of sexual abuse can be both male and female. Sexual abuse can be perpetrated by other children. It is worth noting that 90% of reported sexual abuse cases were perpetrated by someone known to the child.</p>	<ul style="list-style-type: none"> • Deterioration in mental health – low mood, anxiety, self harm.
<p><u>Child Sexual Exploitation</u></p> <p>Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over</p>	<ul style="list-style-type: none"> • Change in mood and behaviour • Going out with no explanation and not returning home for extended periods of time • Secrecy about new friends, older friends • Lack of interest in previous activities/hobbies • Truancy • Unexplained gifts/phones or phone credit/clothes • Drug and alcohol use • Physical signs such as self-neglect, evidence of bruising/assault, Sexually transmitted infections, • Deterioration in mental health – low mood, self-harm, suicidal thoughts

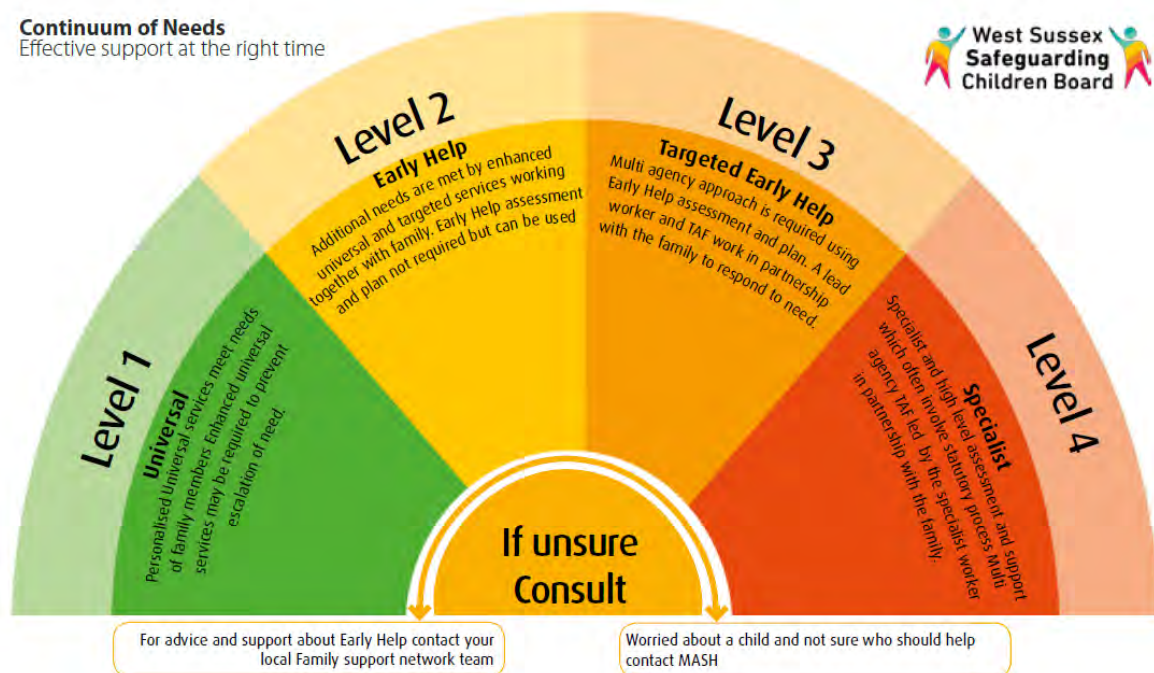
<p>them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability. (HM Gov, 2009)</p> <p>Child Sexual Exploitation affects children and young people across all communities and backgrounds. It equally affects males and females. Particular groups are more vulnerable and the most vulnerable time is between the age of 13-15.</p>	<ul style="list-style-type: none"> • It is worth noting that many of these signs can be similar to normal teenage behaviour however it is important to consider CSE in the context of a young person presenting with these behaviours
<p><u>Emotional Abuse</u></p> <p>Emotional abuse refers to the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve making a child feel that they are worthless and unloved, inadequate. This can be through verbal interaction, through age or developmentally inappropriate expectations or through being unwilling to hear the views of the child. It may also involve overprotection of a child which prevents them from meeting normal developmental milestones and engaging in social interaction. It may be bullying which causes the child to frequently feel frightened, unsafe or exploited. It could be argues that all forms of abuse have some form of emotional abuse involved.</p>	<ul style="list-style-type: none"> • Evidence of poor self esteem, deterioration in mental state – low mood, self harm, thoughts of suicide • Difficult engaging in healthy relationships – peer and with adults. • Incidents of aggressive behaviour towards peers. • Overly affectionate relationships with adults i.e. teachers,
<p><u>Human Trafficking and Modern Slavery</u></p> <p>Children and adults are brought into the country or moved around the country for a number of reasons. They may be victims of Child Sexual Exploitation, subjected to modern slavery – domestic servitude, sex work, engagement in criminal activity, benefit fraud or forced marriage.</p>	<ul style="list-style-type: none"> • Isolated from community – social groups, peers • Unregistered with GP, Dentist, Nursery, School, • Is not aware of their geographical location • Has falsified documents or no access to documents. • Has no access to their parents or is in an unclear living situation
<p><u>Female Genital Mutilation</u></p> <p>Female Genital Mutilation is illegal in the UK. It is also expected that if someone is suspected to have experienced or is risk of being subjected to FGM. This must be reported to both Children's Services and the Police. FGM is the partial or full removal of the external female genitals. It is a dangerous and abusive</p>	<ul style="list-style-type: none"> • Child referring to a procedure that will symbolise the commencement of womanhood • Family have made reference to being in favour of FGM and have a child of the age where FGM is performed. • Non consent of family for child receiving

