

---

1 February 2019

Dear Councillor,

A meeting of **CABINET** will be held in the **COUNCIL CHAMBER** at these offices on **MONDAY, 11TH FEBRUARY, 2019 at 4.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

	<b>Pages</b>
1. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
2. To receive apologies for absence.	
3. To confirm the Minutes of the meeting of the Committee held on 14 January 2019.	<b>3 - 6</b>
4. To consider any items that the Leader agrees to take as urgent business.	
5. Draft Corporate Plan and Budget 2019/20	<b>7 - 16</b>
6. Budget Management 2018/19 - Progress Report April to December 2018	<b>17 - 32</b>
7. Expansion of Use of Powers Contained Within the Anti-Social Behaviour, Crime & Policing Act 2014	<b>33 - 46</b>
8. Adoption of the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024	<b>47 - 50</b>
9. Community Buildings Capital Development Projects Update	<b>51 - 56</b>

- |     |  |                |
|-----|--|----------------|
| 10. | Burgess Hill Full Fibre - Procurement for Burgess Hill Full Fibre Programme  | <b>57 - 62</b> |
| 11. | Disposal of Surplus Council Land Brighton Road (Handcross)   | <b>63 - 68</b> |
| 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. |                |
| 13. | Disposal of Surplus Council Land Brighton Road (Handcross) - Exempt  | <b>69 - 70</b> |
| 14. | Property Investment Opportunity  | <b>71 - 74</b> |
| 15. | To confirm the Exempt Minutes of the meeting of the Committee held on 14 January 2019.   | <b>75 - 76</b> |
| 16. | Questions pursuant to Council Procedure Rule 10 due notice of which has been given.  |                |
| To: | <b>Members of Cabinet:</b> Councillors G Wall (Chairman), J Ash-Edwards (Vice-Chair), J Llewellyn-Burke, A MacNaughton, G Marsh, M Thomas-Atkin and N Webster  |                |

**Minutes of a meeting of Cabinet  
held on Monday, 14th January, 2019  
from 4.01 pm - 4.30 pm**

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

J Llewellyn-Burke  
A MacNaughton

G Marsh  
M Thomas-Atkin

N Webster

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

None.

**2. TO RECEIVE APOLOGIES FOR ABSENCE.**

None.

**3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING.**

The minutes of the meeting held on 12 November 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. PERFORMANCE MONITORING FOR THE SECOND QUARTER OF 2018/19**

Kate Wilson, Business Unit Leader for Community Services, Policy and Performance introduced the report which provided information about the Council's performance for the second quarter of 2018/19 from July to September 2018. The report also updated on progress with the Council's flagship activities, identified in the 2018/19 Corporate Plan. The Cabinet was asked to note the performance and progress with flagship activities.

The Business Unit Leader noted that the report had been presented to the Scrutiny Committee for Leader, Resources and Economic Growth on 14 November 2018. The performance for the second quarter has been very good overall. No indicators were red and most services were performing at or close to target levels. Where service targets had not been fully met appropriate action was being taken. The Business Unit Leader advised that improvements had been made in the processing of new benefit claims and changes of circumstances. The Members were updated

on the purchase of temporary housing, the retention of the “Lexcel” accreditation by the Legal Team and the Green Flag award for St John’s Park, Burgess Hill.

The Cabinet Member for Community stated that work was still ongoing with the CCTV cameras. He noted the work of the Wellbeing team which saved expenditure in other government areas and that the disabled facilities grant scheme was helping a significant number of people to remain in their own homes.

The Cabinet Member for Customer Services complimented the legal team on the accreditation. She noted the appointment of two new customer services officers and the increased number of enquiries that the customer services team had processed.

The Cabinet Member for Service Delivery welcomed the report and he noted that a third Green Flag award may be received. He commented that works on The Triangle were nearing completion and then improvements at The Dolphin would follow.

The Cabinet Member for Housing and Planning noted the work of the Private Tenancy Negotiation and Sustainment Officer on the new initiative of assisting households in the private rented sector. He advised Members that the properties for temporary housing had been carefully selected and some should be ready for occupation in February.

The Leader noted that the public sector has been through some challenging times and the report reflected well on the officers. There were no red and only a few amber indicators and he noted the robust work of the Scrutiny Committee for Leader, Resources and Economic Growth in reviewing the report.

The Leader noted that no more Members wished to speak so took them to the recommendation contained in the report, which was agreed unanimously.

## **RESOLVED**

Cabinet noted the Council’s performance and progress with flagship activities in the second quarter of the 2018/19.

## **6. JOINING THE WEST SUSSEX BUSINESS RATES POOL**

Peter Stuart, Head of Corporate Resources introduced the report which seeks the approval for Mid Sussex District Council to join the West Sussex Business Rate Pool Pilot. The bid by all authorities in West Sussex to become a pilot in the 75% Business Rate Retention scheme for 2019/2020 was successful and the increased funds retained would fund a project to provide a full fibre internet spine. The spine was crucial, particularly for rural areas.

The Head of Corporate Resources commented there was some increased risk with the pool which starts on 1<sup>st</sup> April. There was no “no detriment” clause but risk mitigation should ensure that the pilot would not be worse off than the individual authorities would have been in aggregate in the 50% scheme.

Simon Hughes, Head of Digital and Customer Services advised Members that the pool would enable investment in a fibre spine across the West Sussex area. This, in turn, would facilitate quicker roll out of full fibre and 5G technologies.

The Deputy Leader and Cabinet Member for Economic Growth supported the bid to join the 2019/20 pilot and stated that this would stimulate market investment to

improve infrastructure in the local area. With an increase in flexible working and reliance on IT networks he noted that fibre optics can generate more growth. An advantage of this project was that other local authorities were not undertaking similar schemes. Local businesses would see this as a direct benefit of the business rates they pay.

The Cabinet Member for Community was also supportive of the report and queried whether the project would link with East Grinstead and the smaller villages. The Head of Digital and Customer Services confirmed the fibre optic spine would be a scaffold from which a whole range of connections could be made. The spine would run throughout rural West Sussex.

The Leader thanked the Head of Digital and Customer Services and his team their work on the project to date and bringing it forward quickly to help connect businesses and households.

The Leader then moved to the recommendation which was agreed unanimously.

### **RESOLVED**

Cabinet agree that Mid Sussex District Council joins the West Sussex Business Rate Pool pilot.

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

None.

#### **8. 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 item on the agenda and this was seconded by the Cabinet Member for Service Delivery. This was 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.

#### **9. TO CONFIRM EXEMPT MINUTES OF THE PREVIOUS MEETING.**

The meeting went into closed session at 4.27pm.

The Leader brought the meeting back into open session at 4.29pm on the completion of the exempt business.

The meeting finished at 4.30 pm

Chairman

## DRAFT CORPORATE PLAN AND BUDGET FOR 2019/20

REPORT OF: HEAD OF CORPORATE RESOURCES  
Contact Officer: Peter Stuart, Head of Corporate Resources  
Email: [peter.stuart@midsussex.gov.uk](mailto:peter.stuart@midsussex.gov.uk) Tel: 01444 477315  
Wards Affected: All  
Key Decision: Yes  
Report to: Cabinet  
11<sup>th</sup> February 2019

---

### Purpose of Report

1. To seek Cabinet's consideration of the draft Corporate Plan and Budget for 2019/20, taking account of the views expressed by the Scrutiny Committee for Leader, Resources and Economic Growth at its meeting on 16<sup>th</sup> January 2019. **Cabinet is asked to consider this report in conjunction with** Appendix 1, which is the relevant extract from the Scrutiny minutes.
2. This report also provides Cabinet with some updated information in relation to the Settlement Announcement. A verbal report of any late changes will also be given.

### Summary

3. The provisional settlement announced for us on 13<sup>th</sup> December 2018 was in line with expectations given that we had signed up for the four-year deal in 2016. Revenue Support Grant was nil and other sundry lesser grants continued much as flagged. The New Homes Bonus scheme continues broadly as before.
4. As a result of this, the draft service and financial plans for 2019/20 considered by the Scrutiny Committee will not require any changes. This enables the Council to approve a balanced budget.

### Recommendations

5. **Cabinet is requested to recommend the proposals for 2019/20 as set out in the report to the Scrutiny Committee and as amended by this report, to Council, specifically:**
  - (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.**

### Background

6. The proposals set out in the draft Corporate Plan and Budget have been made using the same tried and tested approach as in previous years and are the result of a process of budget and service review which has covered all the Council's services.
7. The draft proposals were published for a period of consultation with all Members on 21<sup>st</sup> December 2018. The consultation period included a meeting of the Scrutiny Committee for Leader, Resources and Economic Growth on 16<sup>th</sup> January 2019 where the proposals were discussed in detail. This report takes account of the comments made by the Committee where the proposals presented were supported unanimously.

8. In contrast to last year, this year the draft Plan was prepared after the Provisional Settlement was announced which gave some certainty to the published figures. We were reassured to see that the negative Revenue Support Grant which would have cost us some £767k was eliminated from the settlement with the result that our RSG was simply zero for 2019/20.

### **Consideration of the Corporate Plan and Budget 2019/20 by the Scrutiny Committee for Leader, Resources and Economic Growth**

9. The Scrutiny Committee were asked to consider three aspects of the Corporate Plan and Budget, that;
- Provides investment to support the Council's ambitious growth programme;
  - Invests in community services and facilities, and;
  - Protects key frontline services.
10. The draft minutes at Appendix 1, demonstrate the full and helpful discussion at the Scrutiny Committee with Members asking a wide range of detailed questions. These did not result in any changes to the proposals but were very helpful to officers and Portfolio Holders.

### **Changes to the draft Corporate Plan and Budget to be considered**

11. There have been no changes to any figures within the Settlement since it was announced. The Final Settlement recently published, but not yet passed by Parliament, makes no amendments to any aspects of our financial situation.
12. The Medium Term Financial Plan therefore remains as previously published and is contained within Appendix 2.

### **Update on the Fair Funding Review**

13. The review continues with a consultation paper to which all councils are invited to respond. Mid Sussex will work with the other Councils across West Sussex to respond collectively on the paper given there are many common factors that unite us. This is a relatively simple matter in essence but the detail requires some careful balancing; for example, it is proposed that no premium is given for rurality whilst at the same time, no premium is proposed for deprivation either. The extent to which one or both affects Shire Districts like Mid Sussex is to be assessed as part of our response.
14. The Cabinet Member for Finance and Performance will, naturally, agree any or all responses on behalf of this Council.

### **Capital Programme**

15. The Capital Programme was supported as presented. However, we are earmarking funds from the 2018/19 budget underspend to finance the revenue costs of working up the Parks and Outdoor Spaces Capital Schemes around the district. This will enable preparatory work to commence before the end of the financial year.

### **Financial Implications**

16. There are no financial implications other than those identified in this report.

### **Risk Management Implications**

17. In the preparation of the draft corporate plan and budget, risks will have been assessed and those that can be mitigated will have a plan attached. It is not therefore considered that these proposals bring forward any significant risk.

### **Equality and Customer Service Implications**

18. There are no such implications within this report.

### **Other Material Implications**

19. There are no other material implications other than those already set out in this report.

### **Background Papers**

None.



**Minutes of the meeting of the Scrutiny Committee for Leader,  
Resources and Economic Growth on 16 January 2018  
from 7:00 p.m. 8.16 p.m.**

**Present:**

Edward Belsey	Tony Dorey	Geoff Rawlinson*
Margaret Belsey	Jacqui Landriani	Peter Reed
Richard Cherry	Andrew Lea	Linda Stockwell
Rod Clarke	Gordon Marples	Colin Trumble
Ruth de Mierre	Norman Mockford*	Rex Whittaker
* Absent		

**Also present :** Cllr Thomas-Atkin and Cllr Norman Webster

**Also present (as Cabinet Member):** Cllr Garry Wall, Cllr Judy Llewellyn-Burke and Cllr Ash-Edwards.

**1. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4**

None.

