
21 January 2019

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING** will be held in the **COUNCIL CHAMBER** at these offices on **TUESDAY, 29TH JANUARY, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

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|---|----------------|
| 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 consider any items that the Chairman agrees to take as urgent business. | |
| 5. To confirm the Minutes of the meeting of the Committee held on 21 November 2018 and the Joint Scrutiny Committee held on 18 December 2018. | 3 - 14 |
| 6. Expansion of Use of Powers contained within the Antisocial Behaviour, Crime & Policing Act 2014 | 15 - 32 |
| 7. Statement of Community Involvement (SCI) | 33 - 68 |
| 8. Scrutiny Committee for Community, Housing and Planning Work Programme | 69 - 70 |

9. 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 N Walker (Chairman), M Hersey (Vice-Chair), A Barrett-Miles, E Belsey, R Cherry, P Coote, S Ellis, S Hatton, C Hersey, C Holden, A Jones, E Matthews, A Watts Williams, J Wilkinson and P Wyan

6. SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT – SITE SELECTION PAPER 2 – METHODOLOGY FOR SITE SELECTION

Lois Partridge, Business Unit Leader for Planning Policy and Economy introduced the report which sets out the proposed Site Selection Methodology, the latest step towards preparing the Site Allocations Development Plan Document (DPD), which will allocate sites to provide the residual housing requirement of approximately 2,500 homes. She highlighted the work that has led to the production of this Methodology, as set out on p.14 of the report and noted that Officers had consulted with the Site Allocations Working Group, the Mid Sussex Developer Liaison Group, neighbouring authorities and Town and Parish Councils who were all asked to submit comments. 11 responses were received and Appendix 2 sets out the comments made, and identifies where these have resulted in changes to the methodology.

Alice Henstock, Senior Planning Officer noted that the Methodology has two sets of criteria, one for housing and one for employment. These have been developed to establish the suitability, availability and deliverability of each site in accordance with the National Planning Policy Framework, (NPPF). There are 17 criteria for housing sites and 19 for employment sites. They have been graded with a traffic light system depending on the impact. The housing criteria are divided into three sections: Planning Constraints, Deliverability and Sustainability, and the employment sites are divided into Planning Constraints, Accessibility and Market Demand. The Planning Constraint criteria carry the most weight, then the Deliverability or Accessibility criteria, and then the Sustainability or Market Demand criteria. The Senior Planning Officer outlined the next steps required which will include the assessment of each site, working with the Site Allocations Working Group and seeking advice from external conservation, traffic, and air quality consultants, site promoters and Town and Parish Councils to ensure the assessment is robust and fully evidenced. Sites will then be ranked against each other to determine the ones to put forward.

A Member asked if the contentious issue of Strategic Road Access should be looked at in more detail and whether the employment criteria should be expanded to look at more than one class. The Business Unit Leader for Planning Policy and Economy noted that access is important but as there is no Government policy or evidence base for assessing this, the highest weighting had to be given to planning constraints, based on the NPPF. Sally Blomfield, Divisional Leader for Planning and Economy acknowledged that employment covers more than just B Class but that for the Site Allocations DPD, only B1-B8 usage was being considered, as other types generally are located in Town Centres, such as retail use.

Regarding feedback provided by Brighton and Hove, a Member queried the response of 'no further action' set out in the summary of consultation responses, relating to the proposed negative impact associated with no response to queries about deliverability. The Business Unit Leader for Planning Policy provided reassurance that there will be active follow-up with landowners and promoters, and the negative impact would only be applied if they consistently did not provide any information despite regular contact.

A number of Members praised the logical draft Methodology and a discussion was held on what quality control mechanisms are in place to ensure assessments are robust. The Assistant Chief Executive confirmed that the Scrutiny Committee provided independent quality control, as is the Site Allocations Working Group who worked alongside Officers. The Council has also engaged external consultants for specialist work and employed the

services of a Planning QC experienced in this field, to advise on process and act as an external checks and balance.

A Member queried the figures for settlement categories, the issue of air quality at particular sites, and sought clarity on the specific wording of the 'severe' categories in sections 10 and 11 on p.27 relating to congestion 'caused by the development'. The Divisional Leader for Planning and Economy confirmed that the residual figure per settlement category is set out in DP4 and East Grinstead falls within category 1, with 1272 homes as a starting point. The Business Unit Leader noted that in relation to mitigating transport constraints, Community Infrastructure Levy Regulations 2010 requires that financial contributions sought from a development must be directly related to the development and fairly and reasonably related in scale and kind to the development. She acknowledged there are background congestion issues and the Council is seeking government funding to improve the strategic highways network and has commissioned transport consultants to build a model to test the highway impacts of development planned in the Site Allocations DPD, with advice and sign off from West Sussex County Council (WSSCC). The transport study will be District wide and will look at links between all developments including the public right of way network and links with neighbouring authorities. Regarding air quality, p.41 paragraph 7.4 sets out the specialist advice which will be sought before any decisions are taken.

Discussion was held on Part 3 of the housing criteria used to assess walking routes to schools and GP surgeries. It was noted that health standards might not apply to each individual but a consistent data set was required in order to accurately compare the accessibility of sites to community facilities. The use of standard criteria is considered to represent best practice, set out by Government and used by all Local Authorities. It was also noted that the criteria allowed for provision of schools and surgeries within new developments. The Assistant Chief Executive also noted that this section of the criteria is a carefully weighted third tier sift of site suitability, designed to help identify the differences between two sites which may be similar.

Two Members commented on the importance given to protecting National Parks and areas of outstanding natural beauty (AONB), and questioned what constituted 'proximity' and 'adjacent to' the AONB. The Assistant Chief Executive confirmed that the High Wield AONB Unit will assess the potential impact of development on each site on the AONB.; officers would confirm with the AONB unit the difference between 'proximity' and 'adjacent to'. Where sites may affect the setting of the South Downs National Park (SDNP), details have been sent to the SDNP Landscapes Officer to comment and will be captured in Criteria 8. It was confirmed that any sites that are ruled out for further consideration through the Site Allocations DPD assessment process, may be reconsidered in the future, for example when the District Plan is reviewed.

A Member noted that p.30, paragraph 17 related to bus services and not trains, noting that Haywards Heath has a higher frequency of trains stopping than some other locations, which may affect which station residents wish to set off from. Divisional Leader for Planning and Economy acknowledged that the use of a criteria on the frequency of the train service merited further investigation; this section of the criteria will be reviewed.

The Chairman took questions from Councillors attending the meeting who were not on the Committee. In response to a query on public consultation, it was confirmed that there will be continual liaison with Town and Parish Councils followed by two formal rounds of regulation 18 and 19 public consultation. The Site Allocations DPD will need to be formally adopted by Council and will go through a formal Examination where the Inspector will make a final decision based on all the information presented to him. This will provide further quality assurance.

The Business Unit Leader for Planning Policy and Economy clarified a query on p.21, paragraphs 14 and 15, confirming that the assessment process will be an iterative assessment process. The initial assessment will be made without mitigation and if an issue is identified, the developers will be contacted to provide details of what mitigation measures could be provided, followed by a reassessment. Regarding p.22, the weighting of criteria is as set out in the NPPF and National Planning Practice Guidance, rather than numerical weighting.

Two Members of the Site Allocations Working Group were present at the meeting and commended the work of the Officers in developing a rigorous assessment process with strong quality control methods in place. The Cabinet Member for Housing and Planning reiterated that the Scrutiny Committee played a vital part of the quality control and noted that if the Methodology highlighted sites that were equal, there is the further option to drill down to the Neighbourhood Plans for guidance on which to choose.

The Chairman acknowledged the committee's appreciation of the Officers and Working Group for their work in developing the Methodology. He took Members to the recommendations as set out in the report, which were agreed unanimously.

RESOLVED

The Committee;

- (i) Considered and commented on the proposed Site Selection Methodology;
- (ii) Authorises the Divisional Leader for Planning and the Economy, in consultation with the Cabinet Member for Planning, to make any further necessary minor amendments to the proposed methodology, if required;
- (iii) Noted the Site Allocations Development Plan Document will seek to allocate up to 2,500 dwellings, in accordance with District Plan policy DP4; and
- (iv) Noted the work programme.

7. AIR QUALITY

Tom Clark, Solicitor to the Council introduced the report, noting that the air quality management area remains in force, as the NO₂ levels at Stonepound Crossroads exceed the air quality objective of 40ug/m³. He confirmed that the table in Appendix A is missing information. The orange line relates to Lewes Road, East Grinstead, and the bottom blue line relates to South Road, Haywards Heath.

Discussion was held on whether the Council can do more to reduce pollution levels. It was noted that it is a complex issue as new evidence and guidance is continually provided on the health effects of various pollutants. The Council is following a holistic approach in line with the Government's clean air policy and has taken steps to implement changes in Mid Sussex, including introducing a new policy that states Taxi's cannot be older than 10 years. The Licensing Committee will also be considering that Hackney Carriages should move to electric engines. From a planning perspective the Council is encouraging developers to include electric charging points and in the Northern Arc development, all properties will include a charging point.

A number of Members discussed locations where they felt further air quality monitoring was required. Nick Bennett, Senior Environmental Health Officer confirmed that the sites are regularly reviewed and that they need to be near relevant exposure to be considered

for monitoring. He noted the suggestions of sites provided by the committee, to be taken forward at the next review. He also confirmed that traffic light sequencing was controlled by WSCC and he would provide contact details for Members who wish to make representation on sequencing issues.

A Member queried whether the proposal to make the A2300 a dual carriageway would increase or decrease pollution. The Senior Environmental Health Officer confirmed that although the amount of traffic on the road would increase, the overall outcome should be a reduction in pollution, particularly at the Stonepound crossroads as traffic will move more freely onto the A2300.

A suggestion was put forward that work is needed to address school drop-off congestion, with parking enforcement officers deployed. It was agreed that the Business Unit Leader for Parking would contact the Member directly to discuss.

A Member asked for a clearer set of deliverables to be included in the report. The Cabinet Member for Community confirmed he had an extensive list of deliverables which are included in the annual report on the website. He noted that there is a long term downward trend in pollutants even though traffic numbers are increasing, due to developments in technology. He also confirmed that an inter-authority air quality group has recently been set up which will meet three times per year to share best practice.

Members discussed the option of putting in place construction traffic management plans to resolve concerns at the Ham Fields Development, and the subject of planting tree replacements for every tree cut down on new construction sites. Planning conditions could be used to provide mitigation in the form of additional planting if appropriate. Members also requested that information be provided in Mid Sussex Matters to update the public on air quality issues in the District, and the interventions made by the Council to make a difference.

The Chairman took Members to the recommendation as set out in the report, which was agreed unanimously.

RESOLVED

The Committee;

Endorsed the approach of the Council on Air Quality.

8. PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

Tom Clark, Solicitor to the Council introduced the report, noting that the committee is asked to recommend the policy is considered for approval by Council. In response to a Member's query, he agreed to look into whether any consultation has taken place with the Southern Landlords Association.

The policy was welcomed by Members. The Cabinet Member for Community confirmed that the Council will be active in enforcement were landlords provide unsatisfactory and unsafe housing. The Solicitor to the Council confirmed that more resources are expected to be put into Housing in the Environmental Health department to assist in the enforcement of the policy.

The Chairman took Members to the recommendations as set out in the report, which were agreed unanimously.

RESOLVED

The Committee:

Endorsed the Private Sector Housing Enforcement Policy contained in Appendix 1 and recommends it is considered for approval by Council.

9. WORK PROGRAMME

Tom Clark, Solicitor to the Council introduced the report and informed Members that an extra meeting of the Scrutiny Committee had been scheduled for 18 December 2018 to consider the use of the emergency runway at Gatwick Airport.

The Chairman took Members to the recommendation as set out in the report, which was agreed unanimously.

RESOLVED

The Committee noted the Work Programme as set out at paragraph 5 of the report.

10. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

Chairman.

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

Councillor Bradbury substituted for Councillor Mockford. Councillor Moore substituted for Councillor E Belsey.

4. APOLOGIES

Apologies were received from Councillor Mockford, Councillor Edward Belsey, Cllr Margaret Belsey, Councillor Barrett Miles, Councillor Marples, Councillor Whittaker, Councillor Reed, Councillor Andrew Lea, Councillor Hatton, Councillor Wall, Councillor Ash-Edwards and Councillor Llewellyn-Burke.