<p>procedure. Any procedure involving female genitals performed on females under 18 for non-medical purposes is considered to be FGM – This therefore includes Genital Piercing and intimate tattooing.</p>	<p>school based education around FGM</p> <ul style="list-style-type: none"> • References to an older female relative visiting or an organised trip home often at the commencement of the summer holidays. • Following FGM – Urinary difficulties or physical complications as a result of procedure. • Mental Health Difficulties as a result of trauma
<p><u>Radicalisation</u></p> <p>The PREVENT strategy is part of the governments overall strategy to prevent the development of terrorism and to prevent people from being drawn into terrorism. The Prevent strategy engages sectors and institutions where there are risks of radicalisation or where those potentially at risk of radicalisation can be identified. These definitions are taken from the HM Government Prevent Strategy 2011.</p> <p>Radicalisation is defined as the process by which people come to support terrorism and extremism and, in some cases, to then participate on terrorist activity.</p> <p>Extremism is vocal or active opposition to fundamental British values including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of the armed forces.</p> <p>There is no such thing as a ‘typical extremist’ and people from all backgrounds and experiences can be susceptible to this type of abuse. Radicalisation can occur in respect of both Islamic State organisations and Far right movements.</p> <p>Some of the vulnerabilities listed can be appropriate to adolescent behaviour and do not necessarily indicate radicalisation however within context particular groups may be more at risk.</p>	<p>Those at risk of being radicalised d may have particular vulnerabilities</p> <ul style="list-style-type: none"> • Experiences of racism or discrimination • Social and/or cultural isolation • Personal factors – Family tensions, sense of dissociation from friendships and becoming involved with new group. • Questioning self around faith, identity and belonging • Experiences of migration, • Experience of community tensions, • Concerns with wider national and international events • History or engagement in criminality – Experiences of imprisonment, poor settlement/reintegration • Having a Learning Disability or Mental Health issue can be an additional vulnerability • Are they accessing extremist ideological, political or religious material online or in their possession? • Are they vocalising support for extremist movements and their activities? • Are they looking at or vocalising plans to travel to areas of conflict? • Has there been a change in their belief system, lifestyle choices, dress choice, values? • Is the person becoming dissociated from their usual support network – family, friends, education, and employment?
<p><u>Organisational Abuse</u></p> <p>Repeated instance of poor or inappropriate care may be an indicator of persistent care failure referred to as ‘organisational abuse’ Organisational abuse occurs when an organisations systems and processes and/or management fails to safeguard children or adults leaving them at risk of harm or causing harm.</p>	<ul style="list-style-type: none"> • Inadequate policies and procedures leaving either children or vulnerable adults at risk of abuse or neglect. • Failure to provide adequate care/supervision • Single or repeated incidents of poor practice which impact on peoples care and wellbeing. • Concerns raised by third parties about standards of care.

