

**Minutes of a meeting of Cabinet
held on Monday, 11th February, 2019
from 4.02 pm - 5.15 pm**

Present: G Wall (Chairman)
J Ash-Edwards (Vice-Chair)

J Llewellyn-Burke G Marsh N Webster
A MacNaughton M Thomas-Atkin

Absent: Councillors R Clarke and C Hersey

Also Present: Kathryn Hall (Chief Executive), Judy Holmes (Assistant Chief Executive), Tom Clark (Head of Regulatory Services), Judy Holmes (Assistant Chief Executive), Simon Hughes (Head of Digital and Customer Services), Peter Stuart (Head of Corporate Resources), Kate Wilson (Business Unit Leader for Community Services, Policy and Performance), Terry Stanley (Business Unit Leader for Democratic Services) and Alison Hammond (Democratic Services Officer)

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

Councillor Andrew MacNaughton declared that he had a prejudicial Interest in item 9 on the Agenda and would leave the Chamber for this item.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

None.

3. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 14 JANUARY 2019.

The minutes of the meeting held on 14 January 2019 were agreed as a correct record and signed by the Leader.

4. TO CONSIDER ANY ITEMS THAT THE LEADER AGREES TO TAKE AS URGENT BUSINESS.

None.

5. DRAFT CORPORATE PLAN AND BUDGET 2019/20

Peter Stuart, Head of Corporate Resources introduced the report, he confirmed that the report had been scrutinised by the Scrutiny Committee for Leader, Resources and Economic Growth. The Head of Corporate Resources confirmed that there had been no changes between the provisional and final settlement. He noted that there had been many discussions on the funding for 2019/20 and there would be no impact

on the budget. However it is not known how cuts by West Sussex County Council would affect the Council. The Council has a prudent budget but no allowance has been made for these cuts.

The Leader confirmed that the corporate plan and budget had been robustly reviewed by the scrutiny committee. The report sets out a balanced budget highlighting the future challenges faced by the Council and flags up savings to be made in years two, three and four of the medium term plan. The Council has a strong financial record and must plan accordingly.

The Deputy Leader and Cabinet Member for Economic Growth commented that at the beginning of the decade the Council received £6m each year from central government but that funding had since ceased. The Council has not cut any services by ensuring its finances are in a strong position to deliver the services that the public expect to see and frontline services have been protected, investment has continued in community facilities, and the Council has the third lowest Council Tax in East and West Sussex.

The Cabinet Member for Community noted that the Council was in a good financial position as it managed its resources differently to other local authorities who were reducing spending. The Council was investing and not reducing the services it provides for residents.

The Cabinet Member for Customer Services commented that the Council's investment in ICT infrastructure was important to enable the provision of good customer service.

The Cabinet Member for Finance and Performance advised that the fair funding review would be next year and the Council would hope to bring forward some capital programmes next year.

In summary the Leader noted that it was a positive budget. It demonstrates that the Council is financially independent. Mid Sussex continues to grow through the investment by the Council in the community and provides excellent value for money for residents.

The Leader noted that no more Members wished to speak and took them to the recommendations contained in the report, which were agreed unanimously.

RESOLVED

Cabinet resolved to recommend the proposals for 2019/20 to Council for approval:

- (i) The overall direction and service levels promoted within the draft Corporate Plan;
- (ii) The financial outlook facing the Council;
- (iii) The proposed increase in Council Tax;
- (iv) The proposed placements in the Specific Reserves;
- (v) The proposed Capital Programme; and
- (vi) The service commentaries and supporting summary budget tables for each business unit.

6. BUDGET MANAGEMENT 2018/19 - PROGRESS REPORT APRIL TO DECEMBER 2018

Peter Stuart, Head of Corporate Resources introduced the report. He drew Members attention to the unpredictable nature of income streams and advised that large sums of income had been received from two planning applications. The allocation of these funds was highlighted along with the variations in the capital programme and the local property fund. The Head of Corporate Resources noted that more income was generated than previously expected resulting in a budget surplus.