5. DECLARATIONS OF INTEREST.

None.

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

None.

7. MSDC RESPONSE TO GATWICK AIRPORT DRAFT MASTERPLAN 2018

The Chairman noted that Gatwick Airport Limited (GAL) is required to produce a new Masterplan every 5 years. The current masterplan was adopted in 2012, and the draft Masterplan proposes three options for growth, to 2032. The Committee has been convened to consider Mid Sussex District Council's initial response to the draft Masterplan.

Lois Partridge, Business Unit Leader for Planning Policy and Economy introduced the report and took Members through the options, set out mechanisms to engage in the future, and described the Council's proposed response. The Masterplan sets out the plan for the next five years and includes three growth options which look 5-15 years ahead to 2032. She noted that there has been significant growth at the airport since the last plan was adopted in 2012. The National Policy Statement has also confirmed the Government's intention to proceed with a third runway at Heathrow, and the Government has published its guidance for airports other than Heathrow.

The Business Unit Leader confirmed that the Council's response supports the principle of sustainable growth at Gatwick Airport however the current plan is not supported by a strong evidence base in a number of key areas. The three options presented are not mutually exclusive, and there could be significant cumulative impacts of more than one option coming forward. The Council's response makes clear that the Council has concerns that the cumulative impacts of the options are not addressed in the Masterplan. The Council reserves the right to comment in due course once more detailed information has been provided. The draft consultation response is included in Appendix 1 of the report. She summarised the three options proposed by GAL:

Option 1 is to make best use of the existing runway by using larger aircraft, through the changes to flight patterns caused by the airspace modernisation programme, and by increasing the number of flights in off peak times. Together these measures could increase passenger numbers to up to 61 million passengers per year. Until more details are known and the impacts on flightpaths are understood, it is difficult to comment in detail on this proposal.

Option 2 proposes to make best use of the existing standby runway. GAL's legal agreement with West Sussex County Council signed in 1979 precludes the simultaneous use of this runway with the main runway. This option proposes to seek planning consent through a Development Consent Order (DCO) to use the standby runway for departures of smaller aircraft alongside the operation of the main runway. The DCO process is used for nationally significant infrastructure projects, and this would class as such as it proposes an increase of more than 10 million passengers. The Council will expect to be fully involved in the consultation on the DCO process.

Option 3 proposes safeguarding land for an additional runway to the south. There is no immediate plan to build this, but it would generate up to 95 million passengers.

A number of Members commented on the well-structured report and agreed that at this stage it is appropriate that the Council provide a high level response, until further detail is provided by GAL. It was noted that there was limited information provided by GAL on air quality, noise and highways issues at this stage.

Members raised the need for assurances on the use of low noise aircraft. It was noted that a prior presentation from GAL had confirmed noise calculations were based on an increase from 3% to 86% of aircraft being 'new generation' low noise planes. The noise implication needs to be addressed if this increase does not happen.

Members noted that a large number of new employment opportunities were to be expected by the increases proposed in options 1 and 2. Noting that unemployment levels in Mid Sussex are low, members acknowledged that a significant amount of people will commute to the area. A Member noted that GAL has limited options to improve staff access to the airport as cycle and pedestrian options are not practical, and the M23 Smart Motorway will not increase capacity. Therefore, Members considered significant improvements to the rail network are required to accommodate planned growth.

Regarding option 3, a Member felt that the Council's response did not address the proposal to safeguard land fully. The proposal would be taking away development land which could be used by Crawley Borough Council to help meet their housing need, or the land could be used to provide parking if the runway is not being built.

The Business Unit Leader for Planning Policy and Economy confirmed that although it is not possible to assure the use of specific aircraft, GAL will be strongly encouraged to incentivise the use of quieter aircraft. She also confirmed that the Government had recently launched the Aviation 2050 Strategy although a high level document it includes a section on the issue of noise and sets out expectations of airports to manage and reduce noise. It also encourages airports which are safeguarding land to continue to do so. Officers are reviewing this report and will amend the Council's response to GAL based on guidance in the 2050 Strategy.

The Assistant Chief Executive noted the importance of flagging up areas of concern at this stage. It was also important to be seen as serious consultees in the whole process and in order to assist with this, the Council has engaged two consultants, a Lawyer who has worked on national infrastructure projects and a Barrister who currently works with the Council on the Site Allocations DPD work. Engaging this expertise at an early stage is key to securing the right advice regarding engagement with GAL and the DCO process.

A Member raised concerns about relying solely on the evidence provided by GAL as they are projections which may vary over time. The Assistant Chief Executive confirmed that the Council will also engage specialist technical advice regarding transport, noise and infrastructure, which will be done in conjunction with West Sussex County Council and the Transport for South East Shadow Board.

Regarding employment opportunities associated with the airport expansion, a Member asked if there could be more detailed evidence provided on the types of companies currently supplying Gatwick, or being attracted to the area, to see how it aligns with the aims of the Council's Economic Development Strategy.

Sally Blomfield, the Divisional Leader - Planning and Economy acknowledged this is an area that could be considered in more detail. The Business Unit Leader for Planning Policy and Economy confirmed that the Greater Brighton Economic Board will shortly carry out a survey of 15,000 businesses in conjunction with the Council's Economic Development Team and the survey will include questions on the businesses' attitude to Gatwick expansion. This number of businesses will be contacted, in order to secure responses from approximately 1,500 overall.

A Member raised concerns about noise issues in the north of the District particularly around Copthorne and East Grinstead. He was also pleased to note that the Council's response on p.12 of the report draws attention to traffic conditions in East Grinstead and the Ashdown Forest, as the increase in commuters will have a dramatic effect on local roads. Other Members noted that the Council's response on transport needed to be more robust as there will be a significant use of roads which are currently unfit for purpose and there is an incorrect assumption by GAL's proposals that traffic will be running mainly from North to South. The Business Unit Leader for Planning Policy and Economy confirmed that any DCO will need to include a transport assessment to be approved by both Surrey and Sussex Highway Authorities.

A Member sought assurances on GAL's commitment to contribute to resolving rail transport issues to and from the airport. The Business Unit Leader for Planning Policy and Economy confirmed that this is included in the Council's response, and that the Government's 2050 Strategy includes a requirement for airports to work with local government to develop surface access strategies.

In response to a Member's query, the Assistant Chief Executive confirmed that the Council's interpretation of 'sustainable growth' relates to growth that is planned but also supported by what is needed to mitigate the impact of that growth. In line with the Government's definition it relates to social, economic and environmental issues. Regarding the timeframe for implementing GAL's proposals, it is not something driven by the Council but the draft response confirms that the Council intends to engage with every stage of any planning process, to ensure the Council's voice is heard.

A Member highlighted that a number of smaller airports such as Southampton are looking to expand, and asked whether GAL's proposals are based on the other airports each reaching their desired capacity. He felt it would be unfortunate if Gatwick expanded at the detriment of regional airports. The Business Unit Leader for Planning and Economy noted that the 2050 Strategy included a section on sub-regional airports, with the Government encouraging them to expand as it is predicted that passenger numbers will continue to rise over coming years at all airports

Members also raised concerns over affordability of housing for people taking up employment at the airport, and the possibility of companies running coaches to shuttle staff to and from work. Members also asked if information could be provided on the areas that passengers generally commuted from. These points were noted.

A Member also noted that a recent GAL presentation to West Sussex County Council prompted the question of what benefit the proposals would have for the rest of West Sussex. In response to the concern regarding housing, the Cabinet Member for Housing and Planning highlighted that airport workers are generally not badly paid, and it would be

wrong to assume there would be issues with staff affording housing in the area. He also highlighted that the Council wants to encourage all types of employment for Mid Sussex residents, not just highly skilled roles.

In summary a number of Members advocated providing a high level response at this stage and reserving further comment until more evidence has been provided by GAL. They acknowledged there were a number of positive aspects to the proposals contained in the Masterplan, but felt that further assurances and more detail was required, particularly regarding employment, housing, the reliance on SMART motorways and improvements on the railway network. The Assistant Chief Executive confirmed that the Council's response will be strengthened in these areas, and in light of the Government's 2050 aviation strategy. The Council will also have an opportunity to respond to the 2050 Strategy in 2019, via GATCOM.

The Cabinet Member for Community highlighted the figures contained in the Gatwick Airport Community Trust's unaudited statement 2017 which indicated that over the past two years £192,000 and £195,000 had been paid to surrounding communities. However, East Grinstead was only listed as receiving £8,200 in 2016 and nothing in 2017, with no mention of payments to any of the villages in the north of the District. He referred to the fact that the foundation supports a number of 3rd sector organisations that do mitigate against the negative impacts of the airport in terms of pollution and health, which is important. However he felt that compared to the figures quoted in the GAL proposal, the payments to communities in Mid Sussex were relatively small.

The Chairman acknowledged that it was crucial to seek the views of the Scrutiny Committees in preparing the Council's response. He also put on record the Committee's appreciation of the work which had gone into preparing a good initial response. He took Members to the recommendations which were agreed unanimously.

RESOLVED

The Scrutiny Committees for Communities, Housing and Planning and for Leader, Resources and Economic Growth:

- (i.) Considered and commented on the draft consultation response;
- (ii.) Authorised the Chief Executive, in consultation with the Leader of the Council, to make any further necessary minor amendments to the draft consultation response;
and
- (iii.) Noted the likely next steps in the process.

8. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

Meeting closed at 8.12pm

Chairman.

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EXPANSION OF USE OF POWERS CONTAINED WITHIN THE ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014

Report of: Head of Corporate Resources
Contact Officer: Kate Wilson – BUL Community Services, Policy & Performance
Email: kate.wilson@midsussex.gov.uk Tel: 01444 477421
Wards Affected: All
Key Decision: No
Report to: Scrutiny Committee for Community, Housing & Planning

Purpose

1. To inform the Mid Sussex District Council (MSDC) Scrutiny Committee for Community, Housing & Planning on proposals to expand the use of enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP) to help tackle ASB issues in the District.

Summary

2. In the October 2014 Cabinet Report¹, MSDC acknowledged a full range of powers available to local authorities under the new powers contained within the ASBCP. The powers set out in the new legislation placed a greater emphasis on the use of Fixed Penalty Notices (FPN's) to enforce and change behaviour. Specifically, the Act introduced Community Protection Notices and Public Space Protection Orders (PSPO's), where a breach could result in a Fixed Penalty Notice. In that same report Cabinet approved an expansion of use of powers contained within the Clean Neighbourhoods and Environment Act 2005, specifically to expand the use of Fixed Penalty Notices.
3. Further to Council approval on 27 September 2017, the Council updated its dog control measures on 17 October 2017, introducing four Public Space Protection Orders (PSPO) under legislation contained in the ASBCP Act, to replace the existing 'Dog Control Order' legislation. This was agreed for an initial period of 3 years, with the intention of reviewing after that period (October 2020). Due to the agreed timeframe, a review of the PSPO's for dog control measures will be out of the scope of this report.
4. However, since the adoption of these powers, other ASB issues have arisen in the District such as car cruising/anti-social vehicle use, anti-social and nuisance behaviour in public places by children & young people and other environmental ASB.
5. Under the ASBCP, there are additional powers and/or expansion of current powers which could be effectively utilised independently and / or alongside other existing powers to help tackle these issues, details of which can be found later in this report.
6. Whilst the Council is able to use the powers unilaterally, it is important to acknowledge that any decision to use the powers will typically be taken in consultation with Sussex Police and other relevant agencies.
7. Adoption and/or expansion of the powers is not a panacea for resolving all crime and anti-social behaviour in the District, however, they are an important tool in helping the Council work with statutory partners to respond to the most persistent, unreasonable and impactful behaviours in the community. By their nature, these cases can involve individuals with complex and challenging needs and it is important to find balance in the approach to resolution.

¹ MSDC. (2014). 'Fixed Penalty Notice Expansion'. October 20 2014.

Recommendations

8. Scrutiny Committee for Community, Housing & Planning is asked to recommend to Cabinet to;
 - Note the contents of this report and agree to adopt the additional powers under the ASBCP Act 2014 for the uses specified.
 - Approve delegation of authority to specified officers to use those powers.
 - Approve authorisation to further extend the scope of the powers to be at the discretion of the relevant Head of Service.