<p><u>Self Neglect</u></p> <p>Self neglect is the inability to maintain a socially and culturally acceptable standard of self care. This also includes neglect of physical and mental health conditions leading to detrimental impact on self.</p>	<ul style="list-style-type: none"> • Unable or unwilling to provide adequate care for themselves • Unwilling or unable to meet their care needs. Declining essential support with regards to health and safety • Living in an unclean or unsafe environment which is a hazard to the health of themselves and those around them • Poor diet, nutritional intake inadequate or hazardous to health. • Poor personal hygiene which has the potential to be detrimental to health (for example foot care)
<p><u>Financial Abuse</u></p> <p>Deliberate misuse of Child or adults money or material possessions. This includes theft, fraud, scamming and coercion in relation to finances or financial affairs. In Vulnerable adults this may be in relation to wills, property, inheritance and financial transactions. In younger people it can be that appropriation of finances and/or possessions,</p>	<ul style="list-style-type: none"> • Unexplained inability to pay for household shopping or bills etc. • Withdrawal of large sums of money which cannot be explained • Missing personal possessions • Disparity between the person's living conditions and their financial resources. • Unknown or new persons becoming involved in day to day management of persons care and affairs. Unusual and extraordinary interest and involvement in the vulnerable adult's assets.

Appendix 2

Multi Agency Safeguarding Hub (MASH) Continuum of Need



Children, young people and their families can require support from services that respond to different levels of need across the continuum from Universal to Specialist support. The challenges of family life can mean that some children and families will move between different levels of support. Local Safeguarding Children Board are committed to ensuring that this journey is supported by effective partnership working informed by good assessments and managed with care providing simple communication and clear accountability.

Useful Contacts and Organisations

Corporate Lead for Safeguarding MSDC	Simon Hughes	01444 477243 (Via Rowan Sky) Simon.Hughes@midsussex.gov.uk
Lead Safeguarding Officer MSDC	Rachel Wright	01444 477518 Rachel.Wright@midsussex.gov.uk
Solicitor for the Council	Tom Clark	01444 477459
West Sussex MASH	Multi Agency Safeguarding Hub (U18s)	01403 229900 mash@westsussex.gcsx.gov.uk
West Sussex Care point	Adult Social Care	01243 642121 socialcare@westsussex.gov.uk
West Sussex LSCB	Local Children's Safeguarding Board	0330 222 7799 lscb@westsussex.gov.uk
West Sussex SAB	Adult Safeguarding Board	01243 642121 safeguardingadultsboard@westsussex.gov.uk
Operation Kite (CSE)	Sussex Police CSE Operation	101
NSPCC	Advice Line	0808 800 5000
Sussex Partnership Mental Health Line	24hr mental health support	0300 5000 101
Worth Services Domestic Abuse	Domestic Abuse Advisors	03302228181
Samaritans	24hr crisis support	116 123 or visit www.samaritans.org

11b. Mid Sussex District Council Safeguarding Training Strategy 2017/18

Mid Sussex District Council is committed to the safeguarding of Children and Adults who may be at risk of or subject to abuse. In order to meet this commitment Mid Sussex District Council has a duty to ensure all staff (permanent and temporary) and all those working on behalf of the council have a level of training and knowledge in safeguarding appropriate to their role.

Safeguarding Training is divided in to Tiers each of which is matched to the specific job role within the organisation.