**2. APOLOGIES**

Apologies were received from Councillor Rawlinson and Councillor Mockford.

**3. DECLARATIONS OF INTEREST**

Councillor Andrew Lea declared that he is a West Sussex County Councillor.

**4. MINUTES**

The minutes of the meeting held on 14 November were agreed as a correct record and signed by the Chairman. The minutes of the Joint Scrutiny Meeting held on 18 December were tabled with two minor amendments which were agreed as a correct record and signed by the Chairman.

**5. URGENT BUSINESS**

None.

**6. DRAFT CORPORATE PLAN AND BUDGET 2019/2020**

The Cabinet Member for Finance and Performance was invited to provide an introduction to the report. She acknowledged the progress of the flagship activities over the past year and noted that the draft plan for 2019/20 allows for the progression of the Council's economic strategy.

The Chief Executive reminded Members that following scrutiny of the draft Service Plans and budget for 2019/20, the Cabinet would consider the plans and that ultimately Council would agree them and set the Council Tax at its meeting in February. She drew Members attention to two items of note – the Fair Funding Review 2018 which could have a profound effect on the budget, and the West Sussex County Council's budgetary reductions which could result in the Council incurring extra costs.

Discussion was held on the risks to the draft Corporate Plan and Budget. The Leader noted the Council's well embedded risk management arrangements. Assurance was provided

that the funding for disabled facilities grants is not affected by the proposed WSCC reductions as it is ring-fenced funding from central government. However it was acknowledged that WSCC's future funding to the Health and Wellbeing team was a concern.

Members commented on the Council owned sites identified for disposal and discussed the need to address homelessness with potential funds generated from their sale. The Deputy Leader confirmed that receipts generated by the disposal of land can be used to assist with housing, and a significant sum has already been invested in providing housing options. The Chief Executive noted that whilst the Council has forecasted a reduction in spend on Bed and Breakfast accommodation, it is a demand led service so it is not possible to guarantee that using the Council's own properties will lead to a reduction in spend on temporary accommodation, particularly in the light of the new Homelessness Reduction Act and ongoing welfare reform.

Information on rental income and asset protection was discussed. The Head of Corporate Resources confirmed that rental income is increasing and as an example; details of the site at Wicks is included in the medium term financial plan. In terms of other assets, assurance was provided by the Deputy Leader that the Orchards retail assets are protected, with careful investments being made to ensure a relevant and interesting mix of units are secured, with long leases being issued. A Strategic Plan for the Orchards is being developed, with options and supporting business case being brought forward in 2019/20.

The potential budgetary increase relating to waste and recycling was discussed. Members noted the reversion to the contracted fee for garden waste collection, and the effect of WSCC's savings programme relating to recycling credits. It was noted by the Chief Executive that there is considerable disquiet amongst affected Local Authorities regarding the payment mechanism for recycling credits and the Council is actively encouraging the development of a Countywide waste strategy.

The Members considered each service commentary and summary budget tables in section 3 of the report.

Clarity was sought on the status of the Community Infrastructure Levy (CIL). The Assistant Chief Executive confirmed that the Government consulted on it in summer 2018, issuing a further consultation and recommendations in December 2018. The Council has considered the recommendations and will defer a decision until new regulations are in place.

Significant spending on the Council's outdoor facilities was discussed, as well as leisure income. In terms of the 84 hectares of open space being transferred from Homes England to the Council, the ownership and costs required to maintain it will be borne by the Council but from commuted sums. It was noted by the Leader that the leisure facilities are discretionary services which the Council chose to invest in. A great deal of work has been put into managing the outsourcing of this effectively so that investment can continue. The Head of Corporate Resources also provided assurance to the committee that there is investment in the Corporate Estates and Facilities team, noting recruitment is underway for a new Business Unit Leader and new Estates Team Leader.

The committee noted the information provided on the investment in the Council's ICT infrastructure and the increase in capacity for the Customer Services team.

A Member expressed a wish for more extensive detail to be provided in the report as a whole, in order to scrutinise whether objectives have been met. The Cabinet Member for Finance and Performance noted that the Committee scrutinises performance indicators throughout the year and if Members feel these are insufficient, they can request more information at this stage.

Members discussed the Capital Programme. It was noted by the Chief Executive that the programme is added to through the year, and the project justifications contained in the report reflect projects in a position to commence.

The Head of Corporate Resources confirmed that any receipt from the sale of land at Hurst Farm would form part of the Capital Strategy presented to the Audit Committee in March 2019 and that the working figure for the ICT Suite refurbishment is for the fabric of the suite and not for technology upgrades.

He confirmed that there is no planned capital investment spend at the present time although this was subject to opportunities arising, and that the Capital Programme is not currently funded by a loan. The option of loan finance forms part of the options detailed on p.56 of the report.

The Chairman took Members to the recommendations contained in the report, which were agreed unanimously.

## **RESOLVED**

The Committee:

Considered the proposals for 2019/20 set out in the appended report and agreed any comments or recommendations that it wishes to make to Cabinet on:

- (a) The financial outlook facing the Council;
- (b) The proposed increase in Council Tax;
- (c) The proposed placements in the Specific Reserves;
- (d) The proposed Capital Programme; and
- (e) The service commentaries and supporting summary budget tables for each business unit.

## **7. WORK PROGRAMME**

Tom Clark, Solicitor to the Council introduced the report, highlighting the two items which will appear on the next agenda. It was clarified that the next meeting would be held on 12 March 2019.

The Chairman reminded members that a working group is being convened to determine the KPI's for the next Council year and encouraged Members to volunteer to participate. Five members of this Scrutiny Committee are required along with the Chairman of the other two Scrutiny Committees.

The Chairman took Members to the recommendation which was agreed unanimously.

## **RESOLVED**

The Committee:

- (i) Agreed the Committee's Work Programme as set out at paragraph 5 of the report, noting the date of the next meeting will be 12 March 2019.

Chairman

This page is intentionally left blank

**Medium Term Financial Plan  
Cabinet 11 February 19**

<b>Revenue Spending</b>	<u>Year 0</u> 2018/19 £'000	<u>Year 1</u> 2019/20 £'000	<u>Year 2</u> 2020/21 £'000	<u>Year 3</u> 2021/22 £'000	<u>Year 4</u> 2022/23 £'000
<b>Base Net Expenditure</b>	12,048	11,877	11,965	11,976	12,166
Benefits	(119)	(119)	(119)	(119)	(119)
Drainage levies	-	-	-	-	-
<b>Base Revenue Spending</b>	11,929	11,758	11,846	11,857	12,047
Balance Unallocated	27	58	19	19	19
<b>Council Net Expenditure</b>	11,956	11,816	11,865	11,876	12,066
Net on-going pressures / permanent changes 2017/18		37	37	37	37
Net Pressures from Budget Wps		432	404	435	466
Contribution to Rate Retention Scheme Equalisation Reserve	817	200	-	-	-
Additional Contribution to ICT Reserve (Digital)	400	400	400	400	400
Contribution to Burgess Hill Growth Reserve	304	-	-	-	-
Contribution to Development Plan Reserve		100	100	100	100
Contribution to Orchards Reserve	425	425	425	425	425
Additional investment Income		(325)	(325)	(325)	(325)
Net General inflation		522	1,044	1,566	2,088
<b>Total Revenue Spending</b>	13,902	13,607	13,950	14,514	15,257
External Funding (RSG)	-	-	-	-	-
Rates Retention Scheme (RRS) funding	(2,818)	(2,903)	(1,500)	(1,500)	(1,500)
HB Admin Grant / LCTS Grant	(333)	(313)	(313)	(313)	(313)
<b>Council Tax Requirement @ 3.1% in 19/20</b>	<b>(9,631)</b>	<b>(10,048)</b>	<b>(10,472)</b>	<b>(10,906)</b>	<b>(11,348)</b>
Dividend income LAPF	(240)	(240)	(240)	(240)	(240)
Collection Fund:					
- Council Tax deficit / (surplus)	(145)	(103)	-	-	-
-Rates Retention Scheme deficit / (surplus)	(695)	-	-	-	-
Contribution from Rate Retention Scheme Equalisation Reserve	(40)	-	-	-	-
<b>Cumulative Balance deficit; / (surplus)</b>	<b>0</b>	<b>0</b>	<b>1,425</b>	<b>1,555</b>	<b>1,856</b>
<b>Difference year on year</b>		0	1,425	130	301

<b>Financing Revenue Spending</b>	<u>Year 0</u> 2018/19	<u>Year 1</u> 2019/20	<u>Year 2</u> 2020/21	<u>Year 3</u> 2021/22	<u>Year 4</u> 2022/23
Council Taxbase	59,983.3	60,707.5	61,436	62,173	62,919
Change in Taxbase	1.65%	1.21%	1.20%	1.20%	1.20%
	£'000	£'000	£'000	£'000	£'000
Revenue Budget	13,902	13,607	13,950	14,514	15,257
% change in Formula Grant /External Funding	-100.0%				
External Funding (RSG)	0	0	0	0	0
Rates Retention Scheme (RRS) funding	(2,818)	(2,903)	(1,500)	(1,500)	(1,500)
HB Admin Grant / LCTS Grant	(333)	(313)	(313)	(313)	(313)
<b>Council Tax Requirement</b>	<b>(9,631)</b>	<b>(10,048)</b>	<b>(10,472)</b>	<b>(10,906)</b>	<b>(11,348)</b>
Dividend income LAPF	(240)	(240)	(240)	(240)	(240)
Collection Fund:					
- Council Tax deficit / (surplus)	(145)	(103)	-	-	-
-Rates Retention Scheme deficit / (surplus)	(695)	-	-	-	-
Contribution from Rate Retention Scheme Equalisation Reserve	(40)	-	-	-	-
Total Financing	(13,902)	(13,607)	(12,525)	(12,959)	(13,401)
Balance [(deficit); /surplus]	0	(0)	(1,425)	(1,555)	(1,856)
	(13,902)	(13,607)	(13,950)	(14,514)	(15,257)
<b>Council Tax at Band D</b>	<b>£ 160.56</b>	<b>£ 165.51</b>	<b>£ 170.46</b>	<b>£ 175.41</b>	<b>£ 180.36</b>
Change from previous year	3.20%	3.10%	3.00%	2.90%	2.80%

This page is intentionally left blank

## BUDGET MANAGEMENT 2018/19 – PROGRESS REPORT APRIL TO DECEMBER 2018

REPORT OF: Head of Corporate Resources  
Contact Officer: Cathy Craigen, Chief Accountant  
Email: [Cathy.craigen@midsussex.gov.uk](mailto:Cathy.craigen@midsussex.gov.uk) Tel: 01444 477384  
Wards Affected: All  
Key Decision: No  
Report to: Cabinet  
11th February 2019

---

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

#### Purpose of Report

1. This report reviews the progress on the Revenue Budget, Capital Programme and Treasury Management for 2018/19.

#### Summary

2. The forecast revenue outturn position for 2018/19 at the end of December is showing a projected net underspend of £396,000 against the original estimate, which relates mainly to forecast additional income totalling £279,000. This includes additional Planning Fees (£156,000), Pay and Display Car Parking income (£52,000) and property rents (£40,000). In addition, £110,000 relates to staff vacancy savings across a number of Business Units, two thirds of which relates to Community Services, Policy and Planning, Planning Policy and Building Control. However, this saving now gives us the opportunity to consider using part of this underspend for a limited range of discrete purposes totalling £340,000, which, if approved will reduce the net underspend to £56,000.

#### Recommendations

##### 3. 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;

## REVENUE SPENDING

### Position to the end of December 2018

4. This is the fourth budget management report for the current financial year. This is intended to inform Members how key income and expenditure targets are performing after the first three quarters of 2018/19, and to give an indication of the likely position at the end of the year.