Introduction

9. The Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP) received royal assent on 13 March 2014. The aim of the Act was to provide simpler and more effective powers to deal with anti-social behaviour (ASB), and to enable victims and communities to have more control over the way in which their complaints were handled².
10. Since the introduction of the legislation, MSDC has adopted a range of powers under the Act for issues such as dog control. It is now proposed that these powers be expanded to assist with tackling a wider range of ASB issues that have been encountered in the District over the past 18 months.

Background

11. The Council has been using powers under The Clean Neighbourhoods and Environment Act 2005 (CNE) to address anti-social behaviour following Cabinet approval on 8 October 2007, with additional powers pertaining to Dog Control Orders approved on 23 July 2008³.
12. In addition, the Council uses powers contained within the Environmental Protection Act 1990 to issue Abatement Notices for statutory nuisance and Section 215 of the Town & Country Planning Act 1990.
13. Following the changes in legislation and the subsequent 2014 Cabinet report, MSDC expanded its powers contained within the CNE Act, supported by the ASBCP Act legislation. These powers provided authorised Council officers with the authority to issue Fixed Penalty Notices (FPNs) of £75 for specific offences as an alternative to prosecution. However, the charge was reduced to £50 if it was paid within 10 working days and increased to a maximum of £1000 for failure to pay⁴. The offences included; littering (including fly tipping), illegal transportation of waste, graffiti and a range of dog control measures.
14. A Public Space Protection Order (PSPO), a power contained within the ASBCP Act was introduced to supersede Dog Control Orders legislation. This specifically related to dog control measures, including; fouling of land by dogs; dog exclusion; dogs on lead when requested; maximum number of dogs.
15. Since October 2014, no FPN notices have been issued within the authorised categories and there have been no prosecutions under the PSPO's which came into force in October 2017.

² HM Government. (2014). Anti-Social Behaviour, Crime and Policing Act. Accessed on 26 November 2018. Home Office.

³ MSDC. (2014). 'Fixed Penalty Notice Expansion'. 20 October 2014.

⁴ MSDC. (2017). 'Implementation of Public Spaces Protection Orders for Dog Control'. 27 September 2017.

16. Since the adoption of those powers, the District has encountered an increase in other types of anti-social behaviour. Whilst the Council will continue to use powers such as those contained within Section 215 of the Town & Country Planning Act 1990 and; Environmental Protection Act 1990, this expansion of powers will give greater flexibility in addressing persistent ASB.
17. The ASBPC powers are designed to compliment rather than replace existing powers, and it remains a principle of law that a specific power should still be used where appropriate and if the threshold for use of that specific power is met.
18. Consequently, it is proposed that additional powers under the ASBCP, such as expansion of use of PSPOs, Community Protection Notices (CPNs) and Criminal Behaviour Orders should be considered and adopted where appropriate. A description of the aforementioned powers and the specific issues they can be utilised for can be found below.

Public Space Protection Order (PSPO)

19. A PSPO is an enforceable form of bylaw with Fixed Penalty Notice powers attached. In addition to supporting existing bylaws they have the potential to enhance local control over a range of matters including Planning and Highways enforcement, Anti-Social Behaviour, Dog Management, and Parks and Waste Management for District Councils, thus returning greater control to Local Authorities.
20. Before a PSPO can be imposed, there must be an initial consultation with the community.
21. The PSPO's that Mid Sussex District Council have already instigated are: fouling of land by dogs; dog exclusion; dogs on lead when requested; maximum number of dogs.
22. Crawley Borough Council is in the advanced stage of seeking committee approval to use this power to tackle anti-social vehicle use and car cruising. In March 2018, Elmbridge Borough Council used this power to tackle youth and general anti-social behaviour in public spaces in Walton-on-Thames.
23. ASB issues that PSPO's could be utilised for in Mid Sussex include:
 - Car cruising/Anti-Social Vehicle Use (an issue currently being encountered in Burgess Hill).
 - ASB and nuisance behaviour by Children & Young People (there has been an increase in this type of ASB in Burgess Hill & Hassocks over the past 12 months).
24. A breach of the order is immediately criminal in nature and could lead to a fine (via Fixed Penalty Notice), and/or confiscation of relevant items and / or a prosecution with custodial sentence.

Community Protection Notice (CPN)

25. Community Protection Notices are designed to have a broad use and should focus on how victims and communities are affected.
26. CPNs have replaced Litter Clearing Notices and Defacement & Removal Notices, and can be issued to anyone above the age of 16. Over the past 18 months, they have been successfully utilised by several Local Authorities (see case studies). In order for a CPN to be issued, one of the designated authorities must be satisfied on reasonable grounds that the conduct of the individual or organisation is;

- having a detrimental effect on the quality of life of those in the locality;
 - persistent or continuing in nature; and
 - unreasonable
23. These 'tests' must be considered on a case by case basis.
24. It is proposed that the use of the powers will be brought in on a phased approach, which will commence with the enforcement of;
- General nuisance & anti-social behaviour in public places
 - Bonfires
 - Rodent infestations
 - Untidy gardens
25. This will then progress to use for other environmental ASB issues as appropriate. It is recommended that authorisation to extend the scope of the powers be at the discretion of the relevant Head of Service.
26. CPNs follow a phased process which starts with the issuing of a Community Protection Warning (CPW), which sets out conditions that must be adhered to. The CPW can usually be imposed for a period of 12 months. It is a warning letter which cannot be appealed. In the event that the conditions outlined in the CPW are not adhered to, it can be escalated to a CPN, which carries criminal sanctions if breached. Unlike a CPW, a CPN can be appealed which must take place within 21 days of the notice and will incur a cost of £200, payable by the defendant.
27. The aim of the CPN is to stop behaviour and put in place steps to ensure it will not reoccur. It should be adapted to the situation and can include any or all of the following:
- A requirement to stop doing specific things
 - A requirement to do specific things
 - A requirement to take reasonable steps to achieve specific results within the set timescales.
28. For example, in a situation where a notice is served on a parent of someone under 16 relating to their behaviour, the condition could require the parent to ensure that their child abides by a set curfew; or doesn't allow named associates into the family home etc. In addition, a condition could be included requiring the parent to engage in a parenting programme and/or engage with other specified professional support services.
29. Furthermore, any articles deemed to be used in the commission of the offence can be seized if a breach occurs. Courts will also be empowered to impose fines of up to £2500 for an individual or unlimited if a recognised body.
30. The two stage CPW/CPN process allows for signposting to professional support to encourage a positive change in behaviour. Positive engagement with professional support services can also be made a condition of a CPN and failure to comply will be considered a breach. This is also an important aspect to protecting the most vulnerable. The main positive of the aforementioned is that it provides an opportunity to modify behaviour before it escalates into criminality.
31. In addition to the utilisation of powers under the ASBCP Act 2014, it is suggested that consideration should be given to educational strategies for example; working with the car cruising community and other partners to plan and deliver a positive engagement event and; providing parents with access to positive parenting courses.
32. A breach of a CPN is a criminal offence and will be dealt with via a criminal court. If a conviction related to a CPN is secured, a Criminal Behaviour Order can be applied for by a Local Authority.

Criminal Behaviour Order (CBO)

33. CBOs have replaced Anti-Social Behaviour Orders (ASBOs). If a person breaches the terms of a CPN or fails to pay the associated FPN then the case will immediately become criminal at which point the Local Authority can apply for a CBO. A breach of a CBO could lead to a jail term.
34. In the case of social housing tenants it is important to acknowledge that the issuing of a CBO by the courts to anyone residing in the household would be sufficient grounds for the landlord to serve a Section 8 notice of seeking possession. This is not an inevitable outcome of the CBO, however, and would be at the discretion of the social housing landlord and would be seen as a last resort. MSDC Officers will work closely with social housing landlords and other statutory agencies to achieve the most appropriate outcome.

Benefits

35. The benefits of adopting these powers, in addition to being necessary and proportionate methods of countering ASB, are that they;
- Address the behaviour rather than the person, thus ensuring safeguarding of protected characteristics under the Equality Act 2010 (see Appendix C).
 - Can be used for domestic and business nuisance.
 - Can be led by the Local Authority, Police or other designated organisation. This flexibility is likely to increase positive outcomes.
 - Can be issued to anyone aged 16+ or in the case of youth ASB, issued to the parent / guardian if they fail to act or comply with conditions.
 - In addition to targeting the individual, can be used to target anyone involved regardless of whether their role is active or passive.
 - Burden of proof is less within the civil realm and based on balance of probability until the case becomes criminal, as in the case of breaching a CPN or CBO.
 - Have shown to achieve 90% compliance after initial warning letters alone, very few numbers lead on to CPNs and even fewer to court.
 - Allow use of powers in conjunction with other legislation
 - Can travel with the defendant; a CPN is not specific to an address.

Use of Powers with Juveniles/ Vulnerable People

36. At present, MSDC uses a range of interventions to deal with Juvenile ASB cases, with varying degrees of success. Some of these interventions include Acceptable Behaviour Contracts (ABCs), Parental Meetings, Early Help and working with partners. MSDC will continue to use these as a first line of response. Where behaviour escalates and parents or guardians fail to act, a CPW/CPN could be served on them as they are responsible for their child until 18 years of age. This can also apply to commercial children's homes and corporate parents.
37. The Council is also able to consider **injunctions** for those aged between 10-16 years. These injunctions are used to prevent behaviour that causes harassment, alarm and

distress. If an injunction is breached, this will be considered as a contempt of court and may result in a supervision order being issued.

38. ASB issues that **injunctions** could be utilised for in Mid Sussex include;

- Disruptive Behaviour by Children & Young People (There has been an increase in this type of ASB in Burgess Hill and Hassocks over the past 12 months)

Case Studies

39. There have been successful prosecutions using these powers under the ASBCP Act, including;

- On 7 September 2018, Hartlepool Borough Council was granted a CBO against a resident who failed to comply with a CPN that was served⁵.
- On 29 November 2018, Cheshire East Council was granted CBOs against a group of anti-social youths, aged between 13-15 years, in Crewe⁶.
- In 2018, Crawley Borough Council was granted a CBO against an individual for aggressively begging in Crawley town centre.

40. These particular examples reflect how MSDC could use the powers to provide successful and measurable outcomes for some of the aforementioned ASB issues in the District. It is important to note that whilst adoption of the powers will provide the Council with important tools for addressing the most persistent, unreasonable and impactful behaviours in the community, they are not a panacea for resolving all crime and anti-social behaviour in the District. Cases can involve individuals with complex and challenging needs and it is important to find balance in the approach to resolution and to involve appropriate partners.

Partnership Working

41. Adopting these powers will provide MSDC with tools to further partnership working with Sussex Police, Social Housing Landlords, Youth Offending Service and other statutory partners. Furthermore, it will promote more effective decision making and information sharing, prevent duplication, and ensure a multi-agency approach to achieving positive outcomes for Mid Sussex residents, both victims and perpetrators.

42. The requirements for each case will vary depending on the situation and discussion at the local multi-agency fortnightly Mid Sussex Anti-Social Behaviour Risk Assessment Conference (ASBRAC) is recommended to ensure requirements are appropriate and can be monitored by the agencies involved for breaches. This is essential when a young person under 18 years of age is involved.

43. Importantly, this will include determining which organisation is best placed to lead in each specific case. This will either be the Council or Sussex Police. Whilst a local authority can delegate powers to registered social landlords, this is not an avenue that is proposed at the present time, albeit it may be appropriate to consider in the future.

⁵ Hartlepool BC. (2018). *Anti-Social Behaviour will not be tolerated, warn community safety chiefs*. Accessed 17 December 18.

⁶ Palin, L. (2018). *Teenage Gang Punished Following Anti-Social Behaviour in Crewe and Congleton*. Accessed 17 December 2018. Cheshire Live.

44. Whilst CPWs can be issued by any professional, CPNs can only be issued by designated officers within MSDC or; Sussex Police who can authorise their Officers to issue CPNs under the Act.
45. The Council will work closely with statutory partners to ensure that policies and procedures are legally compliant; thresholds for applying specific powers are proportionate and clear; are joined up wherever possible and; consistently applied across the District.
46. Close liaison between the Council, police, registered social landlords and other key partners is essential when issuing a CPW or CPN to ensure the most effective power is used to protect victims. It also ensures all agencies are aware of the conditions placed on an individual or body so that enforcement/compliance of the warning or the notice can be monitored. In the case of the issue of a PSPO, partners will be consulted as part of the required public consultation process.
47. It is the intention of local partners to use the single case management system, ECINS, to manage cases. This will also ensure that any partner is able to progress or escalate cases and log / access evidence.