Tier	Target group	Frequency	Method
Tier 1 - Basic Awareness	Mandatory for all Staff, Volunteers and Elected Members of the Council.	3 yearly	Online
Tier 2 - Enhanced Awareness	Staff with an enhanced level of engagement with the community	2 Yearly	Direct
Tier 2 - Enhanced Awareness	Elected Member Training	2 Yearly	Direct
Tier 3	Designated Officer Training	2 Yearly	Direct
Supplementary Training	Supplementary training on specific safeguarding or related subjects	As required	Online/ Direct

Tier 1 Safeguarding Training - Basic Awareness

This is mandatory training for all staff working for or on behalf of Mid Sussex District Council. Basic awareness is an online module available to all staff via the Learning Pool. Line Managers and Business Unit Leaders are responsible for ensuring that all staff have the protected time to complete this training. This module is to be taken 3 yearly to ensure continued awareness however updates on significant safeguarding issues will be disseminated via internal communications during this time.

Learning Objectives

- To name the key legislation and organisations that inform safeguarding practice both locally and nationally.
- To be able to identify the categories of abuse which both Children and Adults may be at risk of or subject to.
- To recognise potential indicators of each type of abuse and to recognise factors that increase risk of abuse.
- To demonstrate knowledge of the safeguarding policy and procedures for Mid Sussex District Council including how to respond in the event of an allegation or concern.

Tier 2 Safeguarding Training - Enhanced Awareness

This training is for those staff who have a need for enhanced awareness of safeguarding as a result of their role within Mid Sussex District Council. This may be as a result of direct work with the community or managing staff who have a higher level of community engagement. The enhanced awareness training is also for Elected Members due to their community engagement role.

This module is to be undertaken 2 yearly to ensure continued awareness however updates on significant safeguarding issues will be disseminated via internal communications during this time.

Tier 2 training is an additional direct training session following completion of the Tier 1 online module.

Learning Objectives

Tier 2 training covers the learning objectives detailed in Tier 1 training and additionally;

- To recognise and discuss the types, indicators and effects of abuse at an enhanced level.
- To analyse the role of safeguarding within the services provided by Mid Sussex District Council and apply this knowledge to the development of safe working practice.
- To discuss how personal and societal value base impact on safeguarding practice. To evaluate how our own values impact on our working practice within the community.

Tier 3 Designated Safeguarding - Officer Training

Designated Safeguarding Officer training is for those members of staff who act as a Designated Safeguarding Officer within Mid Sussex District Council. These officers have an enhanced level of safeguarding training to support staff in the identification and responses to safeguarding concerns or allegations. All designated officers will have completed mandatory Tier 1 online training. This module is to be undertaken 2 yearly to ensure continued awareness however updates on significant safeguarding issues will be disseminated via the Safeguarding Working Group and internal communications during this time. This training is a directly delivered session which incorporates Tier 2 learning objectives and additionally;

Learning Objectives

- To recognise the emotional component of safeguarding practice and discuss how this is managed organisationally to support staff and members of the community.
- To identify potential barriers to reporting concerns or allegations and to discuss ways of overcoming these within the organisation.
- To identify how the DSO role operates within the organisation and discuss the responsibilities attached to this role.

Supplementary training

Specific subject based safeguarding training or subjects related to safeguarding may be introduced based on a training needs analysis of an individual or team. This can be facilitated internally by the Lead Safeguarding Officer or via external trainers if required. Examples of this would be; Child Sexual Exploitation, Modern Slavery, Mental Health Awareness. These sessions may be in response to particular issues identified within the Council or the Communities and would provide a detailed session on an area of safeguarding (or related) practice.

Training responsibility and register

Line managers and Business Unit Leaders are responsible for ensuring that all staff complete the Tier of training appropriate for their role.

A training register will be held by the HR department and the LSO. Automated reminders will be sent when updates are required to allow staff to plan protected time to complete training.

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

REPORT OF: Tom Clark , Head of Regulatory Services
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health
Email: yvonneleddy@midsussex.gov.uk Tel: 01444 477300
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
12th September 2017

Purpose of Report

1. To report the outcome of the public consultation and seek Members endorsement of the changes to the Hackney Carriage and Private Hire Licensing Policy as detailed in Appendix 1.