### Expenditure and Income to date

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

<b>INCOME</b>	2018/19 Actual to December £'000	Profiled 2018/19 Budget £'000	2018/19 Original Budget £'000	Pressure/ (Saving) To end December £'000	Pressure/ (Saving) To end September £'000	Projected Year-end Variance £'000
Car Park Charges	(1,641)	(1,562)	(2,072)	<b>(79)</b>	<b>(21)</b>	<b>(88)</b>
Development Management Fees	(1,257)	(1,090)	(1,454)	<b>(167)</b>	<b>41</b>	<b>(156)</b>
Building Control Fees	(383)	(448)	(578)	<b>65</b>	<b>67</b>	<b>65</b>
Land Charges	(137)	(116)	(153)	<b>(21)</b>	<b>(7)</b>	<b>(16)</b>
Licensing Act Fees	(125)	(128)	(138)	<b>3</b>	<b>(18)</b>	<b>(5)</b>
Hackney Carriage Fees	(116)	(97)	(129)	<b>(19)</b>	<b>13</b>	<b>(9)</b>
Outdoor Facilities Income	(206)	(263)	(295)	<b>57</b>	<b>93</b>	<b>46</b>
Garden Waste	(1,015)	(1,037)	(1,281)	<b>22</b>	<b>40</b>	<b>46</b>
Leisure Contract Income	(659)	(1,010)	(1,346)	<b>351</b>	<b>673</b>	<b>(35)</b>
Industrial Estates Rents	(632)	(537)	(647)	<b>(95)</b>	<b>0</b>	<b>(135)</b>
Town Centre Rents	(1,904)	(1,906)	(2,491)	<b>2</b>	<b>25</b>	<b>0</b>
Depots Rents	(58)	(54)	(72)	<b>(4)</b>	<b>(4)</b>	<b>(4)</b>
General/Miscellaneous Property	(244)	(196)	(233)	<b>(48)</b>	<b>1</b>	<b>(40)</b>
<b>Total Income</b>	<b>(8,377)</b>	<b>(8,444)</b>	<b>(10,889)</b>	<b>67</b>	<b>903</b>	<b>(331)</b>
<b>EXPENDITURE</b>						
Staffing costs	8,777	8,540	11,386	<b>237</b>	<b>224</b>	<b>(241)</b>

6. Car parking income is above budget by £79,000 in the first nine months operation of the service. This is detailed in Table 2 below. This includes variations in respect of lower than budgeted Season Tickets £9,000, which is due to the profiling of income which can fluctuate, and additional Pay and Display (£88,000), of which £36,000 was previously reported. The forecast has been amended to reflect the upturn in Pay and Display income since the last report by £52,000 and this is reflected in Appendix A of this report.

	<i>Actual April to Dec</i>	<i>Outturn 2017/18</i>	<i>Forecast 2018/19</i>
	<i>(Over)/ under target £'000</i>	<i>(Over)/ under target £'000</i>	<i>(Over)/ under target £'000</i>
Pay & Display tickets	(88)	12	(88)
Season Tickets	9	(13)	0
Total additional income	(79)	(1)	(88)

7. Development management income is £167,000 above target for April to December. This is due to the receipt of two large Planning Applications in December in respect of the Northern Arc £150,000 and for Clayton Mills, Hassocks £50,000. Excluding these large applications, Planning income is below budget by £33,000 due to there being fewer speculative housing applications following the adoption of the District Plan and projecting this to year end would result in a revised forecast shortfall of £44,000. Therefore, the full year forecast has been amended to include £200,000 exceptional planning fees, less the forecast shortfall of £44,000, resulting in £156,000 net additional income, which is identified in Appendix A of this report.
8. At the end of December, Building Control Income is under target by £65,000. This is a £2,000 improvement on the previously reported position to the end of September. The Head of Service for Building Control has confirmed that targets are expected to be reached for the remainder of the year, but this is unlikely to recover the shortfall to date. Very severe weather could also affect income for this service. Therefore, the forecast has been amended to reflect the shortfall to date, an improvement of £2,000 since previously reporting, which is identified in Appendix A of this report.
9. At the end of December Land Charges income is above budget by £21,000. The service has seen an increase in the volume of Official Searches following a successful marketing campaign carried out by the Local Land Charges Team highlighting the speed and quality of the service. A full year surplus of £16,000 is anticipated, which is identified in Appendix A of this report.
10. Licencing income is £3,000 below target for April to December. This is mainly due to the profiling of income, which can fluctuate. The forecast was previously amended to reflect additional income of £5,000 received at outturn 2017/18 compared to 2018/19 budget, and this forecast remains unchanged.

11. Hackney Carriage Fees are above target by £19,000 for the first nine months of this financial year. This is partly due to the profiling of income, which can fluctuate. However, the forecast has been amended to reflect the same level of income received in 2017/18, an additional £9,000, which is identified in Appendix A of this report.
12. Outdoor facilities income is £57,000 below budget after the first nine months of the year. This is partly due to the profiling of income which can fluctuate, but this is not expected to affect the total income due for the year. Pressures of £46,000 were previously reported and this projection remains unchanged.
13. Based on the current budget profile, Garden Waste income is £22,000 below target at the end of December. Garden Waste growth was budgeted to achieve an additional 1,800 customers in 2018/19 to bring the Customer base to 20,000. However, an incredibly dry summer has had an adverse impact on growth despite a concerted communications and promotion campaign. The waste team previously reported a revised forecast of 19,300 customers by year end, which would result in a £46,000 shortfall by year end and no further change is anticipated at this stage.
14. The value of the Leisure Contract is subject to annual review. A number of contract variations were due to take effect, delaying confirmation of the 2018/19 contract price which is then subject to quarterly billing. These issues have recently been resolved and an invoice can now be issued for the Quarters 3 and 4.
15. Industrial Estates rent are £95,000 above the target at the end of December. This is due to the additional rental income received from the purchase of 255-269 London Road (Wickes). The year end forecast of £135,000 additional rental income was reported in the September budget management report to Cabinet.
16. Town Centre rent is £2,000 below the target at the end of December. No change to the full year projection is anticipated.
17. Depot rent is £4,000 above the target to the end of December. The year end forecast has been amended to reflect this additional rental income as detailed in Appendix A.
18. General/miscellaneous property income is £48,000 above the target at the end of December. The year-end forecast has been amended to reflect £40,000 additional rental income as detailed in Appendix A.
19. The salaries expenditure to the end of December is showing a pressure of £237,000 against the profiled budget, which is mainly due to the Revenues and Benefits restructure that has resulted in unbudgeted agency staff costs and Redundancy costs. However, these costs will be managed by vacant posts and also met from the Redundancy Reserve thus mitigating the pressure by year end. In response to the new requirements of the Homelessness Reduction Act, additional staff have been taken on to address these new responsibilities. The additional staff will be funded from Government funding which has been provided for this purpose. Despite the year- to-date pressure detailed above, we are forecasting a year-end saving of £241,000 due to salary savings across a number of Business Units as detailed in Appendix A of this report and previous Budget Management reports this year. This position will continue to be monitored closely for the remainder of the year.
20. In summary, based on current information available and as outlined in Appendix A, the current forecast year-end position (at the end of December 2018), is an underspend of £396,000.

## Miscellaneous

21. In December we received grant payments of £16,864 from the Department for Work and Pensions, in respect of New Burdens relating to Construction Industry Scheme Interest Automation (£4,115); Application Programming Interface Development (3,660); Pension Strategy Computer System Uprating (£302); and Self Employed Earnings Review (£8,787). Members are requested to approve the transfer of this sum to specific reserve to meet this additional cost.
22. In December we also received grant payments of £2,786 from the Department for Work and Pensions, in respect of New Burdens relating to Universal Credits: Universal Credit Full Service Transition to Housing Benefit payments (£2,690) and Universal Credit Local Authority Universal Support grant 2018/19 Quarter 1 (£96). Members are requested to approve the transfer of this sum to specific reserve to meet this additional cost.
23. In October, we received a payment from Homes England of £90,000 in respect of a Planning Performance Agreement to support the preparation and submission of a planning application at Northern Arc. Members are requested to approve the transfer of this sum to the Burgess Hill Growth reserve to fund associated costs.

### Housing Reserves

24. In 2009/10 we received government grant of £47,500 in respect of Repossession and Eviction prevention Fund, to enable Local Authorities to assist families at risk of homelessness through repossession or eviction. Only £28,627 has been required for this purpose and Members are requested to approve the remaining funds to be reallocated to top up the Housing Needs Survey specific reserve. This will be used to support delivery of rural exception sites and affordable housing through Community Land Trusts.
25. In 2010/11 a specific reserve was created to meet the costs of default works to help bring empty properties back into use. Only £4,170 has been required for this purpose and Members are requested to approve the remaining funds of £15,830 be reallocated for consultancy work such as feasibility studies to support delivery of housing schemes to meet housing needs in the District, including Gypsy and Traveller needs.

### Use of Underspend

26. This latest report shows that income levels, in particular, in respect of Planning Fees, Car Parking and property rents, continue to be well above target, which together with staff vacancy savings now allows Members to consider the allocation of monies totalling £340,000 as detailed below:
  - (a) £150,000 for Burgess Hill Fibre Exchange: Work to stimulate the roll out of full fibre in Burgess Hill, as part of the Government's Local Full Fibre Networks Programme (LFFN), is now nearing the procurement and civil contract phase. Some funding, prior to receipt of the £2.2m grant funding from the Government, is required to procure legal, procurement and commercial advice. Therefore, Members are requested to approve the transfer of £150,000 to this Specific Reserve
  - (b) £120,000 to create a Parks Improvements Specific Reserve to cover the costs of the Parks Asset Management Plan, Recycling Bins in key parks as well as master planning costs on a number of sites, prior to bringing forward Capital projects on these sites in 2020/21. Therefore, Members are requested to approve the transfer of £120,000 to Specific Reserve for this purpose.

- (c) £70,000 to support the Car Park Strategy. The Car Parking Strategy requires refreshing in 2020/21. It is proposed that the new Strategy supports sustainable growth and economic development and is therefore aligned to the same timeframe as the District Plan and the Economic Development Strategy. Therefore, Members are requested to approve the transfer of £70,000 to this Specific Reserve.

## CAPITAL SPENDING

### Position to the end of December 2018

27. The Capital Programme for 2018/19, now stands at £5,726,000. This includes slippage from the 2017/18 Capital Programme and current year capital project variations, as reported to Cabinet 9 July, 24 September and 12 November 2018. The actual and commitments to the end of December 2018 total £12,115,000 (to nearest £'000).

### Variances to the 2018/19 Capital Programme

28. At this stage in the year the major variances are set out in table 3 below, the remainder being a number of smaller variations of less than £100,000.

	<i>Variances</i> £'000 (overspend)	<i>Variances</i> £'000 (underspends)	<i>Notes</i>
Temporary Accommodation – Burgess Hill		284	1
Temporary Accommodation – Haywards Heath		300	1
Temporary Accommodation – Haywards Heath		322	1
Temporary Accommodation – Haywards Heath		295	1
Oaklands Replacement heating distribution system		(148)	2
Flat 10, St Joseph's Way Acquisition		180	3
255-269 London Rd BHill (Wickes) Land Acquisition		6,605	4
Flat 7, St Joseph's Way Acquisition		170	5
Refurbishment works at Court Bushes Pavilion		(367)	6
Martlets Hall Demolition and Car Park extension		(180)	7
Council Chamber Modernisation		(300)	8
Disabled Facility Grants		(356)	9
Provision of Padel Tennis Court		(110)	10
<b>Total</b>	<b>0</b>	<b>(6,695)</b>	

Notes:

#### *Housing*

- (1) Housing purchases to be funded from the Temporary Accommodation Reserve created at Outturn 2017/18 Refer paragraph 29.