The Cabinet Member for Finance and Performance noted a good report and supported the proposed use of the surplus funds. She commented that the Council must invest for the future, make best use of and get value for money to make a prosperous environment for residents.

The Cabinet Member for Community confirmed that housing adaptations had provided a better quality of life which had allowed residents to remain in their own homes, which had improved their quality of life and helped discharge people from hospital. He noted that many residents use the Council's parks.

The Cabinet Member for Service Delivery welcomed the report and the proposal to make good use of any underspending on specific projects. The parks are well used and the improvements would enhance them. He noted the seamless implementation of the upgrade from pay and display to cashless parking which was well received by users. He also commented that the padel tennis court at The Triangle should be operational this summer.

The Cabinet Member for Housing and Planning commented on the unpredictability of income and that several large planning applications had resulted in extra income which was good for the residents of Mid Sussex.

The Deputy Leader and Cabinet Member for Economic Growth commented that the Council was making good use of their resources for key projects in the community. He noted the scale of the projects undertaken across the region and highlighted the acquisition of temporary housing. He thanked Estates and Housing Services for their work and stated these acquisitions would provide good quality secure accommodation in Mid Sussex which would help homeless families get back on their feet more quickly.

The Leader stated that the report showed how the budget set last year had been managed and allowed Members to track and understand the evolving plan. The management of the Council's finances was vital and how the money was used in providing key services in the community was very important. The report demonstrated that the Council is flexible and well managed.

The Leader highlighted recommendation (viii) and as no more Members wished to speak took them to the recommendations contained in the report, which were agreed unanimously.

RESOLVED

Cabinet resolved to recommend to Council for approval:

- (i) That £16,684 be transferred to Specific Reserve as detailed in paragraph 21;
- (ii) That £2,786 be transferred to Specific Reserve as detailed in paragraph 22;
- (iii) That £90,000 be transferred to Specific Reserve as detailed in paragraph 23;

- (iv) That £18,873 be transferred to Housing Needs Survey specific reserve as detailed in paragraph 24;
- (v) That £15,830 be transferred to Specific Reserve as detailed in paragraph 25;
- (vi) That £340,000 of the revenue underspend be transferred to Specific Reserves as detailed in paragraph 26
- (vii) The variations to the Capital Programme contained in paragraph 46 in accordance with the Council's Financial Procedure rule B4.

To note:

- (viii) The remainder of the report.

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

Kate Wilson, Business Unit Leader for Community Services, Policy and Performance introduced the report and noted that some powers had been in use by the Council since 2014 and 2017 i.e., dog control and Fixed Penalty Notices (FPN). The report had been scrutinised by the Scrutiny Committee and was not a solution for all incidents of crime or a quick fix, and could be used in conjunction with other agencies. Before taking action officers would reassure themselves that incidents were persistent, unreasonable and having a detrimental effect on those in the locality. She noted that often a warning can be successful, but they could escalate the matter if needed. A CPN could be issued on an individual or body whether they had an active or passive role. The officers would work with other agencies to support vulnerable people, both perpetrators and victims, and undertake annual reviews.

The Business Unit Leader confirmed that use of the powers would be phased in and other categories could be added later at the discretion of Heads of Services if it was appropriate.

The Cabinet Member for Community noted that officers would work with Housing Associations and other agencies if a tenancy was under review, and other tools would be used first. All Council services would work together to ensure measures taken were appropriate and proportionate. He thanked the officers for the professional and sensitive way they had dealt with difficult situations.

The Business Unit Leader confirmed that officers and agencies would be proactive in getting people to change their behaviour by providing access to support measures. The process has safeguards in place, for example should, as a last resort, the Council make application to the Court for a Criminal Behaviour Order, which could put a social housing tenancy at risk, the court would take a wider view of the individual and family unit before agreeing it.