Recommendations

2. **To endorse for approval by the Council on 27th September 2017 the proposed changes to Hackney Carriage and Private Hire Licensing Policy as detailed in Appendix 1**
-

Background

3. The Council adopted the existing Hackney Carriage and Private Hire Licensing Policy in 2011. The Policy states that it will be reviewed every three years. It was re adopted in 2015 but requires updating.
4. Prior to consultation a report on the changes was endorsed by the Scrutiny Committee for Community, Housing and Planning at a meeting on the 7th March 2017.
5. The amendments contained in Appendix 1 were published for an 8 week consultation period starting on the 13th March 2017. The list of consultees included the following:
 - Local Authorities that border Mid Sussex District Council
 - West Sussex County Council
 - Elected Members of the Council
 - The hackney carriage and private hire trade licensed by the Council
 - Parish and Town Councils
 - Sussex Police
 - The Members of Parliament for the District
 - Social Services Child Protection Office
 - DVSA (Driver and Vehicle Standards Agency)
 - Local Bus and Rail operators
 - Organisations representing local businesses
 - Members of the public via the Council's web site, the local libraries and help points
 - Age UK
 - Women's Institute
 - Fawcett Society
 - Local disability groups

6. The Licensing Authority received two responses

- Haywards Heath Town Council supported the changes and commented that for the **Transfer of vehicle Licenses** (Item 1) that may wish to consider using “ Whilst there can be joint proprietary interest in a vehicle licence, vehicle proprietors should be aware that the vehicle 'plate' belongs to the Council **at all times**. The licence is not the property of an individual and so the licence cannot be transferred separately from the vehicle. **Therefore, it must be transferred immediately to the new owner of the vehicle. However, if the MSDC Licensing Department is not fully satisfied with all aspects of the transfer, including DVLA checks or a failure to comply with any other aspect required in the MSDC Hackney Carriage and Private Hire (Taxi) Licensing Policy (see below), the 'plate' transfer may be suspended, withheld or cancelled.**”
- Mid Sussex Cars commented with regards to **Sub Contracted Bookings** (Item 11) and made representations that they deal solely with Executive Clients based throughout the world. As a sole trader it could prove difficult at times to locate the PA that made the booking to update the alternate company details completing the pickup; particularly if he was driving at the time. PA's of major companies who use his services could become confused or concerned if he stated that an alternate company was carrying out the transport request rather than Mid Sussex Cars. Changes to the vehicle can be made when the client is en route and uncontactable and due to the nature of his clients, changes to their schedule can be frequent necessitating alternate vehicles being provided at short notice. They had a concern that some PA's would start to use other companies thinking MSC were too busy to accept their bookings

7. The proposed changes to the Policy attached in Appendix 1 have been amended to reflect the comments by Haywards Heath Town Council. The request to change the requirements of sub contracting bookings has not been altered as it was proposed on grounds of public safety where customers should know what authority has licensed that vehicle should they have an issue.

Policy Context

8. The Licensing Policy is produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

Financial Implications

9. None

Risk Management Implications

10. In accordance with the Council's risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. It is suggested that the main risk is that if the Council fails to revise the Licensing Policy it may be open to legal challenge.

Equality and customer service implications

- 12 An equality impact assessment was carried out in the development of this policy and did not identify any negative impacts for customers and those protected by equalities legislation. The policy is intended to protect the public, including those who are vulnerable owing to their age or disability, and through our consultation with a range of stakeholders, including the police, we will seek to ensure we have got the balance right in this respect. Details of stakeholders with whom we will consult are included in the draft policy.

Background Papers

13. None

Proposed Taxi Licensing Policy Amendments

1. Transfer of vehicle Licences

The existing policy needs to be clarified so that all existing vehicle licence holders are aware that it is the vehicle that is licensed which means a licensed 'plate' cannot be transferred without a vehicle attached to it.

Proposed amendment to policy

A proprietor of a licensed hackney carriage or private hire vehicle may transfer their interest in the vehicle to another person. Under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, they must ensure that the Council is notified of the new proprietor's name and address within 14 days. The application to transfer ownership will also provide the V5 with the new owners details shown as the registered keeper.