#### *Corporate Estates & Facilities*

- (2) Oaklands Replacement heating distribution system – First phase of works complete - further phases will progress following completion of in-depth feasibility and design work.
- (3) Flat 10, St Joseph's Way Acquisition – refer paragraph 30 below.
- (4) 255-269 London Rd BHill (Wickes) Land Acquisition – refer paragraph 31 below.
- (5) Flat 7, St Joseph's Way Acquisition – refer paragraph 32 below.
- (6) Refurbishment works at Court Bushes Pavilion – refer paragraph 33 below.
- (7) Martlets Hall Demolition and Car Park extension - works to commence imminently.
- (8) Council Chamber Modernisation Works – refer paragraph 40 below.

*Environmental Health*

(9) Demand-led Housing adaptations service for which a further £616,393 has been committed as at end of December. An additional grant of £114,000 (to nearest £'000) was recently notified to increase the budget for 2018/19 to £1,388,000 – refer paragraph 41 below.

*Landscapes and Leisure*

(10) Provision of Padel Tennis Court - Delays in the tendering process will mean this scheme will be re-phased to 2019/20 – refer paragraph 42 below.

## **Proposed Variations to the Capital Programme**

29. At Outturn 2017/18 Members agreed to earmark £4m in a Temporary Accommodation Reserve in order to secure better, more flexible, accommodation for vulnerable families and to invest in assets with long term value whilst reducing the revenue strain for the Council. As at the end of December, the Council has purchased a number of properties as detailed in Table 4 below, all funded from the Temporary Accommodation Reserve. The current Capital Programme has been amended to reflect this.
30. The Cabinet Member for Economic Growth authorised the acquisition of the tenant's leasehold interest in investment property: Flat 10 St Joseph's Way, Haywards Heath, as detailed in MIS Bulletin 29 on 18 July 2018. This was financed from the Land and Property Reserve, and the Capital Programme total has been amended by £180,000 to include this project.
31. As reported in the last Budget Management Report, in early November the Council, completed on a commercial property in Burgess Hill costing £6.605m, which will generate an annual rental of £325,000 for the Council. The cost of the project will be financed partly from the Land and Property Reserve (£4m), partly from Capital Receipts Reserve (£1.1m) with the balance funded from General Reserve (£1.505m). The Capital Programme has now been increased to reflect this.
32. The Cabinet Member for Economic Growth authorised the acquisition of the tenant's leasehold interest in investment property: Flat 7 St Joseph's Way, Haywards Heath, as detailed in MIS Bulletin 02 on 09 January 2019. This was financed from the Land and Property Reserve, and the Capital Programme total has been amended by £170,000 to include this project.
33. The current Capital Programme includes a project for the refurbishment works and alteration works on Court Bushes Pavilion totalling £367,000 (to the nearest £'000). This project was to be funded from an insurance claim. However, the loss adjuster has adjusted the claim down resulting in a shortfall in funding. In addition, the cost of the works now stands at £410,000 to be funded by the reduced insurance claim total of £259,000 and available S106s totalling £54,000. The balance of £97,000 is proposed to be met from General Reserve. The Capital Programme has been updated accordingly to reflect an increase in the project total by £43,000 from £367,000 to £410,000. (Refer separate report on this Cabinet agenda).

34. The current Capital Programme for 2018/19 includes a project for Finches Field Community Pavilion and Car Park totalling £639,000. This amount represents the grant payment to Slaugham Parish Council for the construction of this community building and car park. Of this total £589,000 is funded from S106s (rounded to the nearest £'000) and £50,000 is funded from General Reserve (Major Capital Renewals allocation). Further S106 funding has now been approved totalling £54,000 (to nearest £) to facilitate the implementation of car parking and hard landscaping around the new community building and sports pavilion as reported in Cabinet Grants Panel 16 October 18. The new project total stands at £693,000 and the Capital Programme for 2018/19 needs to be increased to reflect this. In addition, there is now a further request to increase the funding for this project by £66,000 to fund additional design fees and external landscaping costs, of which £5,000 can be met from S106 contributions and the balance to be funded from General Reserve. The Capital Programme has been amended to reflect an increase in the project total by £120,000 from £639,000 to £759,000. (Refer separate report on this Cabinet agenda).
35. Under Delegated Member authority, the Cabinet Member for Service Delivery authorised the release of £24,000 (to the nearest £) from S106s Formal Sport contributions to provide vertical drainage on a section of the football pitch and a section of the cricket square at the Fairfield Recreation ground, Hurstpierpoint. This was reported in MIS40 on 3 October 2018. The Capital Programme has been updated accordingly.
36. The MSDC Protective Monitoring Software project totalling £20,000 was slipped from 2017/18. However, this was a Census project that never started and is no longer needed. Therefore this project has been removed from the Current Capital Programme to reflect this position.
37. The Storage Area Network (SAN) Replacement project totalling £65,000 is currently delayed as migration of data to the Cloud should reduce SAN requirements. However, migration is not due to start until August 2019 resulting in slippage of this project to 2019/20. The Capital Programme has been re-phased accordingly.
38. The Upgrade of the Pay and Display machines project, totalling £179,000, to purchase and install contactless parking machines has been completed with a saving of £10,000, as the cost of the machines was lower than budgeted. The project total has been revised to £169,000 to reflect this saving.
39. St Johns Park, Burgess Hill Playground improvements project totalling £30,000 is now not due to start until July 2019, resulting in slippage of this project to 2019/20. The Capital Programme has been re-phased accordingly.
40. The current Capital Programme for 2018/19 includes a project for Council Chamber Modernisation totalling £300,000, and a separate project for the Upgrade of the Council Chamber Toilets & Reception area, Oaklands totalling £81,000. Whilst the preliminary design has been undertaken and agreed in principle after consultation with Councillors and Management Team, work will now not commence until next financial year, resulting in slippage of these projects to 2019/20.
41. We received notification of increased funding for Disabled Facility Grants in 2018/19 from Ministry of Housing, Communities & Local Government of £114,000. The Disabled Facility Grants Budget for 2018/19 has therefore been increased to £1,388,000.

42. Padel Tennis Court to the rear of Triangle Leisure was approved by the Cabinet Member in September 2018 and included in the 2018/19 Capital Programme as reported to Cabinet in the last Budget Management report in November. The Council hopes to secure planning permission for this facility by the end of February 2019, with the aim of completing the works by Summer 2019. The Capital Programme has been updated to reflect this.
43. The project to Resurface Queensway Car Park, East Grinstead totalling £41,000 is currently on hold pending confirmation of the car park's future, resulting in slippage of this project to 2019/20. The Capital Programme has been re-phased accordingly.
44. The budget for the Orchards Roof Works project currently totals £312,000, but it has now been identified that additional funding of £28,000 is required for this project for the following reasons. Firstly new slabs are required throughout, rather than the original plan to mainly reuse existing slabs, as these were found to be in poor condition. In addition, additional areas of roofing require renewal due to leaks and its poor condition. This additional work will reduce future revenue expenditure in repairing roof. This additional cost will be met from the Orchards Specific Reserve.
45. The project for Playground Improvements at the Dolphin Haywards Heath totalling £21,000 is currently delayed as the design and consultation work needs to be completed which will push construction into next year. This will result in slippage of this project to 2019/20. The Capital Programme has been re-phased accordingly.
46. Proposed capital variations are summarised in table 4 below:

<b>Table 4: Capital Project Variations April to end December 2018</b>		
	<i>Apr to Dec</i>	
	<i>£'000</i>	<i>Ref</i>
Temporary Accommodation – Burgess Hill	284	<i>Para 29</i>
Temporary Accommodation – Haywards Heath	300	<i>Para 29</i>
Temporary Accommodation – Haywards Heath	322	<i>Para 29</i>
Temporary Accommodation – Haywards Heath	295	<i>Para 29</i>
Flat 10, St Joseph's Way, Haywards Heath	180	<i>Para 30</i>
Investment Property Acquisition, 255-269 London Rd (Wickes), Burgess Hill	6,605	<i>Para 31</i>
Flat 7, St Joseph's Way, Haywards Heath	170	<i>Para 32</i>
Refurbishment works at Court Bushes Pavilion	43	<i>Para 33</i>
Finches Field Community Pavilion and Car Park	120	<i>Para 34</i>
Installation of vertical drainage system Fairfield Rec Ground, Hurstpierpoint	24	<i>Para 35</i>
MSDC Protective Monitoring Software	(20)	<i>Para 36</i>
Storage Area Network (SAN) Replacement	(65)	<i>Para 37</i>
Upgrade pay and display machines	(10)	<i>Para 38</i>
St Johns Park BH Playground Imps	(30)	<i>Para 39</i>
Council Chamber Modernisation	(300)	<i>Para 40</i>
Upgrade of the Council Chamber Toilets & Reception area, Oaklands	(81)	<i>Para 40</i>
Disabled Facilities Grant	114	<i>Para 41</i>
Padel Tennis Court	(110)	<i>Para 42</i>
Resurface Queensway car park East Grinstead	(41)	<i>Para 43</i>
The Orchards - roof works	28	<i>Para 44</i>
Imps to Playground at the Dolphin HH	(21)	<i>Para 45</i>
<b>Total</b>	<b>7,807</b>	

47. Taking into account all of the changes detailed above, the overall effect is an increase to the current capital programme for 2018/19 of £7,807,000, and an increase in the Capital Programme 19/20 by £648,000. Therefore, the revised programme total for 2018/19 now stands at £13,533,000.

### Capital receipts and contributions received to the end of December 2018

48. S106s and grant contributions of £3,077,141 and Capital Receipts for sale of land totalling £85,500 have been received in the period April to December 2018.

### S106 contributions committed/utilised to the end of December 2018

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

	<i>Apr to Dec</i> £'000	<i>Note</i>
Haywards Heath Town Council	5	1
Crawley Down Community Centre Association (Haven Centre)	24	2
Hassocks Parish Council	75	3
Lindfield Cricket Club	55	4
Haywards Heath Town Council	12	5
Lindfield Rural Parish Council	2	6
West Sussex County Council	33	7
East Grinstead Town Council	50	8
Slaugham Parish Council	55	9
Ardingly Parish Council	1	10
Raven Housing Association	180	11
<b>Total</b>	<b>492</b>	

#### Notes

- 1 Utilisation of Local Community Infrastructure contribution (PL13-001412) S106 monies to carry out works at the Muster Green War Memorial, as agreed by the Cabinet Member for Planning on 28 March 2018 MIS 14 4 April 2018.
- 2 Utilisation of Community Building contributions (P35/759 £5,828, P35/679 £6,109 & PL12-000367 £12,442) S106 monies for CCTV and hall refurbishments, as agreed by the Cabinet Grants Panel on 19 June 2018 MIS 25 20 June 2018.
- 3 Utilisation of Formal Sport contributions (P35/503 £185, P35/638b £7,971 & P35/609b £62,734) and Playspace contribution (P35/750 £4,110) S106 monies to replace and upgrade the skate park in Adastra Park, as agreed by the Cabinet Grants Panel on 19 June 2018 MIS 25 20 June 2018.
- 4 Utilisation of Formal Sport contribution (P35/662 £55,000) S016 monies for a Pavilion extension, as agreed by the Cabinet Grants Panel on 19 June 2018 MIS 25 20 June 2018.
- 5 Utilisation of Local Community Infrastructure contributions (PL13-001412 £11,203 & P35/641 £696) S106 monies for a hard-standing area, bench and memorial stone at Muster Green War memorial, as agreed by the Cabinet Member for Planning on 17 July 2018 MIS 29 18 July 2018.
- 6 Utilisation of Local Community Infrastructure contribution (PL3-000199 £2,339.30) S106 monies for a portable Speed Indicator Device, as agreed by the Cabinet Member for Planning on 9 August 2018 MIS 33 15 August 2018.
- 7 Utilisation of Sustainable Transport contribution (PL12-000981 £32,838.68) S106 monies for the Ardingly Traffic Management Scheme, as agreed by the Cabinet Member for Planning on 18 September 2018 MIS 38 19 September 2018.
- 8 Utilisation of Community Buildings contributions (PL12-001864 £46,963, P35/617 £0.43, & P35/620a £3,035.57) S106 monies to upgrade East Court Public toilets, as agreed by the Cabinet Member for Planning on 25 September 2018 MIS 39 26 September 2018.