The Cabinet Member for Service Delivery advised that this would give the Council more tools to deal appropriately with issues. The additional powers would be used proportionately, sensibly and appropriately.

The Leader confirmed that the appendix had been useful to allow Members to understand the issues that have happened recently and provides balance to the report.

As no more Members wished to speak the Leader took them to the recommendations contained in the report, which were agreed unanimously.

RESOLVED

Cabinet resolved to:

- (i) Note the contents of this report and agree to adopt the additional powers under the ASBCP Act 2014 for the uses specified.
- (ii) Approve delegation of authority to specified officers to use those powers.
- (iii) Approve authorisation to further extend the scope of the powers to be at the discretion of the relevant Head of Service.

8. ADOPTION OF THE HIGH WEALD AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN 2019-2024

Judy Holmes, Assistant Chief Executive introduced the report seeking approval to adopt the High Weald Area of Outstanding Natural Beauty (AONB) Management Plan 2019 – 2024. The plan is reviewed every five years and will become the Council's policy for managing the High Weald AONB and will be a material consideration in planning decisions.

The Cabinet Member for Housing and Planning noted the well written report and that Cabinet had supported the plan in the past and this was a renewal.

The Leader confirmed that this was part of the national planning policy and thanked Councillor Chris Hersey for his involvement. As no more Members wished to speak the Leader took them to the recommendations contained in the report, which were agreed unanimously.

RESOLVED

Cabinet resolved to:

- (i) Formally adopt the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024;
- (ii) Approve the Habitats Regulations Assessment which supports the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024;
- (iii) Authorise the High Weald Joint Advisory Committee to submit the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024 to the Secretary of State and to publish the Management Plan 2019-2024 on behalf of the District Council.

The Cabinet Member for Housing and Planning left the Chamber.

9. COMMUNITY BUILDINGS CAPITAL DEVELOPMENT PROJECTS UPDATE

Peter Stuart, Head of Corporate Resources introduced the report. He highlighted the Court Bushes project and noted the shortfall following the insurance settlement. He commented that the Ansty Village Hall Sports and Social Club was an ambitious project and the officers had worked with the parish clerk to assist delivery of the project.

The Leader noted the length of time it has taken to bring these forward which shows the complexity of the projects. He reminded Members that they must consider if this is a proper use of public money that would have community support and the projects must be properly evidence based. He confirmed that Section 106 money is available.

The Deputy Leader and Cabinet Member for Economic Growth welcomed the report which would ensure these projects are progressed and delivered for communities. In future the Council should use a more strategic approach. The Council needs to receive a business case for each application and use of public money where it will deliver the most benefit, both the Finches Fields and Court Bushes projects will benefit local communities.

The Cabinet Member for Community supported the report and highlighted that the design of the project at Court Bushes should accommodate the many sectors of the community who would want to use it.

As Ward Member for Ardingly and Balcombe the Cabinet Member for Service Delivery commented that the Finches Field project had taken 12 years to reach the current stage and it would be jointly run by the parish council and the local community. It was a welcome facility with the recent additional houses in Pease Pottage. He noted that in the long term the Council should develop a strategy for use of Section 106 money.

The Leader noted the comments of the Members and as no more Members wished to speak the Leader took them to the recommendations contained in the report, which were agreed unanimously.

RESOLVED

Cabinet resolved to:

- (a) Award Slaugham Parish Council a grant of £65,660 towards the additional costs incurred as a result of relocating the Finches Field Community and Sports Pavilion made up of £4,515 from Section 106 and £61,145 General Reserve;
- (b) Allocate £54,071 from Section 106 and increase the capital budget for the proposed Community Building at Court Bushes by £96,650 to enable Estates and Facilities to complete the capital works, and
- (c) Note that work continues to bring forward facilities at Ansty Village Hall and St Francis Sports and Social Club.

The Cabinet Member for Housing and Planning returned to the Chamber.

10. BURGESS HILL FULL FIBRE - PROCUREMENT FOR BURGESS HILL FULL FIBRE PROGRAMME

Simon Hughes, Head of Digital and Customer Services introduced the report and advised that the Council had received £2.2m to develop fibre connectivity in the district. The project would install a loop of fibre for market use to connect fibre to homes and businesses and connection is expected in the summer. He noted that East and West Sussex County Councils had asked to be included in this project.

The Leader commented that there was interest in the programme and the Council was undertaking an important role in assisting East and West Sussex County Councils. He thanked the Head of Digital and Customer Services and his team for securing the funding and noted that the rural areas of Mid Sussex would benefit from the level of investment that would follow.

The Deputy Leader and Cabinet Member for Economic Growth welcomed the full fibre connectivity project and the business rate pilot as both projects had received support from central government. He noted the constraints that poor connectivity put on growth and this project would assist the development of the new business parks. It would highlight Mid Sussex as a place for investment and growth.

In response to Members questions the Head of Digital and Customer Services confirmed that fibre optic cable is “dark” if there is no connection. He also confirmed that the “Point of Presence” is where hardware connects to the fibre.

The Cabinet Member for Customer Services noted that the project was good news for residents and businesses.

The Leader noted that the Mid Sussex District Council’s bid was the only one that was supported in this round and area by Government and underpins the ambitions of the Council for the future.

RESOLVED

Cabinet resolved to:

- (i) Agree to delegate responsibility to procure civil and associated works, up to the value of £2.2m, to the Head of Digital and Customer Services in consultation with the Head of Corporate Resources;
- (ii) Note the wider projects within the Burgess Hill fibre programme.

11. DISPOSAL OF SURPLUS COUNCIL LAND BRIGHTON ROAD (HANDCROSS)

The Leader confirmed that this item would start in open session and continue in the closed session of the meeting.

Peter Stuart, Head of Corporate Resources introduced the report and noted that it was the culmination of a year’s work for the sale of a small piece of land near the M23 which is currently used as a free car park.

The Cabinet Member for Services Delivery supported the discussion in the open session.

The Leader stated that they would move to the recommendation in the open report upon return to the open session of the meeting.

12. TO CONSIDER WHETHER TO EXCLUDE THE PRESS AND PUBLIC FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ACCORDANCE WITH SECTION 100A OF THE LOCAL GOVERNMENT ACT 1972 ON THE GROUNDS THAT IT INVOLVES THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 3 OF PART 1 OF SCHEDULE 12A OF THE SAID ACT.

The Leader proposed that the Press and Public be excluded from the meeting during consideration of the exempt business on the agenda. This was seconded by the Cabinet Member for Services Delivery and agreed unanimously.

RESOLVED

That the public and press be excluded from the meeting during consideration of the following item in accordance with Section 100A of the Local Government Act 1972, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the said Act.

13. DISPOSAL OF SURPLUS COUNCIL LAND BRIGHTON ROAD (HANDCROSS) - EXEMPT

The Leader brought the meeting back into open session on completion of consideration of the exempt appendix and moved to the recommendations included in item 11 which were agreed unanimously.

RESOLVED

Cabinet resolved to:

- (a) Approve the disposal of the land at Brighton Road (Handcross) shown edged in red on the plan on Appendix A to this report ("the site"), to Bidder A for residential development in accordance with the terms set out in Exempt Appendix B; and
- (b) Authorise the Head of Corporate Resources and the Head Regulatory Services to complete the disposal of the site for residential development, and on such other terms and conditions as the Head of Regulatory Services recommends to protect the Council's position.

14. PROPERTY INVESTMENT OPPORTUNITY

15. TO CONFIRM THE EXEMPT MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 14 JANUARY 2019.

The Leader brought the meeting back into open session at 5:14pm on the completion of the exempt business.

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

None.

The meeting finished at 5.15 pm

Chairman