Whilst there can be joint proprietary interest in a vehicle licence, vehicle proprietors should be aware that the vehicle 'plate' belongs to the Council at all times. The licence is not the property of an individual and so the licence cannot be transferred separately from the vehicle. Therefore, it must be transferred immediately to the new owner of the vehicle. However, if the MSDC Licensing Department is not fully satisfied with all aspects of the transfer, including DVLA checks or a failure to comply with any other aspect required in the MSDC Hackney Carriage and Private Hire (Taxi) Licensing Policy (see below), the 'plate' transfer may be suspended, withheld or cancelled.

2. DVLA checks

Since the abolition of the Driving Licence paper counterpart the Licensing Department have been unable to easily check current driving endorsements that may have accrued.

From January 2017 Local Authorities will no longer be able to request an extended mandate for an extract of an applicant's driving history. The DVLA does provide a free service to check a driver's current endorsements. It is proposed this to be adopted for all new and current drivers so the Licensing Authority can ensure drivers remain 'fit and proper' persons.

Proposed addition to policy

Applicants are encouraged to make use of the DVLA's free online Shared Driving Licence Service to enable the Council to check their driving licence record. This service can be found at www.gov.uk/view-driving-licence.

Checks may also be made by the Council, requiring the applicant or licensed driver to provide a shared DVLA driving licence code at other times. This will either be where the Council believes an applicant or licence holder has been convicted of an offence not previously declared, there has been a delay in the application process and the Council wish to ensure they have updated details before determining an application or, as part of periodic compliance checks of licensed drivers.

If an applicant is unable to, or chooses not to, use the free Shared Driving Licence Service, he/she will be required to give written consent to the Council to apply to the

DVLA for their driver record. The applicant must pay the reasonable administrative fees of the Council as well as those of the DVLA. Utilising this service will result in delays in the Council processing an application.

Existing licensed drivers will be expected, and conditioned, to provide a shared driving licence code upon the request of the Council during the course of a 3 year licence where the Council deem it appropriate to check that a driver has not received any endorsements that have not been disclosed to the Council.

3. Immigration-Right to Work Check

There is now a legal responsibility imposed on the Council by the Immigration Act 2016 to ensure that right to work checks on drivers and operator licence holders are completed.

Proposed addition to policy

The Council must comply with the legal requirement not to issue a licence to someone who is disqualified from holding the licence by reason of their immigration status. This duty is discharged by requiring the applicant to submit one of a number of prescribed documents which show that the applicant has permission to be in the UK and undertake work as an operator or PHV or taxi driver.

All initial applicants and renewals for a hackney carriage drivers licence, private hire driver's licence or Operator Licence will be required to demonstrate that they have the right to live and work in the United Kingdom. We will follow the advice given by the UK Border Agency following the implementation of the Immigration Act 2016. Once the check has been completed satisfactorily it will not normally need to be repeated. A licence will not be granted to an applicant who is not entitled to work in the UK. It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals. No assumptions will be made about a person's right to work in the UK or their immigration status on the basis of their nationality, ethnic or national origin, accent, the colour of their skin, or the length of time they have been resident in the UK.

For those drivers and applicants who have time-limited permission to be in the UK, the check must be repeated at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK. A licence will only be granted for the duration of the validity of the Visa or permission.

4. Disclosure Barring Service(DBS) Update Service

Currently drivers have to provide enhanced disclosures for a number of bodies. This incurs a charge to them for the issue of each certificate. The DBS update service provides the facility for certificates to be checked online. This has the benefits of a significant cost saving for the drivers and a significant saving of officer time in repeated checking and submission of documentation when the applications are processed.

Proposed policy update

Disclosure Barring Service(DBS) Update Service

The Council encourages drivers to enrol in the DBS Update Service.

The Update Service allows the applicant to pay a subscription fee direct to the Disclosure and Barring Service, in return for ongoing monitoring of the official records

for information relating to the applicant. Subscribers will be able to give employers and licensing authorities permission to carry out a status check, in order to verify whether an original DBS certificate remains valid, even if it is several years later. Therefore we will allow taxi and private hire drivers to use the Update Service as an alternative to obtaining a new certificate every three years. In such cases, the original certificate that the Update Service relates to must initially be produced to the Licensing Department for verification that it is suitable.

The applicant must have subscribed within 19 days of the issue of the last certificate. If the subscription lapses, or if the police records show new information since the certificate was issued, we will not be able to obtain a status check, and the applicant will need to apply for a new disclosure certificate.

5. Licence Plate Exemption

Plate exemptions allow vehicles that provide a discreet private hire service to corporate and VIP clients to remove the licensing plate from the rear of the vehicle. The condition is amended to clarify the circumstances under which the plate can be exempt and when the Council can remove the exemption for misuse of the system.

Proposed amendment to policy

Plate exemption is for vehicles providing a discreet service to corporate and VIP clients. Where vehicles are also undertaking normal private hire work or engaging in a school contract then they will display both the internal and external plate, display the required door signs and the driver will wear their driver badge.

The display of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety. The visible licence number of the vehicle and driver affords members of the public and other persons such as the Police traceability via the local licensing authority. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

If the plate exemption is found to being misused then consideration will be given to the exemption for that vehicle being removed.

6. Fit and proper – False or misleading information

Proposed amendment to Policy

An applicant may not be considered to be a fit and proper person to hold a licence if there is any evidence that the he/she has been dishonest in making the application or it can be evidenced that they or an existing licence holder has misled, or attempted to mislead, the Council (officers or elected members of the licensing committee) during any part of the application process or with the administration of the licence throughout its duration.

7. Assistance Dogs

Proposed amendment to Policy

All licensed drivers are under a legal duty to carry guide, hearing and any other assistance dogs in their vehicles without any additional charge to the passenger. A licensed driver may only refuse to do so where they have a medical exemption. A medical exemption may only be granted by the licensing authority where the licensed driver has provided detailed medical evidence that shows a medical condition will be aggravated by exposure to dogs. If the medical exemption is granted, the licensed driver will be issued with an exemption certificate and a notice of exemption. The notice must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.

8. Medical

Our current policy on medical examination needs to be expanded to clarify the process and requirements.

Proposed amendment to Policy

Applicants and licence holders must notify the Council as soon as it is practicable of any deterioration in their health that may affect their ability to drive a licensed vehicle and/or their suitability to be a licensed driver. The Council will take a serious view of any licence holder continuing to drive if that driver is aware of, or as a licensed driver should be aware of, any health problems that could endanger the lives of their passengers.

Where the Council is not satisfied as to the medical fitness of an applicant, it will require the applicant to undergo and pay for a further medical examination, at an appropriate medical facility. This will be conducted by either the applicant's GP or other qualified medical practitioner with access to the applicant's full medical records to certify in writing that the applicant meets the relevant standard to act as a licensed driver. Where there remains any doubt about the fitness of any applicant or licence holder the Council will review the medical evidence and, if necessary, put further questions to the relevant medical practitioner (such costs to be borne by the applicant or licence holder), before making any final decision about the application.

9. Knowledge Test

It is a requirement that all new applicants undertake a knowledge test of the area. Unfortunately some applicants choose to cheat during the test and at present they can re-sit the exam. It is proposed that we exclude those individuals from holding a licence on grounds of dishonesty and not being a fit and proper person.

Proposed amendment to Policy

Where an applicant takes the Council's knowledge test, any attempt at cheating in that test is likely to result in their application being refused. Cheating in this context may include, but is not limited to, copying another applicant's answers, disruptive behaviour during the test, utilising any non-permitted papers or devices, or otherwise trying to gain an unfair or improper advantage.

10. Private Hire Operators- Office waiting area.

Following a review of the current Policy no minimum standards are set for waiting facilities provided by an Operator for members of the public to ensure their safety or comfort whilst using the waiting facilities.

Proposed condition to the Operators Licence:

Operators that provide waiting facilities for the public should ensure the following:

- a. Any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting; are kept clean, adequately heated, ventilated and lit
- b. ensure that any waiting area provided by the operator has adequate seating facilities;
- c. appropriate public liability insurance must be taken out for premises that are open to the public (e.g. taxi waiting rooms) and the appropriate certificate of insurance should be provided for examination when required by Council Officers'

11. Sub contracted booking details

Since October 2015 Operators have been able to sub-contract bookings to other Operators either in the same or another district. Accurate records of all sub-contracted bookings should be maintained therefore in addition to the current requirements of Condition 2 of the Operator Licence it is proposed that the following to be added regarding sub-contracted bookings.

Proposed condition to the Operator's Licence

- a. 'If the booking was undertaken at the request of another operator, the name of that operator
- b. If the booking was passed to another operator to fulfil, the name of that operator and confirmation that the customer was informed that the booking will not be completed by a Mid Sussex District Licensed driver and vehicle.

12. Notification of Convictions on an Operator's Licence

Currently the condition that requires Operators to inform the Council of any convictions does not have a time limit on how long they have to make the notification. It is therefore proposed to amend Condition 12 to read –

Proposed amendment to conditions for an Operator's Licence

The licence holder(s) will, within seven days, disclose to the Council in writing details of any conviction; including any fixed penalty notice (endorsable or non endorsable), any Criminal Behaviour Order or any High Court or County Court judgement recorded against their name during the period of the licence, and any Police Caution. In addition the licence holder (s) will inform the Council within seven days, of any arrest or interview under caution as a suspect.

13. Dual Plating

A new section to the policy is necessary because of the problems of meeting the different standards that apply in different areas and the enforcement of those conditions in cases of non-compliance. Therefore obtaining a vehicle licence from any other authority would automatically invalidate any hackney carriage or private hire vehicle licence issued for that vehicle by Mid Sussex District Council.

Proposed amendment to conditions for an Operator's Licence

No Vehicle will be granted a licence if it is already licensed in another district.

14. Inspection of electronic booking records – assistance to Inspecting Officers

A significant number of Operators use technology /systems to record their licensable activities. In order to allow us to conduct compliance checks Officers need access to the system. A new condition will make it a requirement that Operators help us to effectively access the records.

Proposed amendment to conditions for an Operator's Licence

Operators who maintain computerised records will be required to give access to these records to licensing officers upon request in order that the licensing officers can carry out their enforcement duties. Operators will be required to provide adequate instruction to licensing officers in order to enable the officers to interrogate computerised records and gather information they require.

15. Electric Vehicles for Hackney and Private Hire Vehicle licence conditions

At present the current Policy makes no reference to electric vehicles. There are a number of Hybrid vehicles within the licensed fleet but at present there is no opportunity for licensed vehicles to be solely electric. Electric vehicles produce no direct CO2 emissions, and as electricity can be produced from sustainable sources, such vehicles can be considered to be environmentally friendly. Electrically powered taxis are currently running in Holland, Switzerland, Germany, Portugal, Spain and the UK. Transport for London is examining options to ensure that "from 2018 all taxis presented for licensing should be zero emission capable". In addition to Transport for London, several other areas have revised their conditions with respect to the matters described in this report, taking cognisance of technical developments in engine capacity/power and vehicle emissions. Electric vehicles may now be licensed in Nottingham, Cornwall, Blackpool, Blyth and Wigan, among others. The benefits of giving drivers the opportunity to license electric vehicles would assist in the drive to reduce emissions.

Proposed amendment to Hackney and Private Hire Vehicle licences conditions

The Council will licence electric, hybrid or similar vehicles providing they are of such design as to be able to undertake a full range of journeys, whilst carrying the maximum licensed number of passengers and associated luggage.

16. Convictions/arrest to Private Hire and Hackney Drivers Licences concerning details of arrests , convictions and cautions.

The arrest and release on bail with or without charge can indicate that there has been an event, which may cause the Council to review the suitability of an applicant or a licensed driver to hold a licence. The current condition requires drivers to notify the Council of convictions and cautions. This addition requires details when arrests and/or interviews under caution as a suspect are made.

Proposed amendment to Hackney and Private Hire Driver licence conditions

The licence holder will, within seven days, disclose to the Council in writing details of any conviction; including any fixed penalty notice (endorsable or non endorsable), any Criminal Behaviour Order or any High Court or County Court judgement recorded against their name during the period of the licence, and any Police Caution. In

addition the licence holder will inform the Council within seven days, of any arrest or interview under caution as a suspect.