- 9 Utilisation of Local Community Infrastructure contribution (PL12-000635 £54,603) S106 monies to facilitate the implementation of a car park and hard landscaping at the Finches Field new pavilion, as agreed by the Cabinet Grants Panel on 16 October 2018 MIS 42 17 October 2018.
- 10 Utilisation of Sustainable Transport (TAD) contribution (PL12-000981 £507.50) S106 monies to purchase Speed Indicator Device brackets, as agreed by the Cabinet Member for Planning on 12 November 2018 MIS 46 14 November 2018.
- 11 Utilisation of Affordable Housing contributions (P35/523a £161,497 & P35/563 £18,503) S106 monies to enable delivery of affordable rented housing at Rocky Lane, Haywards Heath, as agreed by the Cabinet Member for Housing and Planning MIS 49 5 December 2018 & MIS 17 25 April 2018.

## **TREASURY MANAGEMENT INTEREST**

50. Treasury Management interest for the financial year 2018/19 was projected in the Budget Report to be £262,693 at an average rate of 0.95%. The Budget Report is prepared well before many of the cash flow items are known.
51. As at the end of December 2018, actual Treasury Management interest earnings were £292,697 at an average rate of 0.968%. The estimated year-end projection for Treasury Management to be earned in the year is £353,917 being £91,000 over target. This is mainly due to the higher interest rates that have been achieved on short term investments together with an increase in the number of short term investments, following a reduction in the funds required for proposed capital spending to date. This position will continue to be monitored closely for the remainder of the year.

### *Local Authority Property Fund Dividends*

52. Members will recall that £6m is invested in the Local Authorities' Property Fund administered by the CCLA. Dividends on these investments are paid to the Council on a quarterly basis being due for the quarters ending 30 June; 30 September; 31 December and 31 March. We previously reported a net income of £126,899 as at the end of September 2018. Dividends received for the third quarter ending 31 December are £74,470 less management expenses of £9,163, giving a net income to the Council of £65,307. Therefore, in total, we have received a net income of £192,206 in the first three quarters of the year. £240,000 is budgeted to finance the Revenue Budget in the current year. However, based on the three dividends received to date, this is likely to be exceeded by year-end. Members will receive an update on the final quarter at Outturn when the full year position is known.

## **POLICY CONTEXT**

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

## **FINANCIAL IMPLICATIONS**

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

## **RISK MANAGEMENT IMPLICATIONS**

55. There are no risk management implications. Financial risks have been seen as a strategic risk in the past but the Council has a proven track record in Budget Management and this is not seen as a strategic risk for 2018/19.

## **EQUALITY AND CUSTOMER SERVICE IMPLICATIONS**

56. There are none.

## **OTHER MATERIAL IMPLICATIONS**

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

## **Background Papers**

Revenue Budget 2018/19

## Forecast Budget Variations for 2018/19 at the end of December 2018

	<i>Pressures in 2018/19</i>	<i>Notes</i>
	<i>£'000</i>	
April to Sept pressures Cabinet 12 November 2018	438	
Martlets Hall – residual costs	20	1
Corporate Estates & Facilities – minor variations	10	2
Legal and valuation fees relating to purchase of 255-269 London Road, (Wickes), Burgess Hill	67	3
St. Alban's Hall – rental income	8	4
Property licences	6	5
Development Management minor variations	11	6
Provision of Bins to New Developments	13	7
Landscapes and Leisure minor variations	3	8
Building Control Income –reversal of pressure	(2)	9
	574	
	574	

## Notes:

- (1) The Martlets Hall was surrendered by the tenant to MSDC in June 2018. It is due to be demolished in the near future as part of the Martlets redevelopment works. All costs such as utilities, security and business rates are being borne by MSDC
- (2) Minor variation relating to cost of furniture and water.
- (3) Legal and valuation fees payable to external agent acting on behalf of MSDC in the purchase of this property.
- (4) Rent reduction resulting in lower than budgeted rental income.
- (5) Reduced income for property licences granted to property developers.
- (6) Pressure resulting from a number of minor variations below £10K.
- (7) Reduction in the number of new flatted developments requiring communal recycling bins for which a recharge would be due.
- (8) Pressure resulting from a number of minor variations below £10K.
- (9) See paragraph 8 of this report.

## Forecast Budget Variations for 2018/19 at the end of December 2018

	(Savings) in 2018/19	Notes
	£'000	
April to Sept savings Cabinet 12 November 2018	(437)	
Balance Unallocated	(27)	10
NNDR – Oaklands	(11)	11
External audit fees	(20)	12
Land Charges income	(16)	13
Legal staff saving	(10)	14
General/miscellaneous – rental income	(40)	15
Community Services, Policy & Performance staff saving	(25)	16
Development Management staff saving	(8)	17
Development Management Counsels Fees	(19)	18
Development Management – Planning Fees	(156)	19
Planning Policy staff saving	(24)	20
Temporary Accommodation saving	(15)	21
Pay and Display Income	(52)	22
Contactless Parking Transaction processing	(20)	23
Parking minor variations	(5)	24
Refuse Contract	(26)	25
Cleansing Services staff saving	(9)	26
Cleansing minor variations	(3)	27
Landscapes and Leisure staff saving	(14)	28
Taxi Licence Income	(9)	29
Building Control Staff saving	(20)	30
Building Control minor variations	(9)	31
Bridge Road Depot – rental income	(4)	32
Section 106 Monitoring Income – reversal of saving	9	33
	<hr style="width: 100%; border: 0.5px solid black; margin-bottom: 5px;"/> (970) <hr style="width: 100%; border: 0.5px solid black;"/>	

## Notes:

- (10) Balance unallocated has an unutilised balance of £27,000.
- (11) Lower than budgeted cost of NNDR at Oaklands.
- (12) Lower than budgeted cost of external audit fees.
- (13) Over achievement of income due to an increase in the volume of Official Searches following a successful marketing campaign.
- (14) Staff saving due to vacant posts.
- (15) Additional rental income for general/miscellaneous properties.
- (16) Staff saving due to vacant posts.
- (17) Staff saving due to vacant posts.
- (18) Saving in Barristers due to a lower number of Planning Appeals.
- (19) See paragraph 7 of this report.

- (20) Staff saving due to vacant posts.
- (21) Savings due to a combination of a number of factors including: a change in the way that Housing Benefit is claimed and assessed; an increase in new build properties available through the housing register enabling more tenants to move out of Temporary Accommodation; and the employment of a support officer which has enabled the Housing team to transfer tenants more efficiently.
- (22) See paragraph 6 of this report.
- (23) Saving in Financial processing charges in respect of Contactless Parking charges, due to lower initial usage of the facility than planned.
- (24) Saving due to a number of minor variations below £10K.
- (25) Saving due to the recent agreement of a variation to the Waste Contract for Garden Waste growth, where the uplift has not been backdated (as had previously been anticipated).
- (26) Staff saving due to vacant posts.
- (27) Saving due to a number of minor variations below £10K.
- (28) Staff saving due to vacant posts.
- (29) Additional Income in respect of Taxi licencing due to increased demand.
- (30) Staff saving due to vacant posts.
- (31) Saving due to a number of variations below £10K.
- (32) Additional rental income for Bridge Road Depot.
- (33) A reduction in speculative planning applications following adoption of the District Plan has led to a significant reduction in S106 agreements for which we receive a monitoring fee. Therefore a previously reported saving identified from 2017/18 outturn has now been reversed.

This page is intentionally left blank

## **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](mailto:kate.wilson@midsussex.gov.uk) Tel: 01444 477421  
Wards Affected: All  
Key Decision: No  
Report to: Cabinet  
11<sup>th</sup> February 20019

---

### **Purpose of Report**

1. To inform the Cabinet 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 Report<sup>1</sup>, 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

---

<sup>1</sup> MSDC. (2014). 'Fixed Penalty Notice Expansion'. October 20 2014.

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.

## Recommendations

8. Cabinet is recommended 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.

## Introduction

9. This report has previously been considered by the Scrutiny Committee for Community, Housing & Planning on 29 January 2019.
10. 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 handled<sup>2</sup>.
11. 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

12. 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 2008<sup>3</sup>.
13. 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.
14. 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 pay<sup>4</sup>. The offences included; littering (including fly tipping), illegal transportation of waste, graffiti and a range of dog control measures.

---

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

<sup>3</sup> MSDC. (2014). 'Fixed Penalty Notice Expansion'. 20 October 2014.

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

15. 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.
16. 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.
17. 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.
18. 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.
19. 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)**

20. 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.
21. Before a PSPO can be imposed, there must be an initial consultation with the community.
22. 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.
23. 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.
24. 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).

25. 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)**

26. Community Protection Notices are designed to have a broad use and should focus on how victims and communities are affected.
27. 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
28. These 'tests' must be considered on a case by case basis.
29. 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
30. 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.
31. 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.
32. 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.

33. 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.
34. 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.
35. 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.
36. 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)**

37. 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.
38. 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**

39. 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

40. 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.
41. 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.
42. 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

43. 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 served<sup>5</sup>.
  - On 29 November 2018, Cheshire East Council was granted CBOs against a group of anti-social youths, aged between 13-15 years, in Crewe<sup>6</sup>.
  - In 2018, Crawley Borough Council was granted a CBO against an individual for aggressively begging in Crawley town centre.

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

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

44. 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**

45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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**

52. 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.

53. Authorised staff are those who have been given authority by the Council to operate using the relevant legislation.
54. 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.
55. 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**

56. 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**

57. The contents of this report support the Council's corporate priority of supporting Strong and Resilient Communities<sup>7</sup> through effective enforcement of Anti-Social Behaviour.
58. The use of the powers will align with MSDC's Enforcement Concordat<sup>8</sup> (See Appendix B).

### **Next Steps**

59. 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.
60. Should the Council introduce these additional powers, the Council will notify stakeholders and the residents of Mid Sussex using local media, Mid Sussex Matters and other appropriate channels.

### **Financial Implications**

61. 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 issued<sup>9</sup>.

### **Risk Management Implications**

62. 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

---

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

<sup>8</sup> MSDC. (1998). Enforcement Concordat. Mid Sussex District Council.

<sup>9</sup> Armstrong, D. (2018). Mallards.

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.

63. Officers will work in partnership with other statutory organisations to monitor and provide evidence of possible breaches.
64. 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**

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

### **Other Material Implications**

66. 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).

This page is intentionally left blank

## 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**

This page is intentionally left blank

## **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

## **ADOPTION OF THE HIGH WEALD AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN 2019-2024**

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY  
Contact Officer: Jennifer Hollingum, Planning Officer  
Email: [jennifer.hollingum@midsussex.gov.uk](mailto:jennifer.hollingum@midsussex.gov.uk) Tel: 01444 477053  
Wards Affected: Those all or partly within the High Weald Area of Outstanding Natural Beauty: Ardingly and Balcombe, Ashurst Wood, Bolney, Copthorne and Worth, Crawley Down and Turners Hill, Cuckfield, East Grinstead Ashplats, East Grinstead Herontye, High Weald  
Key Decision: No  
Report to: Cabinet  
11<sup>th</sup> February 2019

---

### **Purpose of Report**

1. The purpose of this report is to seek Cabinet's approval for the District Council to formally adopt the High Weald Area of Outstanding Natural Beauty (AONB) Management Plan 2019-2024.