Delegation of Authority to Use Powers

48. The powers under the ASBCP are granted to local borough and district councils. Delegation of authority to relevant senior and front-line officers to use the powers must be sought through appropriate committees and senior management teams.
49. Authorised staff are those who have been given authority by the Council to operate using the relevant legislation.
50. Current authorised officers are within outdoor services, community safety and environmental protection; albeit this authorisation relates to the issuing of FPN's. With the expansion of powers other Council officers and teams could benefit from being authorised to use new powers.
51. It is recommended that authorisation to use new powers is applied to appropriate staff in community safety, legal services, environmental protection, planning enforcement and housing services, at the discretion of the relevant Head of Service.

Training

52. Senior Council Officers & Sussex Police colleagues recently attended a facilitated session with David Armstrong, Mallard Consultancy, pertaining to the use of the additional powers. Further training will be delivered by Mallard Consultancy to front line colleagues when the powers are ready to be used operationally.

Policy Context

53. The contents of this report support the Council's corporate priority of supporting Strong and Resilient Communities⁷ through effective enforcement of Anti-Social Behaviour.
54. The use of the powers will align with MSDC's Enforcement Concordat⁸ (See Appendix B).

Next Steps

⁷ MSDC. (2017). Corporate Plan and Budget 2017/2018. Mid Sussex District Council.

⁸ MSDC. (1998). Enforcement Concordat. Mid Sussex District Council.

55. The use of the powers will be brought in on a phased approach, which will commence with the enforcement of general nuisance & ASB, progressing to the use for environmental ASB issues that are deemed to be having a detrimental effect on the quality of life of those in the locality; is persistent or continuing in nature; and is unreasonable. It is recommended that authorisation to extend the scope of the powers be at the discretion of the relevant Head of Service.

56. Should the Council introduce these additional powers, the Council will notify stakeholders and the residents of Mid Sussex using local media.

Financial Implications

57. The main financial implications of using the additional powers are the associated enforcement costs, and legal costs for non-payment of fines. However, it is envisaged that this will be low due to 90% cases being resolved after a formal warning letter has been issued⁹.

Risk Management Implications

58. There is the potential that the wider use of these powers will increase the workloads of certain Business Units, the Community Services and Legal Services Teams in particular. However, as previously mentioned, 90% of cases are resolved with a formal warning letter, thus it is unlikely there will be a significant increase. In addition, the commitment to partnership working with Sussex Police and other partners and using shared case management systems & resources to gather evidence will mitigate impact on Officers.

59. Officers will work in partnership with other statutory organisations to monitor and provide evidence of possible breaches.

60. Carrying out a robust annual review of the scheme will enable the Council to consider and ultimately manage the risk.

Equality and Customer Services Implications

61. An Equality Impact Assessment has been completed and can be found at Appendix C.

Other Material Implications

62. None

Background Papers

1. Fixed Penalty Notice Expansion (2014).
2. Implementation of Public Spaces Protection Orders for Dog Control (2017).
3. Reform of Anti-Social Behaviour Powers: Statutory Guidance for Frontline Professionals (2017).

⁹ Armstrong, D. (2018). Mallards.

ASB Complaint Breakdown

The below figures provide a breakdown of the Anti-social Behaviour complaints MSDC has received over the past 12 months.

- Rats/excessive bird feeding – **13 since 1 Jan 2018**
- Very untidy gardens – **14 since 1 Jan 2018**
- Problem buskers – **1 since 1 Jan 2018**
- Overflowing/maggoty domestic bins – **25 since 1 Jan 2018**
- Low level noise/ASB – **difficult to determine due to the numerous received complaints not meeting the statutory nuisance threshold.**
- General ASB complaints - **178 since 1 January 2018**

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MSDC Enforcement Concordat

ENFORCEMENT CONCORDAT

The Principles of Good Enforcement: Policy and Procedures

This document sets out what business and others being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.

The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice, and safety.

We have therefore adopted the central and local government Concordat on Good Enforcement. Included in the term "enforcement" are advisory visits and assisting with compliance as well as licensing and formal enforcement action. By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

Principles of Good Enforcement: Policy Standards

In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

Openness

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

Helpfulness

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice /information from us. Applications for approval of establishments, licenses, registrations, etc, will be dealt with efficiently and promptly. We will ensure that,

wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

Complaints about service

We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

Proportionality

We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

Consistency

We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

Principles of Good Enforcement: Procedures

Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what time-scale, and making sure that legal requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection or to prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

March 1998

Equality Impact Assessment

Title of Policy/Service/Contract: Expansion of Use of Powers contained within the Antisocial Behaviour, Crime & Policing Act 2014

Division: Community Services, Policy & Performance

Lead Officer: Kate Wilson

Date Assessment completed: 4 January 2019

1. SCOPING

1.1 What are the aims of the policy, service / service change or contract?

The Council proposes an extension to the existing powers within the Anti-social Behaviour, Crime & Policing Act to issue Public Space Protection Orders (PSPOs), Community Protection Notices (CPNs), Criminal Behaviour Order (CBOs) and Injunctions for specific offences.

In a report to Cabinet in October 2014, MSDC acknowledged a full range of powers available to local authorities under the new powers contained within the ASBCP. The powers set out in the new legislation placed a greater emphasis on the use of Fixed Penalty Notices (FPN's) to enforce and change behaviour. Specifically, the Act introduced Community Protection Notices and Public Space Protection Orders (PSPO's), where a breach could result in a Fixed Penalty Notice. In that same report Cabinet approved an expansion of use of powers contained within the Clean Neighbourhoods and Environment Act 2005, specifically to expand the use of Fixed Penalty Notices.

In addition, further to Council approval on 27 September 2017, the Council updated its dog control measures on 17 October 2017, introducing four Public Space Protection Orders (PSPO) under legislation contained in the ASBCP Act, to replace the existing 'Dog Control Order' legislation. This was agreed for an initial period of 3 years, with the intention of reviewing after that period (October 2020).

Since the adoption of these powers, other ASB issues have arisen in the District such as car cruising/anti-social vehicle use, anti-social and nuisance behaviour in public places by children & young people and other environmental ASB.

1.2 Who does the service/policy/ contract effect? Who are the main customers (internal or external?)

The policy change will affect residents of Mid Sussex as well as internal staff who will need to be trained and authorised to expand the use of powers. To ensure that all residents are aware of the changes to policy and inclusion of additional offences a media campaign is planned. This will include the use of social media as well as more traditional methods to ensure that residents are aware of the changes before they become enforceable.

The policy change will also impact on statutory partners such as Sussex Police, Youth Offending Service, Schools etc and they will be informed through formal communication methods prior to implementation.

1.3 What equality information is available, including any evidence from engagement and analysis of use of services?

To date very few FPN's have been issued within current powers, therefore the data available is limited. Information from other authority areas is also limited, although indications are that the powers are unlikely to adversely affect any particular group.

Information relating to individuals and businesses committing anti-social behaviour may be collected by the Council and / or other agencies, such as the Police, with whom the Council hold an information sharing protocol for this purpose. In addition, statutory partners will collectively use the case management system, ECINS.

1.4 What does this information tell us about the equality issues associated with the service and implications for the protected groups?

The use of powers will be a reactive tool to deal with complaints and issues around anti-social behaviour. It is the detriment of a specific behaviour that will trigger the use of a power rather than the behaviour itself. It is designed to only be used when necessary and when all other interventions have been exhausted. Therefore, no particular groups will be targeted.

Each case will be considered on its own merit, and because each case will involve engagement with statutory partners and relevant organisations, the needs of each individual and wider family / community can be taken into consideration during the relevant process.

Whilst proposals will seek to address ASB issues involving children and young people, as stated above, this will be reflected by the detriment of a behaviour rather than because the behaviour was carried out by a child or young person. In addition, powers can be used with parents / carers of the child where it is deemed they are failing to act in addressing the behaviour.

In order for powers to be issued, one of the designated authorities must be satisfied on reasonable grounds that the conduct of the individual or organisation is;

- having a detrimental effect on the quality of life of those in the locality;
- persistent or continuing in nature; and
- unreasonable

These ‘tests’ must be considered on a case by case basis.

1.5 Are contractors or partnerships used to deliver the service? YES

- **Identify the contractors/partnerships used to deliver the service**

Sussex Police, Registered Social Landlords

2. Assessment of Impact; Analysis and Action Planning

Any gaps in information or provision, opportunities to promote equalities and good relations identified above need to be translated into SMART actions and recorded here. These actions need to be delivered and monitored through the service planning process.

| Opportunity to promote equality, good relations and/or address barriers to service/differential impact | Current action taken to address these | Further actions required and timescales | Lead Officer | How will impact be measured |
|---|--|---|--------------|--|
| The needs of different ethnic groups including white minorities, but also established white communities | | | | |
| There may be differing language needs among some BME groups. | The policy outlines the correct procedure for issuing notices. This includes taking what details can be obtained from an individual and asking them to attend the Council premises or other suitable location to discuss with the use of an interpreter before issuing the notice. | Monitor the impact of the new policy to see if this does adversely affect certain communities | Kate Wilson | Number of notices issued with language identified as a barrier |
| The needs of men and women. Including taking account of pregnancy and maternity. | | | | |
| None identified | | | | |
| The needs of disabled people | | | | |
| There may be additional needs that make it difficult for an individual to respond to what is required. | Notices will be issued to individuals with additional needs however these will be taken into consideration at the time of the offence. Engagement with specific support services could also be included as a condition of a notice, as appropriate. | This will be regularly monitored | Kate Wilson | Number of notices issued where disability identified |
| The needs of people with a religion or belief | | | | |
| None identified | | | | |

| Opportunity to promote equality and/or barriers to service/differential impact | Current action taken to address these | Further actions required and timescales | Lead Officer | How will impact be measured |
|--|---|--|--------------|--|
| The needs of gay men, lesbians, bisexuals and heterosexual people | | | | |
| None identified | | | | |
| Issues from marriage and civil partnership | | | | |
| None identified | | | | |
| The needs of different age groups, for example older and younger people | | | | |
| <p>Fixed Penalty Notices can be issued to those aged between 10 and 18 years.</p> <p>CPNs can be issued to those aged 16 years plus and to the parent / carer of someone engaging in ASB under the age of 16 yrs.</p> <p>Injunctions can be issued to those aged between 10 - 16 yrs.</p> <p>It could be that particular groups ie. Older people complain about younger people disproportionately.</p> | <p>Powers will, where appropriate, be used with parents / carers before any further sanction is taken against the child / young person.</p> <p>Educational campaigns around the new powers will target all ages through a range of media options to ensure that residents are aware of the changes.</p> <p>Youth Offending Service will always be consulted when dealing with a case involving someone under the age of 18 years.</p> | To be monitored regularly with review as necessary | Kate Wilson | <p>Number of notices issued to those under 18 years</p> <p>Number of notices issued to parents</p> |
| The needs of transgender communities | | | | |
| None identified | | | | |
| The needs of people who are disadvantaged by socio-economic factors such as low incomes, skill or living in a deprived area | | | | |
| None identified | | | | |
| The needs of people who live in a rural area | | | | |

| | | | | |
|---|--|--|-------------|--|
| That use of powers and conditions of notices do not isolate them. | Ensure that any condition included within a notice is proportionate and facilitates access to work and education | To be monitored regularly with review as necessary | Kate Wilson | Number of notices issued to those living in rural area |
|---|--|--|-------------|--|

3. Mid Sussex District Council Equality Impact Assessment Summary

| Key Findings | Future Actions |
|---|---|
| <p>The Council currently has four Public Space Protection Orders in place for dog control offences only.</p> <p>The Council issues Fixed Penalty Notices (FPNs) for a range of environmental ASB.</p> <p>The Council is to extend the use of powers contained within ASBCP Act 2014</p> <p>The Council is planning to work with Sussex Police and other key partners to expand the use of powers</p> <p>There is a lack of information about the characteristic of those to whom powers have been used as numbers are low and equalities information is not recorded.</p> | <p>Training will be provided to the additional officers who will be authorised to use the powers. The training will emphasise the importance of using the correct procedure, taking into account equality issues.</p> <p>Equalities data will be recorded to assess the impact of these changes</p> |

4. Signing off this assessment and action plan

Signature
 Person undertaking the assessment

Date

Signature
 Head of Service

Date

STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Mike Bodkin
Email: mike.bodkin@midsussex.gov.uk Tel: 01444 477488
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Communities, Housing and Planning
Date of meeting: 29th January 2019

Purpose of Report

1. On 28th September 2018, Scrutiny Committee for Communities, Housing and Planning received a report on a proposed draft revised Statement of Community Involvement (SCI) and a draft guidance note on the use of Planning Performance Agreements (PPAs). The Committee resolved to ask the Cabinet Member for Housing and Planning to approve the documents as suitable for public consultation in Autumn 2018.
2. This report provides a summary of the outcome of the consultation and proposals for minor changes to the SCI. The Committee is asked to recommend to Council that the SCI is adopted in accordance with the legislation and that the Cabinet Member for Housing and Planning approves the Guidance Note on PPAs for publication on the Council's website.

Summary

3. This report:
 - a) Describes the consultation undertaken on the draft SCI and Guidance Note on PPAs; and
 - b) Provides a summary of consultee responses and minor changes to the SCI which are proposed.

Recommendations

4. **That the Scrutiny Committee:**
 - (i) **Considers the proposed changes to the draft Statement of Community Involvement in response to public consultation;**
 - (ii) **Considers the Guidance Note on PPAs and;**
 - (iii) **Recommends that:**
 - a. **The Council adopts the draft Statement of Community Involvement and**
 - b. **The Cabinet Member for Housing and Planning approves Guidance on the use of Planning Performance Agreements for publication on the Council's website.**

Background: the Consultation Draft SCI

5. Members will recall that the Consultation Draft SCI and Guidance Note on PPAs were reported to this Scrutiny Committee at its meeting in September 2018.
6. Public consultation on the draft documents was carried out between Thursday 11th October and Thursday 22nd November 2018 in accordance with requirements of the SCI.
7. The following consultation media were used:
 - Notification to the 250+ organisations and almost 150 interested persons on the Council's planning policy email circulation list;
 - Publication on the Council's website; and
 - Copies of the draft document were placed to view in public buildings across the District.

Responses to consultation

8. A total of five responses were received to the consultation. This low level of response is not atypical of such consultation exercises particularly given the relatively technical nature of the PPA Guidance Note.
9. A summary of the consultation responses is set out in Appendix 1 together with Officers' responses to those comments. Two minor amendments are proposed to the SCI in response to a suggestion from Haywards Heath Town Council that early engagement with Parish and Town Councils is to be encouraged. This is agreed and appropriate changes have been suggested.
10. A revised version of the SCI, with the proposed changes annotated as tracked changes for ease of reference, is at Appendix 2.
11. No changes are proposed to the Guidance on PPAs; the guidance is at Appendix 3 for reference.

Next Steps

12. Under the District Council's Constitution, a resolution by Council is required to adopt the SCI. This will be the next step in the process, following consideration by this Committee.
13. The Guidance Note on the use of PPAs requires the approval of the Cabinet Member following consideration by this Committee. The Guidance Note will be presented to the Cabinet Member for Housing and Planning and then published on the Council's website.
14. The date of both documents will be updated to reflect publication.

Financial Implications

15. There are no financial implications associated with adoption of the SCI. Publication of the Guidance note on the PPAs may encourage developers to enter into PPAs with the Council, which will help to resource the determination of planning applications.

Risk Management Implications

16. The Council is required to update its SCI every five years under the Neighbourhood Planning Act 2017. If the Council does not adopt the updated SCI, it would be in breach of legislation and at risk of any action taken by Government or potentially an interested third party via a Judicial Review.
17. Although the likelihood of either of these events is low, the reputational risk to the Council should they occur would be significant. The Council could be accused of not taking its policy on engaging with local people seriously.
18. There are no risks to publications of the Guidance Note on PPAs.

Equality and Customer Service Implications

19. The draft SCI has equality and customer services at the core of its principles. In bringing forward community consultation and engagement activities, advice is given to officers (or private developers in working up development proposals) on targeting hard to reach communities and outreach work with them.

Background Papers:

Appendix 1: Summary of responses to the consultation draft SCI and Guidance note on the use of PPAs.

Appendix 2: Revised version of the SCI with proposed changes annotated as tracked changes.

Appendix 3: Guidance on Planning Performance Agreements

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Statement of Community Involvement (SCI) 2018 - Consultation Responses

| Number | Respondent | Section of document | Summary of Comment | Officer Recommendation |
|--------|-------------------------|---------------------|--|--|
| 1 | Southern Water | - | We do not have any specific comments on the content of the document. | Noted – no change proposed. |
| 2 | Highways England | - | Highways England does not offer any comments on the consultation at this time. | Noted – no change proposed. |
| 3 | Historic England | - | It will be important to ensure that stakeholder organisations with interests and responsibilities in the historic environment, at national and local levels, are fully involved throughout the consultation process. To this end, it is important to consult with both the Council's own conservation officer or team and local amenity societies. | Agree – no change proposed. Stakeholder organisations with interests and responsibilities in the historic environment at national and local level, as well as the Council's own conservation officer are consulted when appropriate. |
| 4 | Hassocks Parish Council | - | Hassocks Parish Council wishes to submit a response of full support to both the draft Statement of Community Involvement, and to the draft Advice on the use of Planning Performance Agreements in the District. | Noted and welcomed – no change proposed. |

| | | | | |
|---|-----------------------------|---------------------------|---|---|
| 5 | Haywards Heath Town Council | - | <p>All applications requiring a Planning Performance Agreement (PPA), together with any planning development which potentially will have a large or significant impact, should begin with pre-application discussions at the relevant Town or Parish Council.</p> <p>To support this transparency, developers initiating first contact for a project should be challenged if they have undertaken meaningful dialogue/consultations with Town/Parish Councils, and moreover directed back to these entities if this requirement has not been fulfilled. The SCI should be amended to include suitable, clear text to support delivery of this joint community engagement objective and included in the final SPD documentation.</p> | <p>Agree that applicants should be encouraged to engage with the relevant Town and Parish Council(s)</p> <p>Add an additional paragraph on page 15 of the SCI in the section headed</p> <p>‘Consultation prior to application (by applicants)’</p> <p>Applicants are encouraged to engage with the Town or Parish Council in which the site falls and with any neighbouring affected parishes.</p> <p>Add the word ‘District’ in front of ‘Councillors’ in the third paragraph of this section.</p> |
| | | Introduction (p.4) | <p>Some designs would potentially benefit from early and ongoing consultation with the stakeholder councils, with an opportunity to discuss and influence designs which reflect the aspirations of the local community.</p> | <p>Agree – no change proposed.</p> <p>As statutory consultees, town and parish councils are consulted when appropriate.</p> |

DRAFT FOR ADOPTION [MARCH] 2019

Mid Sussex District Council

Statement of Community Involvement (SCI) 2018

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Mid Sussex District Council Contact Information

Planning Policy and Economic Development

Mid Sussex District Council

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Background to The Statement of Community Involvement (SCI)

Introduction

The Mid Sussex District Plan was adopted in March 2018 and will direct development in the District in the years to 2031. The Plan seeks to deliver the Vision set out in the *Mid Sussex Sustainable Communities Strategy (2012)*:

“A thriving and attractive District, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well being of our District and the quality of life for all, now and in the future”.

Mid Sussex District Council believes that effective and transparent community involvement can help achieve this Vision. In order to do so, the Council must actively seek to understand the needs and aspirations of all the different communities across the District. This is particularly important when decisions are difficult, resources are limited and where people disagree on the best way forward. Effective and transparent community involvement will help elected Councillors balance competing pressures and make better decisions.

The Council is always looking for ways for the community to become more engaged in planning matters. We aim to make it simple for local people to contribute to the planning process and hope to involve as many local people as we can in decisions which affect the communities they live in. At the Council, we appreciate how vital local knowledge is for ensuring the sustainable development of Mid Sussex and to the improvement of local communities .

This Statement of Community Involvement (SCI) is a ‘code of practice’ setting out policies for the Council to adopt in engaging people in planning processes. This will provide access for people to the preliminary stages of plan-making and planning applications. It describes how and when the Council will seek to engage with residents, businesses and other local organisations in the preparation of planning policy documents, in the determination of planning applications and in other key elements of the planning process in the District. It is for anyone interested in playing a part in improving the future of Mid Sussex. In line with national guidance, it stresses the importance of ‘front-loading’ engagement by communities in planning processes.

The Council must comply with the SCI in preparing any development plan document, or when determining a planning application.

Status of the SCI

This statement acts as a guide and benchmark for all Council services to use when involving communities in planning and in designing Community Involvement Plans. As such, it sets out key principles that need to be met when engaging with the public.

It will supersede the previously adopted Statement of Community Involvement (2011) and will become a statutory document of the Council’s Planning Policy documents.

Legal Requirements

The Council recognises that in some areas of its work there are minimum legal standards for public consultation and these will always be adhered to.

The legal requirements for consultation and community involvement in plan-making and planning applications are set out by Government in legislation including that in the box overleaf:

Plan-making

The Town and Country Planning (Local Planning) (England) Regulations 2012.

The Regulations set out the procedure to be followed by local planning authorities in relation to the preparation of local plans and supplementary planning documents including who is to be consulted and which documents must be made available at each stage of the process.

Planning applications

The Town and Country Planning (Development Management (Procedure) (England) Order 2015.

This sets out the steps local authorities must take with regard to the processing and administration of planning applications from the point where an application is made through to the way in which decisions are recorded.

The requirement to prepare a SCI is set out in the Planning and Compulsory Purchase Act (2004). Mid Sussex District Council first published an SCI in 2011 to explain how the council engage and involve local people and communities in the planning process. Since 2011 there have been a number of important changes to national planning policy and subsequently, the Council is acting to ensure its SCI remains useful to local people. Moving forward, legislation now requires SCIs to be updated at least every 5 years and has amplified the range of issues SCIs should contain, including that they set out how the authority will support neighbourhood planning groups in reviewing neighbourhood plans. The SCI has been reviewed in this context and will continue to be reviewed every five years.

How is the Planning Service at Mid Sussex District Council structured?**Planning Policy and Economy**

The Section is responsible for preparing planning documents used to shape the future development of the District. The overarching document is the recently adopted District Plan. There are a number of Development Plan Documents that sit beneath it and more will follow. The policies within the documents need to take into account local, regional and national policies, needs and interests. The Statement of Community Involvement is an important part of Mid Sussex's policy framework.

The Section also produces the District's Economic Development Strategy 2018-2013 as launched in June 2018.

Development Management

The Development Management service is responsible for processing and determining planning applications and other related applications such as listed buildings, trees, and advertisement consent. It is at the planning application stage where specific, detailed decisions are made about what happens to a piece of land or a building. Applications are all considered using the District Plan, Neighbourhood Plans, planning policy documents and other advice and information. The Section also has a role in investigating breaches of planning control and making sure that developments are carried out with the necessary consents.

Six General Principles for Community Engagement: The Code of Practice

Principle 1: Be timely

The community should be involved as early as possible in the decision-making process when there is more potential to make a difference. Usually it is best to 'front load' consultation activity and use it to identify potential issues and options. However, consultation can be effectively used to confirm the level of support for particular courses of action too. Reasonable timescales should be given to the distribution of information and for responses to consultation. Potential participants should be given some notice of an impending community involvement exercise that could affect them, wherever possible.

Principle 2: Be inclusive

A key principle of community involvement is that it should be accessible to all those who wish to take part. This may well vary according to the nature of the matter being looked at. Reasonable effort must be made to ensure a representative cross-section of the community is involved including seldom heard groups and groups defined as having protected characteristics under Equalities Legislation. In designing each exercise, the Council will endeavour to understand and accommodate the different ways people want to get involved, including online and via social media, where possible.

Principle 3: Be transparent

The quality of information provided to potential consultees must be clear, honest, accurate and unbiased. All written materials should use plain English and be jargon free. It is also important that the material makes it very clear what can be influenced and changed by the participant's suggestions and comments. Likewise, it needs to explain how and when decisions will be made, following the end of the consultation period.

Principle 4: Be respectful of each other's views

Community involvement exercises will usually uncover a range of views, some of which are in conflict or contradictory. The Council will listen to all the views it receives and seek to balance their relative merits, drawing on other information from the evidence base where that is available. Where the opinion being put forward is not clear it will seek to better understand what is being said. However, it is for all participants in the process to respect the views of other people and encourage a variety of contributions.

Principle 5: Be efficient

The Council will work with other organisations, where possible, to streamline consultation processes. Likewise, it will look to use existing networks to save time and resources, and to reduce duplication and 'consultation fatigue'. Town and Parish Councils can have a particularly important role in this. It is also important to ensure that community involvement exercises are proportionate to the scale and importance of the issue/matter under consideration (there is no 'off the shelf' way of conducting such exercises that can be applied to all matters). This will ensure that the Council's limited resources are spent as wisely as possible.

Principle 6: Be clear about results

It is essential that those who have contributed to a community involvement exercise are informed in a timely way about the results of the consultation and kept informed of further opportunities for being involved. This will often be in summary form, but it must be clear and objective in its presentation. Similarly, the Council will publicise the decision(s) it came to and, where this differs from the results of the consultation, it will explain why. In this way, it will demonstrate how the consultation exercise has affected the decision at hand.

Community Involvement Plans

A Community Involvement Plan, based on the template below, should be completed for all planning policy documents and for applicants submitting all 'major' applications¹. It should be written in plain English, should reflect the six principles outlined above, and be made publicly available in good time to view before the consultation exercise is due to commence, and for Council consultations, on the Council's website at www.midsussex.gov.uk/consultation.

Community Involvement Plan Template

Who is to be involved?

- List who will be asked for their views. This may be only those directly affected by a potential decision or it could be a wide consultation in which anybody can come forward. A list of those groups and organisations that the Council may consider involving is available at www.midsussex.gov.uk/sci.
- Confirm how information will be treated confidentially, for instance where this raises issues with data protection or commercial confidentiality. Note the requirements of the EU's General Data Protection Regulation 2016 in this respect.
- Show how opportunities to work with other organisations and make involvement more comprehensive, or to share resources, have been used.

Why people are being involved?

- Describe why people are being asked for their views.
- Indicate clearly what decision(s) is being made based on their involvement, including what can and cannot be changed. This may include, where relevant, a simple overview of the legal and/or policy framework or other constraints.
- Show how reasonable efforts are being made to ensure people are properly informed of the facts, background and purpose of the project before being asked for their view, including making available as much information as possible (including where it can be found) at an early stage.

When people will be involved?

- Indicate clearly the length of the consultation and how comments and views can be submitted (including any statutory requirements that need to be met).
- Consultation should be undertaken as early as possible, be open for as long as possible, unless there are clear reasons not to or statutory guidelines state otherwise.

How people will be involved?

- Describe how information will be provided to people and how the consultation will maximise the number of people who can participate in it. For example, meeting venues should be as accessible as possible and be arranged for times that enable a cross-section of people to attend.
- Consider and highlight the availability of contact details for queries or supporting material such as summaries/ support material for consultation point staff.
- Set out what methods are to be employed to inform, consult and involve people (see table on page [5]) including online and social media. This should pay particular attention to encouraging participation by so-called 'seldom heard' groups. Where necessary, an Equality Assessment will identify this for particular groups defined as having 'protected characteristics' by Equalities legislation.

¹ A 'major' application is, for example, a scheme of more than 10 houses or a building on a site larger than 1 hectare.

- Indicate how consultees should provide their comments.

What happens to the results?

- Explain how the results will be reported and when. For example, this will often be in a summary rather than a word-for-word presentation of every submission.
- Describe how the results of the consultation will be fed back to those who took part and how they will be used to influence decisions. Where this differs from the results of the consultation, it should be explained why.

Who is running the exercise?

- State clearly who the consultee should contact if they wish to raise any queries about the exercise or if and how they can make a complaint about it.

What consultation methods will be used?

This table lists some of the activities and methods to consider when putting together a Community Involvement Plan. As previously stated, the methods used should be tailored to suit the scale and nature of impact of the decision to be made and the particular needs of people being consulted. Please note, this table is not intended to be an exhaustive list of suitable methods. The approaches taken to public consultation are constantly changing and new methods should be used, when they are suitable.

| Informing people (letting people know about it) | Consulting people (asking for views and evidence) |
|--|---|
| Advertise locally | Key stakeholder discussions and forums |
| Create and update web pages | On-line consultation and social media |
| Brief Town and Parish Councils and District Councillors | Documents/information sent directly to stakeholders |
| Place articles in local newspapers/magazines and District, Town and Parish Council publications | Structured feedback forms included with documents |
| Use notice boards in prominent places including those belonging to District, Town and Parish Councils and at public information points where possible. | Public meetings (for example planning area committees or Councillor surgeries) |
| Use posters, fliers and promotion | Public workshops |
| Deliver newsletters, leaflets, summary sheets | Questionnaire / surveys including online such as 'Survey Monkey' |
| Organise exhibition stands in relevant and/or prominent locations when deemed appropriate and proportionate in use of staff resources | Material made available in Council offices (District, Town and Parish Councils), libraries and on-line (lengthy documentation should be supplied with a summary). |
| Use email or text message notifications and social media where relevant | |

| | |
|---|-------------|
| Provide briefings | Exhibitions |
| Involving people (discussions to develop ideas together) | |
| Workshops/ forums / focus groups / citizen panels to identify issues and shape options/ Councillor surgeries | |
| Meetings with community groups/ key stakeholders | |
| On-line discussion forums and social media | |

Note: The use of social media can be an effective and inclusive way of engaging with people and communities, allowing people to input at a time and in a way that suits them. However, careful thought should be given to how the consultation is structured to prevent inappropriate use and 'trolling' by, for example, requiring approval of comments by a moderator or similar mechanisms.

Community Involvement in Plan-Making

Planning Policy

Planning decisions on proposed new development are judged using policies found in a number of planning documents. All local planning authorities must produce a local plan and regularly review and update it. This document may be supported by other planning policy documents that will be used collectively to guide sustainable development in the area.

The current local plan for the area produced by the council, the *Mid Sussex District Plan*, was adopted in 2018 with a time horizon to 2031. It largely replaced the *Mid Sussex Local Plan* which dated to 2004. The District Plan has been prepared in the context of the Localism Act, the National Planning Policy Framework and National Planning Policy Guidance. It reflects the aspirations of Central Government and the District Council to give local people more ownership and control over the planning of their area so that development is seen as a positive thing that can help communities maintain a high quality of life, increase economic prosperity and protect the environment to meet current needs and the needs of future generations.

The District Plan sets out a vision for how Mid Sussex wants to evolve and a delivery strategy for how that will be achieved. It enshrines the National Planning Policy Framework's 'presumption in favour of sustainable development'. As such, it sets out broad guidance on the distribution and quality of development in the form of 'higher level' strategic policies. It also provides the framework for all subsequent planning documents, including Neighbourhood Plans.

Along with this local plan, other supporting planning documents which require public consultation include:

Development Plan Documents (DPDs)

These contain the detailed policies and proposals of the Local Plan and are subject to a rigorous statutory process, including community involvement. They are required to carry out a Sustainability Appraisal and are subject to independent examination and Council agreement before adoption. In Mid Sussex, the Sites Allocation DPD will be used to allocate residential sites larger than five and commercial development sites (larger than 0.25ha or 500m² of floorspace) for the period to 2031.

Supplementary Planning Documents (SPDs)

These give further explanation and detail to Development Plan Document policies. They are subject to a statutory process including community involvement and sometimes a Sustainability Appraisal. Supplementary Planning Documents are not subject to independent examination, but require Council agreement before adoption.

Other planning documents

These can include for instance planning briefs or master plans prepared for specific sites by the Council or with the landowner/developer. The community should also be involved in the preparation of these documents at an early stage.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced by the Planning Act 2008 and came into force in 2010. The Levy is a fixed, non-negotiable charge on development, relative to the size, and allows Local Authorities to levy planning charges on new building projects classed as 'chargeable development'. The Council is currently working towards the adoption of the CIL, and when completed, this will be used to help fund a wide range of infrastructure to support development across Mid Sussex.

Sustainability Appraisals

These are an assessment of the economic, social and environmental impacts of a plan to promote sustainable development. They are published for consultation alongside draft and final Development Plan Documents and some Supplementary Planning Documents.

Timetable for producing plan documents

The Local Development Scheme sets out a timetable for the preparation and review of local plan documents. The current LDS for Mid Sussex covers the period from 2017 to 2020². It provides information about the Mid Sussex District Plan 2031 and related documents including the Site Allocations DPD.

At any given time, the Council may be preparing or revising a range of documents for the local plan. The LDS provides timelines for their completion. It links with the SCI because it also provides information about when the Council will be looking to involve the community in the preparation of local plan documents.

The LDS has two purposes, both of which have community involvement in mind:

- it provides the starting point for the local community to find out what the planning policies for their area are; and
- it sets out the programme for the preparation of Development Plan Documents, including timetables which tell people about the various stages of preparation of any particular document.

Although there is no requirement for public consultation on the LDS, the Council is required to state in the SCI its policy on the involvement of people and communities in fulfilling its responsibilities relating to the LDS. Mid Sussex District Council will continue to update the LDS on a regular basis and will widely publicise each update including on our website.

Producing a document for the local plan

Mid Sussex District Council will implement the six principles set out in the 'Code of Practice'³ to involve people in making decisions on forming plans.

Planning legislation sets out the preparation and consultation stages and periods for the production of local plan documents. There are four main stages to the preparation of a Development Plan Document (DPD) and three main stages for a Supplementary Planning Document (SPD).

The Council will produce a Community Involvement Plan for each planning policy document to set out how it will be produced, how and when community involvement will take place and what happens to the results of community involvement in taking decisions.

² <https://www.midsussex.gov.uk/media/2696/local-development-scheme.pdf>

³ See page [6] above

Production of a planning policy document

| | | |
|---------------|----------------|---|
| Inform | Involve | Stage 1 - Preparation (early engagement) |
| | | <ul style="list-style-type: none"> Collecting evidence through various sources and publicise at an appropriate early stage in the process Notify and work with groups, organisations and residents Consider issues and alternatives Prepare content of draft document and provide feedback where possible |
| | Consult | Stage 2 - Publication |
| | | <ul style="list-style-type: none"> Statutory stage - 6 weeks (minimum) to comment on plan, sustainability appraisal and supporting evidence⁴ Documents (including evidence base) made available for inspection including on the Council's website |
| | Inspect | Stage 3 – Submission for Independent Examination |
| | | <ul style="list-style-type: none"> Representations received at Stage 2 summarised and made publicly available through appropriate channels (please note that the Council is required to provide a summary of the issues made). 'Statement of Compliance' produced to demonstrate the Statement of Community Involvement has been followed Development Plan Documents submitted to Secretary of State for independent examination (Supplementary Planning Documents to Council for adoption) Independent examination Planning Inspector issues report. Adopted by Council if agreed as 'sound' by Inspector |
| | | <ul style="list-style-type: none"> Final plan is regularly monitored, to ensure that the plan is achieving its aims Plan may be reviewed where necessary |
| | Monitor | |

Statutory requirements for the publication and submission of planning policy documents

Planning regulations⁵ contain minimum requirements for consulting on DPDs and SPDs.

All consultation and submission documents must be made available at the Council Offices and other places (such as public libraries) for a set period of time. Documents and supporting information need to be published on the Council's website, which will include information about where and when the document can be viewed. As well as sending documents to the 'specific consultation bodies' and the 'general consultation bodies' considered to have an interest in the subject at submission stage, a notice needs to be placed in the local newspaper/s with detailed information on the consultation period and where comments can be sent.

⁴ The Council will always consider extending consultation periods beyond the minimum statutory period where possible and where timetables allow.

⁵ The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

There is a range of supporting documents produced by the Council that support the local plan and are used to inform and guide planning applications. These documents include development briefs and master plans.

The Council is required by legislation and Planning Practice Guidance to state in its SCI how it will give people and communities opportunities to be involved in understanding how the Council keeps under review matters which may affect the development of its area or the planning of its development. This is the 'survey' stage of producing plans. The Council undertakes this activity in a variety of different ways including the following:

- In the evidence base for planning policy documents, which will always be published on our website at an early stage in the process of producing them;
- Through the Council's SHELAA (Strategic Housing & Employment Land Availability Assessment) process whereby information on sites proposed for housing and employment development will be assessed and those assessments published on the Council's website at the earliest available opportunity; and
- Through the Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) which is undertaken for each emerging plan and programme which proposes the allocation of land in the District.

Statutory bodies

Legislation⁶ identifies specific consultation bodies that the Council must consult. These include West Sussex County Council, Town and Parish Councils, relevant adjoining Local Authorities, service providers and government agencies, such as the Environment Agency, Historic / Highways / Natural England (or their successor bodies).

Other organisations, groups and individuals

There are many other organisations, groups and individuals that may have an interest in the local plan. These organisations, groups and individuals cover a range of interests and can provide relevant expertise and knowledge on a wide range of subjects. They include members of the Mid Sussex Partnership, residents associations, registered housing providers, local businesses and business groups, countryside and conservation groups, the development industry, disability groups, youth groups and those which represent the interests of minority groups in the District.

A detailed and regularly updated list of all the statutory bodies and groups organisations ('key contacts') is available on the Council's website at www.midsussex.gov.uk/sci.

Organisations, groups and individuals who wish to be added or change their details can do so by going to the same web address or by contacting the Planning Policy and Economic Development Team.

Individuals can subscribe to the local plan e-mail alert to be kept in touch with progress on the local plan.

Council, Cabinet and Scrutiny Committee

Council

Public meeting, which consists of all elected Councillors. Will approve the main planning policy documents.

Cabinet

Consists of the Leader of the Council and Councillors with specific responsibility for

⁶ The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

portfolios of Council services. Will be consulted at a number of stages in the production of planning policy documents. Cabinet also approves any amendments to the Local Development Scheme. Will recommend planning policy documents for final approval by Council.

Scrutiny Committee for Community, Housing and Planning

Scrutiny committees consist of nominated Councillors to examine wide ranging issues impacting on Council decision-making and budgetary impacts. For planning this is primarily be the Scrutiny Committee for Community, Housing and Planning, drawing in other Scrutiny Committees where necessary. It makes recommendations to Cabinet or Council.

Other consultation

Internal Consultation

Formal and informal consultation and discussion will take place where relevant with officers across the Council. Every effort is made to update and include officers who all receive Council services and can act as champions or ambassadors for MSDC.

'Seldom heard' groups

We are committed to providing fair and equal access to planning services. Resources will be directed towards those 'seldom heard' groups identified in Equality Impact Assessments to ensure those affected by plans have a chance to be involved, and to ensure we are meeting our statutory obligations under equalities legislation.

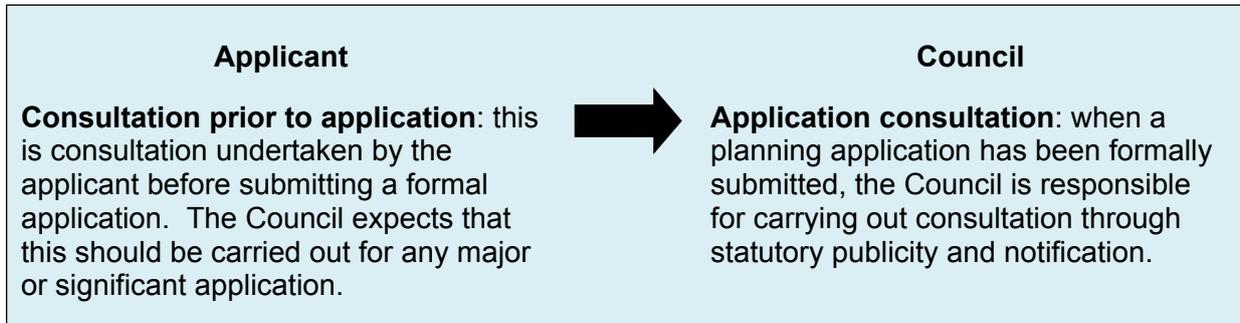
Online engagement and use of social media

The Council recognises that many people wish to engage with consultation exercises at a time and in a manner which is convenient to them. This includes online methods. Social media can also be helpful but requires active management by Council officers to ensure effective use of a variety of online sites and applications⁷.

⁷ See note on page[9] on use of social media

Community Involvement in Planning Applications

The District Council will implement the six principles set out in the 'Code of Practice' to involve people in making decisions on planning applications. There are two distinct stages for community involvement in planning applications: pre-application and application consultation.



Consultation prior to application (by applicants)

The aim of consultation at this stage is to 'front-load' the process by encouraging discussion before a formal planning application is made. It should enable communities to have real influence over proposals before they are finalised. The process can help to identify improvements and overcome objections at a later stage.

Applicants undertaking consultation on major or significant developments are strongly advised to conform to the principles set out in the Council's Code of Practice⁸, to demonstrate that the consultation prior to application has been effectively undertaken and to provide the Council with the results of the process.

Applicants are encouraged to engage with the Town or Parish Council in which the site falls and with any neighbouring affected parishes.

Applicants should also include elected **District** Councillors in early discussion of their proposals as guided by the Council's constitution⁹.

Applications for major development should include a Community Involvement Plan including report of consultation as part of the submission material.

Using the results of consultation prior to application

The Council will use the results consultation undertaken prior to application to help determine the planning application alongside planning policies and other information.

Application consultation (by the Council)

When a planning application has been submitted, the Council is responsible for carrying out consultation through statutory¹⁰ publicity and notification. The Council often does more than it is formally required to.

- There is a statutory consultation period of 21 days¹¹.

⁸ See page [6] above

⁹ See part 5 of the Council's constitution – Codes and Protocols <http://mid-sussex.cmis.uk.com/mid-sussex/Constitution.aspx>

¹⁰ A helpful current breakdown of the relevant legislation covering the requirements for public consultation is set out in the NPPG at <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

- The Council will publish applications on its website via the Online Planning Register¹². Applications can also be viewed at District, Town and Parish Council offices.
- The application will be advertised on the Council website¹³. A site notice or neighbour letter and press advert will be undertaken if required and as appropriate.
- The Council will consult various specialists and relevant organisations. This includes statutory consultees¹⁴, such as Town and Parish Councils, the Environment Agency and Natural England and other organisations when appropriate such as local authorities and Town and Parish Councils adjacent to the district
- All comments must be received in writing within the specified consultation period. Comments can be submitted either by letter or email.
- Comments made outside of the formal consultation period will only be considered if circumstances allow.

Applications, plans, drawings and documents are available to view on-line and at the Planning Reception at Mid Sussex District Council Planning Office. Tel. 01444 477461 planninginfo@midsussex.gov.uk.

Comments on planning applications

Comments should consider 'material' planning considerations. Examples include:

- Loss of light or overshadowing
- Overlooking/loss of privacy
- Traffic and transport problems
- Noise and disturbance resulting from proposed use
- Hazardous materials
- Smells
- Loss of trees
- Effect on listed buildings and conservation areas
- Layout and density of building(s) proposed
- Design, appearance and materials
- Planning policy (for example the District Plan or national policies)
- Previous planning decisions
- Nature conservation impacts
- Archaeology

Examples of issues that are not material planning considerations include the loss of value on a property or the loss of a person's private view.

Who makes the decisions?

Once the consultation period is complete, the planning officer makes a recommendation on the planning application. The final decision is then made in accordance with the Council's Delegation scheme either by the Divisional Leader for Planning and Economy or by Planning Committee. In some cases, an applicant may decide to appeal and in that case an independent Planning Inspector (or the Secretary of State in certain very large or significant cases) makes the final decision.

¹¹ This may be different in certain circumstances: for example 28 days for planning applications affecting a Site of Special Scientific Interest (SSSI) or in an SSSI consultation area and 14 days for applications under the Permission in Principle procedure brought into force in June 2018.

¹² Online Planning Register available at <http://pa.midsussex.gov.uk/online-applications/>

¹³ <https://www.midsussex.gov.uk/planning-building/view-and-comment-on-planning-applications/>

¹⁴ As set out in Article 16 and 18 of the Town and Country Planning (Development Management Procedure) (England) Order (see Section 5)

The Council's Delegation Scheme

- Allows the Divisional Leader for Planning and Economy to determine applications without having to refer the proposal to a planning committee and the discretion to refer an application to a Planning Committee.

The Divisional Leader for Planning and Economy cannot determine any application if:

- They are applications from the Chief Executive, Heads of Service, or staff involved in the planning process, or their partners, or Councillors or their partners.
- Proposals involving the District Council or the County Council as applicant or landowner.
- Cases where two Councillors have made, within the representation period, written requests for the matter to be considered by a Planning Committee.
- Cases where the recommendation would result in a decision contrary to the Council's adopted policies.
- Applications for planning permission (not reserved matters) for more than five houses which are recommended for permission.
- Major variations to Section 106 Agreements.
- Non-urgent Article 4 Directions must be referred to the Area Planning Committee for determination.
- Agents, interested parties, local Town and Parish councils and consultees do not have a right to request that a particular application is referred to a Planning Committee.
- Further details are available in the Council's Constitution which is available on the MSDC website¹⁵.

¹⁵ At <http://mid-sussex.cmis.uk.com/mid-sussex/Constitution.aspx>

Summary of planning application stages

| Pre-application Consultation (by applicants on major or significant applications) | | |
|--|---|---|
| Agree process | <ul style="list-style-type: none"> • Council offers pre-application advice service • Applicants asked to follow Mid Sussex's Statement of Community Involvement • Applicant produces a 'Community Involvement Plan' | Failure to adequately consult or submit a Community Involvement Plan and report of consultation may result in an invalid application. |
| Consult | <ul style="list-style-type: none"> • Applicant consults with relevant communities, organisations, Councillors and Council representatives | |
| Report | <ul style="list-style-type: none"> • Applicant produce a report detailing what consultation they have done, the issues raised and how those issues have been considered in the final application | |
| Validation | | |
| Application is validated and information is made available for public to view as soon as possible on the Council's website ¹⁶ and at its offices. | | |
| Application Consultation (by the Council and statutory for all planning applications) | | |
| Consult | <ul style="list-style-type: none"> • Application is publicised (site notice or neighbour letter, press advert as required) • The Council publicises the application on the website • Normally 21 days to make written comment¹⁷ | |
| Review | <ul style="list-style-type: none"> • The Council examines all material planning considerations including comments made • If an application significantly changes it will be re-advertised. Such changes may result from negotiations with applicants and from the views of local communities. Local residents and groups who have commented on the original application will notified | |
| Decision | <ul style="list-style-type: none"> • A delegated decision is usually made by the Divisional Leader for Planning and Economy (for about 90% of applications); otherwise the decision is made by a Planning Committee | |
| Decision made | | |

¹⁶ www.midsussex.gov.uk/8085.htm

¹⁷ See footnote 11 on page 15 for some of the circumstances when a different timescale may apply

| | | |
|--|--|--|
| <p>Inform</p> | <ul style="list-style-type: none"> • Information about the decision published on the 'Online Planning Register' • A report accompanying the decision will set out the reasons for granting or refusing permission. It will set out the issues raised during consultation and how these have influenced the decision • If significant revisions are made to the proposal after permission has been granted, a new planning application will be necessary subject to a fresh round of consultation. Only very minor changes would be allowed that would in effect not need planning permission. | |
| <p>Please note: Appeals against the decision or conditions may be made to the Planning Inspectorate¹⁸. The Council will notify those who commented so further comments can be made. Except where the Secretary of State him/herself makes the decision, the Planning Inspector decides whether or not to allow or dismiss the appeal. The Inspectorate notifies interested parties on the decision.</p> | | |

¹⁸ www.planning-inspectorate.gov.uk

Neighbourhood Planning

The Government's preference is that the location and nature of additional development should be identified through Neighbourhood Plans. This reflects the localism agenda, and its view that giving power and responsibility to local communities will give them the confidence to accept appropriate development and the corresponding benefits that can come with it. This view is set out in the National Planning Policy Framework (paragraph 16), which suggests that neighbourhoods should "develop plans that support the strategic development set out in Local Plans... and plan positively to support local development".

Since the Localism Act introduced Neighbourhood Planning in 2011, almost all Town & Parish Councils in Mid Sussex have prepared a Neighbourhood Plan. The District Council will continue to provide support to those Town and Parish Councils which wish to review their Plans. The Council has set up a webpage¹⁹ to help Town and Parish Councils prepare and review Neighbourhood Plans. It includes advice and information provided by the District Council, and links to other sources of information. In addition, the District Council will continue to provide regular briefings for Town and Parish Councils on the preparation of the Site Allocations DPD and other planning policy documents.

Town or Parish Councils may decide that they wish to draw up a Neighbourhood Development Order, which would grant planning permission for specified developments in an area. There is a formal process set out by legislation including public consultation and a referendum as is the case with neighbourhood plans.

Should any Town or Parish Council be considering producing a Neighbourhood Development Order, the District Council strongly encourages early engagement with the Council to explore how the process can best be supported and facilitated.

¹⁹ <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>

Duty to Cooperate

Section 10 of the Localism Act (2011) introduces a Duty to Co-operate which requires planning authorities and other public bodies to actively engage and work jointly on strategic matters.

The ongoing cooperation between local authorities in the area has been positive and effective during the preparation of the District Plan, as evidenced in the Council's 'Duty to Cooperate Statement'. These relationships and joint working practices will need to continue to be effective and constructive on an ongoing basis to address the very significant challenges for the wider area in meeting housing and other development needs. The main mechanisms for this cooperation will be the Gatwick Diamond Initiative and the Coastal West Sussex and Greater Brighton Strategic Planning Board. The outcomes from these discussions and any underpinning technical work will be taken into account in planning policy documents. Mid Sussex District Council is fully committed to continuing to work positively and proactively with partners to plan strategically for the wider area in the longer term.

The *Duty to Cooperate Framework* published by Mid Sussex District Council in September 2015 established a robust and transparent process to enable cooperation with the relevant local authorities and organisations. It also enabled cooperation to be documented and monitored in terms of the strategic issues to be addressed, the outcomes achieved and the frequency of engagement with the relevant authorities/public bodies. In particular it enabled the Council to demonstrate that engagement has been:

- constructive
- active
- ongoing
- collaborative
- diligent and
- of mutual benefit.

Principles for cooperation were agreed by the West Sussex local authority Chief Executives in February 2014 and subsequently discussed with Brighton & Hove City Council and Lewes District Council. These principles:

- emphasise the importance of strengthening liaison between local authorities and working together on the duty to cooperate in a spirit of positive and collaborative joint working
- stipulate that work must be overseen at the highest levels within the local authorities with outcomes clearly recorded and signed off by Chief Executives and Leaders
- seek to avoid creating additional layers of bureaucracy
- recognise existing partnerships and the economic geography of the area; and
- state that arrangements must be consistent with the principles of localism.

Resources and Monitoring

The effectiveness of the Statement of Community Involvement will be monitored for each consultation exercise. This will be covered in the respective consultation report and as part of the Annual Monitoring Report to ensure it remains appropriate and meets the needs of the community and the Council.

The Annual Monitoring Report will provide a summary evaluation of the effectiveness of the Council's consultation activity carried out over the year. This might include reporting on how successful consultations were and what respondents thought about their consultation experiences. It will use the key principles outlined in this guide as the basis for that review.

The Annual Monitoring Report may indicate that there is a need to review the Statement of Community Involvement. The Annual Monitoring Report will be available on the Council's web site at <https://www.midsussex.gov.uk/planning-building/consultation-monitoring/>.

Further information and advice

Planning Aid

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees.

Planning Aid England can help you to:

- Understand and take part in the planning system
- Take part in the preparation of plans
- Comment on planning applications
- Apply for planning permission
- Appeal against a decision
- Represent yourself at appeals or public enquiries

Planning Aid England – an advice line can be contacted on (0330) 123 9244 or by email: advice@planningaid.rtpi.org.uk.

The website is available to view at www.rtpi.org.uk/planningaid

Planning Portal

The Planning Portal is the Government's website that offers clear guidance on the planning system.

The website can be viewed at: www.planningportal.gov.uk

Concerned about Community Involvement?

If you wish to raise issues related to planning, in the first instance you should directly contact the organisation that was involved in making the decision your question relates to. An example might be when an organisation does not properly inform you of the decision being made and what processes are being used to make the decision or if they do not adequately publicise results or feedback.

If you have a comment or concern with your experience of a Council led community involvement exercise, you should in the first instance, contact the officer detailed in the Community Involvement Plan.

Alternatively, you can contact the Customer Services and Communications Team by phone on 01444 477478 or by writing to Customer Services and Communications, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS.

Alternatively, you can use the Council's formal complaint procedure. The details of the procedure can be found on the Council's website at www.midsussex.gov.uk/complaints

If your concern is about whether or not the Council has followed a statutory procedure, there may be a specific stage of the decision making process where these concerns can be made.

Planning Performance Agreements in Mid Sussex

January
2019



A guide to their use in the District

Draft



Planning Performance Agreements

Introduction

A planning performance agreement (PPA) is a project management tool which local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications, usually large and complex in nature. A PPA sets out the commitments of both parties for the effective processing of a planning application before it is submitted. It sets out a structured approach to developing a work programme and forming a project team, to bring forward major new development proposals. It will include a Community Involvement Plan and the applicant will need to demonstrate that the consultation with local communities and other stakeholders has been effectively undertaken before any planning application is submitted.

The management of future development to deliver well-designed, high quality and sustainable communities is one of the Council's main priorities – and this is enshrined in the District Plan which was adopted in March 2018. Planning Performance Agreements are a way of developing proposals to see if they can meet the vision and objectives of the Council as well as giving the community an appropriate opportunity to be involved in the process in a meaningful way.

Aims

The Council is committed to encouraging new investment of the highest quality that contributes to the well being of existing and future communities and recognises that it is important to reduce uncertainty for local communities when applicants bring forward proposals for development.

The successful delivery of significant major developments requires commitment to partnership working, sound project management and effective communication with the community, developers, and other agencies. Planning Performance Agreements are a tool that can help deliver this.

Development Qualifying for a Planning Performance Agreement

Planning Performance Agreements are resource intensive to agree and implement. Their use is therefore aimed at large, complex development proposals.

A complex project may include:

- Proposals requiring an Environmental Impact Assessment;
- Large site proposals that meet the Council's strategic objectives as set out in the District Plan and other planning policy documents;
- Proposals where there are many constraints to be resolved before the development can be delivered; and
- Proposals that would have significant impact on communities and therefore require extensive consultation or involvement from many different stakeholders.

The Council will only enter into a Planning Performance Agreement or be prepared to commit its resources where:

- Their use is warranted;

- There is mutual agreement to enter into an Agreement between the Council and the applicant;
- The applicant has agreed to provide funding to cover the additional resources necessary to consider the proposal, in exchange for greater certainty on a range of factors including timescales to process the application;
- The proposed development is acceptable in policy terms, unless there would be clear positive outcomes for the community from such proposals.

Careful consideration will be given to such proposals in advance of entering into a Planning Performance Agreement to ensure that there is sufficient common ground to enable effective partnership working amongst key stakeholders including Councillors and the local community.

A Planning Performance Agreement is intended to cover the full process of planning a major development from an initial meeting when a shared vision for the site would be developed, through to community involvement and management of the application process and the post decision stages. A Planning Performance Agreement approach is suitable for sites where a masterplan is already in place. It should be straightforward and clear in setting out what is agreed and how it will operate in practice.

A Planning Performance Agreement is intended to be in the spirit of a 'memorandum of understanding' and not a legally binding document. This will be made clear in the text of each PPA agreed with the Council.

Process for agreeing a Planning Performance Agreement

An approach to the Council about a large-scale development project will initially be through the Planning & Economy team. However, it is likely that it will involve officers from other parts of the Council.

A project manager will be identified by the Council. They will be responsible for the co-ordination of the project team. They will ensure that tasks are delivered to agreed timescales, and that regular reporting and liaison with other stakeholders occurs.

It should be noted that the Planning Performance Agreement process does not financially tie the Council to the proposal or to the applicant. However, the Council will negotiate pre-application fees and secure other resources to assist with the timely delivery of the project, as part of the agreement. Because of the complex nature of the development proposals likely to be covered by a PPA, there is no set fee and it will be negotiated on a case-by-case basis.

All members of the project team will work on behalf of the Council in the wider public interest to secure the best quality scheme.

The guidance will not bind the Council to final recommendations nor override the requirement for a formal planning application to be determined without prejudice and within the statutory requirements of current planning legislation.

The Divisional Leader - Planning and Economy will approve the Planning Performance Agreement on behalf of the Council in liaison with the Head of Regulatory Services.

Partner Organisation Commitment

For schemes covered by a PPA, other organisations are likely to be required to respond to the project. Stakeholders including the County Council and statutory agencies such as Highways England and the Environment Agency will, where relevant, be asked to commit to pre-application involvement. Where major development sites are close to or cross local

authority boundaries, the Council will ensure that it will work closely with these other authorities.

Community Engagement

The applicant will be required to ensure that consultation in advance of application has been undertaken effectively and in accordance with the Council's Statement of Community Involvement (SCI). The responsibility for carrying out consultation in advance of making an application (and the costs of doing so) will rest with the applicant. A Community Involvement Plan is required to be submitted with a Planning Application.

The Council then undertakes a separate consultation as part of the formal planning application process in line with statutory procedures and in accordance with the SCI.

Individual Planning Performance Agreements will cover arrangements for community consultation in advance of submission. All parties will agree to this at an early stage.

Councillor Involvement

Councillors should be appropriately and openly engaged with the development of a project. Councillors will be encouraged to be involved in discussions from an early stage in accordance with the guidance set out in the Council's Protocol for Involving Members in Pre-Application Discussions .

Expectations of Applicant

The Council will expect applicants to approach any proposal in an open, collaborative and creative manner. Applicants will be expected to employ staff/ consultants with sound expertise in delivering sustainable development. Robust project management processes and a timetable will be agreed with the Council to aid delivery, with any amendments or changes to the timetable only by agreement of all parties.

Where there are multiple interests the Council will seek a single steering group member where appropriate, to represent the collective developer interest.

Funding

The Council will have an expectation that the applicant will fund the preparation of the application material, production of technical reports, and all community engagement activity together with a fee for the scope of the services set out in the PPA, in addition to the statutory application fee for any planning application.

Process Requirements

The Planning Performance agreement will be developed jointly by the Council and the applicant. Where an applicant and the Council agree that a PPA will be useful, the process will involve the following key elements:

1. Meet and review the project proposal at an early stage. This is likely to include an inception day/ meeting;
2. Form a Project Team with key decision makers and a Project Manager; and
3. Produce a Project Plan and agree with the applicant to deliver key milestones on the part of both the applicant and the Council.

The Project Plan and Programme will be updated regularly to reflect the ongoing work of the project, in agreement with both applicant and the Council.

Where a PPA is in place, the statutory time limits for determining a planning application can be varied and a longer period agreed, with a firm commitment by the Council for determining the application by that date. If the Council fails to meet this deadline then the applicant may appeal in the normal manner. Likewise, if the applicant fails to meet its obligations then the Council may defer from the agreed process. Every effort will be made on the part of the Council to meet agreed timescales or to seek to vary them where there are circumstances out of its control (such as where unexpected issues arise or an external stakeholder does not meet statutory deadlines).

Mid Sussex District Council

September 2018

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SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2018/19

REPORT OF: Tom Clark, Head of Regulatory Services
Contact Officer: Alison Hammond, Member Services Officer
Email: alison.hammond@midsussex.gov.uk Tel: 01444 477227
Wards Affected: All
Key Decision: No

Purpose of Report

1. For the Scrutiny Committee for Community, Housing and Planning to note its Work Programme for 2018/19.

Summary

2. Members are asked to note the attached Work Programme. The Work Programme will be reviewed as the final piece of business at each meeting, enabling additional business to be agreed as required.

Recommendations

3. **The Committee are recommended to note the Committee's Work Programme as set out at paragraph 5 of this report.**
-

Background

4. It is usual for Committees to agree their Work Programme at the first meeting of a new Council year and review it at each subsequent meeting to allow for the scrutiny of emerging issues during the year.

The Work Programme

5. The Committee's Work Programme for 2018/19 is set out below:

| Meeting date | Item | Reason for Inclusion |
|--------------|--|--|
| 6 March 2019 | Conservation Area Assessments: Public Consultation | For approval to proceed after the elections. |
| 6 March 2019 | CAB Response to Universal Credit | Requested by the Scrutiny Committee for Leader, Resources and Economic Growth. |
| 6 March 2019 | Housing Allocation Scheme | To seek the Committee's endorsement of a number of revisions to the Housing Allocation Scheme. |
| 6 March 2019 | Equalities and Diversity Scheme Annual Progress Report | To update Members on the Council's Equality and Diversity Scheme. |

Policy Context

6. The Work Programme should ideally reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

Financial Implications

7. None.

Risk Management Implications

8. None.

Background Papers

None.