### **Summary**

2. The first High Weald AONB Management Plan was published in 2004. Management Plans have to be reviewed every five years; this is the third review. The Management Plan is prepared by the High Weald Joint Advisory Committee on behalf of all the local authorities with land in the High Weald AONB. Once adopted, it will become this Council's policy for managing the High Weald AONB and will be a material consideration in planning decisions.

### **Recommendations**

3. **Cabinet is recommended to:**
    - (i) **formally adopt the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024;**
    - (ii) **consider and 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.**
- 

### **Background**

4. An Area of Outstanding Natural Beauty (AONB) is an area of countryside designated by the Government to conserve and enhance its natural beauty. The High Weald AONB was designated in 1983 and extends across 11 District and 4 County areas.
5. Almost 50% of Mid Sussex District is within the High Weald AONB. Mid Sussex is the local authority with the fourth largest area of land within the High Weald AONB.

6. The High Weald Joint Advisory Committee undertakes the preparation and review of the Management Plan on behalf of the 15 local authorities with land in the High Weald AONB. The Joint Advisory Committee also includes representatives from community, environment and land-based sectors.
7. The District Council as one of the 15 partner authorities makes an annual contribution of £5,600 towards the work of the High Weald Joint Advisory Committee. The financial contribution is paid by all the local authorities with land in the High Weald AONB on a proportional basis. The District Council also directly inputs into the work of the High Weald, with Member representation on the Joint Advisory Committee and the Management Board, and officer representation on the Officer Steering Group.

### **Requirement to Prepare an AONB Management Plan**

8. Local authorities with land in an AONB are legally obliged under Section 89 of the Countryside and Rights of Way Act 2000 to prepare and publish a plan which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it', and to review this plan every five years. Where AONBs cross administrative boundaries, local authorities are required to act jointly to prepare the management plan.
9. Policy DP16 of the Mid Sussex District Plan seeks to only permit development within the High Weald AONB where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan.
10. Having an AONB Management Plan helps the District Council to fulfil its duty to have regard to biodiversity, as required by Section 40 of the Natural Environment and Rural Communities Act 2006.

### **High Weald AONB Management Plan 2019-2024**

11. Published in 2004 as a 20-year strategy, the High Weald AONB Management Plan is reviewed every five years. The High Weald Joint Advisory Committee launched the current review in 2017 to cover the period 2019-2024. Stakeholder workshops were held in May 2017 and public consultation was held in June and July 2018. At its meeting on 28<sup>th</sup> November 2018, the Joint Advisory Committee approved the updated Management Plan 2019-2024 and recommended its adoption by partner authorities.
12. The Management Plan attached at Appendix 1 sets out the following:
  - Incorporates a Statement of Significance which defines natural beauty in the High Weald AONB;
  - Identifies five key components of character (geology, landform, water systems and climate; settlement; routeways; woodland; and field and heath) and the land-based economy and related rural life as comprising the natural beauty of the High Weald AONB. For each of these, the key characteristics and issues have been identified;
  - Sets out management objectives and associated indicators of success for each component as well as proposed actions which aim to guide resources and effort to where they are most needed.

13. Under the Countryside and Rights of Way Act 2000, the Joint Advisory Committee is required to give notice to Natural England when it proposes to publish, adopt or review the Management Plan, and to take into consideration any comments that Natural England may make on the Management Plan.
14. Natural England has confirmed that the Management Plan 2019-2024 meets statutory requirements and that the constituent local authorities have, by acting jointly through the Joint Advisory Committee, produced a plan that formulates their policy for the AONB and for the carrying out of their functions in relation to it. Natural England also considers the Management Plan has broadly followed the national guidance and represents a comprehensive strategy for the management of the AONB.
15. The Management Plan 2019-2024 is accompanied by several supporting documents including those required under other legislation, such as an Equalities Impact Assessment, a Consultation Statement, Strategic Environmental Assessment and Habitats Regulations Assessment.
16. The findings of each of these assessments is summarised below:
  - The Equalities Impact Assessment concludes that the Management Plan complies with equalities legislation.
  - The Consultation Statement documents all the consultation activity carried out to inform the review of the Management Plan.
  - The Strategic Environmental Assessment concludes that the proposed objectives in the Management Plan have the most or equal positive environmental effects compared to their reasonable alternatives.
17. The Habitats Regulations Assessment, attached at Appendix 2, concludes that the Management Plan will not result in a likely significant effect on the integrity of the European sites either alone or in combination with other plans or projects. Natural England concurs with the conclusions of the Habitats Regulations Assessment

### **Next Steps**

18. The High Weald AONB Management Plan 2019-2024 is due to be published at the end of March 2019. Once approved and adopted by all the partner authorities, formal notification to the Secretary of State (Defra) of the adoption of the Management Plan is required to complete the process.
19. On its adoption, the High Weald AONB Management Plan 2019-2024 will become the District Council's policy for management of the AONB, guiding policies and actions of the District Council. This will ensure that the District Council is meeting its statutory duty to conserve and enhance the AONB. It will also be a material consideration for planning applications within the High Weald AONB and help inform planning policy.

### **Other Options Considered**

20. The District Council has the option not to adopt the High Weald AONB Management Plan 2019-2024, but this would mean the District Council fails in its statutory duty to prepare and publish an AONB management plan.

## **Financial Implications**

21. The annual contribution of £5,600 which the District Council makes to the High Weald Joint Advisory Committee covers the cost of preparation and updating the Management Plan. No further costs are anticipated.

## **Risk Management Implications**

22. Should the District Council decide not to adopt the High Weald AONB Management Plan 2019-2024 by the 31<sup>st</sup> March 2019, it would be in breach of the requirements of the Countryside and Rights of Way Act 2000 to review the Management Plan every five years. The District Council would also be required to produce its own Management Plan for its part of the High Weald by the same date which would have considerable time and resource implications. It would also result in a lack of consistency in the policy context across the High Weald AONB.

## **Equality and Customer Service Implications**

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

## **Other Material Implications**

24. There are no other material implications.

## **Appendices**

### **Appendix 1**

- The High Weald AONB Area of Outstanding Natural Beauty Management Plan 2019-2024  
<http://www.highweald.org/high-weald-aonb-management-plan/management-plan-review.html>

### **Appendix 2**

- High Weald AONB Management Plan Review 2019: Habitats Regulations Assessment  
<http://www.highweald.org/downloads/publications/joint-advisory-committee-papers/2018-2019.html>

## Community Building Development Projects Update

REPORT OF: Head of Corporate Resources  
Contact Officer: Elaine Clarke  
Email: [elainec@midsussex.gov.uk](mailto:elainec@midsussex.gov.uk) Tel: 01444 477275  
Wards Affected: Ardingly and Balcombe, Cuckfield, Haywards Heath Franklands, Hurstpierpoint and Downs  
Key Decision: No  
Report to: Cabinet

---

### Purpose of Report

1. To provide Cabinet with an update on four community building development projects and to seek additional funding toward costs.

### Recommendations

2. ***Cabinet are recommended 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***
- (c) Note that work continues to bring forward facilities at Ansty Village Hall and St Francis Sports and Social Club.***

### Finches Field

3. Finches Field in Pease Pottage is owned by the District Council and in March 2014 Cabinet resolved to agree the Heads of Terms for a lease to Slaugham Parish Council for a completed building. The budget for the building work was approved by Council in April 2014. It was later agreed that the Parish Council would undertake the construction of the building and a Development and Lease Agreement would be issued for the site of the building and car park area. Work started on site in March 2018 and the project is due to be completed by Spring 2019.
4. The total cost was estimated to be £708,000, but project costs increased and total expenditure for the building, car park and hard standing is now estimated at £786,695. This increase is primarily the result of a Planning requirement to relocate the building due to the electricity pylons at this site. The Parish Council had to re-submit the plans which incurred additional design fees, late start costs and increased the external landscaping costs. They were also required to install a secondary heat/power source and had to invest in a mains gas supply.
5. To date, the Council has awarded the following Facility Grants to the Parish Council to fund the project:

£	Approval route	Date
472,842	Cabinet Grants Panel	21/03/2016
143,593	Cabinet Grants Panel	14/02/2017
50,000	MCR – delegated authority (toward car park)	01/06/2017
54,603	Cabinet Grants Panel (toward additional hard landscaping)	16/10/2018
<b>£721,038</b>	<b>TOTAL</b>	

A grant agreement for £666,435 was signed on 29 June 2017 (for the first three amounts).

6. The plans submitted included 44-46 car parking spaces but WSCC Highways Authority only require a minimum of 21 spaces so the Parish Council has obtained estimate of £108,621 for a reduced car parking scheme (previously £185,000), which will require a planning condition variation. The revised scheme has reduced the total project cost and results in an overall budget shortfall of £65,658.
7. Within pooling restrictions, there is one more Section 106 Local Community Infrastructure contribution available for £4,515 which could be released toward the car park costs (received in respect of Land at CUC House Ref: P35/698). The remaining £61,143 could be covered through use of the Council's General Reserve.
8. A second grant agreement is needed in relation to the £54,603 previously committed and Cabinet approval is needed to vary the terms of the previous grant offer as the overall cost of the external landscaping has been reduced since the application was considered by the Cabinet Grants Panel.
9. It is recommended that the Council offers Slaugham Parish Council £61,145 plus a further £4,515 in Section 106 to fully fund the additional project costs. This will make the total amount of the second grant agreement £120,263.

### **Court Bushes Community Building**

10. The Ex-Servicemen's Club, at Court Bushes Recreation Ground, Willow Way, Hurstpierpoint was paid for by the members and constructed on Council owned land. The Trustees of the Ex-Servicemen's Club signed a 99 year ground lease for the site in 1984 but in 2017 they faced substantial financial difficulties including debts to HMRC and the Council formally forfeited the lease for the non-payment of rent.
11. In December 2017, a fire destroyed the inside of the building and it was closed to the public, at which time the property was removed from the rating list for NNDR. The Corporate Estates & Facilities Business Unit made an insurance claim to secure funds to repair the damage. Estates Officers consulted with Hurstpierpoint & Sayers Common Parish Council and representatives of potential stakeholders (The Point Church, Clarion Housing and the Ex-Servicemen's Club) to produce designs to make the building suitable for community use.

12. The design layout includes a nursery space, function room, office, storage, toilets, kitchen and bar area. The project has planning approval to enable it to be used as a nursery (planning permission ref: DM/18/2623) and refurbishment started in September 2018 with completion scheduled for end of February 2019. The aim of the project is to enable and encourage the delivery of community services and activities for the local community through the provision of improved local facilities. It is considered that the provision of a new community facility for the benefit of the local community will help to promote the economic and social well-being of the area.
13. The Parish Council has been in discussions with the West Sussex County Council Early Years' Service and has received two expression of interest from potential nursery providers who are interested in hiring the space to run a year round children's nursery service and offering subsidised places to parents on low incomes.
14. The Parish Council has submitted a proposal to lease the building, surrounding land and car park for a period of 35 years with effect from 18 March 2019. The Parish Council has prepared an operations manual, business plan and budget to illustrate how the building will be used and managed.
15. Positive discussions with the Parish Council are ongoing and a separate report with a recommended option for disposal under Section 123 of the Local Government Act 1972 Act (the 1972 Act) with purposes of operating the property as a Community Building will be brought to Cabinet in due course.
16. The total capital project cost is £409,712, the Council will receive a financial settlement from the insurers of £259,000 and has £54,071 in S106 funds which could be allocated to the project - P35/748 £2,974.92, P35/778 £17,702.00, PL12-000366 £25,354.34, PL12-000578 £8,039.86.
17. This leaves a budget shortfall of £96,641 which it is recommended to be met through Council Reserves.

### **Ansty Village Hall and Sports and Social Club**

18. The existing Ansty Village Hall is the freehold property of the Ansty Village Hall Trust (AVHT). The building is dilapidated and in Feb 2009 the Council awarded AVHT a Facility Grant of £17,440 toward the cost of rebuilding the village hall.
19. Ansty Sports & Social Club, on the same site, has a bar and sports changing rooms which service the football and cricket pitches on the recreation ground. These facilities also need upgrading so they agreed to work with the Parish Council and AVHT to develop a sports and social facility. The combined scheme aims to replace the existing village hall and sports pavilion with updated facilities.
20. The partner organisations have established a new Charitable Incorporated Organisation called, the Ansty Village Centre Trust (AVCT), to develop and manage the new facilities and in May 2013 the Council awarded the AVCT a further Facility Grant of £127,000 toward the project, funded through Section 106 contributions received in respect of the Sandrocks development.
21. The project has planning approval (DM/16/4609) and Officers continue to work with the stakeholders to help bring this project forward to the point that a full funding package is assembled and construction can start.

22. Cabinet will be updated with a progress report at the earliest opportunity.

### **St Francis Sports and Social Club**

23. On 14 February 2017, the Cabinet Grants Panel agreed to award the St Francis Social and Sports Club Community Interest Company a grant of £1,120,000 toward the construction of a new community hall and sports changing facilities at the St Francis Sports Ground in Haywards Heath, on the condition the project was completed by December 2019. The site is owned by the St Francis Sports and Social Club and £824,000 of the S106 funds allocated to this scheme are intended to provide a replacement for the Norman Hay Hall at this site.
24. The project has planning approval (ref: DM/17/0852) and the estimated cost was £1,650,000 to be delivered in two phases:
- £1,270,000 - Phase 1 for the design and construction of the Ground Floor including a large community hall, two meeting rooms, small history centre, toilets, kitchen, café area and upgraded swimming pool changing rooms, the shell of the Lower Ground Floor (this needs to be structurally complete but will be unfitted), associated landscaping and car park
  - £380,000 - Phase 2 is for the completion of the Lower Ground Floor comprising a small hall/meeting room and junior changing facilities.
25. The Club set up a new Community Interest Company (CIC) to develop and manage facilities and has signed a 30 year lease agreement to enable them to build the new hall. The Club loaned the CIC £50,000 to cover design and consultancy fees and confirmed that the remaining £100,000 needed to deliver the project would be raised through a further loan from the Club or individual loans by Club members.
26. In October 2017, after receiving tenders from three building contractors, the CIC submitted revised costs showing an increase of £540,755 for Phase 1. The CIC suggested it might be possible to borrow further funds from the Club but this raised a number of issues regarding financial security and viability. To date the CIC has been unable to secure the match funding needed to deliver the project or fulfil the Council's grant conditions.
27. Officers continue to work with the stakeholders to help bring this project forward to the point that a full funding package is assembled and construction can start.

### **Policy Context**

28. The Council has had a long standing policy of leasing facilities and providing capital funds through the S106 mechanism and community grants to sports club and community organisations since the early 1990's. This enables communities to provide space for the uses and needs of the local residents. Recommendations contained within this report are consistent with that long standing policy.

### **Financial Implications**

29. The financial implications are included within the report and referenced in the Budget Management report elsewhere on this agenda.

## **Risk Management Implications**

30. None – the awards of grants are not considered to be of material risk .

## **Equality and customer service implications**

31. Finches Field and Court Bushes Community Buildings will be and/or are anticipated to be managed by Parish Councils or charitable organisations for the benefit of local residents

32. As part of the grants assessment process the organisations in receipt of funding have submitted equal opportunities statements and the Court Bushes Community Hub operations manual includes an Equal Opportunities Policy.

## **Background Papers**

- Grant applications and associated documentation.

This page is intentionally left blank

## **BURGESS HILL FULL FIBRE – PROCUREMENT FOR BURGESS HILL FULL FIBRE PROGRAMME.**

REPORT OF: Head of Digital and Customer Services  
Contact Officer: Simon Hughes, Head of Digital and Customer Services  
Email: [simon.hughes@midsussex.gov.uk](mailto:simon.hughes@midsussex.gov.uk) Tel: 01444 477514  
Wards Affected: *All*  
Key Decision: Yes  
Report to: *Cabinet*  
11 February 2019

---

### **Purpose of Report**

1. The Burgess Hill Fibre programme consists of a number of projects that will support the delivery of full fibre connectivity for Burgess Hill. A recent supplier day was held to assess approaches to procurement for the civil work that is required to deliver the fibre network for one of the projects. The progress we have made means the project is now able to proceed to the next gateway in the Department for Digital, Culture, Media and Sports (DCMS) grant approval process. This gateway involves an assessment of the Council's readiness to procure. Formation of the grant agreement between DCMS and the Council will then be agreed, and funding drawn down. In order to start this process, the authority to procure the civil and associated works is required from the Council.

### **Summary**

2. The purpose of the report is for Cabinet to approve the procurement route for the project. The report summarises the project, the arrangements and the procurement approach for the civil contracting work related to the project. The approval to procure or the outcome of any procurement exercise does not commit the Council to the expenditure and is required as a condition of grant from DCMS.
3. Absolute funding constraints existing for the DCMS Grant funding require the physical capital works relating to this aspect of the programme to be completed and invoiced before March 2021.

### **Recommendations**

4. **Cabinet are recommended 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.**

---

## Background

5. The Council has been successful in securing £2.2m from the National Productivity Infrastructure Fund, administered by the Department for Digital, Culture, Media and Sport (DCMS), for Local Full Fibre projects. These projects are aimed at supporting digital connectivity and full fibre roll-out across the UK as part of the Government's Industrial Strategy. The Council submitted an application through the second bidding process, Wave 2, in November 2017 and was notified of its success in Spring 2018. The aim of the Council's programme, in partnership with telecoms operators, will be to deliver a long-term evolution in infrastructure for the district. Ultimately it will enhance productivity, increase competitiveness, generate jobs and have a direct impact on Gross Value Added (GVA).
6. Full fibre, fibre-to-the-Premises (FTTP), means fibre-optic cables go directly to homes and business instead of just connecting to a local on-street cabinet. This dramatically increases internet speeds because the copper cable between the Point of presence (POP) cabinets and the premises is no longer creating a bottleneck and limiting internet speeds.

The lack of full fibre infrastructure has been a longstanding barrier to developing connectivity to homes and businesses. The Council, recognising the urgent need for full fibre infrastructure in the District, designed a programme to combine several tried and tested approaches to accelerate delivery of full fibre, initially in Burgess Hill. The programme is constructed to enable local businesses to play a role in developing and operating the new digital infrastructure.

7. The outcome of the programme is excellent connectivity, benefiting our residents and businesses. It will assist the Council and wider partners, both public and private, to develop approaches that can then be used across the District to stimulate full fibre roll-out. The approaches reflect current Government policy on digital infrastructure and can easily apply elsewhere in the country. The programme has the added benefit that significant elements of it can proceed regardless of Government funding. However with Government support the programme will be able to move faster and multiply its impact.
8. The Mid Sussex Local Full Fibre Network (LFFN) Programme for Burgess Hill consists of a number of projects intended, initially, to support the delivery of full fibre connectivity for Burgess Hill:
  - Dig Once –duct for full fibre is installed as ground work is underway on developments and other infrastructure improvements, for example roads. This means duct installation costs are reduced and therefore the cost of fibre roll-out is also reduced;
  - Construction of a fibre loop, some 6.8km, that cannot be built with Dig Once. This will bring the network within 200m of at least 40 public sector sites;
  - Construction of a dark fibre link to connect to Brighton; and
  - Construction of Digital Exchange Points of Presence.

A business case has previously been developed and it now forms the financial framework within which the programme will be delivered. It will be updated as information, assumption and constraints change through the project and will be used to inform the overall expenditure within the programmes budget. DCMS have provided a Conditional Grant Agreement offer for £2.2m to develop and deliver this project. This funding is time bound and needs to be incurred as capital expenditure by March 2021.

## **Procurement**

9. The procurement stage deliverables are:
  - Appropriate tender documentation to inform potential bidders of the opportunity available.
  - Appropriate legal documentation (draft contracts and agreements etc) to inform potential bidders of the contract framework that the LFFN project will operate under.
  - An appropriately resourced and capable supplier, managed and supported by an appropriately resourced and capable client side team.
  - An appropriate structure and resource to deliver the scope of the LFFN Project procurement at the time of implementation.
  - Appointed supplier(s) to deliver the requirements within the required timescales
10. A Programme Manager has been employed to lead the procurement on a day to day basis, to manage the workstreams and those delivering them. The manager is supported by the Council's legal department and shared procurement service. It is likely that the procurement will follow the Competitive Procedure with Negotiation as the Council wishes to exploit the knowledge and experience of potential bidders to shape the final solution.
11. Initial market engagement has shown a keen interest from suppliers and has helped to form the options for procurement. Appendix A sets out the PIN notice highlighting the Council's intention to procure. The findings from the supplier day will be discussed with DCMS at gateway 2. Appendix B sets out the outline findings from the supplier day.

## **Controls and Risk Management**

12. The workstream leads (Legal, Procurement, Technical) are responsible for providing input to the project plan – updating their elements of the plan but with an awareness of the impact of any changes within their workstream on other workstreams. If any changes to the plan result in the overall project tolerance being exceeded (defined parameters such as time and cost), then the workstream leads meet with the Programme Manager to mitigate the effects on the project as a whole and if necessary, feed into an exception report to be delivered to the Programme Board.
13. A cost tracker is being used to monitor the costs of carrying out the project and this will be reported to the Project Managers Group on a monthly basis. Any potential deviation from the budget will result in an exception report being presented to the Project Board.

14. A risks and issues log is maintained throughout the duration of the project and a specific log is linked to procurement. Major risks and issues are elevated on a monthly basis.

### **Policy Context**

15. The Burgess Hill Full Fibre Programme supports the Council's priorities of sustainable economic growth and resilient communities. The roll-out of full fibre will help to support existing business and encourage new economic activity.

### **Financial Implications**

16. Approval to procure or the procurement process does not commit the Council to expenditure. Once the procurement has been concluded the Council is able to assess suppliers against the budget and is able to cease procurement if the market is unable to supply within budget.

### **Risk Management Implications**

17. Risk for the project is managed through the programme arrangements for the overall Burgess Hill programme.
18. If the market is unable to meet the budget set aside for this work, there is the opportunity to descope the proposal and/or to continue with projects within the wider programme that support the Council's aims. For example, agreeing ducting specifications and inclusion in new infrastructure (dig once) and linking to existing public and private ducts (asset aggregation) and public sector collaborating to purchase connectivity (demand aggregation).

### **Equality and Customer Service Implications**

19. Access to full fibre broadband will advance equality of opportunity through better and faster access to public services, support services, information, cheaper goods and services, learning opportunities, means of communication and job opportunities.
20. Full fibre connectivity can encourage people who share a relevant protected characteristic to participate in public life or in any other activity in which participation of people with protected characteristics is disproportionately low. For example, for children, access to learning opportunities to support them in their education. For the elderly, access to alternative means of communication, such as video conferencing, to keep in better contact with friends and family, tackling issues of rural isolation. For people suffering with a serious illness, or for people wishing to live independently for as long as possible fibre broadband could offer access to supportive technologies such as telehealth and telemedicine. Another positive impact is likely to be reduced need to travel, reducing car and van usage both locally and across the national network, reducing risk of road traffic collisions and reducing air pollution.

### **Other Material Implications**

21. None

### **Background Papers**

- Appendix A Pre-market Engagement PIN Notice (without competition)

**Mid Sussex District Council  
Local Full Fibre Network Programme  
– Pre-Market Engagement PIN Notice (without competition)**

**Directive 2014/24/EU  
Contracting authority**

**Name and addresses**

Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

**Contact person:** Mr Chris Founds  
**Telephone:** +44 7975 231623

**E-mail:** [chris.founds@midsussex.gov.uk](mailto:chris.founds@midsussex.gov.uk) / [christopher.founds@outlook.com](mailto:christopher.founds@outlook.com)

**NUTS code:** UKD3

**Internet address(es):**

Main address: <http://www.midsussex.gov.uk/>  
Address of the buyer profile: <http://www.midsussex.gov.uk/>

**Joint procurement**

The contract is awarded by a central purchasing body and may be used by other regional Authorities and public organisations

**Communication**

Additional information can be obtained from the abovementioned address

**Type of the contracting authority**

Regional or local authority

**Main activity**

General public works and services

**Opportunity Id**

tbc

**Title**

Mid Sussex District Council BHFx Local Full Fibre Network Programme

**Categories**

390000 - Works - Construction, Repair & Maintenance  
500000 - Repair and maintenance services  
640000 - Postal and telecommunications services  
720000 - IT services: consulting, software development, Internet and support  
*and for the avoidance of doubt all sub-categories*

**Description**

Mid Sussex District Council (MSDC), invites suitably capable telecommunication and network infrastructure providers to attend a Pre-Market Engagement Event on 17<sup>th</sup> January 2019. MSDC are currently exploring options for the design, installation, operation and asset maintenance of a full fibre network (layer 1) circuit, which will enable the connectivity of public sector sites across the Burgess Hill region. MSDC have been successful in securing additional funding through the Local Full Fibre Network Programme (LFFN) operated by the Broadband Development UK (BDUK) programme within the Department for Digital, Media, Culture and Sport. The Authority therefore aims to Build, Operate and Maintain the network under a commercial arrangement, that will enable further investment in public services and compliment the wider Burgess Hill Growth Programme. This Pre-Market Engagement event will therefore assist Mid Sussex in developing the optimum contracting landscape with Suppliers, with a view to undertaking a procurement exercise for the works and services contract, during early 2019. MSDC reserves the right not to proceed with the procurement exercise if a viable proposition is not identified. The Market Engagement Event for the provision of fibre networks will take place on Thursday 17<sup>th</sup> January 2019 (at a venue and time to be notified – to be in Burgess Hill, or Haywards Heath). MSDC will provide a short presentation of the project(s), followed by the opportunity for organisations to have a 15-30mins 1to1 meeting with the Authority and its representatives, which will be focused on understanding from the supplier's perspective, the optimum contracting approach that the council could consider. Those organisations who are registered and have confirmed their interest, via the IN-Tend e-Portal by 1700hrs on Tuesday 08<sup>th</sup> January 2019, will be provided with further detailed information. Please indicate in your response if you would like a 1to1 meeting.

**Region(s) of supply**

Burgess Hill, Mid Sussex, West Sussex

**Published date**

20<sup>th</sup> December 2018

**Estimated Contract start date**

01<sup>st</sup> June 2019

**Estimated Contract end date**

before 31<sup>st</sup> March 2021

**Estimated value**

min £2m spend but this could be increased with other Projects that the Council and its partners are currently considering

**Keywords**

Full Fibre, Digital Infrastructure, Ducting, Civil Engineering, Telecommunications Networks

## DISPOSAL OF SURPLUS COUNCIL LAND BRIGHTON ROAD (HANDCROSS)

REPORT OF: Head of Corporate Resources  
Contact Officer: Thuso Selelo, Business Unit Leader, Corporate Estates & Facilities  
Email: [thuso.selelo@midsussex.gov.uk](mailto:thuso.selelo@midsussex.gov.uk) Tel: 01444 477425  
Wards Affected: Ardingly & Balcombe  
Key Decision: Yes  
Report to: Cabinet  
11 February 2019

---

### Purpose of Report

1. The purpose of this report is to brief Cabinet on the outcome of the Head of Corporate Resources' disposal exercise for the land at Brighton Road (Handcross) shown edged in red on the plans on Appendix A to this report ("the site").
2. It asks Cabinet to approve an offer to purchase the site, and seeks authority for the Head of Corporate Resources to dispose of the site in order to generate a capital receipt for the Council.

### Recommendation

#### 3. ***Cabinet is recommended 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.***

---

### Background

4. On 27<sup>th</sup> March 2018 the Cabinet Member for Resources and Economic Growth considered a report on the disposal of potentially surplus Council land, which proposed that various sites mentioned in the report should be investigated, to establish their current use and importance to the Council with a view to identifying those that are surplus to current operational needs and have development potential. The objective being to bring such sites forward for development either by the Council or others. The Cabinet Member was recommended to:
  - (a) agree, in principle, to the disposal of the various sites listed in the Appendix of the report that are potentially surplus to existing operational requirements and needs and have development potential; and
  - (b) authorise the Head of Corporate Resources to investigate the status of each parcel of land and to test the market to allow officers to bring forward and report back to Cabinet or Cabinet Member for Resources and Economic Growth, site-specific proposals for the disposal and/or development of those parcels of land that are

considered surplus to existing operational requirements and needs and have development potential.

5. The Cabinet Member for Resources and Economic Growth approved the recommendation.
6. Cabinet, on 24 September 2018, approved recommendations to declare this site surplus to Council land requirements, and the site was marketed shortly after and both conditional and unconditional offers to purchase the freehold were invited.

### **The Site**

7. This site comprises of long term stay public car park and some public open land on the west side of Brighton Road, Handcross. The Council acquired the site in 1992 and the Title Deed has restrictive covenants, which prohibit the erection of any building on the site, and restrict the use to a car park and open space.
8. The Council has an agreement in principle with the Secretary of State for Transport (Department for Transport, DfT), to remove the restrictions to allow the Council to sell the site for residential development. The DfT's agreement follows its policy objective to utilise its land resources to support the delivery of housing in order to support the Ministry of Housing, Communities and Local Government aims to deliver housing.
9. The Site is included in the Council's Strategic Housing Land Availability Assessment (SHLAA) and is identified as suitable for residential development.

### **Policy Context**

10. Local authorities like other public bodies are encouraged by the Government to keep their land holdings under review to ensure that they are utilised efficiently. It is Government policy that local authorities and other public bodies should dispose of surplus land wherever possible for development including for the provision of new homes. Making the land available in this way directly assists the Council in its ambition to bring forward housing in the District.
11. Delivering homes in the District supports the Council's policy objectives of better lives in the District.

### **Powers and Legal Advice**

12. Local authorities are given powers under Section 123 of the Local Government Act 1972 Act (the 1972 Act) to dispose of land in any manner they wish, including sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable (except in the case of short tenancies of less than 7 years), unless the Secretary of State consents to the disposal or it comes within the Secretary of State's general consent.

### **Other Options Considered**

13. The alternatives are to:
  - (a) Do nothing and retain the site for its existing use, whilst bearing the cost of maintenance and the liability that arises with routine maintenance and security. The Council would

- forgo an opportunity to generate a capital receipt that could be invested in the delivery of services or income generating assets that could be used to deliver services and housing.
- (b) Consider retaining the site and developing for the delivery of Council services. No such use(s) are identified.

### **Financial Implications**

14. The disposal will generate a capital receipt for the Council without impacting current revenues.
15. An overage payment will be paid to the Department for Transport, this will reduce the capital receipt.
16. The costs associated with marketing, legal and other costs would need to be met from existing budgets but ultimately recovered from the capital receipt from site disposal.

### **Risk Management Implications**

17. The risk management implications of this report are detailed elsewhere in this report and in the Potential Disposal of Potentially Surplus Council Land report to the report to the Cabinet Member for Resources and Economic Development considered on 19<sup>th</sup> March 2018.

### **Equalities statement**

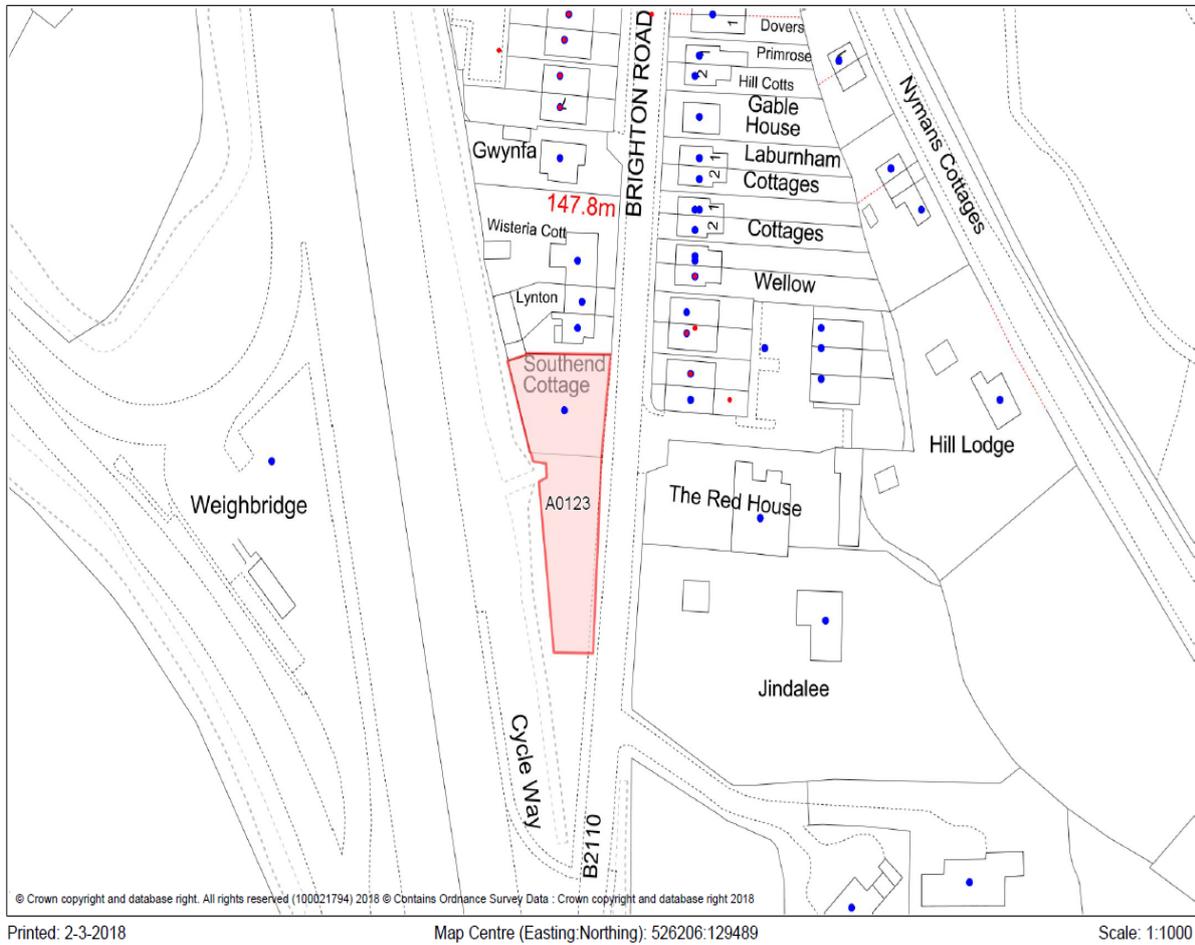
18. None

### **Background Papers**

19. Potential Disposal of Potentially Surplus Council Land, Report to Cabinet Member for Resources and Economic Growth, 19 March 2018
20. Disposal of Surplus Council Land at Paddockhall Road, Bentswood Crescent (Haywards Heath) and Brighton Road (Handcross). Report to Cabinet on 24 September 2018.

This page is intentionally left blank

**Appendix A - Location Plan (Handcross Car Park, Brighton Road, Handcross)**



This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank